

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Thursday, 3<sup>rd</sup> June, 2021

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

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

### PRAYER

### PAPERS LAID

REPORTS ON FINANCIAL STATEMENTS OF  
VARIOUS COUNTY EXECUTIVES/ASSEMBLIES

REPORT ON MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.28 OF 2020)

REPORT ON STALEMATE BETWEEN GOK  
AND USAID ON HIV/AIDS COMMODITIES

REPORT ON WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

**The Speaker** (Hon. Lusaka): Let us move on. We will come back to Papers.

*(Laying of the papers deferred)*

### STATEMENTS

THE THIRD WAVE OF COVID-19 PANDEMIC  
AND VACCINE CONCERNS

INCREASING RATE OF UNEMPLOYMENT CAUSED BY COVID-19 PANDEMIC

EXPORTS OF RAW BANANAS AND BROCCOLI TO SOUTH KOREA

ACTIVITIES OF FP-ICGLR FOR 2020

MENSTRUAL HEALTH MANAGEMENT

MARITIME BORDER DISPUTE IN THE INDIAN  
OCEAN BETWEEN KENYA AND SOMALIA

CANCELLATION OF TENDER FOR SUPPLY, DELIVERY,  
INSTALLATION AND COMMISSIONING OF ERP  
AND CLAIMS MANAGEMENT SYSTEM

USE OF KPA AS COLLATERAL TO  
M/S CHINA EXIM BANK IN FINANCING SGR

KENGEN WIND POWER PROJECT IN NGONG HILLS

STATE OF ROAD MAINTENANCE IN KENYA

DEATH OF GRADE TWO PUPIL AT  
MAMA LUCY KIBAKI HOSPITAL

REGISTRATION OF COMMUNITY LANDS UNDER  
THE COMMUNITY LAND ACT, 2016

ESTABLISHMENT OF DISEASE-FREE ZONES IN ARID REGIONS

ESTABLISHMENT OF OFF-GRID ENERGY  
FACILITIES IN MARSABIT COUNTY

IMPROVEMENT OF LAISAMIS–MALIGS ROAD  
TO BITUMEN STANDARDS

ACTIVITIES OF THE COMMITTEE ON ENERGY

ACTIVITIES OF THE COMMITTEE ON FINANCE AND BUDGET

ACTIVITIES OF THE COMMITTEE ON HEALTH

**The Speaker** (Hon. Lusaka): Hon. Senators, we shall come back to Statements later. I have rearranged the Order Paper.

*(Statements deferred)*

Next Order.

**BILLS**

*Second Reading*

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.28 OF 2020)

*(Sen. Kasanga on 18.05.2021)*

*(Resumption of debate interrupted on 18.05.2021)*

*(Division)*

**The Speaker** (Hon. Lusaka): We do not have quorum at the moment to proceed to Division. We shall come back to this Order later.

*(Bill deferred)*

Let us move on.

*Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

*(Sen. Mwaruma 25.5.2021)*

*(Resumption of debate interrupted on 2.6.2021)*

*(Division)*

**The Speaker** (Hon. Lusaka): We do not have quorum at the moment to proceed to Division. We shall come back to this Order later.

Next Order.

*Second Reading*

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO. 30 OF 2021)

*(Sen. Kibiru on 2.6.2021)*

*(Resumption of debate interrupted on 2.6.2021)*

*(Division)*

**The Speaker** (Hon. Lusaka): We do not have quorum at the moment to proceed to Division. We shall come back to this Order later.

Next Order.

### COMMITTEE OF THE WHOLE

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO. 30 OF 2021)

**The Speaker** (Hon. Lusaka): We do not have quorum at the moment to proceed to the Committee of the Whole. We shall come back to this Order later.

Next Order.

### MOTION

#### ADOPTION OF REPORT ON CONFERMENT OF CITY STATUS TO NAKURU MUNICIPALITY

**Sen. Kajwang'**: Mr. Speaker, Sir, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the conferment of City status to Nakuru Municipality, laid on the Table of the Senate on Tuesday, 25<sup>th</sup> May, 2021, and pursuant to Section 8 (6) of the Urban Areas and Cities Act, approves the conferment of City status to Nakuru Municipality.

**The Speaker** (Hon. Lusaka): What is your Point of Order Sen. Murkomen?

**Sen. Murkomen**: On a point of order, Mr. Speaker, Sir. I did not want to interrupt my Chair. However, when you said that we shall have the Divisions later, my assumption is that we shall have the Divisions later today.

I would like you to clarify because I do not want the Members who are present to leave before we vote on the County Allocation of Revenue Bill (Senate Bills No. 30 of 2021)

**The Speaker** (Hon. Lusaka): I meant later today. I ask the Whips of both the Majority and Minority sides to ensure that we have quorum to proceed to Division.

What is your point of order Sen. Wambua?

**Sen. Wambua**: On a point of order, Mr. Speaker, Sir. I know that the Report was tabled last week but can I request that we be supplied with hard copies of the Report of the Standing Committee on Devolution and Intergovernmental Relations on the Conferment of City Status to Nakuru Municipality.

**The Speaker** (Hon. Lusaka): I am told that the Report was uploaded to the iPads. However, the clerks-at-the-table should get a few hard copies for Members who are here.

Proceed Sen. Kajwang'.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, I also request that as the hard copies are being distributed, annexures should also be attached because they hold some very important information that will inform the debate today.

On 7<sup>th</sup> November 2019, the Clerk of the County Assembly of Nakuru conveyed to the Clerk of the Senate the resolution of the County Assembly to adopt the Report of the *Ad hoc* Committee recommending the conferment of City status to Nakuru Municipality.

Mr. Speaker, Sir, you convened a sitting on 21<sup>st</sup> November where you issued communications on the same and referred the matter to the Standing Committee on Devolution and Inter-Governmental Relations for consideration.

The matter we are reporting on today came to the House on the 21<sup>st</sup> November 2019. Unfortunately, the Urban Areas and Cities Act does not have a timeline for Senate's consideration of the request by a municipality to be made a City. All the same, I do recall, you directed that the matter should have been concluded in 60 days, and therefore, our report was due on 25<sup>th</sup> February 2020.

Mr. Speaker, Sir, in a bi-cameral Parliament, this is the only responsibility where the Senate is not subjected to the National Assembly. Once we make a resolution today that we do agree with the report of the Committee, that Nakuru Municipality becomes a City, you shall walk alone to State House not with the Speaker of the National Assembly to deliver the resolution to the President. You shall go directly to State House to deliver the resolution to the President and after that, the President may issue a charter and make Nakuru a city.

Mr. Speaker, Sir, the process of a municipality becoming a city is well defined in the Constitution, Article 184 that calls for national legislation to provide for classification and conferment of status of cities and urban areas.

The national legislation that is referred to in Article 184 of the Constitution is the Urban Areas and Cities Act. The people who came up with this Act recognized the important role of the Senate in matters to do with devolution. The process starts when the municipality board writes to the County Executive Committee (CEC) that they wish to be upgraded to a city. Once the CEC receives the request from the municipality board, the CEC advises the governor that they proceed and the governor establishes an *ad-hoc* committee.

The *ad-hoc* committee at the county level has representation from the Institute of Certified Public Accountants, the Law Society of Kenya, the Institute of Surveyors, Institute of Planners, Institute of Architects and the business community. Therefore, when this matter starts, it is initiated by the municipality board and referred to a team of experts, which is then called an *ad-hoc* committee.

Once the *ad-hoc* committee establishes that the municipality is fit to become a city in line with the criteria set out in the Urban Areas and Cities Act, the county assembly receives that resolution. If the Assembly is convinced, it conveys a resolution to the governor who then causes the clerk of the assembly to inform the Senate of that resolution. When the Senate processes the application, the matter goes to the President.

Mr. Speaker, Sir, this process is so elaborate, and respects and recognizes the important role of the county assembly and the Senate. In subsequent discussions when we are talking about other issues like transfer of functions from one level of government to the other, we want the process to mirror what is there in the Urban Areas and Cities Act.

Mr. Speaker, Sir, when you referred this matter to the Standing Committee on Devolution and Intergovernmental Relations, the Committee set out its work schedule to include the following considerations of the *ad-hoc* committee Report recommending the conferment of city status to Nakuru Municipality.

The Committee met with the county government, which is the executive and the Nakuru Municipality Board. The Committee undertook a study visit to Nakuru County to assess the state of preparedness of the Nakuru Municipality on the proposed conferment to city status.

When the Committee visited Nakuru, they visited the fire station, recreational and bus parks, the Nakuru Provincial General Hospital Level Five, the dumpsite, the coal manufacturing plant, Lanet Airstrip, among other sites that are a requirement under the Urban Areas and Cities Act.

At this visit, the Committee undertook to take a tour of the municipality to observe the traffic management within the municipality. The Committee also met the

Nakuru County Assembly Speaker and the County Assembly Committee on Lands, Housing and Urban Development.

During the consideration of the matter, the Committee held a total of seven sittings, one study visit to Nakuru and a retreat to consider and adopt its report. The Committee also considered the Report of the *ad-hoc* Committee that had recommended initially the conferment of city status to Nakuru Municipality.

Mr. Speaker, Sir, in addition, the Committee was guided by the provisions of the law, especially Article 184 and Sections 3, 5, 8 and 60 of the Urban Areas and Cities Act No. 13 of 2011. The Committee further extended its mandate and considered the local cities which are Nairobi, Mombasa and Kisumu and also did a comparative study on the conferment of city status in the Philippines and the United Kingdom.

If you read the Report, you will find that the process of conferment of city status varies from one jurisdiction to the other but in our case, we have very clear guidance in the Urban Areas and Cities Act.

In considering all matters pertaining to this request, the Committee made the following observations:

(i) That the Nakuru Municipality population of 367,183 surpasses the required threshold of 250,000 as per the criteria set in the Urban Areas and Cities Act.

(ii) That the local revenue generated in the past three financial years, demonstrated the capacity and potential of Nakuru in revenue generation and collection and that it could sustain its operations as per the criteria set in the relevant statute.

I am glad that Nakuru County recently established a revenue authority to ensure that the own source revenue collection is rationalized and optimized.

(iii) That the rationale for conferring city status should be beneficial to the residents of Nakuru by ensuring their economic and social wellbeing is taken care of.

Mr. Speaker, Sir, there was concern that the city would drive up the cost of living. There was concern that rates would go up and perhaps some land would be acquired to ensure that the new city gets adequate land for its expansion. However, when we looked at the entire picture, we realized that when a municipality is upgraded to a city, the benefits far outweigh the negatives.

Nakuru Municipality has experienced urban sprawl and increase in population, which has brought about a strain in physical infrastructure and social amenities. We observed that there is need for public sensitization to be done on the need to keep off public land, which is a big problem in Nakuru.

Those who are familiar with Nakuru will know that Kenya Railways has as much as land there as it has in Kisumu but there is a lot of illegal acquisition and grabbing of public land.

The growth and development of Nakuru Municipality is guided by the Nakuru Strategic Structure Plan of 2001, which was expiring in 2021. The Committee, therefore, recommended that the County Assembly should come up with a new development plan and prepare implementation framework of the same.

Mr. Speaker, Sir, we looked at the matter of traffic in the Municipality which was a key issue even in the public hearings. The Committee observed the urgent need for traffic separation, safety and control measures to be put in place---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order Senators. Let us consult in low tones.

**Sen. Kajwang:** Thank you, Mr. Speaker, Sir. This includes proper use of zebra crossings and road signage, pedestrian ways and pavements to be properly designated and provided and the same can be enforced through county legislation.

We also observed that there is lack of critical facilities. For example, the cemetery, disaster preparedness, county-owned public theatre, inadequate sanitation and strong water drainage which needs urgent and immediate action if the conferment into city status is to have valuable or meaningful effect.

Mr. Speaker, Sir, on that we also observed that the cities that are already established, are also suffering from similar deficiencies that while Nairobi has a cemetery, perhaps it is not sufficient for the population. While Nairobi has got sanitation and strong water drainage, it is not sufficient and does not serve all citizens. We also observed that there is need to build institutional, competent human resource infrastructure and financial capacity in all departments to adequately deliver services.

Mr. Speaker, Sir, one of the reasons why this Report came late to the House, is that when we were ready to table it, the Committee on Labour and Social Welfare was seized of a Petition that was brought to this House. That Petition regarding street children was brought to the House on 27<sup>th</sup> February, 2019. The petitioners averred that 41 children had been rounded up in Nakuru, detained and dropped in the Chemasusu Forest and dispersed one kilometre apart.

It was reported that 36 children were recovered while five remained unaccounted for. When the Committee on Labour and Social Welfare went to consider the Petition, they replied to the petitioners and confirmed that, indeed, it would appear that the allegations raised by the petitioners were verifiable.

Mr. Speaker, Sir, the Committee on Labour and Social Welfare in its recommendations observed that the process of conferment of city status should be put on hold until the matter of these street children was resolved.

We wrote to Nakuru county government and provided them with a copy of the Committee on Labour and Social Welfare's Report on the Petition. We framed specific questions that we needed them to address to assure the Senate that they are taking proactive measures to ensure that the rights of the street children are respected.

Mr. Speaker, Sir, when the county government of Nakuru responded - that is why I wanted the annexures to be part of the report so that we can see the letter from the county government of Nakuru - they gave us pro-active measures that they are taking to ensure that street children are protected and their rights safeguarded.

Mr. Speaker, Sir, the county government of Nakuru did not address itself specifically to the issues of the children who were reported to have been unaccounted for.

The Committee on Devolution and Intergovernmental Relations in its Report has indicated that even though the county government responded to the matter of street

children, it was not convinced that the issue that had been raised by the Senate Committee on Labour and Social Protection had been addressed.

The Committee, therefore, recommends that, the Senate Committee on Labour and Social Protection in its implementation matrix should continue pursuing the matter.

In addition, the Committee recommended that the Senate Committee on Labour and Social Protection can pursue other avenues of dealing with criminal activities such as this one. If it is confirmed that five children were unaccounted for, that would be forced disappearance, a criminal action and a matter for the Directorate of Criminal Investigations (DCI) and other competent bodies to pursue.

The Committee did not absolve the county government of Nakuru---

**The Speaker** (Hon. Lusaka): There is a point of order from Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, this issue that the Chairman is talking about bothers me a little bit and I will explain why. I was present in Nakuru in a rehabilitation centre, run by hon. John Mututho where we found the 36 children that had been rescued from the forest and five of them had disappeared.

It is not correct to say, "if it is proved". It is a fact that these children had been rounded up by the county government of Nakuru, taken at night and dumped in a forest.

Mr. Speaker, Sir. I would like you to help us because a Committee of this House has found that there is a problem with this issue and it ought to be addressed. The Committee that was leading in this question of these children, in fact, found that the report given by the county government of Nakuru was not satisfactory. I am very concerned and it is important that you guide us.

In the Standing Orders, although the Report of the Senate Committee on Labour and Social Protection is not a resolution of the Senate, we have a report where the governor of Nakuru refused to attend the Committee that was investigating this issue. The Chairman cannot say: "If it is apparent or if it is proved or if the facts are brought" because that fact has been confirmed not only by the Petitioners but by Senators, including myself who witnessed and listened to those children who had been dumped in the forest.

We would like a direction on those issues. It is not enough to say that action should be taken. Criminal action should be visited on somebody. This Senate cannot pussyfoot around that issue. There is blood on the officers at the county government of Nakuru. This Senate cannot ignore that issue.

In terms of making a determination, if this Committee had not addressed this issue then it cannot make a conclusion if they have not made a recommendation for us to pass.

**The Speaker** (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., you will get time to get into the merits of the Report.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, before this matter is concluded, we would like your direction on how two committees have two contradictory findings. One says "suspend"; the other says, "Proceed".

**Sen. Murkomen:** Mr. Speaker, Sir, first of all, I was wondering what the point of order was until Sen. Mutula Kilonzo Jnr., concluded by saying that we need your direction on the two reports. I was a Member of the Committee and part of the team that considered this Report.



We considered the Report thereafter because the work had been done before we were put in that Committee. It occurred to us that the case of the street children was a Petition and there is a manner in which the Senate handles Petitions. That is why we went ahead and said we could not countermand the decisions of a different Committee of the House in oversighting that responsibility.

I inform Sen. Mutula Kilonzo Jnr., to the extent that the Committee refused to clear the county government on the issue of the street children. It was in respect of the Committees in this House and to respect the jurisdiction of another Committee in this House.

This is so that it does not look like there are two reports in the Chamber, one coming to say that we ignore whatever the other Committee said about street children and another saying the issue of the street children should be investigated. We were careful not to overreach the responsibility of one of the committees of the House.

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

**Sen. Wetangula:** Mr. Speaker, Sir, I am also very concerned. The care that the distinguished Senator of Elgeyo Marakwet is telling is not the care that the Chair of the Committee is exhibiting on the Floor.

We have a Report of the Senate Committee on Labour and Social Protection coming out of a Petition by a concerned citizen of Nakuru that children were rounded up and dumped in a forest, full of wildlife beyond Eldama Ravine and that some children to date have not been accounted for.

It is not proper regardless of the recommendation that we have on the Floor for the Chair of the Committee, on behalf of the Committee, to start casting aspersions on the findings of the Committee of the Senate Committee on Labour and Social Protection by saying; “if it is proved, if it is found, if it happened”, when in fact, it is a fact that the Committee brought a report here that, in fact, children were rounded up and dumped in a forest.

We do not know whether that act that is evidently criminal was meant to pave the way for what we are discussing but it was done, it was inhuman, criminal and there is some culpability that must land on somebody.

I urge that you give direction to the Chair of this Committee that he should not overreach himself and the Committee in purporting to clear an issue that is a fact. We are going to debate this Report and vote on it. For the Chairman to start saying what he is saying, I join Sen. Mutula Kilonzo Jnr., in urging that the importance of any report of any committee of this House is sacrosanct.

**The Speaker** (Hon. Lusaka): Thank you so much. There is no superior committee to the other in this House. All committees represent this House and do their work and we respect what they have done.

The Chair of the Committee on Devolution and Intergovernmental Relations be careful not to cast aspersions on another Committee.

Proceed.

**Sen. M. Kajwang':** Mr. Speaker, Sir, I will be the last person to cast aspersions on any other Committee. If you read the Report we have brought to this House, we are saying the response from the county government of Nakuru was less than satisfactory.

We are not clearing the county government of Nakuru, arguing or objecting against the Report of the Committee of the Senate Committee on Labour and Social Protection. I am saying that we must follow up those resolutions.

Mr. Speaker, Sir, when you established the Senate Committee on Devolution and Intergovernmental Relations on 21<sup>st</sup> November, 2019, you gave us a specific mandate to look at the application in line with the Urban Areas and Cities Act.

The Petition on street children came to this House on 27<sup>th</sup> February, 2019. You gave us this duty on 21<sup>st</sup> November, 2019. If this matter would have been concluded within the 60 days required for petitions to be resolved, perhaps this Committee would not have initiated anything.

Mr. Speaker, Sir, all the same, we are not arguing. There is nowhere in our Report where we are clearing the county government of Nakuru. Perhaps it is just a choice of English.

In our report, we are saying that the response was less than satisfactory. However, we have looked at the criteria laid out in the Urban Areas and Cities Act, because it is the Statute that governs the conferment of City status on municipalities.

Having made those observations, the Committee, therefore, made the following recommendations-

(1) When Nakuru Municipality becomes a city, the cost of living should not rise dramatically and that any proposed increased in taxation should be subjected to thorough public participation and ownership. This should include adequate sensitisation of the general public on the cost benefits.

(2) We also recommend that in order to cure the urban sprawl, a review of the boundaries of Nakuru Municipality, as stipulated in the Urban Areas and Cities Act, which provides the procedure for delineation of boundaries is done.

(3) We recommend that in dealing with encroachment of land, the law and good practices ought to be enforced and observed in dealing with businesses that have encroached on public land. This will help open public spaces including drainages.

(4) We also recommend that, to promote community ownership of public projects, transparency, accountability and public awareness, the Municipal board should implement Section 22 of the Urban Areas and Cities Act by forming institutionalized citizen fora.

The Committee recommends that the municipality should constitute and equip a modern planning and development control unit, in line with the Urban Areas and Cities Act, 2011, for sustainable development of the Municipality.

In considering the submissions of the *ad hoc* Committee and in compliance with the provisions of the Urban Areas and Cities Act, the Committee on Devolution and Intergovernmental Relations, therefore, recommends to the Senate that Nakuru Municipality be conferred with city status.

I beg to move.

Mr. Speaker, Sir, in the spirit of bipartisanship that we apply in the Senate Standing Committee on Devolution and Intergovernmental Relations, I ask the distinguished Senator for Elgeyo Marakwet, Sen. Murkomen to second.

**Sen. Murkomen:** Mr. Speaker, Sir, I had the privilege and honour of handling this matter in various stages. First, as the Senate Majority Leader in the Senate, I was part and parcel of the Senate Business Committee when this matter came as a Petition from

the County Government of Nakuru. You directed the Committee on Devolution and Intergovernmental Relations, then chaired by Sen. Kinyua to interrogate this matter.

In fact, to be fair, it is the Committee chaired by Sen. Kinyua that started the bulk of the work, which was inherited later by Sen. M. Kajwang' who is now the chair. You know what happened in this House, I was forcibly put into this Committee. I have no much objections because this is home and I used to be the chairperson.

The first responsibility I had when we were elected in this House - long before Sen. Mutula Kilonzo Jnr., came here - was to be Chairperson of the Devolution and Intergovernmental Relations Committee.

It is one of the most interesting moments in my life. Since being a chairperson of a committee, you do more work than when you are in a leadership position; a Whip or the Majority Leader. The crux of the work you do in this House and the legacy you leave is more pronounced in what you do in Committee than what you do as a leader of either side of the political divide.

You can easily get the footprints of a committee chairperson in the Senate and fail to get the footprints of a Majority leader because that is where you do the real work.

Therefore, I am privileged to be the one seconding this Motion. I dare say, after 2010 Constitution was passed, I was privileged - which I will say over again - to serve in the taskforce on devolved Government where we drafted all these laws; the Urban Areas and Cities Act and the qualification of towns, municipalities and cities.

In fact, the original Bill had put a city to be having at least 500,000 inhabitants. When I was the chairperson of the Committee on Devolution and Intergovernmental Relations, we amended the same law to bring it down to 250,000 inhabitants. It was becoming unreasonable. No town in the country was going to achieve the status of a city in the nearest future.

I am happy that we have reached a stage where as a Senate, at least before the end of our term we have the responsibility of considering an application from a county. I encourage county governments with towns, which have qualified to become municipalities to bring applications here before our term ends next year. I do not know how far a town like Wote has reached. I do not understand why Machakos has not qualified by this Stage to become a city. I do not think Machakos lacks less than 250,000 people. This becomes part of the work that we do in this House.

Mr. Speaker, Sir, I do not know when Iten will qualify to be a municipality. Iten is one of those towns that even in the initial qualification of a town, it never qualified to be called one. If you look at the jurisdiction of Iten town itself, everybody is there only during the day. At night, there may be no more than 1000 people in Iten town. Yet, it is the county headquarters of my county. Most people live either in Eldoret or they go back to their villages. In fact, to make Iten a proper town, you have to combine it up to Tambach and you know the distance is long.

We have a responsibility of approving the Nakuru Municipality application to be conferred to city status. We looked at the qualifications or the previous recommendations by our team members. In our final approval we looked at the qualifications of the Act as the chairperson has recommended. We looked at the issues like the importance of Nakuru as a city.

When it becomes a city as approved by this House it will be akin to Nairobi. A city that is next to a National Park. A city that is at the centre of the country. It has also attracted people of various communities who live in it.

When this House approves Nakuru to be a city, the work of making Nakuru a city begins. The minimum qualifications have just been achieved. The county government of Nakuru will have to work very hard to ensure that the infrastructure within Nakuru Town, Afraha Stadium should not just be the only stadium in Nakuru. We want to see Nakuru having five or six stadiums that can attract sports people to go and play there.

Nakuru is planning - which is recommended and approved - for the establishment an airport. We want that airport to be of international standard, where farmers from the middle part of the country can export their goods. Those farmers include Sen. Mutula Kilonzo Jnr., who is a renown farmer in Nakuru County. My only interest in Nakuru is that I got a wife from Nakuru County. It will be part of the county I would call my 'county in-law'.

Therefore, because of the interest of time, and the business we have in this House, there are various challenges that Nakuru County has. One of the things they must deal with as we have captured in the report is planning. We do not want another Kibera slum or Mukuru kwa Njenga or Mathare to grow in Nakuru. Already Kaptembwa and other parts of Nakuru have slums. It is better when it is only 350,000 people that the city is properly planned so that we do not have the kind of problems we have in Nairobi. If they do not do that, by the time the population gets to one million, we will have a big problem of planning in terms of settlement in Nakuru County.

The other thing that Nakuru County must put in place is uniqueness of Nakuru as a city. If you go to other cities of the world, you look at the buildings and they are unique.

Mr. Speaker, Sir, if you go to other cities in the world, you will see very unique buildings. We do not want to have towns that all the buildings are boxes. The county government of Nakuru must put in place a proper planning department with a clear message to all people who want to invest in Nakuru that if anyone wants to build an office block, they must come with a unique architectural design. A design that looks like a flamingo would attract people to go to Nakuru to look at the building.

I am very glad that Nairobi City has established the Upper Hill and Community area where new buildings are coming up with unique designs. We do not want to have a city where all the buildings are in the shape of boxes. In Dubai City, every new building has a different design that makes that city unique. They have unique buildings that make that city attractive to those who visit.

Mr. Speaker, Sir, I hope that the planning department will take seriously our recommendation on that regard and ensure that Nakuru has unique architectural designs besides having a properly planned city.

The Senator for Nakuru County, Sen. Kihika, has been very vocal on the question of the challenges that will accompany the establishment of a city in Nakuru. First, we discussed the issue of street children. A country and a government is judged not by its army and might but by how it treats the poor and the marginalised.

We want the county government of Nakuru to take seriously the recommendations of the Standing Committee on Labour and Social Welfare, particularly in dealing with the street children, homeless persons and street families. Those people are in the streets not by their own choice. They have been condemned by poverty to be in the

streets. They should not be punished more. It should be the responsibility of the county to put resources to ensure that that city protects its most vulnerable in the society.

Mr. Speaker, Sir, that county must deal with the question of transport. Sen. Kihika has been very vocal on this matter. I have seen this in Eldoret and other towns where public transport is condemned to some dark dingy corner so that when you want to get a *matatu*, you have to go through a very dark route to get to the public transport terminus.

In trying to make the city beautiful and attractive, do not chase away *matatu* drivers and *boda boda* riders. Do not make it so difficult for citizens to get public transport easily.

Counties must designate as many places as possible within the city where people can go to board *matatus* and go home in a dignified manner. Public transport should make all people feel very proud that they live in a particular county and city so that not everybody has to drive to the city. We are not preparing a city so that we can create a crowd of cars and vehicles in that city. We must make sure that public transport is attractive to the citizens of that county. *Matatu* owners and drivers should feel comfortable that they own the city.

Mr. Speaker, Sir, the other issue that the Nakuru City County will have to deal with is the question of land rates. With city status coming, it means that there is a possibility of land rates going up. If the land rates go up, the question every citizen and hustler in Nakuru is asking is whether they will be able to pay 4 per cent in Nakuru for land rates.

The county government of Nakuru must sit down with its county assembly to work on the legislation of the land rate of that county. They must consider the affordability of the rates they are going to put in place for the common *mwananchi* so that the city does not become a city of the rich, but a city of a common *mwananchi*.

As a resident of Rift Valley region, though Elgeyo Marakwet is a little far from Nakuru County, it was not too far for me when I was getting myself a wife. As a resident of Rift Valley, we want to be very proud and join hands with Sen. Kihika and the leadership of Nakuru County in supporting the establishment of a city.

The Senator for Nakuru County, Sen. Kihika, has raised a few concerns about the establishment of the city that she wanted dealt with. She has also been lobbying us to put our concerns above our personal interests and political competition and look at the future of Nakuru as a very attractive city in future.

Sen. Kihika is pursuing leadership in Nakuru County. I have seen that she has come here in her status - well-dressed almost to the level of a governor. I hope that if she becomes the governor – I believe and hope that she will be a governor because I am a full supporter of her candidature – she must take the HANSARD of the debate that we have done in this House and the Report that has come from this House and become a champion of a beautiful and a well-planned city of Nakuru that can assist and help the people of Nakuru move forward.

I emphasise that we should encourage as many of our governors as possible to make other applications. They do not have to make application for city status. It can be an application to move Chwele Town in Bungoma to a level of municipality, if they qualify. It could also be an application for moving Kitale Town to the status of a city. I would like those applications to be brought to us so that we test our responsibility as a House as much as possible in terms of serving our county governments.

With those many remarks, I beg to second.

*(Question proposed)*

**Sen. Wetangula:** Thank you, Mr. Speaker, Sir. I stand to give my views on the Report of the Standing Committee on Devolution and Intergovernmental Relations.

Nakuru Town was my first workstation after Law School when I was posted there as a magistrate which was then described as District Magistrate II. At that time, Nakuru was the hotbed of the politics of Kenya. Careers were build and destroyed in Nakuru in no time.

In fact, the Late Kariuki Chotara used to say, “*Serikali ya Nairobi ni ingine na serikali ya Nakuru ni ingine.*” That was Nakuru for you. At that time, Nakuru was a very beautiful and clean town. We used to be taught in primary school that Nakuru had the cleanest railway station in East Africa, those days when we were learning geography and the history of the railways.

Nakuru County also has a history of big farmers. We used to be told the story of Delamere mounting his horse in Naivasha and riding it until it collapsed of thirst next to Lake in Nakuru where he set the boundary of his land. That is Nakuru for you.

Those days, there was a gentle man called Zakayo Oyugi who was the Provincial Commissioner of Rift Valley; he was the alpha and omega of rogue power in the management of public affairs. Nakuru developed a reputation of being a very good place on one extreme and being a very bad place on another extreme.

Mr. Speaker, Sir, it is also the town where a Member of Parliament, the Late Mark Mwithaga, was charged, prosecuted, jailed and lost his seat without a complainant. My brother from West Pokot remembers all this because even his career was truncated in Nakuru at one time.

Mr. Speaker, Sir, if you go around the world, you will find towns much smaller than Nakuru that have city status. If you go to Cambridge, Norwich, Coventry in the United Kingdom (UK), they are cities, despite being small towns. If you go to Australia, there are small towns like Bunbury in Western Australia and Canberra that are cities. It is, therefore, a question of what we really want.

I have looked at the Report by the Committee, and I do not know why my brother, Sen. M. Kajwang’, got carried away and made extravagant statements about the children that we were crying for because what is written in the Report is different from what he has said here. I do not know what agitated him to say those offensive words.

Mr. Speaker, Sir, conferment of a city comes with responsibility. To whom more is given, much more is expected. If Nakuru gets city status, it becomes our fourth city in the country. I can already see my close neighbours, Eldoret, describing themselves as a city before we confer them the status. In today’s newspapers, it was written that the Eldoret City Marathon is coming up. I believe that in another 10 years, Bungoma should be on the Floor of this House seeking to become a city.

However, we should not create cities for the sake of having them. They must change the landscape, aesthetics, and the value of life in their midst. We should be able to have a situation where anybody driving from Kericho to Nakuru sees the difference between a town and a city. Anybody driving from Naivasha to Nakuru should feel the difference between the town of Naivasha and a city.

I am sure that Sen. Mutula Kilonzo Jnr., remembers this; in the old days in the UK you would not be conferred city status if you did not have a cathedral, a public library and good well managed public parks for people to recreate. Where is the Hyde Park, Central Park or City Park of Nakuru?

As this status comes, greater responsibility must be bestowed on the shoulders of the managers of Nakuru not to exert brutality on the citizens to create space for these facilities, but to acquire space and create these facilities for the citizens of Nakuru.

I was horrified at the amount of brutality I saw meted on people who had invested on railway land in Nakuru. It was horrifying. Some of them have come to consult me in my dual capacity as a leader and as a lawyer. If you look at their papers, they had long term leases from the Kenya Railways Corporation (KRC). They had paid Railways rent for the land. Railways had concurred with their development programs together with the municipality and some had leases for as long as 50 years.

If the destruction of property was meant to accelerate this conferment, then it was a wrong turn, and it should not be encouraged. I hope those people whose properties were destroyed have exercised their rights and gone to courts of law, because the documents I have seen from some of them have not only arguable cases, but overwhelming cases for compensation particularly from Kenya Railways.

Mr. Speaker, Sir, I want to urge the managers of Nakuru, including my friend's daughter, Sen. Susan Kihika, that now you must exhibit your leadership. I am sure that my brother from West Pokot and Sen. Murkomen, when they drive home, it takes two hours, sometimes even three hours, to drive from Lanet through Nakuru Town. You remain in the same spot for one hour in such a small town that cannot manage traffic.

I know that Sen. Kihika and the governor run in opposite directions politically, but I hope that the leaders of Nakuru must now start expanding facilities and services to make Nakuru a place to be. I have seen sign posts all over Nakuru saying "the county of unlimited opportunities." I hope that some of those unlimited opportunities are not traffic jams, because if they are, then it is not a plus, it is a minus.

Mr. Speaker, Sir, I want to urge Nakuru to live to its old billing as a truly cosmopolitan city. In the history of this country, Nakuru had Achieng' Oneko as a Member of Parliament at Independence. Nakuru had Wafula Wabuke, Lwali Oyondi, Mark Mwithaga elected there. If you look at those names, you can see Kenyans who come from extreme corners of the country coming into Nakuru, though not as cosmopolitan as Nairobi, but getting elected.

That is the character of Nakuru that we want to see; a truly cosmopolitan city where Lwali Oyondi from a village in Butere stands and is elected as MP, is liked by everybody, serves everybody and becomes a successful person.

I would want to encourage Nakuru to remain what it is. We have hon. Arama from the Kisii nation who is an MP there. We have a young man called Palang'a, although he is from Naivasha, not Nakuru town, who is an elected MCA. This is the kind of thing that you will find in Tanzania.

Sen. M. Kajwang's brother is an MCA in Nakuru. This is a truly successful political family appearing on the charts of Homa Bay, Nairobi and Nakuru. I do not know where else they will appear.

In order to give others a chance to speak because we have several things ahead of us, we want to support this elevation. However, we want to call the governor of Nakuru

County and his team to order. The criminality of collecting street children--- I agree with Sen. Murkomen that the value of society is measured by how you treat your disadvantaged citizens like the disabled, the aged, defenseless children, and people with mental disabilities.

Just because you have a child who has got a mental infirmity, you do not lock them in the bedroom when visitors come to your home so that they may not see that you have a child with a deformity. I am sure this runs through all African communities that a child is a child, regardless. The shameful act of collecting children from the streets and it has unfortunately happened in Nakuru and Eldoret when the governor of Uasin Gishu County collected children and dumped them at the leprosy Center in Alupe and others he went and dumped them in Kitale. To him, they look like Luhyas.

Mr. Speaker, Sir, how can you tell the nationality of any community in this country by looking at somebody? We are so intermingled and intermarried that nobody knows whether Sen. Poghisio is from South Sudan, Kisumu or Kakamega. How can you just look at somebody and say this must be from this community? It is a very disheartening act.

I urge my friend, Gov. Lee Kinyanjui, that now this Senate is giving you a city. It is not giving you a city to do ethnic cleansing and to weed out children and go and dump them.

Sen. Murkomen, what is the name of that forest where there is a new dam? Chemususu Forest infested with hyenas, lions, dangerous snakes and buffalos and you dump children there at night.

Mr. Speaker, Sir, I urge the investigative arms of the Government to go to the bottom of that case. Nakuru, the city status is there for you. Please, make all of us proud that indeed that is the place to be and that is the place we should be, and that when other cities in the making in this country look for that status; Machakos, Kakamega, Kitale, Bungoma, Kericho, Kisii and even Kapenguria.

When they are looking for that status, Nakuru should be a case study not only because it has been given a charter by this House but because it is managed in a manner that is consistent with expectations of the people of Kenya in general and the people of Nakuru in particular.

Thank you.

**The Speaker** (Hon. Lusaka): I will give a maximum of ten minutes because there is a lot of interest in this matter. Like you have been told, we have other businesses ahead of us.

Sen. Poghisio, proceed.

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, thank you very much for the opportunity to support this Report; that Nakuru gains city status or that this House be able to bestow that honor upon the Municipality of Nakuru.

I want to ride on what the speakers who have spoken ahead of me have said. I refer particularly to Sen. Murkomen and Sen. Wetangula who have spoken. They have put the case for Nakuru so well. That is a case for any municipality that may want to apply. There are certain duties that are basically of interest to this House. One of them is this of giving leadership in terms of conferring status on our towns, municipalities and cities.



Mr. Speaker, Sir, time has come for us to do that now. The case for Nakuru is very clear. As has been said by Sen. Murkomen and Sen. Wetangula, Nakuru has been a very interesting place. It should have actually been a city long time. Remember during the days when we had provinces, Nakuru was the seat of one of the largest provinces and has handled many big districts that are within this province; that is, Narok, Kajiado, Turkana, Baringo and West Pokot. Those were big districts at that time.

Nakuru should be a city, partly because it has also been in the interest of all our Presidents. They have all personally had interests in Nakuru. The first President operated mostly from Nakuru. The second President Moi operated mostly in Nakuru. Those of us who have been in politics for some time would realize that when President Moi was going to Nakuru, all of us, Members of Parliament (MPs), sometimes found ourselves in the 'city' of Nakuru waiting to see the President and it was so important. Therefore, Nakuru has hosted all of us and should easily become a city.

One of the things about having a city status as has been said is that you are now asking for more and hope that you can actually handle that more which is coming your way. There are many problems that go with Nakuru being what it is. If we do and I hope this House passes this, a lot needs to be done.

Mr. Speaker, Sir, you can have a city and people run away from it. People can move away from the city and you lose the city status if insecurity is not dealt with. If those issues, which have been raised here about street children are not dealt with, people will run away. Who wants to live in a city that discriminates and has insecurity where people can be picked from the streets and nobody raises a finger? That can be unfortunate.

The person that I knew last who did that was the former President in Uganda called dictator Idi Amin. When Idi Amin was made the Chairperson of Organization of African Union (OAU), which is the precursor of what we call African Union (AU) now, and he was hosting the Summit in Kampala, it was said that they collected all disabled and street children and dumped them in the lake. At least the ones who went to Chemususu were returned but these ones were never returned.

Mr. Speaker, Sir, it is humanity. It is good to accept that we have different capacities. We have people who are street people, homeless, disabled and beggars. This is nature. We cannot become a city just because we do not have those particular ones. Most importantly, a city has to have a semblance of a gate, an entry and exit which is easy for people to come in. A city has to have, as it has been said, a sporting facility that Nakuru can have. Nakuru has land. It is big and has big farms and can expand very easily.

We need this to become a standard for other cities that are going to be processed through this House. I hope that within a few years or months that we are still having this Senate here, we can deal with many more applications like this. It is one of those jobs that is specifically and uniquely given to this House.

Mr. Speaker, Sir, I do not want to take too long to speak about Nakuru. Let me speak about the Nakuru that is bigger than the city; the catchment area of Nakuru. Baringo is actually part of the catchment area of Nakuru. Many people from Baringo live in Nakuru. The people of Kericho come to Nakuru and the people down to Naivasha on this side go to Nakuru. There is a big catchment of this town called Nakuru.

We have many people who are interested in doing business and farming in Nakuru. It is very easy there for this support to be raised. The kind of monies that need to

be raised is going to be done easily. As I said before, presidents, Members of this House have got interests in Nakuru that they can support and raise the funds necessary to transform Nakuru to city status.

When Nakuru Municipality achieves the city status, the governor of Nakuru County and the other leaders should put aside their political differences and instead work on how to build the City of Nakuru. Nakuru needs a major airport. For it to be a city, it needs an airport that meets the international standard. That airport should not be as small as the one that we see in Kitale. Nakuru has produce from the farms that needs to be taken directly to the market. I am sure that Sen. Kihika will take up this matter. It is my prayer that she will bring all leaders together and that includes the leaders from the greater Rift Valley. This is a city for Rift Valley and we will all be interested in it. We will support.

**Sen. Wako:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to speak on this Report. The Committee on Devolution and Intergovernmental Relations has recommended the conferment of city status to Nakuru Municipality.

When I was admitted at Alliance High School, I took a train from Kisumu to Kikuyu and we passed through Nakuru Railway Station. At that time---

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

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

**Sen. Murkomen:** Mr. Speaker, Sir, what is it with Alliance High School Alumni? Why does he have to say 'when I was admitted to Alliance High School'? What stops him from saying that I was going to Nairobi or I was going to high school?

**Sen. Wako:** Mr. Speaker, Sir, I was actually going to "the Alliance High School". It is not just Alliance High School. I know that there are some late developers who never went to Alliance High School but they have developed very well thereafter. Given the opportunity, their children might go to Alliance High School.

At that time, Nakuru Railway Station had been voted the best railway station in the whole of East Africa. I am talking of about 1961. It had also been voted as the cleanest town in the whole of East Africa. We had not yet obtained our Independence.

Nakuru was basically the headquarters of the 'White' settler community at that time. They had elevated the status of Nakuru and it was the best town in East Africa. It is my hope that they will work hard to go back to that status when we confer it to city status.

This Town has more or less been the third headquarter of Kenya. The President resides in Nairobi and Parliament and Judiciary are headquartered in Nairobi but we know that our founding father would either be found in Nairobi, Mombasa or Nakuru. The second President did the same. Nakuru is in a central place and it should enjoy the status of a city.

About a month ago, I was privileged to undertake a 14-day tour of our neighboring country, the Republic of Uganda. We visited most of the towns in Uganda and my surprise was that all the towns that we visited were called cities. We visited the City of Mbale which is home to the Bagisu. We also went to Gulu; the City of Gulu the Mayor, Mbarara; the City of Mbarara and Kabale; the City of Kabale.

All those cities have mayors and everything that goes with it. Most of those cities are smaller than Nakuru. It seems that there was a policy to make any capital of a region

a city. If that is to be the criteria, then Nakuru also qualifies to be a city because it is the capital of the largest region in the Republic of Kenya.

However, responsibilities accrue with the conferment of city status. Those responsibilities are many as set out in the First Schedule of the Urban Areas and Cities Act. It is illustrative to note that they will have to look at the traffic control and parking. Sen. Wetangula mentioned this.

One can really be delayed in Nakuru town because of traffic. Therefore, they have to look at these problems now rather than waiting until they become like other cities such as Nairobi and Mombasa. They have the opportunity to foreplan, to avoid the traffic that we see in other cities.

From the Report of the Committee, I can tell that most of what is there is work in progress and that includes availability of water. We do have problems with water even in the existing cities but they have the opportunity to deal with it now. They can convert the Lanet Airstrip into an airport. The parks and dumpsites are also work in progress.

I hope that the promises that have been made under, 'work in progress', will be fulfilled. I wish that we had a way of checking if the work in progress has continued or stopped.

I wish there was a way we could go back one or two years to see if the work in progress is continuing or stopped. In Kenya, we have a habit of starting projects but do not complete. We just start them to get what we want and then it stops there.

Mr. Speaker, Sir, I support the Committee's recommendation that Nakuru deserves to be called the City of Nakuru.

**The Speaker** (Hon. Lusaka): Okay. I will reduce the time to five minutes because there is so much interest. We have to take a vote soon. Also, stay online because we must vote for the County Allocation of Revenue Bill.

Sen. (Prof.) Kamar, proceed.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir. I will take the five minutes and not more. First, I support the Report from the Committee that Nakuru becomes the City of Nakuru. I thank the Committee for a thorough job and working very fast.

This has been delayed because Nakuru should have been a city long before the 2019 application. For some of us who knew Nakuru from when we were young, we attended almost every Agricultural Society of Kenya (ASK) Show while in high school and even when we were employed. We knew Nakuru as a city that was second to Nairobi City.

I come from Rift Valley and Nakuru Town was our headquarters. It is what brings together North and South Rift. Our Provisional Commissioner (PC) administered from Nakuru Town. Nakuru has had a big name without being called a city. I congratulate the people and leaders of Nakuru County for preparing well for this position.

Mr. Speaker, Sir, the city status is important. When I went to the East African Community (EAC) as a Member of the East African Legislative Assembly (EALA), I found amazing documentation there. It even showed inter-city competition and comparisons. I agree with what Sen. Wako said about Nakuru being the cleanest town. In fact, the *East African Railways and Harbours Corporation* (EAR&H) had considered Nakuru as the best and most friendly Railway Station.

Nakuru has had a lot. The only thing I wish to urge the leadership of Nakuru is to bring back the old image. The Nakuru we knew was extremely cosmopolitan as far as

elected leaders was concerned. Bring back the Nakuru that was friendly to everybody. We want to bring back that image.

I know when a place grows in population, then we lose a lot if we are not prepared as far as facilities are concerned. I believe Nakuru can bring back its image and we have already seen it. The old Railway Station in Nakuru has been cleaned so much such that you can now see it even from the highway.

I congratulate the leadership of Nakuru County. With our sister here who has been talking about the international airport, we also urge them to carry on and request the Government to move further and give Nakuru County the international airport.

There are flower farms very close to Nakuru and do not need to transport their flowers to Nairobi City for export. There are a lot of flowers for export in Eldama Ravine and around Nakuru. There are many export goods that can exit through Nakuru to the international market.

Mr. Speaker, Sir, finally, I know we are next in line. We have already named Eldoret the County of Champions and I believe we are next. We have just been waiting for Nakuru to move out of the way. Since Nakuru is out of the way, we can now prepare ourselves and come here.

We know city status is important for any town or upgrading of a town. It is because it attracts a different client. The kind of tourists that will now flow into Nakuru will be different. Nakuru was known for flamingoes from the 1950s in the colonial days. We need to prepare it for the kind of tourists that will be attracted to this kind of facilities.

Congratulations to Nakuru. We look forward to other counties coming forward. I join Sen. Murkomen in challenging other governors to come forward. Mine should be the first one because we have already named ourselves the County of Champions.

With those remarks, I support the Report of the Committee.

**The Speaker** (Hon. Lusaka): Sen. Ochillo-Ayacko, proceed. You have five minutes virtually.

*(There was a technical hitch)*

Sen. Ochillo-Ayacko! We are just seeing things like cinemas. It looks like a fireplace or a cinema.

*(Sen. Ochillo-Ayacko could not be heard)*

Seemingly, we cannot get him. Can we get Sen. Nyamunga?

**Sen. Nyamunga:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. First, I must say that being a Member of the Committee on Devolution, I have heard an opportunity to start this process from the time this matter was referred to our Committee. We made several visits to Nakuru County and I am sure what is on the ground is what is in the Report.

As the Senate, one of the most important things that we must handle is to elevate our counties.

*(Loud consultations)*

Mr. Speaker, Sir, can I be protected?

**The Speaker** (Hon. Lusaka): Order, Senators. Let us consult in low tones.

**Sen. Nyamunga:** Mr. Speaker, Sir, thank you, for your protection. As a Senate, it must be a big responsibility for us to elevate some of these county headquarters to city status. The process of elevating any town to a city status is not something that takes one day. It is a process. Giving a charter is one thing and achieving full status of a city is a long process.

I can give an example of Kisumu City, which was elevated several years ago to city status. Up to now, we have not got the actual Charter. It is a process. Starting today or this year does not mean that it automatically becomes a city.

It should be our responsibility and concern to make sure that we start this process of elevating Nakuru County to city status because it is a process that we must start and continue. It is like the growth of a newborn. It does not take one day to grow. It is a long process from childhood to adulthood. The same applies here.

Mr. Speaker, Sir, we had the opportunity to visit Nakuru County on several occasions. Our recommendations are very clear that Nakuru County has met the requirements of the Act that allows it to be elevated to city status.

Growing up, as has already been mentioned by Sen. Wetangula, Nakuru had a railway station. Traveling from Kisumu to Nairobi City through Nakuru, it was such a big pride reaching Nakuru. It was because of the lighting and cleanliness of the Railway Station.

As some Members have already mentioned, it should be upon the Nakuru county government to ensure they return the lost glory of the county in terms of cleanliness and general development.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones, Senators.

**Sen. Nyamunga:** Mr. Speaker, Sir, Nakuru County also stands out as an agricultural area. Being an agricultural town, makes it more deserving for it to be elevated to city status.

We visited a Level 5 hospital in Nakuru, which not only cares for the residents of Nakuru County. The hospital acts as a referral hospital to several other counties within Nakuru region.

Upscaling of a town elates the citizens for the fact that they belong to a city. For example, Kisumu, Nairobi or Mombasa Cities. Elevating Nakuru, which is in the central part of this country is very timely. The elevation will help in increasing the revenue production and collection, thus enable Nakuru to go very far much faster.

Nakuru is one of the towns that is fast growing. By elevating Nakuru to city status, we are going to achieve general growth in this country and in the Rift Valley region. I may not have an opportunity to say much but I urge Members to support this Motion that proposes the elevation of Nakuru to city status.

I know there are issues such as that of the street children. However, those are issues we have to deal with. Such an issue should not stand in the way of Nakuru being elevated to city status because it meets most if not all the requirements. Issues such as that of street children that have been raised under other committees of the Senate should be looked into to conclusion, to make sure that the children are taken care of.

Mr. Speaker, Sir, lastly, the issue of garbage collection and processing is critical. Nakuru is at a very high and advanced stage of processing their waste, to the extent that

they are adding value and selling it. I consider that a step in the right direction. The Nakuru county government is also addressing their drainage system and the flooding of Lake Nakuru.

With those few remarks, I support the Report on the elevation of Nakuru to city status.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Kinyua is not in the House so I will now allow Sen. Seneta to make her contribution to this Motion.

**Sen. Seneta:** Mr. Speaker, Sir, I thank you for giving me this opportunity to add my voice to this important Motion. I congratulate the Committee for preparing this Report that proposes to elevate Nakuru Municipality to city status. Nakuru is an industrial, agricultural and tourism town. Nakuru County has a lot of potential in terms of economic growth.

When I was growing up, Nakuru used to be the cleanest town in Kenya. Many farmers, who were on transit looking for market for their livestock or crop produce, would always stop at Nakuru to look for accommodation before they travelled back to Nairobi or to other counties.

Nakuru deserves to be elevated to city status but before that happens, there is need to improve the infrastructure of the town. As many of my colleagues have mentioned, Nakuru County needs to improve the traffic flow. Nakuru is known for many excellent learning institutions. However, one experiences a lot of traffic as you enter the town when travelling to visit your student in any of the schools. Nakuru needs to improve its infrastructure; the roads and drainage system.

Many of our cities and urban areas including Nairobi experiences severe water shortage and poor drainage systems. Nakuru needs to develop good infrastructure, a sewerage system and improve the livelihood of its citizens. Nakuru has potential in agriculture, tourism and industries. It should help its citizens to grow their economic activities.

I support the elevation of Nakuru Municipality to city status as soon as possible. I urge the leadership of the Nakuru county government to come up with proper plans for the city.

I support.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir. Two Senators are almost fighting on my face. I want to add my voice to this debate on the Report of the Committee on Devolution and Intergovernmental Relations on the conferment of Nakuru Municipality to city status.

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones.

**Sen. Wambua:** Mr. Speaker, Sir, I take notice of the fact that the management of the Municipality has followed the critical path in seeking to be conferred city status. However, to be very honest, the Committee on Labour and Social Welfare returned a verdict through a Report that was adopted by this House on the mistreatment of street children by the county government of Nakuru.

What is disturbing about the said Report is that, the street children were collected and dumped in a forest to be eaten by hyenas and other wild animals. The action was taken with the express intention of the county government of Nakuru applying for city status. The action was inhuman and despicable that a county government would think of treating its own street children in such a manner so as to advance their status.

It is true that municipalities that do well in terms of infrastructure development, improvement in security, health care, solid waste management, governance and supply of other basic amenities should be rewarded with elevation to city status.

Mr. Speaker, Sir, there are issues that have been raised by the Committee on Devolution and Intergovernmental Relations and the Committee on Labour and Social Welfare, when it sat in Nakuru.

I was just having a conversation with my leader here, the Senator for Bungoma, over allegations of county government of Nakuru releasing raw effluent into Lake Nakuru. This activity is killing the lake and its ecosystem. Whether this Senate today decides to elevate Nakuru Municipality to city status or not, that is a matter that needs to be addressed.

I see as if Sen. Murkomen is trying to derail me. I am talking about Lake Nakuru in Nakuru. I am saying that the release of raw effluence into that lake from industrial activities in Nakuru Town is a matter that - whatever decision this Senate makes on this application - the governance of Nakuru County must look into with a view to fixing it.

A time has come that a lot more counties may need to make the same application not just in letter but in action. The other day as I returned from Dubai, I was amazed that two minutes into landing, you are not sure where you are. You are in the bush and cannot see anything. It is as if one is landing in a forest. A minute into landing you start seeing flickering of lights---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Order Senators. Let us consult in low tones.

**Sen. Wambua:** There will be need for proper city planning not just for Nakuru but in all townships including the city of Nairobi.

**The Speaker** (Hon. Lusaka): Your time is up.  
Sen. (Eng.) Maina.

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I rise to support the elevation of Nakuru Town to city status. Historically, Nakuru is a very important town. It was not just important but the centre and engine of economic development in this country.

Agriculture in this country was centered around Nakuru when Kenya was Kenya and when things worked the way they worked. Nakuru being such an important historical town, not to mention that in our history---

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

**Sen. Kinyua:** Mr. Speaker, Sir, this matter is in the public domain. From what I am hearing, Members are just repeating what has been said. Why do we not reduce the time to three minutes?

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, that does not affect me. Deduct those minutes and we restart.

**The Speaker** (Hon. Lusaka): Proceed. I will give direction after you speak.

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, Nakuru is a very important town in terms of agriculture in this country. Elevating it to a city status is an important step. However, let us be fair. Towns have been elevated in this country and I want to call upon the administration in Nakuru to live to the expectations.

They should open up their minds and try to make the city have a kind of a monopoly status similar to other countries where a certain town is known to be the centre of steel industry, electronic inventions and manufacturing or agricultural processing. The administration in Nakuru should try to study and see the advantage they have and elevate Nakuru to that special status.

An issue has been mentioned and it is something that I would like to call upon the administration in Nakuru Town to do something about. Having beggars, poor people or street children among us should make us feel guilty here and in heaven when we go there that we created a society where the kind of children that were loitering in Nakuru were there. They must do all that needs to be done to ensure they remove that blot on their face. Taking innocent children and dumping them in a forest or taking beggars and locking them somewhere was the work of Hitler not something present day democratic institutions of governance should tolerate.

We should be feeling guilty in the first place that we created those children. These children are there because the society or the country as we know it today, is not having resources going to developing the lives of the people. Resources are being siphoned. Personally, I think nearly 80 percent of the resources we keep on voting here to counties do not go to any useful purpose but to waste.

I call upon the administration to ensure they do all that needs to be done. Nakuru being a very important cosmopolitan town still remains a hotbed of our politics as it has always been historically. We have people in and around Nakuru such as Sen. Murkomen talking and saying Nakuru is--- Please come together and bring the tempo down of this hot---

**The Speaker** (Hon. Lusaka): Your time is up.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Speaker, Sir, for the opportunity. At the onset while we support the idea of Nakuru being a city because a lot of us are investors in Nakuru, I must mention that the question of the street children is something that cannot get out of my mind because it was a matter that I witnessed in person.

The acts committed by the Nakuru County Government are criminal, evil and devilish. We have impeached governors for lesser offences. Since Nakuru is bigger than Gov. Kinyanjui and his government, we will elevate it and hope first of all that the people of Nakuru will remove this Governor from office and that the DCI is going to charge these fellows for murder because four children disappeared.

The Bible tells us that God our Father is the father of all widows and all orphans. Nobody is going to ask where those four children came from because they have no relatives; but they are Kenyans. It cannot be right that Eldoret and Nakuru can dump children in a forest and we wish it away.

I would have preferred, and we have human right defenders in this Senate, that this Motion would have included a call for action. To say that a Petition filed here by a committee is not a resolution of the Senate is pussyfooting around an inhuman action. It is very sad.



Nakuru is a beautiful town with flamingoes, fresh water lake, parks, beautiful places, gardens and everything else that a city should have. It is surprising that it has not been a city. It is surprising when you walk along the streets of Nakuru and it is so crowded because of mismanagement.

Nakuru used to be the hotbed of all the politics in the country. The late President Moi used to spend a lot of time there.

We will support this because we know that by elevating Nakuru into a city, we bring greater things, improve and elevate Nakuru with its 11 constituencies. However, I must say this Governor has disappointed me a great deal. It is the same town and county where 48 people died because of a dam belonging to an Asian and the Governor just ignored because the owner funds all politicians in Nakuru. I must tell you that the politics---

**The Speaker** (Hon. Lusaka): What is your intervention, Sen. (Dr.) Ochillo-Ayacko?

**Sen. (Dr.) Ochillo-Ayacko:** Mr. Speaker, Sir, I am reluctant to interrupt my whip. However, he made mention of the fact that, "a dam belonging to an Asian". In the interest of unity, we should not condemn the community. I want to put it in perspective. If you say, "a dam belonging to a Luo", you are condemning the whole Luo nation. For the sake of national unity isolate that Asian. There are many good Asians also.

*(Laughter)*

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, it is not an objection. Nonetheless, to satisfy Sen. (Dr.) Ochillo-Ayacko, these dams belonged to Perry Mansukh and his family; he is an Asian. The same county government has not seen it fit to pursue environmental restoration under Section 28 of the Environment Management Act. I feel sad that we can have governments that behave like this when it comes to people. There is a highly likelihood that once we elevate Nakuru, then they are going to improve the services like Kisumu. Kisumu is a clean city because Governor Anyang' Nyong'o has put in proper mechanisms.

*(Several Senators spoke off record)*

It is a clean city. We must say it. Let me just tell you.

*(Loud Consultations)*

**The Speaker** (Hon. Lusaka): Order! Order Senators!

**Sen. Mutula Kilonzo Jnr.:** The action has been taken, let me finish. Mombasa upon its elevation and Governor Joho listening to the plight of people who were concerned, cleared Kibarani. But even after clearing Kibarani, they are still dumping their waste next to where people are living, in Kiembeni. It is terrible. They have done the same in Kisumu in terms of dumping of waste. It is unfair that governors cannot find proper---

**The Speaker** (Hon. Lusaka): I am told there is a point of order from Sen. Sakaja. Proceed. We have a challenge. Sen. Mutula Kilonzo Jnr. continue, when he is ready, we will---

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

**The Speaker** (Hon. Lusaka): We can hear you, that is Sen. Faki. What is your point of order?

**Sen. Faki:** The dumpsite in Mombasa is in Mwakirunge.

**The Speaker** (Hon. Lusaka): Put on your video.

**Sen. Faki:** Mr. Speaker, Sir, this is a point of correction. The dumpsite in Mombasa is in Mwakirunge and not Kiembeni. Mwakirunge is about 10 kilometres from Kiembeni where there is an estate. I want to inform Sen. Mutula Kilonzo Jnr. that the dumpsite is in Mwakirunge and not Kiembeni. Secondly, the connotation of saying an Asian connotes racism which should not be allowed in the Senate.

**The Speaker** (Hon. Lusaka): Sen. Mutula Kilonzo Jnr. conclude.

**Sen. Sakaja:** Mr. Speaker, Sir, on a point of information.

**The Speaker** (Hon. Lusaka): Sen. Sakaja, proceed. Let us see you.

**Sen. Sakaja:** Mr. Speaker, Sir, I want to give information for the clarity of the House before making a contribution. What the Committee on Labour and Social Welfare did, we went to Nakuru and Sen. Mutula Kilonzo Jnr. has explained the factors of the issues surrounding the dumping of the street children which is a fact. What the Committee on Labour and Social Welfare recommended was that--- The assertion was that they did it to gain the status. Until the county government demonstrates the efforts it is making to resolve this, which is criminal, until they show the efforts they are making to do this, I urge that this process be suspended.

We have not said that Nakuru should not become a city but they must show us the efforts being made.

**The Speaker** (Hon. Lusaka): Is that a point of order or are you making a contribution? Order, Sen. Sakaja!

**Sen. Sakaja:** Mr. Speaker, Sir, it is a point of information and Sen. Mutula Kilonzo Jnr. has agreed to be informed. I am informing the House that what the Committee on Labour and Social Welfare recommended--- (*technical hitch*). We are still following up, so the process should be paused until the Governor and the county can demonstrate that they are resolving the matter. They have not demonstrated it and the other Committee has ignored another Committee of the Senate. Until the Governor comes and demonstrates the efforts, they are making towards addressing the plight of street children.

I do not know what the rush is. The Senate Business Committee had said that this debate be deferred and has come in a supplementary Order Paper.

**The Speaker** (Hon. Lusaka): You are out of order! Sen. Mutula Kilonzo Jnr., continue.

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, in conclusion, we hope that action will be taken in this country. We also hope that other cities can be elevated so that they can benefit for what it is that comes from the national Government particularly in development of roads. We must insist that these cities become part and parcel of what is called Kenya Devolution Support Programme (KDSP), where cities can benefit from the World Bank in terms of its elevation. Nakuru cannot be another city where it is one street city. It must be improved. We insist on those things.

**Sen. (Prof.) Kindiki:** Mr. Speaker, Sir, I support the elevation of Nakuru to a city status. In the good old days, Nakuru used to be the cleanest city or town in Kenya. That

is what children were taught in school and perhaps in East Africa. I do not know whether it still is. What is certain is that Nakuru has grown over the years in terms of population and infrastructure such as an airport. There is an international airport coming up. It is also the home of one of the biggest military presence in our country. Because of the civilian and military infrastructure present in Nakuru, among other things, population growth and other strategic considerations; I support the elevation of the municipality.

It gratifies me to see that there is a criterion of lifting or upscaling towns, urban centres and other places into cities and therefore, we are not doing guesswork. There is a criteria and an elaborate procedure.

Thirdly, this elevation will come with a lot of responsibilities for Nakuru. One of them will be to deal with the serious problem of land grabbing which is one of the biggest problems there. I have experienced this in my years of legal practise. I have handled so many cases for public institutions which are trying to recover land which has been taken over by private individuals. Therefore, in the new status, I hope this city will put in place mechanisms to recover public utilities so that it has enough space for infrastructure.

The city status comes with certain challenges. However, it is my submission that the benefits of city status by far outweigh the challenges; such as greater taxation. We must speak the truth that taxation and land rates after elevation will go up. Nonetheless, there are more benefits than the challenges or problems that will be associated with the new status.

Mr. Speaker, Sir, when we did the Urban Areas and Cities Act amendments two or three years ago, we indicated that counties which did not have headquarters and which are being supported by the national Government to put up headquarters such as Tharaka Nithi, Taita Taveta, Isiolo, Tana River and Nyandarua that their county headquarters automatically become municipalities. It was some form of affirmative action for these counties.

We hope that the programme that is in place from the national Government and international development partners, such as World Bank, especially the Kenya Urban Support Programme, does not discriminate and push all the money to the big cities, like Nakuru, Nairobi, Mombasa and Kisumu which are upcoming for similar status and forget these places which were elevated to ensure that they also have credible county headquarters.

I am arguing for some kind of affirmative action so that these five counties, which did not have headquarters can also have their headquarters increased by pumping more resources regardless of the status of the municipality.

Mr. Speaker, Sir, I do not want to belabour this too much. I will only say two other points and I end my submission. The first one is to thank the Senator for Nakuru County, Sen. Kihika, who has been consistent and committed to ensure that Nakuru is elevated to city status. She has lobbied many of us and I am one of those people she has lobbied. I want to assure the people of Nakuru that they are ably represented before this House.

Having said that, I want to say one last thing which is, however beautiful this idea is and however the county government of Nakuru has tried to support this---

**The Speaker** (Hon. Lusaka): Add him one minute. He is a whole Professor.

**Sen. (Prof.) Kindiki:** Thank you, Mr. Speaker, Sir, for your indulgence. I wanted to summarise by saying that the issue of the children who disappeared, five of them who have never been found, must be addressed whether we pass this Motion or not.

We want to make sure that county governments become accountable because we are talking about orphans and children whose whereabouts are unknown. I believe this constitutes crimes against humanity irrespective of the number of children so long as we can approve a government policy to enforce forced displacement.

Thank you

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise to support the elevation of Nakuru town or municipality as a city. One of the things that excites me about this elevation into becoming a city is the fact that it is in Rift Valley.

Secondly, when you look at own source revenue collection, Nakuru county is number three in terms of own source revenue. Nakuru town collects more money than Eldoret, Mombasa and Kisumu who are the two counties that have cities. The amount of money collected by Kiambu, the next county, but I hope that soon---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir, for your assistance and protection.

There are a few things that I want to point out here. Although I support the elevation of Nakuru Municipality to a city, it comes with great expectations. We expect more things to come out of that county where we hope that with more taxation expected to be charged to the people, there will be more public participation so that people will know what they are paying for.

Mr. Speaker, Sir, I have gone through the Report and one of the things that excites me is that fact that this Senate is the only House of Parliament that elevates municipalities into cities. I hope that when we do this during our time here, we will not only do Nakuru but Eldoret and hopefully Kiambu. I say this because of the revenue that comes in. As you know, one of the prerequisites is that the municipality must demonstrate the ability to collect more revenue to support itself.

When you look at the population of Nakuru, it is over 367,000 people and the required is only 250,000 people. That tells you that Nakuru Municipality has the potential to generate more revenue and create more employment for the people of that town.

I hope that the County Governor of Nakuru, Hon. Lee Kinyanjui, and other governors who will come in after him will use technology to generate more resources. There is no reason why the current Governor, Hon. Kinyanjui, should not go through the spatial plan of Nakuru Municipality and ensure that every business that operates in the town can pay taxes. Where certain businesses operate without paying taxes or license fees, when they have to renew their permits, business licenses or annual fees, they are all intertwined such that that revenue can be collected.

Mr. Speaker, Sir, for us in Rift Valley, this has been long time coming. I hope that other municipalities like Eldoret will follow suit because that will see us stop wasting our time going to Mombasa or Kisumu to carry out services, even for this Senate, but by just going to Nakuru. In fact, it is something that will excite most Members of Parliament and

Members of the County Assemblies (MCAs) because their per diem will slightly go higher.

I hope that the county governor will devise new mechanisms to enhance their garbage collection system so that they can generate power, recycle it, sell and generate more revenue for the city.

Mr. Speaker, Sir, from the Report, I am aware that there was proof of a lot of public sensitisation on what is expected of any municipality that is going to be confirmed into becoming a city. However, I want to emphasise that the MCAs of Nakuru County must spend most of their time enlightening or educating their citizens that now that they are becoming a city, there is a lot that will come, some will not be good and you must be prepared to know how to deal with it.

It is true that when you look at Nairobi as a City, there is a lot of insecurity in certain parts. That will not leave Nakuru once it becomes a city. There will be a lot of more traffic and more money going to Nakuru.

Mr. Speaker, Sir, the planning of Nakuru has to be taken into consideration. I would request that instead of people going to benchmark all over, they can go to Rwanda and see how Kigali has been elevated into one of the best cities in the world; a very clean city. I hope that with elevation of Nakuru Municipality into becoming a city, it will become much cleaner.

Mr. Speaker, Sir, I support this and I hope other counties will follow suit and before the end of this term, this Senate can elevate other municipalities like Kiambu into a city so that we can all enjoy the benefits of a city.

Thank you.

**The Speaker** (Hon. Lusaka): Sen. Kinyua.

**Sen. Kinyua:** Asante, Bw. Spika, kwa kunipa fursa hii. Kuanzia mwanzo, nataka kusema ya kwamba naunga mkono mji wa Nakuru ufanywe jiji kwa sababu mimi nilikua mwenyekiti wa *Standing Committee on Devolution and Intergovernmental Relations, Kamati* ambayo tulishughulikia maswala haya kwa mapana na marefu.

Ukweli usemwe; nataka kumshukuru Sen. Kihika kwa sababu alijifunga kibwebwe na akasema ni mpaka tuangalie haya maswala kwa kindani kulingana na sheria iliyo katika Katiba yetu. Katiba ya Kenya inasema kwamba kulingana na mambo ambayo yanapaswa kufuatiliwa, Nakuru imeweza kujikimu kikatiba na kwa hivyo hatuna lolote ila kuifanya iwe Jiji.

Bw. Spika, ukizingatia idadi ya watu, jiji inapaswa kuwa na idadi ya watu wanaozaidi laki mbili na nusu na Nakuru ina zaidi ya watu laki tatu.

Ukiangalia mambo ya usafi wa mazingira, nilipigwa na butwaa kuliposemwa kwamba Nakuru hawajazingatia hayo. Niliopotembea kule, niliona kwamba kiyesi chochote kinachopelekwa upande wa chini kinatumika kutengeneza makaa. Tulitembea huko na Sen. Nyamunga na marehemu Sen. (Dr.) Kabaka, Mungu amlaze pahali pema peponi. Tulinunua makaa hiyo na kujionea kuwa inafanya kazi safi kabisa.

Serikali ya Kaunti ya Nakuru inafanya kazi nzuri katika kuhifadhi mazingira. Tulitembea mahali panaitwa Gioto kule Kiamburu kunakokusanywa takataka, Tuliona kwamba wanafanya tulivyowashauri katika kumudu takataka zao. Takataka zilikuwa zimekusanywa vizuri na tayari walikua wanatumia ile ardhi kupanda miti.

Bw. Spika, kwa upande wa afya, tulitembelea hospitali moja ambayo imetenga sehemu ya ujenzi wa wadi za kina mama na wengine kulazwa. Mradi huo utawagharimu zaidi ya milioni mia sita. Kwa hivyo, ninaunga hoja hii mkono.

Upande wa barabara, walitunyeshwa yale mambo wanapanga kufanya. Walikua wameshaa pitisha mipango za ujenzi katika bunge lao la kaunti na walikubaliana katika mikakati ya kutimiza mipango hiyo. Tulitembelea kituo cha zima moto na walitunyeshwa jinsi vituo hivyo vitakua vikifanya kazi. Walikua wamesha jitayarisha kwa mambo yale.

Bw. Spika, jambo ambalo lilikua kizingumkuti ni ile ya watoto wa mitaani waliondelewa na kaunti ya Nakuru. Hilo ndilo jambo nitakashifu kwa sababu---

*(Loud consultations)*

**The Speaker** (Hon. Lusaka): Let us consult in low tones please.

**Sen. Kinyua:** Ninakashifu kitendo kile kwa sababu hio ni dhuluma kwa binadamu, na haikubaliki popote. Lakini, hicho kisikue kisingizio cha kufanya Nakuru kutokuwa jiji. Tunapinga jambo lile. Tukio kama hiyo haifai kufanyika katika kaunti yoyote. Tukio kama hilo pia lilitendeka katika kaunti ya Uasin Gishu. Tunapinga vikali mambo kama hayo.

Nilipokua na manufaa, nilikua Mwenyekiti, lakini kwa sasa ninaunga mkono Hoja hii kwa sababu mimi nashikilia yale mambo tulifanya. Tulifanya mambo yale kwa uhuru na uwazi. Nakuru ikiinuliwa kuwa jiji hata watu wa Nyahururu, Meru, Ol Kalou na wengine wote waliopakana na Kaunti ya Nakuru watapata kazi. Mimi nina uhakika na imani kwamba Nakuru ikiinuliwa kuwa jiji mambo yatafanywa vizuri.

Ninashukuru Sen. Kihika kwa kunikumbusha leo asubuhi kwamba nisisahau kuja kuunga mkono hoja hii. Aliniambia kwamba iwapo nitakosa kuunga mkono hoja hii itakuwa dhambi na laana kwangu.

Bw. Spika, ninaunga mkono hoja hii inayopendekeza kuinua Nakuru kuwa jiji. Asante.

**The Speaker** (Hon. Lusaka): Proceed, Sen. (Dr.) Ochillo-Ayacko.

**Sen. (Dr.) Ochillo-Ayacko:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to make my remarks on this Motion. I support this report that Nakuru must be conferred to city status. I do so because I hope that in my life time, Migori will be conferred to city status. Where I come from, customs are very clear. The oldest child, son or daughter, must get married first in the order of birth. Since Nakuru and other cities like Machakos were born earlier than Migori, I want us to expedite this process, so that the turn of Migori comes very quickly.

Secondly, in my understanding, development is urbanization of rural areas. I believe that development is the responsibility of both national and county governments. I therefore believe that the national Government must expedite and avail support to all counties, because it is the wish of every county to have a city. I would be glad to be associated with and identify as a resident and a person born and bred in Migori City. I am sure that Sen. M. Kajwang' would like to be born or be a resident of Homa Bay City. The responsibility of the national Government is to allocate more resources to counties, particularly for urban support projects, so that we have many more cities. That would halt rural to urban migration, and strengthen devolution.

Thirdly, what the current Governor and administrators of Nakuru County did to the poor and vulnerable people is not acceptable. However, at this stage, we must separate the issues. Let us not throw out the baby with bathwater. Let us ensure that if there is any punishment, and there should be, it should be visited on the individuals. We should not pass this report by hurting the image of Nakuru Town. Nakuru is a city, and a city must have a sword, character and identity. The identity that is tied to it must be cleansed. I believe that the individuals who did this bad act have made the record be muddied by their bad behavior.

Mr. Speaker, Sir, I support this Motion because our turn is coming. I believe that when our turn comes, I will be a resident and the Governor or Senator of Migori City. I support this Motion.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Orengo.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I also rise to support this Motion. I was waiting for the Senator of Nakuru to speak, but I have been told that she is supportive of this Motion. I am glad of the fact that she is taking leadership in this Motion to give the people of Nakuru what they deserve.

One of the things that I really want to talk about is not the parameters of elevation of towns into cities. In old England, for a town or an urban area to become a city, the key requirement was that it should have a cathedral, a bus or railway terminus. Those were mundane considerations. Nakuru has had a very big history. For any town in Kenya to become a city, it must have a history like Nakuru has had over the years.

Nakuru has had representation by leaders whose origins are from all over Kenya. As you remember, Achieng' Onyango was not necessarily a resident of Nakuru because his base was here in Nairobi and Nyanza. However, in the first Parliament after independence he managed to be elected as a Member of Parliament (MP) for Nakuru. Since then, we have had people from various communities and ethnicities elected in the great city of Nakuru.

In my view, if it Nakuru fails to achieve the criteria for being elevated to a city, then I do not know which other city or town can achieve that elevation. It has got unique features and characteristics that make it iconic. It has a lake, a vibrant population, one of the fastest growing towns in the country, great features like mountains and wildlife. As I said in the beginning, Nakuru is unique.

Other than these statutory requirements, any town in Kenya that deserves being a city must be a place where any Kenyan can live. More than anything else, we should have cities that are accessible to all communities in Kenya. Over the years in my experience, Nakuru has been such a place in the country. Therefore, I have every reason to support this Motion and say that other urban areas which deserve to be cities should have the experience that Nakuru has had in the years; great people who are open and they are not bigots.

Mr. Speaker, Sir, it is following the footsteps of Kisumu. My colleagues across who are talking to themselves would realize over the weekend, Kisumu showed that it is open to everybody in this Republic. Therefore, next time that Elgeyo Marakwet County has a town that deserves to be a city, let it follow the example of Kisumu and Nakuru to be an open place for every citizen in this country.

Having said that, those who manage our towns and cities have got great responsibilities of ensuring that they are properly planned. They should ensure that the taxes that people pay whether they are local or coming from the national Government, they are properly used to maintain these cities. Cities are the human habitats of now and the future. Less and less people are living in the rural countryside.

Mr. Speaker, Sir, therefore, if we have the current arrangement where all cities fall under devolved units and this is where the great populations are; governors have extra responsibility of ensuring that these kind of habitats are livable, well planned and that within it there are no complaints, the kind of which have been addressed in this report. I hope that report in itself would not make any Member fail to support this Motion for the elevation of Nakuru to city status.

I do not think I have any further remarks in this. I support the Motion.

**The Speaker** (Hon. Lusaka): Sen. Mwaruma, proceed.

**Sen. Mwaruma:** Asante Bw. Spika kwa kunipa fursa hii ili kuchangia na kuunga mkono huu Mswada wa kufanya mji wa Nakuru kuwa mji mkuu. Naunga mkono kwa sababu mbili; ya kwanza ikiwa ni kwamba ule mji wa Nakuru umetimiza vile vigezo vyote vya kuwa mji mkuu. Vigezo hivi huwa ni idadi ya watu na vile wamejitayarisha kutoa kwa mfano maji taka na kadhalika. La pili, napenda kuunga mkono mji ule kuwa mjii mkuu kwa sababu Seneta wa Kaunti ya Nakuru, Sen. Kihika amekuwa katika mstari wa mbele pia kupigia upato ule mji wa Nakuru kuwa mji mkuu.

La haula ni vizuri niseme kwamba tungependu huu mji uwe mji mkuu lakini usifanywe kuwa mji mkuu sasa hivi. Kwa sababu ninapo ongea huku, kuna ripoti ya Kamati ya Kazi na Ustawii wa Jamii ambayo ni kamati ya Nyumba hii. Nikiwa ni naibu wa mwenyekii wa hiyo kamati, tuko na pendekezo la kusema kwamba hatungependelea kwa sasa ule mji wa Nakuru kuwa mji mkuu kwa sababu ya matukio yaliyotokea kule Nakuru ya kutoa watoto wadogo na zile familia za mijini na kuwatupa katika misitu.

Bw. Spika, kwa hivyo wakati mara kwa mara tunapokuwa na Maombi ama petitions za wananchi wetu, wakati tumeandika ripoti ya kamati, Clerk wa Seneti huwa anaandika barua na kupeana ile ripoti kwa taasisi ili yale mapendekezo yatimizwe. Hapo sasa ndio nina shida. Wale watu wa Nakuru walioandika Petition kwa hii Nyumba wako na mapendekezo ambayo mengine yanatajikana kutimizwa na Nyumba hii ya Seneti.

Pendekezo moja ni kwamba tusipeane ule mji wa Nakuru hali ya mji kuu kwa sasa mpaka watuhakikishie kwamba kuna miundo msingi ama miundo mbinu ya kuhakikisha kwamba wale wananchi wote wanaoishi mji wa Nakuru ikiwa ni walala hoi ama walala hai, masikini ama tajiri, watapatiwa nafasi yao ya kuishi mji wa Nakuru bila kutatizwa na mtu.

Bw. Spika, tuliuliza kama Kamati ya Kazi na Ustawi wa Jamii kama serikali ya Nakuru inaweza kutoa na kutupa wananchi wao wenyewe kule msituni na haijakuwa mji bado na hawajaunda miundo mbinu ya kuhakikisha kwamba hawa watoto wanaishi kwa mazingira yanayofaa; je tukiwapatia hali ya mji, si ndio watawatupilia mbali zaidi? Kwa hivyo naomba wenzangu wanikubalie kwamba kwa sasa hivi tuangushe huu Mswada alafu tupeane serikali ya Nakuru muda kidogo ili wajifahamu na wajielewe; waunde miundo mbinu ya kutosha ya kuhakikisha kwamba mwananchi yeyote anayeishi Nakuru ako na haki sawa na yule mwingine awe masikini ama tajiri. Kwa sababu vile Sen. Mutula Kilonzo Jnr. amesema, wale wananchi waliotupwa porini na wengine wakaliwa



na wanyama, wako na haki kama sisi wengine. Tukitoa damu yao na yetu yote ni nyekundu.

Bw. Spika, kwa hivyo ningependa kusihi wenzangu kwa sababu tuko na ripoti tayari. Sen. Sakaja amejaribu kuingia kupitia mtandaoni lakini hajafaulu. Kwa niaba ya kamati yangu, naomba kwamba tuangushe huu Mswada kwa leo, tuipatie serikali ya Nakuru nafasi wajielewe na wapate ufahamu wa kulea watu wao vizuri alafu kwa muda mwingine ujao wa usoni tupitishie huu Mswada wa kuwa na hali ya mji.

Hakuna mtu ambaye hataku kuwa na mji. Zamani kwetu tukitoka kule Taita---

**The Speaker** (Hon. Lusaka): Muda wako umeisha. Sen. Lang'at, proceed.

**Sen. (Dr.) Langat:** Mr. Speaker, Sir, thank you for also giving me this opportunity to say something about this Motion of elevating Nakuru town to a city. It has all that it takes being an agricultural hub. I have a lot of special attachment to this town because I went to Nakuru High School and Menengai High School whereby I am privileged to say that I was a classmate of Hon. David Gikaria. We attended the same class and I want to say I have a lot of attachment to this place.

Geographically, it is central and it deserves to be a city. However, it has a lot of challenges of late. Long time ago it was a very good place but of late it is facing a lot of image challenges. I have heard people talk about the issue where the current governor took a very inhumane position of taking those street children to the bush whereby they suffered so much. He also paid very little attention to the issues that were faced by the people in Solai.

Sen. Kihika could be the only one who knows what is happening in Nakuru County. The Governor did inhuman acts. He destroyed the kiosks of *mama mbogas* in an attempt to make Nakuru clean yet he did it at the expense of human life. People in Nakuru are not as happy as we may think. They are not proud of being in Nakuru town. They are actually wondering if we know of what is happening in Nakuru.

The Governor has done what Jesus talked about. He has washed the outside but left the inside rotten. I advise some of us to go to some parts of Nakuru such as Kivumbini near Lake Nakuru to see what is happening there. They should also visit Afraha stadium, which used to be the best stadium in Rift Valley. That stadium is now rotten and neglected.

Sen. Kihika will forgive me for this because she has tried to woo us to support the idea of conferring Nakuru Municipality to a city status. However, her effort has been watered down by the monstrous Governor of Nakuru County. We should wait until Sen. Kihika or someone else who has a human heart becomes a Governor for us to elevate that town to a city status. If we do it now, people will wonder what we have seen in that city yet the residents are suffering.

I do not support the Motion right now. I will only support it when the image of Nakuru is improved. Sen. Kihika should continue working on improving the social image of Nakuru County.

**Sen. Kihika:** Thank you, Mr. Speaker, Sir. I rise to contribute to this important Motion that is about my wonderful, beautiful County of Nakuru. I am conflicted, this afternoon, just like my colleagues who have spoken this afternoon. Looking at the bigger picture, Nakuru deserves to be a city just like Nairobi, Kisumu and Mombasa. It has done well so far and nothing should stop it from being a city.

However, the current Governor's actions in attempting to have Nakuru Municipality conferred to a city status are contrary to what a human being or a leader should do. It breaks my heart to imagine that I will be voting to elevate Nakuru Municipality to a city yet the Governor had to round up 41 street children in the middle of the night using two vehicles that had Nakuru County Government number plates for us to get there. Those children were thrown in Chemasusu Forest. Out of those 41 children, only 36 were recovered. As I stand here pushing for Nakuru Municipality to become a city, the issue of those five children, who were probably eaten by hyenas in Chemasusu Forest, hangs heavily on me as a leader and as a mother. That is one of the reasons as to why I am conflicted on this.

I have also watched the Governor displace the matatu groups in Nakuru County. They have been forcibly removed from where they used to operate from in trying to have Nakuru Municipality attain the city status. They were taken to the outskirts of the town and old women now move all over the place because they do not know where they are supposed to board the matatus. Those people were moved to places with no water and toilets. That is inhuman and it is the reason as to why I am conflicted.

However, I will not penalize the wonderful people of Nakuru Municipality who deserve a city because the elevation of the municipality will give them a better business environment. Many hotels have closed down and by elevating the municipality to a city, we will get more tourists. Nakuru should not just cater for the rich people. It should not look at the poor as an eyesore and they should not be removed from town. The street children should not be rounded up and thrown in the forest so as to attain the city status.

I will support Nakuru Municipality being conferred to a city status because I know that the Governor will not serve forever. I am hopeful that I will remove him in the next elections and when Nakuru Municipality becomes a city, we will have the matatus in a place where they can operate in a good environment. I promise to take care of those who are less fortunate like the street children.

**The Speaker** (Hon. Lusaka): I call upon the Mover to reply.

**Sen. M. Kajwang'**: Mr. Speaker, Sir, I beg to reply. Responsibility will follow this conferment. That was the word of Sen. Wetangula and Sen. (Prof.) Kindiki.

The resolution of the House must be seen as the Report of the Committee on Devolution and Intergovernmental Relations, the debate that has been captured in the HANSARD and the Report of the Committee on Labour and Social Welfare on the issues surrounding the street children.

In the words of Sen. Mutula Kilonzo Jnr., I want to beg the House to approve the Report but not to forget the things that have been brought before the Senate that are still outstanding.

The city of Nakuru, if it comes to fruition, will not be about Governor Lee Kinyanjui. He is a Governor today but someone else will be governor at some point. It is not about Sen. Kihika. She is a fellow Senator today but she could be in the Council of Governors tomorrow. It is not even about my brother, Peter Kajwang', who is a Member of the County Assembly in Nakuru. Nakuru city is about the 42 communities, the millions of people who call Nakuru home and Kenyans.

I beg to move and urge the House to support the Report of the Committee on Devolution and Intergovernmental Relations

**The Speaker** (Hon. Lusaka): Order, Senators. I want to give a bit of direction on this. The bell will be rung once for the four issues; Order No. 8, 9, 10 and 12. The Motion, which is Order No. 12, is affecting counties so we will vote by delegation.

I direct that the bell be rung for five minutes.

*(The Division Bell was rung)*

Those who are online will log in again for you to be able to vote.

**The Speaker** (Hon. Lusaka): Order, Senators. I am on my feet. Take your seats. We have four divisions. We are starting with the first one. Take your seats.

I will put the question that the Mental Health (Amendment) Bill be now read a Second Time.

Let us have Tellers for the Ayes and Nays.

*(Roll call Voting in progress)*

**Sen. Kavindu Muthama:** Mr. Speaker, Sir, can you hear me?

**The Speaker** (Hon. Lusaka): Yes, I hear you. You have voted.

**Sen. Kavindu Muthama:** I had gone offline. The network here is not very good. I wanted to vote for Nakuru and to speak on---

**The Speaker** (Hon. Lusaka): You will vote when we get to that Order.

**Sen. Khaniri:** Mr. Speaker, Sir, can you hear me?

**The Speaker** (Hon. Lusaka): Yes, vote.

*(Roll call voting in progress)*

Hon Senators, let us move to the next Order.

I will now put the question that the Wildlife Conservation and Management (Amendment) Bill be now read a Second Time.

You may vote now.

*(Roll call voting in progress)*

**Sen. (Dr.) Ali:** How do I vote? I did not get the question.

**The Speaker** (Hon. Lusaka): We are voting on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills no. 30 of 2020).

*(Roll call voting in progress)*

**Sen. (Dr) Musuruve:** Mr. Speaker, Sir, on behalf of the Kakamega County delegation, I vote yes.

*(Laughter)*

**Sen. Malalah:** Mr. Speaker, Sir, I have never lifted the moratorium to delegate my vote to anybody so, nobody should ever vote on my behalf.

Be notified.

*(Roll call voting in progress)*

**The Speaker** (Hon. Lusaka): Hon. Senators, take your seats. Let us move on to the next Order. I will now put the question that the County Allocation of Revenue Bill be now read a Second Time. Let voting take place. Let us have the same tellers.

*(Roll call Voting in progress)*

*(Interruption of roll call voting)*

**The Speaker** (Hon. Lusaka): Sen. Mutula Kilonzo Jnr., proceed.

### PROCEDURAL MOTION

#### EXTENSION OF SITTING TIME

**Sen. Mutula Kilonzo Jnr.:** Mr. Speaker, Sir, on a point of order. Owing to the time left and in view of the business still on the Order Paper, I move under Standing Order No. 31 (3) (a) that we extend the sitting time until we complete the business at Orders No. 10, 11 and 12 in the Order Paper. Thank you.

**The Speaker** (Hon. Lusaka): Seconder?

**Sen. Malalah:** Mr. Speaker, Sir, I second.

**The Speaker** (Hon. Lusaka): Okay.

**Sen. Olekina:** Mr. Speaker, Sir, on a point of order.

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

**Sen. Olekina:** Mr. Speaker, Sir, the Standing Order referred to by my colleague is quite clear. It has to be moved 30 minutes before unless you use Standing Order No. 1 so that we can proceed.

**The Speaker** (Hon. Lusaka): We were caught in a division and that is allowed.

*(Question proposed)*

*(Question put and agreed to)*

*(Resumption of roll call voting)*

**The Speaker** (Hon. Lusaka): Let us proceed. Next is the Motion on conferment of City Status to Nakuru Municipality. I now put the question. Vote now.

*(Roll Call voting in progress)*

**Sen. Kavindu Muthama:** Mr. Speaker, Sir, I wanted to say something on this. Allow me to say something---

**The Speaker** (Hon. Lusaka): Order, Senator. You are out of order.

*(Roll Call voting in progress)*

*(Several Senators stood up in their places)*

**The Speaker** (Hon. Lusaka): Order! Take your seats!

*(Sen. Omanga stood up in her place)*

Sen. Omanga, take your seat. You have just come now and you are disrupting the Sitting.

Hon. Senators, the results of the Divisions are as follows: -

## **BILLS**

*Second Reading*

THE MENTAL HEALTH (AMENDMENT) BILL  
(SENATE BILLS NO.28 OF 2020)

*(Sen. Kasanga on 18.05.2021)*

*(Resumption of debate interrupted on 18.05.2021)*

## **DIVISION**

### **ROLL CALL VOTING**

*(Question, that the Mental Health (Amendment) Bill  
(Senate Bills No.28 of 2020) be now read a Second  
Time, put and the Senate proceeded  
to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu

County; Sen. Ndwiga, Embu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote-

**AYES:** 39

**NOES:** Nil

**ABSENTIONS:** Nil

“The Ayes have it”

*(Question carried by 39 votes to Nil)*

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

### *Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT  
(AMENDMENT) BILL (SENATE BILLS NO. 30 OF 2020)

*(Sen. Mwaruma on 25.5.2021)*

*(Resumption of debate interrupted on 2.6.2021)*

## **DIVISION**

### **ROLL CALL VOTING**

*(Question, that the Wildlife Conversation and Management (Amendment) Bill (Senate Bills No.30 of 2020) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jr., Makeni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen.

Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote-

**AYES:** 37

**NOES:** Nil

**ABSENTIONS:** Nil

“The Ayes have it”

*(Question carried by 37 votes to Nil)*

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

*Second Reading*

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO. 30 OF 2021)

*(Sen. Kibiru 2.6.2021)*

*(Resumption of debate interrupted on 2. 6.2021)*

## DIVISION

### ROLL CALL VOTING

*(Question, that the County Allocation of Revenue Bill (Senate Bills No.30 of 2021) be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County;

Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Onger, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County;

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote-

**AYES:** 38

**NOES:** Nil

**ABSENTIONS:** Nil

“The Ayes have it”

*(Question carried by 38 votes to Nil)*

*(The Bill was accordingly read the Second Time and committed to a Committee of the Whole today by leave of the House)*

**The Speaker** (Hon. Lusaka): We still have another vote. Members should not leave.

## MOTION

ADOPTION OF REPORT ON CONFERMENT OF  
CITY STATUS TO NAKURU MUNICIPALITY

## DIVISION

### ROLL CALL VOTING

*(Question, that the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on Conferment of City Status to Nakuru Municipality laid on the Table of the Senate on Tuesday, 25<sup>th</sup> May, 2021, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. Boy, Kwale County; Sen. Cheruiyot, Kericho County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang, Homa Bay



County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbito, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghiso, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Sen. (Dr.) Ali, Wajir County and Sen. Cherargei, Nandi County;

**Teller of the Noes:** Sen. Outa

**ABSTENTIONS:** Nil

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote-

**AYES:** 38

**NOES:** 2

**ABSENTIONS:** Nil

*(Question carried by 38 votes to 2)*

*(Applause)*

Next Order!

### COMMITTEE OF THE WHOLE

*(Order for Committee read)*

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

IN THE COMMITTEE

*[The Temporary Chairperson (Sen. (Nyamunga) in the Chair]*

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO.30 OF 2021)

*(By leave of the House)*

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, kindly take your seats.

We are now in the Committee of the Whole to consider the County Allocation of Revenue Bill (Senate Bills No.30 of 2021)

Mover, Sen. Kibiru.

*Clauses 3 and 4*

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

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

*Clause 5*

**Sen. Kibiru:** Madam Temporary Chairperson, I beg to move:

THAT clause 5 of the Bill be amended by-

(a) renumbering the existing provision as sub clause (1); and  
(b) inserting the following new sub clause immediately after the new sub clause

(1)-

(2) The Controller of Budget shall approve withdrawals from the county revenue fund with respect to recurrent expenditure in accordance with the ceilings set out in the Second Schedule.

(3) The Controller of Budget shall not approve withdrawals from the county revenue fund to settle pending bills unless the county executive committee member responsible for finance has ascertained the amount of pending bills and transmitted supporting documents to the Controller of Budget.

*(Question of the amendment proposed)*

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

*Clause 6*

**Sen. Kibiru:** Madam Temporary Chairperson, I beg to move:

THAT clause 6 of the Bill be amended by inserting the following new subclasses immediately after sub clause (3)-

(4) The Cabinet Secretary shall prepare quarterly reports in respect of the expenditure of funds transferred to the national government under subsection (3).

(5) A report prepared under subsection (4) shall -

(a) contain information on the financial and non-financial performance of the entity; and

(b) be in the form prescribed by the Accounting Standards Board.

(6) A report prepared under subsection (4) shall be submitted to the Senate, the Controller of Budget, the Auditor-General and the respective county assembly.

*(Question of the amendment proposed)*

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

*Clauses 7, 8 9 and 10*

*(Question that Clauses 7, 8, 9 and 10 be part of the Bill, proposed)*

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

*(Loud consultations)*

Hon. Senators, kindly consult in low tones so that you do not interrupt the proceedings of the House. What we are doing is very important.

*New clause 11*

**Sen. Kibiru:** I beg to move -

THAT, the Bill be amended by inserting the following new clause immediately after Clause 10-

Consequential amendment.

No. 18 of 2012.

11. Section 130 of the Public Finance Management Act is amended by inserting the following new subsections immediately after subsection (2)-

(3) In preparing the annual appropriation Bill under subsection (2), the county executive committee member responsible for finance shall include, in the allocation to the county assembly any unspent funds that had been appropriated to the county assembly in the immediate preceding financial year.

(4) Where an Appropriation Bill is passed before the beginning of the financial year to which it relates and does not contain unspent funds allocated to the county assembly in the immediate preceding financial year, the county executive committee member for finance shall prepare and submit to the county assembly a Supplementary Appropriation Bill allocating the unspent funds.

(5) A Bill prepared under subsection (4) shall be introduced in the county assembly within two months of the commencement of the financial year.

(6) Failure by the county executive committee member for finance to prepare a Supplementary Appropriation Bill under subsection (4) shall constitute an additional indicator of a serious or persistent material breach under section 94.

*(Question of New Clause 11 proposed)*

*(The New Clause 11 was read the First Time)*

*(Question that New Clause 11 be read a second time, proposed)*

*(Question that New Clause 11 be part of the*

*Bill, proposed)*

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

*First Schedule*

*(Question that the First Schedule  
be part of the Bill, proposed)*

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

*The Second Schedule*

**Sen. Kibiru:** I beg to move-  
THAT, the Bill be amended by deleting the Second Schedule and substituting therefor the following new Schedule-

**SECOND SCHEDULE** (s.5)

<b>Schedule II: County Government Budget Ceilings on Recurrent Expenditure in Financial Year 2021/2022 (Figures are in Kenya Shillings)</b>					
<b>No.</b>	<b>County</b>	<b>County Assembly Ceilings</b>		<b>County Executive Ceilings</b>	
		<b>FY 2020/21</b>	<b>FY 2021/22</b>	<b>FY 2020/21</b>	<b>FY 2021/22</b>
<b>1</b>	Baringo	687,926,864	<b>746,019,020</b>	569,787,017	<b>569,787,017</b>
<b>2</b>	Bomet	606,321,526	<b>648,066,449</b>	552,531,315	<b>552,531,315</b>
<b>3</b>	Bungoma	852,697,315	<b>890,983,497</b>	621,554,119	<b>621,554,119</b>
<b>4</b>	Busia	738,972,659	<b>801,409,679</b>	587,042,718	<b>587,042,718</b>
<b>5</b>	Elgeyo/Marakwet	572,974,781	<b>593,254,972</b>	535,275,615	<b>535,275,615</b>
<b>6</b>	Embu	580,057,624	<b>595,875,448</b>	535,275,615	<b>535,275,615</b>
<b>7</b>	Garissa	758,771,695	<b>829,101,968</b>	569,787,017	<b>569,787,017</b>
<b>8</b>	Homa Bay	852,232,576	<b>931,868,578</b>	604,298,418	<b>604,298,418</b>
<b>9</b>	Isiolo	421,383,160	<b>448,252,685</b>	463,713,275	<b>463,713,275</b>
<b>10</b>	Kajiado	666,147,523	<b>765,404,524</b>	527,830,690	<b>527,830,690</b>
<b>11</b>	Kakamega	1,066,936,774	<b>1,189,967,209</b>	673,321,221	<b>673,321,221</b>
<b>12</b>	Kericho	692,058,978	<b>728,813,928</b>	569,787,017	<b>569,787,017</b>
<b>13</b>	Kiambu	1,085,527,936	<b>1,206,180,907</b>	673,321,221	<b>673,321,221</b>
<b>14</b>	Kilifi	756,635,440	<b>797,062,541</b>	587,042,718	<b>587,042,718</b>
<b>15</b>	Kirinyaga	569,393,333	<b>634,065,925</b>	522,925,302	<b>522,925,302</b>
<b>16</b>	Kisii	919,508,597	<b>990,572,876</b>	621,554,119	<b>621,554,119</b>
<b>17</b>	Kisumu	701,921,494	<b>745,033,801</b>	587,042,718	<b>587,042,718</b>

18	Kitui	836,025,472	<b>886,616,229</b>	604,298,418	<b>604,298,418</b>
19	Kwale	591,895,413	<b>618,445,792</b>	535,275,615	<b>535,275,615</b>
20	Laikipia	452,388,054	<b>470,108,195</b>	493,319,288	<b>493,319,288</b>
21	Lamu	405,697,936	<b>418,152,304</b>	463,713,275	<b>463,713,275</b>
22	Machakos	841,145,156	<b>907,790,391</b>	604,298,418	<b>604,298,418</b>
23	Makueni	703,984,829	<b>756,641,539</b>	569,787,017	<b>569,787,017</b>
24	Mandera	726,834,897	<b>811,048,184</b>	578,963,987	<b>578,963,987</b>
25	Marsabit	640,182,991	<b>715,654,362</b>	535,275,615	<b>535,275,615</b>
26	Meru	914,997,229	<b>988,437,598</b>	621,554,119	<b>621,554,119</b>
27	Migori	836,834,225	<b>863,486,098</b>	604,298,418	<b>604,298,418</b>
28	Mombasa	658,609,194	<b>679,254,392</b>	569,787,017	<b>569,787,017</b>
29	Murang'a	735,143,240	<b>761,307,014</b>	587,042,718	<b>587,042,718</b>
30	Nairobi City	1,409,977,879	<b>1,545,872,087</b>	759,599,725	<b>759,599,725</b>
31	Nakuru	983,219,236	<b>1,049,146,986</b>	656,065,520	<b>656,065,520</b>
32	Nandi	649,760,252	<b>669,452,972</b>	569,787,017	<b>569,787,017</b>
33	Narok	709,598,198	<b>769,346,518</b>	569,787,017	<b>569,787,017</b>
34	Nyamira	596,107,510	<b>612,444,433</b>	535,275,615	<b>535,275,615</b>
35	Nyandarua	633,970,935	<b>664,643,697</b>	552,531,315	<b>552,531,315</b>
36	Nyeri	676,085,232	<b>717,305,285</b>	569,787,017	<b>569,787,017</b>
37	Samburu	490,297,034	<b>518,009,214</b>	480,968,975	<b>480,968,975</b>
38	Siaya	666,308,584	<b>686,651,724</b>	569,787,017	<b>569,787,017</b>
39	Taita/Taveta	601,130,595	<b>631,282,421</b>	535,275,615	<b>535,275,615</b>
40	Tana River	486,497,243	<b>588,396,752</b>	505,669,601	<b>505,669,601</b>
41	Tharaka -Nithi	423,104,928	<b>455,222,064</b>	493,319,288	<b>493,319,288</b>
42	Trans Nzoia	628,139,110	<b>676,650,593</b>	552,531,315	<b>552,531,315</b>
43	Turkana	767,192,392	<b>821,950,164</b>	569,787,017	<b>569,787,017</b>
44	Uasin Gishu	686,014,946	<b>707,791,808</b>	569,787,017	<b>569,787,017</b>
45	Vihiga	621,955,167	<b>659,609,764</b>	552,531,315	<b>552,531,315</b>

*(Question of the amendment proposed)*

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

*Clause 2, the Title and Clause 1*

*(Question that Clause 2, the Title and Clause 1 be part of the Bill proposed)*

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

Hon Senators, we are now going into divisions. Can the Division Bell be rung for two minutes?

*(The Division Bell was rung)*

We still do not have quorum. Can we ring the Division Bell for another five minutes please?

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. Nyamunga): Can the Division Bell be rung for another two minutes.

*(The Division Bell was rung)*

**The Temporary Chairperson** (Sen. Nyamunga): We now have quorum. You can stop the Division Bell.

Hon. Senators, we are going to do three Divisions and we will take them at once. So, if you are voting, you have to vote three times for whatever way you want to vote. The first one is for the New Clause. The second one is for the Clauses with amendments. The third one is for all the Clauses.

Hon. Senators, you have to indicate how you are voting. We are going to have three divisions. I have already explained that. Can the tellers; Sen. Outa and Sen. Kibiru, come forward?

We are taking three votes so you will respond on the three.

Hon. Senators, I will now put the questions.

*(Questions put and the Senators proceeded to vote)*

*(Roll call voting in progress)*

*(Several Senators consulted loudly)*

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, can we have some order? Order!

*(Roll call voting in progress)*

Hon. Senators, we agreed that you vote for the three. Do not vote for one. We have three divisions.

## DIVISION

### ROLL CALL VOTING

*(Question, that New Clause 11 be now read a Second Time, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Lang'at, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilongo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County, and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa

**ABSENCES:** Nil

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, Order. Order, Please. I wish to announce results as follows-

**AYES:** 39

**NOES:** Nil

**ABSENCES:** Nil

“The Ayes have it”

*(Question carried by 39 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clauses 5 and 6, and the Second Schedule be amended as proposed, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen.

Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; and Sen. Wetangula, Bungoma County;

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa

**ABSENTIONS:** Nil

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, division two-

**AYES:** 39

**NOES:** Nil

**ABSENTIONS:** Nil

“The Ayes have it”

*(Question carried by 39 votes to Nil)*

## DIVISION

### ROLL CALL VOTING

*(Question, that Clauses 3, 4, 5 (as amended), 6 (as amended), 7, 8, 9 and 10, New Clauses 11, the First Schedule, the Second Schedule (as amended), Clause 2, the Title and Clause 1 be part of the Bill, put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. (Eng.) Hargura, Marsabit County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kavindu Muthama, Machakos County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Eng.) Maina, Nyeri County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. Linturi, Meru County; Sen. M. Kajwang', Homa Bay County; Sen. (Eng.) Mahamud, Mandera County; Sen. Malalah, Kakamega County; Sen. (Dr.) Mbiti, Trans Nzoia County; Sen. Moi, Baringo County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. (Prof.) Ongeru, Kisii County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Ndwiga, Embu County; Sen. Poghisi, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County; Sen. Wetangula, Bungoma County;

**Teller of the Ayes:** Sen. Kibiru.

**NOES:** Nil

**Teller of the Noes:** Sen. Outa



**ABSTENTIONS:** Nil

**The Temporary Chairperson** (Sen. Nyamunga): Hon. Senators, on the third division-

**AYES:** 39

**NOES:** Nil

**ABSENTIONS:** Nil

“The Ayes have it”

*(Question carried by 39 votes to Nil)*

**The Temporary Chairperson** (Sen. Nyamunga): I call upon the Mover to report.

**Sen. Kibiru:** Madam Temporary Chairperson, I beg to move that the Committee do report to the Senate its consideration of the County Allocation of Revenue Bill (Senate Bills No.30 of 2021) and its approval thereof with or without amendments.

**Hon. Senators:** With amendments!

**Sen. Kibiru:** With amendments.

*(Loud consultations)*

**The Temporary Chairperson** (Sen. Nyamunga): Order! Order Hon. Members!

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Speaker (Sen. (Dr.) Lelegwe) in the Chair]*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, I now call upon the Mover to report progress.

## **REPORT AND CONSIDERATION OF REPORT**

### THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 30 OF 2021)

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): The Temporary Chairperson.

**Sen. Nyamunga:** Mr. Temporary Speaker, Sir, I beg to report that the Committee of the Whole has considered the County Allocation of Revenue Bill (Senate Bills No.30 of 2021) and its approval thereof with amendments.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Mover.

**Sen. Kibiru:** Mr. Temporary Speaker, Sir, I beg to move that the House do agree with the Committee in the said Report.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Call upon the seconder.

**Sen. Kibiru:** Mr. Temporary Speaker, Sir, I call Sen. Olekina to second.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Mover, proceed

**Sen. Kibiru:** Mr. Temporary Speaker, Sir, I beg to move that the County Allocation of Revenue Bill (Senate Bills No. 30 of 2021) be now read a Third Time. I request Sen. Olekina to second.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, I second.

*(Question proposed)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Ring the division bell for two minutes.

*(The Division Bell was rung)*

*(Roll call voting in progress)*

### THIRD READING

THE COUNTY ALLOCATION OF REVENUE BILL  
(SENATE BILLS NO.30 OF 2021)

### DIVISION

### ROLL CALL VOTING

*(Question, that the County Allocation of Revenue Bill  
(Senate Bills No. 30 of 2021) be now Read a Third Time,  
put and the Senate proceeded to vote by County Delegations)*

**AYES:** Sen. Abdul M. Haji, Garissa County; Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Cherargei, Nandi County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Kavindu Muthama, Machakos County; Sen. M. Kajwang', Homa Bay County; Sen. (Prof.) Kamar, Uasin Gishu County; Sen. Khaniri, Vihiga County; Sen. Kibiru, Kirinyaga County; Sen. Kihika, Nakuru County; Sen. (Prof.) Kindiki, Tharaka Nithi County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen. (Dr.) Lelegwe, Samburu County; Sen. (Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwaruma, Taita Taveta County; Sen. Ndwiga, Embu County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Orenge, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisi, West Pokot County;

Sen. Sakaja, Nairobi City County; Sen. Wako, Busia County; Sen. Wamatangi, Kiambu County; Sen. Wambua, Kitui County and Sen. Wetangula, Bungoma County.

**Teller of the Ayes:** Sen. Kibiru

**NOES:** Nil

**Teller of the Noes:** Sen. Outa.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, the results of the voting are as follows:

**AYES:** 32.

**NOES:** Nil.

**ABSTENTIONS:** Nil.

*(Question carried by 32 votes to nil)*

*(The Bill was accordingly read the Third Time and passed)*

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Next Order.

### **MOTION FOR ADJOURNMENT**

#### ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2021 SESSION

**Sen. Wamatangi:** Mr. Temporary Speaker, Sir, pursuant to Standing Orders 28 and 29, I beg to move:

THAT, the Senate do adjourn until Tuesday, 6<sup>th</sup> July, 2021.

Mr. Temporary Speaker, Sir, the Calendar of the Senate was altered earlier. It is high time Members took a rest after the work they have done. It has culminated in the passage of the County Allocation of Revenue Bill, which county governments can now enjoy.

The funds have been long awaited. We know there is still a long way to go but counties will receive much more than they received last year. We still have a long journey to ensure we reach a threshold where counties receive funds that can adequately address the needs of county governments. On that note, I congratulate and thank all the Senators who have waited patiently and participated until this moment.

It is also noteworthy that this afternoon, this House has passed other important legislation including the Motion to elevate Nakuru County into city status. Nakuru County now begins the growth that will eventually translate into a city that is worthy of the effort that have been put in this endeavor.

Mr. Temporary Speaker, Sir, it is also noteworthy that Senators need to go and mingle and talk to their people. We need to find out how our counties are doing especially during this Coronavirus (COVID-19) pandemic. We need to find out what has been done since we dealt with the Kenya Medical Supplies Authority (KEMSA) scandal.

Since the first dosage of vaccinations against Coronavirus (COVID-19) came, we need to go and see how our people are doing. We know the second doze of the vaccination is yet to be done *en masse*, although some people have already enjoyed it. Are we doing what we should do? With the scare of the Indian variant that has been

reported in various towns, alarming reports indicate the variant is moving from Kisumu County to sections of remote counties like Kericho and others within that region.

What is the preparedness of our county governments? These are questions, among many others, that Members can now meet the people who sponsored them to this House, find out more and offer solutions. When we convene here next time, we will have more answers than questions. I believe it will shape our minds and debate and culminate in better and fruitful discussions.

Finally, as Senators, it is important we remind ourselves that we have less than two sessions that will be useful to whatever agenda we have. After we come back, within the next one and second sessions, we will all disperse to our counties.

The questions that should be lingering on our minds are what kind of a House, what kind of a legacy, what kind of work have we done? Will we be proud of it? I believe that as we take a break, these are questions that will be on Members' minds. I wish all Senators a good time when we go on recess. Let us make it useful and by being careful. We should take care of yourselves and ensure that when you come back here, we will be better than we were.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to move and I request Sen. Mutula Kilonzo Jnr, the Senate Minority Whip to second.

**Sen. Mutula Kilonzo Jnr:** Thank you, Mr. Temporary Speaker, Sir. This is a procedural Motion. I rise to second the Motion to adjourn to 6<sup>th</sup> July, 2021 and adjust the calendar so that we can give our good staff a break. Sen. Wamatangi has forgotten to congratulate our support staff. Without our support staff at the Senate and in our Committees, we would not get very far with all the reports. On behalf of our colleagues, I want to give you a hand for the work that you do including our able team of Serjeant-at-Arms who are always with us and all our assistants for the work they have done and braved the COVID-19. This is a good opportunity for everybody to take a break.

The Chamber can be sanitized and committees can engage in some of the petitions that are pending in reports because they still have a lot of work, including the Committee on Health. We still want to know the fate of COVID-19 funds, misappropriation or lack thereof by county governors.

As we go on a break, I wish my colleagues all the best in whatever endeavour they get themselves up to. I hope that we can find a method to fast-track every pending Bill. The Bills that Senators passed in the last Senate should come here. We should dedicate one afternoon or one morning and pass all those Bills because we have debated them so I do not see the reason why we should repeat the same debate or regurgitate the same arguments we have had here so that when all these Senators go back to their respective counties at the very least, they will have done their duty.

The Senator for Kirinyaga County has a very interesting Bill on people using nicknames and other things in the elections. It would be unfair for people to go to elections and his well-researched Bill has not been passed. It would be a gross injustice to a lot of the people who have put in a lot of work. I hope that by the time we come back from recess, the Court of Appeal would have resolved the question of the Constitution Amendment Bill so that we know what to do.

This country must move forward. By the time we finish our work, I hope and I pray that we will not have to adjust any other date. We must go for elections on 9<sup>th</sup> August, 2022.

Thank you, Mr. Temporary Speaker, Sir, I support.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Honourable Senators, I now use my discretion before I put the question to call upon the Chair, Standing Committee on Energy to make a statement relating to the activities of the Committee.

*(Loud Consultations)*

Hon. Senators. I will first proceed to propose the question.

*(Question proposed)*

Before we proceed with the motion, I now call upon the Chair of the Standing Committee on Energy to make the statement on the activities of the Committee.

*(Interruption of debate on Motion)*

## STATEMENT

### ACTIVITIES OF THE COMMITTEE ON ENERGY

**Sen. (Eng.) Maina:** Thank you, Mr. Temporary Speaker, Sir.

It is a brief Statement and I thank everybody who is in this Chamber at this hour for being patient.

Mr. Temporary Speaker, Sir, I rise pursuant to Standing Order 51(1) (b) to make a Statement on the activities of the standing Committee on Energy for the period up to 22<sup>nd</sup> March, 2021.

During the period under review, the Committee held a total of about 24 meetings, considered two Statements, visited government installations and undertook an induction retreat of all the parastatals under our deliberation.

With regard to the first Statement pursuant to Standing Order 47(1), Sen. Khaniri made a Statement on an issue of topical concern regarding the electrocution of wild animals. We held various meetings and have agreed that both the Ministry of Energy and the Ministry of Lands and Physical Planning will work together to ensure that what happened at Soysambu Conservancy does not happen anywhere else.

The Committee has written to the CS of Energy seeking the response in respect of the issues raised with the Kenya Power and Lighting Company and will furnish the Senate with the response in its next Session.

My Committee has been extremely concerned with the rising cost of bills in electricity and the rising cost of fuel which Kenyans are grappling with. Yesterday we had a fairly heated session with the CS of Energy.

The Committee has written to the Ministry of Energy seeking the response in respect of issues raised by many Kenyans and we are going to continue pursuing.

With regard to the Second Statement pursuant to Standing Order 48, Sen. Khaniri requested the Statement from the Committee on the frequent power outages in Vihiga County. We adjudicated the matter and we are informed that the line which is supposed

to ensure that western region has reliable power has already been connected through Kisumu.

During the period under review, the Committee conducted a familiarization tour to Kipevu Oil Terminal where we noted that the land and the investment were lying idle. We engaged the Ministry and they agreed that they are going to begin generating power out of the installations that used to be the Kenya Oil Refineries.

During the tour, the Committee also noted that there are three more berths being built at the port to ensure that ships can dock and discharge the oil without having to wait. At present it is only one berth that has been serving this country.

In regard to the familiarization tour, I can report as follows: The Kenya Petroleum and Refineries is sitting on idle land. We agreed that has to come to an end and it will be released to the Kenya Pipeline Company (KPL)

Kenya Ports Authority (KPA) is currently building the floating berths I have mentioned and they should be operational within this year.

Kenya Pipeline Company is in the process of procuring a leak detector between the line from Mombasa to Nairobi. It is a matter we have adjudicated. We also adjudicated some serious matter and at Kiboko where there was an oil spill. Seeing as Sen. Mutula Kilonzo Jnr. does not harass me these days, I take it that all is well there.

Therefore, we have to be keen on things touching *wananchi*. The oil detector is a serious thing. These are some of the issues you cannot understand. How an oil pipeline can be put, which is carrying hazardous fuel, could bring extreme disaster to the life and environment and a simple leak detector could not be installed. However, whatever the reasons, these are some of the strange things in this country.

Mr. Temporary Speaker, Sir, we held an induction retreat on 10<sup>th</sup> March, 2021 with the Ministry of Energy.

On the issue of fuel prices in this country, we have been promised in at least 10 meetings that the sudden increases Kenyans are grappling with have to come to an end. We were promised that in March, within one month they would bring what they are calling, 'a fuel development levy' which would cushion the consumers. When I talk about this, as Senators, we are having a barrage of protestations from Kenyans regarding the high cost of fuel.

I must point out that one of the causes of this is the big taxation on the fuel. We wish to coordinate with the relevant Committee in the National Assembly and see what we can do because we cannot continue this way.

Mr. Temporary Speaker, Sir, as I conclude, the Committee intends to carry out the following key activities during the next quarter. The Committee has scheduled meetings with the Ministry of Petroleum and Mining. We will continue to pursue issues with the Ministry of Energy. As I have mentioned, we are concerned that the legislation for the petroleum development levy, which we have been told is a solution to the sudden and high price increases, is still not in place.

Therefore, we will continue pursuing all things to ensure the energy sector is streamlined. It has been our emphasis, as contained in this Statement, that Kenya should endeavour to move from the diesel generating sets which bring high electricity prices. Then move towards the renewable form of energy. I wish to conclude and thank everybody for their patience and tolerance against their human needs.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Let us go back to order No. 19. Sen. Cherargei, proceed.

*(Resumption of Debate on the Adjournment Motion)*

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, I want to commend the Chairperson of the Committee on Energy, my brother, senior Sen. (Eng.) Maina, for that precise and concise Statement on issues of energy. I laud him for the good work that we did. I have attended one of the few sessions where he has chaired. I am happy yesterday he issued summons against the Cabinet Secretary Ministry of Petroleum and Mining, hon. Munyes.

I assure the Committee that you have the support of some of the colleagues who are not Members of the Committee. Energy is critical especially with the fuel hikes and electricity connectivity across the country. We are proud of the Committee on Energy led by our brother Sen. (Eng.) Maina. We wish him well. Since energy is a crosscutting issue, I would request him to, once in a while, be inviting all Senators, so that we can be of assistance.

Mr. Temporary Speaker, Sir, I support the adjournment Motion. It has been long overdue. We were supposed to go on a recess at some point. The people who have suffered the most is our support staff.

Mr. Temporary Speaker, Sir, you have to note that our support staff have been up, more than us, to make sure that we are comfortable and the place is ready and sanitised. I am happy that as the Senate through the Office of the Speaker and the Secretariat we have adhered to the COVID-19 protocols and have been comfortable despite the challenging times that we are undergoing through as Parliament since Independence in this Republic.

As we go to recess, my colleague, Sen. Wamatangi moved the Motion and seconded by Sen. Mutula Kilonzo Jnr.---

I hope the Standing Committee on Health is here. As we talk today, 471 Kenyans have been given full dose of AstraZeneca vaccination and that is unfortunate. I am worried because I am a neighbour to Kisumu County where it looks like according to today's positivity rate, it is approaching over 11 per cent.

Counties like Kericho and Nandi are neighbours to Kisumu and we are worried because 471 people have been fully vaccinated and going into the future, I want to challenge our Standing Committee on Health to engage the Ministry of Health to find out why it is that 7.5 million Kenyans are yet to receive their vaccine.

Mr. Temporary Speaker, Sir, I want to call upon the Standing Committee Health to assist us by finding out the problem. You can see Europe and America is reopening up and people are no longer using masks. Many people in the United Kingdom (UK) and America are no longer using masks because over half of them have received the full dose and they are reopening their economy.

I hope it is not the strategy our Government to use lockdowns and curfews to contain COVID-19. We need to become more innovative by vaccinating our population across the country so that our people can go back to their jobs. We need to fix the bottom-up approach. We need the *mama mboga, boda bodas* and everybody to get back to their jobs.

Mr. Temporary Speaker, Sir, it is worth to note that in July 2020, the Kenya National Bureau of Statistics indicated that 1.7 million Kenyans had lost their livelihoods. I think those are people like watch men, waiters, waitresses, car washers, people who hawk maize and sweets in the bus stops; those are the small people we are discussing about. We are yet to know the number of Kenyans that continue to lose their jobs because of the pandemic.

The third point I wanted to make is economic recovery. The economy is not doing as well as it should be because of the pandemic. I hope that when we come back from the recess, the Standing Committee of Finance and Budget and other relevant committees will come up with a rescue or recovery package so that people who lost their jobs can be cushioned.

The Government through the Ministry of Finance and Planning should share with us what is really happening so that as the economy recovers we can---

I want to call upon counties that as they plan for COVID-19, the special audit is being done. We need to see where counties have allocated money on how to assist the vulnerable. For example, in Nandi, I would have expected the County Government of Nandi to give subsidised seeds and fertilisers since this is the planting season so that our people can go to farms, realise more foods and ensure that we maintain the inflation rate. Non-availability of food will always push the inflation rate up.

Mr. Temporary Speaker, Sir, the fourth point is on the appointment of judges. I have seen the President has gazetted 34 judges out of the 40. I think under the Judicial Service Commission---

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Wambua, what is it?

**Sen. Wambua:** Mr. Temporary Speaker, Sir, on a point of order. This Motion was moved, seconded and they even proposed the question. You gave Sen. Cherargei a minute to say something about the Motion, but he has gone into debate. Please, guide us on this matter.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Sen. Cherargei, restrict your contributions to the Motion of Adjournment as contained in the Order No.19. You are making your personal statement now.

**Sen. Cherargei:** Mr. Temporary Speaker, Sir, I stand guided. I do not know why Sen. Wambua is getting agitated. I am concluding.

The Standing Committee on Justice, Legal Affairs and Human Rights were arguing - I remember being invited when the Attorney-General appeared - that it is a public matter.

I was saying that as we go for recess, we must become cognizant of the fact that the appointments have been made and several judges have been left out. I hope the Standing Committee on Justice, Legal Affairs and Human Rights will intervene so that we are told whether these six that were left out were corrupt, or there is another political vendetta.

Mr. Temporary Speaker, Sir, on the issue of corruption touching on the Kenya Medical Supplies Agency (KEMSA), I call upon the Committee on Health to work with KEMSA so that they fix the issue of the supplies there. We need to fix this issue of corruption that is rampant.

When we go to the counties, we should not only restrict ourselves to sanitization, wearing masks and social distancing. We should walk around those counties. I challenge



Senators to find time be it in Kitui, Makueni or any other county to visit the county projects which could be white elephants. What we see in Nairobi looks so nice, just like a beauty contest, but when you go deeper, *vitu kwa ground ni* different.

For example, we are seeing corruption happening in the Harambee Savings and Credit Co-operation (SACCO) Society Ltd. We have seen senior management people walking out and non-performance of loans within the SACCO. It is time that the Committee on Justice, Legal Affairs and Human Rights is requested to look at these issues.

Mr. Temporary Speaker, Sir, what is happening at Harambee SACCO is very sad. You will find that senior management are walking out of the Harambee SACCO, in which the Government has shares. There is non-performance of loans at a time when we are dealing with Coronavirus Disease (COVID-19). The Harambee SACCO is now becoming a bastion of corrupt practices, poor public relations services and poor governance. I think that the board and the management should be careful. I am pointing out Harambee SACCO because that is what is happening to Kenyans as we talk about the future.

Finally, as Sen. Mutula Kilonzo Jnr. has said, I hope that the issue of the Building Bridges Initiative (BBI) appeal will be resolved once and for all. I support the Episcopal Conference and Catholic Bishops who said that BBI is not a necessity. We can do it after 2022. Let us have our elections, then when the hustler nation has taken over, we can now come and fix the country through BBI.

I support the Motion.

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, there is no more interest on this matter.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Lelegwe): Hon. Senators, it is now time to adjourn the Senate. The Senate stands adjourned until Tuesday, 6<sup>th</sup> July, 2021 at 2.30 p.m.

The Senate rose at 7.52 p.m.