



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Thursday, 18th June, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 18th June, 2026

*The House met in the Senate Chamber,
Parliament Buildings, at 2.32 p.m.*

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

PRAYER

DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

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

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

Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): Hon. Senators, we have quorum now. So, we will get on to the day's business. Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE INSTITUTE OF ECONOMIC AFFAIRS AND AMERICAN UNIVERSITY

The Speaker (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of a visiting delegation of three young leaders from the Institute of Economic Affairs in Kenya and interns from American University in Washington D.C., in the United States of America.

The delegation is on a study visit to Parliament. I request each member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition.

Mr. Emmanuel Walkendo	-	Programme Officer
Mr. Spencer Muhonja	-	Intern, Institute of Economic Affairs

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Ms. Sarah Cherob-Leoba - Intern, Institute of Economic Affairs

Mr. Benjamin Kanzeras - Intern, the American University

On behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish you a fruitful visit here at the Senate.

I call upon the youth leader of the Senate, and Senator for Siaya County to welcome the delegation.

(Sen. Oketch Gicheru spoke off record)

Sen. Eddy, you are not a youth leader, certainly.

You may proceed, Sen. Oburu.

Sen. (Dr.) Oburu: Thank you, Mr. Speaker, Sir. I wish to take this opportunity to welcome the interns from the Institute of Economic Affairs and the American University. It is our tradition that we welcome them here, and we hope that during their stay, during this afternoon's sitting, they will be able to gain some experience on how we conduct our business in Parliament.

I particularly would like the three who are from the Institute of Economic Affairs to take note because I am an economist and very passionate about economics; you are not in the wrong profession. You are in the right profession, and you are at the right place here in the Senate.

Therefore, we welcome you and thank you very much. I am sure you will gain experience today here in the debates.

The Speaker (Hon. Kingi): Thank you. Next Order.

PAPERS LAID

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Finance and Budget, proceed.

REPORT ON THE COUNTY GOVERNMENTS EQUITABLE SHARE CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2026/2027

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir. Through you, your honour, of course, I beg to lay the following Paper on the Table of the Senate today, Thursday, 18th June, 2026-

Report of the Standing Committee on Finance and Budget on the County Government's Equitable Share Cash Disbursement Schedule for Financial Year 2026/2027.

Thank you, Mr. Speaker, Sir.

(Sen. Oketch Gicheru laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Liaison Committee, proceed.

ACTIVITIES AND OPERATIONS OF SELECT
COMMITTEES IN THE FOURTH SESSION 2025

Sen. Oketch Gicheru: Thank you once again Mr. Speaker. Again, through you, your honour and on behalf of the Chairperson Liaison Committee, the Deputy Speaker, I beg to lay the following Paper on the Table of the Senate today, Thursday, 18th June, 2026 –

Report of the Liaison Committee on the activities and operations of Select Committees during the Fourth Session, 2025.

Thank you, Mr. Speaker, Sir.

(Sen. Oketch Gicheru laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Roads, Transport and Housing, proceed.

REPORT ON THE KENYA ROADS (AMENDMENT) BILL (NO.3)
(NATIONAL ASSEMBLY BILLS NO.34 OF 2025)

Sen. Oketch Gicheru: Thank you, Mr. Speaker, Sir, once again. I beg to lay the following Paper on the Table of the Senate today, Thursday, 18th June, 2026.

Report of the Standing Committee on Roads, Transport and Housing on its consideration of The Kenya Roads (Amendment) Bill (No.3) (National Assembly Bills No.34 of 2025).

Thank you, Mr. Speaker, Sir.

(Sen. Oketch Gicheru laid the document on the Table)

The Speaker (Hon. Kingi): The Chairperson of the Standing Committee on Education, proceed.

REPORT ON CONSIDERATION OF THE BASIC EDUCATION
(AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2023)

Sen. Betty Montet: Thank you, Mr. Speaker, Sir. I beg to lay the following Paper on the Table of the Senate today, Thursday, 18th June, 2026-

Report on the Standing Committee on Education on its consideration of The Basic Education (Amendment) Bill (National Assembly Bills No.59 of 2023).

I thank you, Mr. Speaker, Sir.

(Sen. Betty Montet laid the document on the Table)

The Speaker (Hon. Kingi): Next Order.

NOTICES OF MOTION

The Speaker (Hon. Kingi): The Chairperson Standing Committee on Finance and Budget, proceed.

ADOPTION OF REPORT ON THE COUNTY GOVERNMENTS EQUITABLE SHARE
CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2026/2027

Sen. Oketch Gicheru: I thank you once again, Mr. Speaker, Sir. I beg to give notice of the following Motion –

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2026/2027, laid on the Table of the Senate on Thursday, 18th June, 2026 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2026/2027.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Chairperson, Liaison Committee.

NOTING OF REPORT ON ACTIVITIES AND OPERATIONS OF SELECT
COMMITTEES DURING THE FOURTH SESSION (2025)

Sen. Oketch Gicheru: Thank you once again, Mr. Speaker, Sir. I beg to give notice of the following Motion-

THAT the Senate notes the report of the Liaison Committee on the activities and operations of select committees during the Fourth Session, 2025 pursuant to Standing Orders No. 224(2) laid on the Table of the Senate on Thursday, 18th June, 2026.

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

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Orders No.45(2), I will rearrange today's Order Paper. We will move to Order No.8 and, thereafter, resume the normal flow as contained in the Order Paper of the day.

Clerk, you may proceed to call that Order.

MOTION

ADOPTION OF REPORT ON COUNTY GOVERNMENTS (EQUITABLE SHARE)
CASH DISBURSEMENT SCHEDULE FOR FINANCIAL YEAR 2026/2027

The Speaker (Hon. Kingi): Chairperson, Standing Committee on Finance and Budget.

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Sen. Faki: Thank you, Mr. Speaker, Sir. On behalf of the Chair of the Committee on Finance and Budget of the Senate, I beg to move-

THAT, the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Government's Equitable Share Cash Disbursement Schedule for the Financial Year 2026/2027 laid on the Table of the Senate on Thursday, 18th June and that pursuant to Section 17(7) of the Public Finance Management Act and Standing Orders No.189(3) of the Senate Standing Orders, the Senate approves the County Equitable Share Cash Disbursement Schedule for the Financial Year 2026/2027.

Mr. Speaker, Sir, this is a fairly straightforward Report. Having passed the County Allocation of Revenue Bill yesterday, the next procedural step is to pass the Cash Disbursement Schedule, which takes monies to our counties. This is a very crucial report which guides the Cabinet Secretary for National Treasury and Economic Planning in the disbursement of cash to our counties.

On a number of occasions, there has been a delay in compliance with this schedule. I beg that the Cabinet Secretary for National Treasury and Economic Planning do comply with this schedule because this is a very important document that all our counties are relying upon.

I beg to move and ask Sen. Eddy Oketch to second.

Sen. Oketch Gicheru: Mr. Speaker, Sir, as a Member of the Committee on Finance and Budget, I assert that this is a procedural Motion because the bulk of the work was the passing of the Division of Revenue Bill and the County Allocation of Revenue Bill, which give money to the counties. Whatever we are passing now is to make sure that the National Treasury can send money to our counties on time.

It is important to note that when we went to the Mediation on the Division of Revenue, we did insist that in case of any problems of exchequer releases and receipts in this country, then the national Government must bear the risk. We have seen time without number when the Treasury has sometimes blamed exchequer receipts as a problem on exchequer releases on money that goes to the counties. Our counties have no strength, whatsoever, to borrow money from outside the country when they have fiscal problems. They have no instruments to get money to operate when there is a lot of pressure in their physical infrastructure. Therefore, it is extremely critical for the National Treasury to honour the tenets of Article 219 of the Constitution.

Mr. Speaker, Sir, Article 219 articulates that as long as we have passed the Division of Revenue Bill and the County Allocation of Revenue Bill in this House, it is critical that all monies going to the counties are honoured and sent there on time. Therefore, this is the importance of the piece of legislation that we are passing here today, that the National Treasury must honour.

If you look at the Schedule that has been shared, it articulates the amount that is supposed to go to the counties on a regular basis. In fact, it puts it into chunks of monthly basis. For instance, if you look at Migori County, you will see in the Schedule that we have Kshs500 million that is expected at the end of this month. The following month we

have Kshs600 plus million, and the month after, we have Kshs800 plus million. These monies must go within that timeframe.

However, I will not leave this Floor without emphasising the role that the governors must take in putting these monies to good use. The work that the Senate has done in these past two months to pass the Division of Revenue Bill and the County Allocation of Revenue Bill, and now to pass this Disbursement Schedule, is critical and important. It almost forms 96 per cent of our work as Senators to protect the interests of our counties. That protection is making sure that they have money in their counties.

Governors must now rise to the occasion. I know people are going for elections and some governors will start using excuses around things like imprest, to take these monies from the counties. We must stand firm. The monies we have sent to the counties must be used in the right way. This is because we have done our work. Even as we go on recess, we have sent our monies to the counties. We have put the legal framework to ensure that the National Treasury will be giving money to the counties on time.

Mr. Speaker, Sir, the biggest task now is for the common man, the young man who is struggling in Lake Victoria, to make a living by fishing, the young man struggling in Meru growing *miraa* and other things to make sense of this piece of legislation, and for this money to go and serve them. Now, the country should see that the work remains with the governors.

We have sent the money and we have put the instruments to make sure that the money goes there every month. It is upon the governors to use it well. Therefore, because this is a procedural motion, I will not say much. I thank the team from the Committee on Finance and Budget. As I second and support firmly, let us vote for this piece of legislation to take root today.

I thank you Mr. Speaker, Sir.

(Sen. Roba and Sen. Cherarkey consulted)

The Speaker (Hon. Kingi): Sen. Roba and the Senator for Nandi, take your seats.

*(Sen. Ogola, Sen. M. Kajwang and
Sen. Korir walked into the Chamber)*

Sen. Beatrice Akinyi and Senator for Homa Bay, kindly take your seats.
Hon. Senators, I will now proceed to propose the question.

(Question proposed)

The Floor is open for debate. This being a procedural motion, with your concurrence---

Could the Minority Leader and the Majority Leader approach the Chair, please?

(Sen. Cheruiyot and Sen. Madzayo consulted with the Speaker)

Hon. Senators, with your concurrence, I will proceed to put the question. Therefore, I will ask the Serjeant-at-Arms to kindly close the door and draw the bar. However, before you close the door and draw the bars, kindly ring the Division Bell for two minutes.

(The Division Bell was rung)

Serjeant-at-Arms, kindly, close the door and draw the bars.

(The bars were drawn and doors closed)

Clerk, kindly, confirm that the system is ready for voting, so that I put the question.

Sen. Maanzo, take your seat. Senator for Nandi and Sen. Boni, go to your designated seats because we are voting.

Hon. Senators, I will now put the question.

(Question put and the Senators proceeded to vote)

Sen. Mbugua, you need to cast your vote, but just stay at your seat. The paper will be brought to you, so that you cast your vote.

(Sen. Mbugua registered his vote)

DIVISION

ELECTRONIC VOTING

(Question that the Senate adopts the Report of the Standing Committee on Finance and Budget on the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2026/2027, laid on the Table of the Senate on Thursday, 1^{8th} June, 2026 and that, pursuant to Section 17 (7) of the Public Finance Management Act and Standing Order 189 (3), the Senate approves the County Governments (Equitable Share) Cash Disbursement Schedule for Financial Year 2026/2027, put and the Senate proceeded to vote by county delegations)

AYES: Sen. Abass, Wajir County; Sen. Abdul Haji, Garissa County; Sen. Ali Roba, Mandera County; Sen. Boy, Kwale County; Sen. Cherarkey, Nandi County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen. Faki, Mombasa County; Sen. Gataya Mo Fire, Tharaka Nithi County; Sen. Githuku, Lamu County; Sen. Kavindu Muthama, Machakos County; Sen. (Dr.) Khalwale, Kakamega County; Sen. Kinyua, Laikipia County; Sen. Kiprono Chemitei, Baringo County; Sen. Kisang, Elgeyo-Marakwet County; Sen. Lomenen, Turkana County; Sen. Maanzo, Makueni County; Sen.

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Madzayo, Kilifi County; Sen. Mbugua, Nyandarua, County; Sen. M. Kajwang', Homabay County; Sen. (Dr.) Mungatana, MGH, Tana River County; Sen. Munyi Mundigi, Embu County; Sen. (Dr.) Murango, Kirinyaga County; Sen. Mwaruma, Taita Taveta County; Sen. (Dr.) Oburu, Siaya County; Sen. Oketch Gicheru, Migori County; Sen. Okiya Omtatah, Busia County; Sen. Seki, Kajiado County; Sen. Sifuna, Nairobi City County; Sen. Wakili Sigei, Bomet County; and, Sen. Wambua.

NOES: Nil

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

AYES: 31

NOES: 0

ABSTENTIONS: 0

The "Ayes" have it.

(Question carried by 31 votes to 0)

The Senate Majority Leader and Senate Minority Leader, kindly approach the Chair.

(Sen. Cheruiyot and Sen. Madzayo consulted with the Speaker)

Serajent-at-Arms, you may now withdraw the bar and open the doors.

(The bar was undrawn and doors opened)

We will now go back to Statements. Clerk, you may call the Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Request for Statements pursuant to Standing Order No.53 (1). Senator for Kitui County, Sen. Enock Wambua. Senator, you have two Statements. You can take them at a go.

(Sen. Oketch Gicheru consulted with the Speaker)

Sen. Wambua: Thank you, Mr. Speaker, Sir. There is a Senator standing in between you and I.

The Speaker (Hon. Kingi): Sen. Eddy, take you seat. You are out of order and I give you the first caution.

DISCOVERY OF FOUR BODIES IN MWINGI

Sen. Wambua: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53 (1), to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countywide concern regarding the recent discovery of four bodies buried in shallow graves in Mwingi, Kitui County.

(Loud consultations)

Mr. Speaker, Sir, Sen. Cherarkey and Sen. Kinyua are disturbing me.

The Speaker (Hon. Kingi): *(Technical hitch)*

Sen. Wambua: Thank you, Mr. Speaker, Sir. I will take that again.

I rise pursuant to Standing Order No.53 (1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countywide concern regarding the recent discovery of four bodies buried in shallow graves in Mwingi, Kitui County.

This disturbing incident coupled with the discovery of three other bodies near Tyaa River Bridge, approximately three weeks earlier and within the same locality, has caused great anxiety among residents and raised serious concerns regarding public security and criminal activity in the area.

In the Statement, the committee should address the following-

(1) The identities of the four deceased persons whose bodies were recently exhumed in Mwingi, including whether their next of kin have been informed.

(2) The places of origin and residence of the deceased persons and whether investigations have established whether they were killed within Mwingi or elsewhere before their bodies were transported and buried at the site.

(3) The measures being undertaken by the National Police Service (NPS) to apprehend and prosecute all persons involved in the killings and concealment of the bodies and the timelines within which the investigations are expected to be concluded.

(4) The progress made in establishing the motive behind the killings, including whether the incidents are isolated criminal acts or part of the activities of an organised criminal network or murderers' cartel operating within the region.

(5) The status of investigations into a similar incident reported approximately three weeks earlier in which three bodies were recovered near Tyaa River Bridge less than two kilometres from the site where four shallow graves were recently discovered, including whether any link has been established between the two incidents.

(Sen. Ali Roba consulted with the Speaker)

Mr. Speaker, Sir, while the Senator for Mandera was consulting with you, something serious was happening in the Chamber. This microphone has gone off on me four times. We have raised issues about this system for a long time and the suppliers are here. I can see a Member of the Parliamentary Service Commission here. This embarrassment must be brought to an end. If this thing goes off again, I will take it

personally against Sen. Joyce who sits here, on behalf of the Parliamentary Service Commission.

Having said that, I would like to seek my second Statement.

PROTECTION OF FARMERS FROM EXPLOITATION
BY BROKERS IN KITUI COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries on a matter of countywide concern regarding protection of farmers in Kitui County from exploitation by brokers and middlemen during marketing of agricultural produce.

Agriculture remains the primary source of livelihood for majority of households in Kitui County. However, due to limited access to markets, inadequate storage facilities, insufficient market information and weak bargaining power, many farmers are compelled to sell their produce at unfairly low prices. This significantly reduces their incomes and undermines agricultural productivity and sustainability.

In the Statement, the committee should address the following-

(1) Measures the Government has put in place to protect farmers from exploitation by brokers and middlemen in marketing of agricultural produce.

(2) Status of support and strengthening of agricultural co-operative societies and farmer organisations to enhance collective bargaining and secure better returns for farmers.

(3) Interventions being undertaken to improve access to storage facilities, market information and other post-harvest support services.

(4) Measures being implemented to establish direct market linkages between farmers and buyers to improve farm gate prices and reduce reliance on exploitative intermediaries.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next is the Statement by Sen. Peris Tobiko.

OPERATIONS AND ENVIRONMENTAL COMPLIANCE OF
ENVIRONMENTAL COMBUSTION CONSULTANTS
LIMITED IN KAJIADO COUNTY

Sen. Tobiko: Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of countywide concern regarding the operations and environmental compliance of Environmental Combustion Consultants Limited (ECCL) in Kajiado County.

Residents of Kaputiei North, particularly in Empuyiankat, Empatipat, Olturoto and Ilasit areas in Kajiado County, have raised serious concerns regarding the operations of ECCL commonly referred to as Mwabe, a waste incineration facility located on Land Parcel No.Kajiado/Kaptutiei North/24206. The facility is said to be burning hazardous materials including plastic waste, industrial chemical rejects, medical waste and even e-

waste. Operations of the company have resulted in persistent emissions of thick smoke and offensive odours, causing health complications including persistent coughing, breathing difficulties, severe headaches and other related health concerns.

There are further concerns regarding the location of the facility in a predominantly agricultural and residential area as well as existence of large waste containment lagoons within the premises, which are reported to contain an identified liquid waste and chemical residues, posing a risk of soil contamination, water resources and other surrounding environments.

In the Statement, the committee should address the following issues-

(1) Circumstances under which ECCL was licensed and permitted to establish a hazardous waste incineration facility in a predominantly agricultural and residential area, including whether adequate public participation was undertaken before approval, the dates of the exercise and particulars of stakeholders involved.

(2) Whether a comprehensive environmental public health and land use compliance audit has been undertaken by the National Environment Management Authority (NEMA), the County Government of Kajiado and other relevant authorities, and if so, provide findings of the audit and the company's compliance status.

(3) Status of air quality, soil quality and water quality assessments conducted within the affected areas, including whether findings have been shared with the affected residents.

(4) The nature and composition of substances stored in the dams, lagoons, ponds or reservoirs within the company's premises and whether a forensic environmental assessment has been conducted to determine their impact on public health and the environment.

(5) Whether the Government intends to review, suspend or revoke approvals, permits and licenses issued to the company in light of reports of non-compliance with county licensing requirements, public health standards and environmental laws.

(6) Enforcement actions being taken to compel the company to undertake environmental restoration and remedial measures for any environmental damage occasioned by its operations.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Next is the Senator for Tharaka Nithi, Hon. Mwenda Gataya.

CHALLENGES FACING GREEN GRAM FARMERS IN THARAKA-NITHI COUNTY

Sen. Gataya Mo Fire: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Trade, Industrialisation and Tourism on a matter of county-wide concern regarding the challenges facing green gram farmers in Tharaka-Nithi County.

Green gram is a major source of revenue for thousands of residents in Tharaka-Nithi County. Despite its immense potential, farmers continue to grapple with post-harvest losses, high production costs and exploitation by brokers, which expose them to significant financial losses every harvest season. These persistent challenges undermine

incomes and threaten the sustainability of households that depend on green gram farming as a primary source of income.

In the Statement, the committee should address the following-

(1) The measures being taken to create a structured market and expand local and international market access for green gram farmers in Tharaka Nithi County.

(2) The measures in place to protect farmers from exploitation by intermediaries and brokers, including enforcement of fair-trade practices.

(3) The plans to allocate or mobilize resources for establishing a green gram processing factory in Tharaka Nithi County to promote value addition, create employment and support local and export markets.

(4) The interventions for long-term solutions to secure fair and stable prices, including the establishment of a minimum guaranteed price and a price stabilisation fund, with clear timelines for rollout.

(5) The mechanisms established across the county to cushion farmers against post-harvest losses, including losses caused by market shortages and oversupply during peak seasons.

The Speaker (Hon. Kingi): Sen. Kavindu.

DISCOVERY OF BODIES IN KATHIANI
AND MATUNGULU IN MACHAKOS COUNTY

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for giving me this opportunity.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of county-wide concern regarding the discovery of three bodies in Kathiani and Matungulu sub-counties in Machakos County under suspicious and disturbing circumstances.

Mr. Speaker, Sir, two bodies were discovered in Kaewa Location in Kathiani Sub-county, while a third body was discovered at Koma area, Kalima Village, in Matungulu Sub-county. These discoveries have raised serious concerns about violence, crime and insecurity and caused public anxiety among residents.

In the Statement, the committee should address the following-

(1) The circumstances leading to the deaths of the three persons and the discovery of their bodies in Machakos County, including whether the incidents are officially recorded by Government security agencies.

(2) The status of investigations into the deaths, including steps taken to establish the identities of the deceased persons and notify their next of kin.

(3) Whether the suspects behind the murder of the three persons have been identified, arrested and arraigned in court to face charges.

(4) The long-term plan in place to strengthen security operations, enhance intelligence and prevent recurrence of similar cases in Machakos County and the surrounding areas.

I will read the other statement later. Let Sen. Sigei proceed.

The Speaker (Hon. Kingi): Proceed, Sen. Sigei.

FAILURE BY THE COUNTY GOVERNMENT
OF BOMET TO PAY CONTRACTORS

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir. I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing on a matter of county-wide concern regarding the failure by the County Government of Bomet to pay contractors for completed roadworks.

Mr. Speaker, Sir, several companies that were contracted by the County Government of Bomet to undertake road maintenance and construction works between the Financial Year 2020/2021 and Financial Year 2024/2025 are yet to be paid, despite completing all scopes of work, meeting all contractual obligations and handing over the sites to the county government. This has placed severe financial strain on the affected companies and points to a systemic failure in the county government's financial management in light of the fact that the non-payment spans multiple financial years.

In the Statement, the committee should address the following-

(1) The list of companies contracted by the County Government of Bomet to undertake road maintenance and construction works in the financial years 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025, including the respective contractual sums.

(2) The percentage of works completed by each contractor, including details on the total amount paid for the completed works.

(3) The reasons for the failure by the county government to settle the outstanding balances owed to the contractors.

(4) The annual breakdown of the budgetary allocations and expenditures for road maintenance and construction projects in the specified financial years, and the criteria applied by the county government in prioritising payments to the contracted companies.

(5) The plan by the county government, if any, to settle the outstanding balances, including details on the associated timelines and the budgetary provisions earmarked for the same.

The Speaker (Hon. Kingi): Senator for Nandi. That statement is dropped.

WELFARE OF ECDE TEACHERS IN NANDI COUNTY

(Statement dropped)

Proceed, Sen. Karungo Thang'wa, the Senator for Kiambu County.

STATUS OF THE CONSTITUENCY DIGITAL INNOVATION HUBS

Sen. Thang'wa: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Information, Communication and Technology on a matter of national concern regarding the status of the Constituency Digital Innovation Hubs project and the legal and policy framework supporting the digital economy in Kenya.

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Mr. Speaker, Sir, the Government initiated the Constituency Digital Innovation Hubs project as part of its efforts to promote digital inclusion, innovation, entrepreneurship and employment opportunities for young people across the country. A pilot digital innovation hub was established in Limuru Constituency in 2017, and a planned rollout of similar hubs across the country has been marked by limited public information.

In the Statement, the committee should address the following-

(1) The status of the Constituency Digital Innovation Hubs project, including the number of hubs planned, completed and operational across the country, and the implementation timelines for the remaining hubs.

(2) The total amount of funds allocated, disbursed and utilised for the project since inception, indicating the sources of funding, procurement arrangements, and measures in place to ensure accountability and sustainability.

(3) The governance and management framework for the project, including the roles of the Ministry of Information, Communication and the Digital Economy, county governments, and other implementing agencies.

(4) The legal and policy framework supporting the establishment, operation, and sustainability of the constituency digital innovations hubs, and its alignment with Kenya's digital economy blueprint and other national digital transformation initiatives.

(5) The impact of the digital innovation hubs on youth employment, digital skills development, and entrepreneurship, and the measures being undertaken to ensure equitable access for youth in rural, marginalised, and underserved areas.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Raphael Chimera, please, proceed.

STALLED KOMBANI FRESH PRODUCE MARKET PROJECT

Sen. Chimera: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Devolution and Intergovernmental Relations on a matter of countywide concern regarding the prolonged and unexplained stalling of the Kombani Fresh Produce Market project in Kwale County.

Mr. Speaker, Sir, the Kombani Fresh Produce Market in Kwale County was commissioned in December 2021 at a cost of approximately Kshs130 million. The project, co-funded by the European Union and the county government of Kwale, was intended for good purpose to serve over a thousand traders and farmers as a modern wholesale market. However, the project has stalled for a very prolonged period, denying the residents of Kombani and Kwale at large, the intended benefits of the project.

In the Statement, the committee should address the following issues-

(1) The factors responsible for the stalling of the project, including the reasons for the disputes between the contractor and the county government, a breakdown of unpaid arrears, and the impacts on the facility's operationalisation.

(2) The total budget for the project, funds disbursed and expended so far on the construction of the market to date and any pending financial obligations.

(3) Whether measures have been put in place to ensure accountability, transparency, and sustainability of the project, including oversight by the public procurement, regulatory authority, and mechanisms to safeguard against mismanagement.

(4) The interventions, if any, by the County Government of Kwale and the Ministry responsible for devolution to resolve the disputes, operationalise the market, and provide the intended benefits to traders, farmers, and the people of Kwale at large.

Thank you, Mr. Speaker, Sir.

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

Sen. Mandago: Thank you, Mr. Speaker, Sir.

PROCUREMENT OF VARIOUS SERVICES AT KIRDI

I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee on Finance and Budget, regarding procurement of plumbing, drainage, sewer treatment, and firefighting installation works under the tender Reference No.KIRDI/04/1/2025/2026 at the Kenya Industrial Research and Development Institute (KIRDI).

Mr. Speaker, Sir, public procurement is governed by the principles of transparency, accountability, fairness, competitiveness, and value for money as enshrined in the Constitution and the Public Procurement and Asset Disposal Act, 2015. Concerns have been raised in regard to the procurement process, evaluation and award of the contract.

In the Statement, the committee should address the following-

(1) Details of the budgetary provisions made for plumbing, drainage, sewer treatment, and firefighting installation works, the source of funding, and approved budget.

(2) Whether the procurement method adopted complied with the Public Procurement and Asset Disposal Act, 2015 and the justification for its application.

(3) The criteria used in the qualification and evaluation of bidders and whether these communicated to all bidders.

(4) The status of compliance with procurement laws and regulations during tendering, opening, technical evaluation, and financial evaluation, including how the successful bidder was determined.

(5) Whether approval for the procurement and award was duly granted by the Head of Procurement and other relevant authorities supported by a professional opinion.

(6) The details of the awarded contract including the name of the company, contract sum, scope of works, timeliness for completion, implementation status, advance payment, and compliance reporting to Public Procurement and Regulatory Authority.

I request.

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

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for this opportunity.

LYNCHING OF THREE YOUNG MEN IN MACHAKOS COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order 53(1) to seek a Statement from the Standing Committee of National Security, Defence, Foreign Relations on a matter of country-wide concerns regarding the tragic lynching of three young men, namely Kennedy Katuu, Stanley Muthungu, and Charles Mutiso in Machakos Town on 31st May, 2026.

Mr. Speaker, Sir, the circumstances surrounding the death of the three have generated widespread public concerns and raised serious questions regarding mob justice, public safety, and the protection of the constitutional rights. While initial reports allege that the victims were involved in criminal activities, subsequent accounts from family members, witnesses and local residents have disputed these claims and called for a comprehensive investigation into the events regarding their deaths. The incident has highlighted the dangers of misinformation, extrajudicial punishment and the growing prevalence of mob justice in the country.

In this Statement, the committee should address the following-

(1) Circumstances surrounding the deaths of the three young men, including the findings of any investigations undertaken by the National Police Service and the Directorate of Criminal Investigations (DCI).

(2) The status of investigations into the individuals who participated in the inciting of the mob attack, including measures taken to identify, arrest and prosecute those responsible.

(3) The role of law enforcement agencies before, during and after the incident, including whether there was a timely police response and what action were taken to prevent the incident.

(4) The measures being implemented by the Ministry of Interior and National Administration and the National Police Service to curb the mob justice, strengthen public awareness on the rule of law, and enhance public confidence in the criminal justice systems.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Let us move onto a Statement pursuant to Standing Order 57(1). The Senate Majority Leader, please, proceed.

Sen. Wakoli, do you have instructions to make this Statement on behalf of the Senate Majority Leader?

Sen. Wafula: Thank you, Honourable Speaker.

BUSINESS FOR THE WEEK COMMENCING
TUESDAY 14TH JULY, 2026

Sen. Wafula: Mr. Speaker, Sir, pursuant to Standing Order No.57 (1), I hereby present the business for the week commencing Tuesday, 14th July, 2026.

As honourable Senators are aware, in accordance with the Calendar of the Fifth Part, the Senate will proceed on recess at the rise of the Senate today. Regular sittings will resume on Tuesday, 14th July, 2026.

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Before I proceed with the statement, honourable Senators may recall that during the sitting of Wednesday, 17th June, 2026, the Senate considered and passed the following-

One, the County Allocation of Revenue Bill, (Senate Bills No.10 of 2026) and the County Governments Additional Allocation Bill (Senate Bills No.8 of 2026). These Bills have been referred to the National Assembly for consideration. I take this opportunity to thank honourable Senators for the good work that was done on Wednesday. Nevertheless, even as we break for recess, there still remains substantial business pending conclusion in the Senate.

As indicated in today's Order Paper at Order No.8, a Motion on Consideration of the Report of the Standing Committee on Finance and Budget on the Governments Equitable Share Cash Disbursement Schedule for the Financial Year 2026/2027 has been listed.

Further, at Order Nos.10 and 11, there are two Bills awaiting division at the Second Reading. In addition, at Order No.12, there is a Motion on consideration of the reports of the Select Committee on Delegated Legislation on its consideration of The Traffic (School Transport) Rules, 2026, Legal Notice No.11 of 2026, The Traffic (Motor Vehicle Inspection) Rules, 2026, Legal Notice No.13 of 2026 and The National Transport and Safety Authority (NTSA) (Operation of Commercial Vehicles) Regulations, 2026, Legal Notice No.14 of 2026, which is also awaiting division. Further, from Orders No.19 to 26, there are eight Bills awaiting division at the Committee of the Whole.

I, therefore, request honourable Senators to remain in the Chamber, so that we may consider and conclude the important business before the House. Further, I request the party whips to mobilise the requested number of delegations for the divisions to be undertaken.

As regards to pending business before the Senate, the status is as follows-

Sixty-one Bills are pending conclusion, of which 40 are at Second Reading, 20 are at Committee of the Whole, and one is awaiting First Reading. Twelve motions are pending conclusion. Twenty petitions are pending before the respective Standing Committees. Of these, 16 are due for reporting, and 517 statements, pursuant on to Standing Order No.53(1), are under consideration by Standing Committees.

At the next sitting of the Senate on Tuesday 14th July, 2026, the tentative business for the day will include business not concluded from today's Order Paper, as well as business indicated in the Notice Paper.

The tentative business for the morning sitting on Wednesday, 15th July, 2026, will include questions to Cabinet Secretaries as approved by the Senate Business Committee, as well as Motions. The questions scheduled are those to the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs; the Cabinet Secretary for Environment, Climate Change and Forestry; and, the Cabinet Secretary for Roads and Transport.

The tentative business for the afternoon sitting on Wednesday, 15th July, 2026 will include business not concluded from Tuesday's Order Paper, and the following-

Bills at Second Reading: The Agriculture and Food Authority (Amendment Bill) (Senate Bills No.13 of 2023), The County Governments (Amendment) Bill (Senate Bills No.39 of 2024), The Street Naming and Property Addressing System Bill (Senate Bills

No.43 of 2024), The County Government Laws (Amendment) Bill (Senate Bills No.14 of 2025), the Kenya Health Products and Technologies Regulatory Authority Bill (National Assembly Bills No.54 of 2022) and finally, The Mining (Amendment) Bill (Senate Bills No.22 of 2025).

Bills at the Committee of the Whole include The Sports Bill (Senate Bills No.33 of 2024), The Agriculture Produce Minimum Guarantee Returns Bill (Senate Bills No.17 of 2025), The National Construction Authority (Amendment) Bill (Senate Bills No.15 of 2025), The Environmental Management and Coordination (Amendment) Bill (National Assembly Bills No.66 of 2023) and The Autism Management Bill (Senate Bills No.19 of 2025).

The following Motion is pending - the Rising Cases of Student Unrest, Arson and Insecurity in Schools in Kenya.

The projected business for Thursday, 16th July, 2026, will include business not concluded in the Order Paper for Wednesday 15th July, 2026, and any other business scheduled by the Senate Business Committee (SBC).

Mr. Speaker, Sir, I thank you and hereby lay the statement on the Table of the Senate.

(Sen. Wafula laid the document on the Table)

The Speaker (Hon. Kingi): Honourable Senators, before I allow comments on these statements, there is a statement by the honourable Senator for Nandi that had been dropped. Being the last day for this session, you may proceed, honourable Senator. He has given a valid reason. He had gone to address the Kenyans who are out there demonstrating and picketing.

WELFARE OF EARLY CHILDHOOD DEVELOPMENT
EDUCATION TEACHERS IN NANDI COUNTY

Sen. Cherarkey: Mr. Speaker, Sir, I was doing this on your direction to address; so, I was on a Speaker's assignment.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Education on a matter of countywide concern regarding welfare terms of service and career progression of Early Childhood Development Education (ECDE) teachers in Nandi County.

Mr. Speaker, Sir, on 16th June, 2026, ECDE teachers in Nandi County staged demonstrations to highlight long-standing grievances affecting their welfare, including the absence of schemes of service, lack of promotion, and despite academic advancement, absence of a clear organisational structure and job grading framework, inadequate remuneration, delayed salaries, job insecurity, and insufficient engagement by the County Government of Nandi on matters affecting their welfare.

In the Statement, the committee should address the following-

(1) Current staffing establishment and terms and conditions of service at ECDE teachers in Nandi County, indicating the number of teachers and their employment status

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and job groups and whether these align with those of ECDE teachers in other counties and comparable public officers.

(2) Steps taken to implement the scheme of service and develop a clear organisation structure and career progression pathways.

(3) Concrete plans for promotion and career advancement, particularly for those who have upgraded their academic and professional qualifications.

(4) Remuneration framework and compliance, including salaries, allowances and alignment with the Salaries and Remuneration Commission (SRC) guidelines, as well as addressing delayed payments and payroll irregularities.

(5) Job security and engagement, including absorption into permanent and pensionable terms, where applicable and structured dialogue with teachers to prevent future disruptions.

I thank you, Mr. Speaker, Sir, for the indulgence.

The Speaker (Hon. Kingi): Now, Senator for Nandi, having gone to listen to the grievances by the Health Union Caucus, you were presented with a memorandum. You may proceed to table it, so that I commit it to the Committee on Health.

PAPER LAID

MEMORANDUM TO THE SENATE FROM THE HEALTH UNION CAUCUS

Sen. Cherarkey: Mr. Speaker, Sir, I was approached by officials of various organisations, for example, the Kenya Union of Clinical Officers (KUCO), the Kenya National Union of Nurses (KNUN), the Kenya National Union of Pharmaceutical Technologies (KNUPT), the Kenya National Union of Medical Laboratory Officers (KNUMLO) and the Kenya Medical Practitioners and Dentists Union (KMPDU). They presented me with a memorandum. Their prayers are that-

(1) There should be immediate absorption of all Universal Health Coverage (UHC) and Global Fund staff into permanent and pensionable terms, and issuance of appointment letters by 30th June, 2026.

(2) Parliament to include funds through equitable share rather than unconditioned grants, which are unsustainable and continue to expose UHC and Global Fund workers to uncertainty and job insecurity.

(3) The Health Union caucus to be actively involved in engagements regarding transition of UHC and Global Fund workers into permanent and pensionable terms.

(4) Any other remedial measures necessary to restore dignity, livelihood and career continuity.

Members of UHC are 7,400 in number, but what we have here are representatives and their officials.

This was signed by Chairpersons of Health Union Caucus, Secretary General and CEO of KUCO, Secretary General of Kenya Health Professionals Union (KHPU), Secretary of KMPDU, Davji Atellah, Odipo Nicholas, National Chairperson of KNMLO, Peterson Wachira and George M. Kiboro, Seth Panyako, Secretary General and CEO of

KNUN, Michael Ouma Odera, Secretary General of Kenya National Union of Nutritionists and Dieticians (KUNAD) and Kenneth Omog, Chairperson of KNUPT.

Mr. Speaker, Sir, thank you for the indulgence.

I beg to table the memorandum on behalf of those unions and UHC staff on the Table.

(Sen. Cherarkey laid the document on the Table)

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

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

The Deputy Speaker (Sen. Kathuri): Very well, Sen. Cherarkey. That memorandum is committed to the Standing Committee on Health.

(The memorandum was committed to the Standing Committee on Health)

Hon. Senators, I have very brief Communications to make before we get to comments on Statements.

(Sen. Osotsi walked into the Chamber)

Order, Senators. Sen. Osotsi, find your way to the nearest seat.

(Interruption of Statements)

MESSAGE FROM THE COUNTY ASSEMBLY OF KILIFI

SUSPENSION OF PLENARY SITTINGS TO FACILITATE SENATE MASHINANI

Hon. Senators, I have a Message to communicate from the County Assembly of Kilifi.

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order Nos.48(4) and 5, I have received the following Message from the Speaker of the County Assembly of Kilifi regarding the resolution of the County Assembly to suspend its plenary and committee sittings from 21st to 25th September, 2026, to facilitate the Senate Mashinani programme.

The Message dated Tuesday, 9th June, 2026, was received in the Office of the Clerk of the Senate on Tuesday, 16th June, 2026.

Pursuant to Standing Order No. 48 (4), I now report the Message-

AWARE THAT the County Assembly House Business Committee (HBC) recommended the suspension of sittings from Monday, 21st September to Friday, 25th September, 2026;

FURTHER AWARE that Standing Order No.25(4) of the Kilifi County Assembly Standing Orders provides that the Assembly may, for good cause, alter its calendar;

FURTHER AWARE that at a sitting held on Tuesday 9th June, 2026, at 2.30 p.m., the Assembly considered and approved a Motion to suspend its own sittings during the same period in order to facilitate the Senate Mashinani programme and resolved to alter its calendar accordingly, suspending its plenary and committee sittings of the Fifth Session, Third Part for the period 21st to 25th September, 2026 and to resume its sittings on Monday, 28th September, 2026;

NOW THEREFORE, pursuant to Standing Order No.37, I hereby convey this decision of the County Assembly of Kilifi to the Senate.

(Applause)

Hon. Senators, as you are aware, on Tuesday 5th May, 2026---

(Sen. Cherarkey consulted loudly)

Order, Sen. Cherarkey. This is not the tradition of the Senate. When the Speaker is upstanding and communicating to the Senate, you should offer the Chair enough respect.

Hon. Senators, as you are aware, on Tuesday, 5th May, 2026, the Senate resolved to hold its plenary and committee sittings in Kilifi County during the same period. The resolution of the County Assembly to suspend its plenary and committee sittings to facilitate the Senate Mashinani programme is, therefore, noted with appreciation and the House is accordingly guided.

Thank you.

(Applause)

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF REMARKS MADE
BY SEN. OMTATAH, MP

I have another Communication on substantiation of facts that a Senator alleges to be true pursuant to Standing Order No.105 on Sen. Okiya Omtatah, MP.

Hon. Senators, as you recall, during the afternoon sitting of the Senate held on Wednesday, 17th June, 2026, while contributing to the County Allocation of Revenue Bill, (Senate Bills No.10 of 2026), the Senator for Busia County, Sen. Okiya Omtatah, MP, stated as follows-

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“I have never seen domestic borrowing in any budget I have examined since 2010, yet we borrow more than a trillion shillings domestically without the approval of Parliament”.

It was at this point that the Senator for Nandi County, Sen. Samson Cherarkey, MP, rose on a point of order pursuant to Standing Order No.105, challenging Sen. Omtatah, MP, to substantiate his allegation that the national Government is borrowing without the approval of Parliament and in that regard, has borrowed in excess of Kshs1 trillion.

I thereupon directed Sen. Omtatah, MP to substantiate the statement as required under Standing Order No.105(1).

Hon. Senators, as you are aware, Standing Order No.105 says that-

“(1) A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.

(2) If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121 (*disorderly conduct*), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires”

Sen. Omtatah MP was not able to substantiate his statement instantly and requested for time to do so at the next sitting, in accordance with Standing Order No.105(2).

Having acceded to the request, I directed the Senator to substantiate the statement at the next sitting day. Accordingly, and pursuant to Standing Order No.105(2), I now invite Sen. Omtatah, MP, to forthwith substantiate his statement, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121.

(Sen. Omtatah stood up to table documents)

Just a minute, Sen. Omtatah, you are out of order. You must follow the procedures and rules of this House.

Let me repeat. Accordingly, and pursuant to Standing Order No.105(2), I now invite Sen. Omtatah, MP to forthwith substantiate his statement, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121.

In the absence of such substantiation, the Senator will be required to withdraw the statement and apologise to the Senate.

I thank you.

Proceed, Sen. Omtatah.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for the opportunity to substantiate. Since I am dealing with a very important issue of public money, I request that when substantiating, I walk the House through my 1,305-page bit of evidence to substantiate what I said on this Floor. I have a digest of that evidence reduced to 13 pages, which I have made 24 copies off and would like to give to Members.

The Deputy Speaker (Sen. Kathuri): Sen. Omtatah, if you have the material evidence to substantiate your claims, please table it. I will then analyse them and communicate.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I have to say what I am tabling. Even people who came to table papers here like my brother, read and told us what he was tabling before tabling.

The Deputy Speaker (Sen. Kathuri): That is what I am requesting you to do; table what you have.

Sen. Okiya Omtatah: Allow me to table.

Mr. Deputy Speaker, Sir, as I proceed to table, I would like to come out clearly that other than divine revelation in holy scripture and church tradition, my belief in God is anchored on very simple mathematical formulae that reveal an undeniable existence and presence of God in simple realities like; lies come from lies, language comes from language, nothing comes from nothing, information is immaterial and mathematics comes from mathematics.

Since mathematics comes from mathematics, one plus one does not always add up to two. There are instances that are scientifically proven where one plus one does not add up to two, and an example is this. If I take these two bottles and add them together into one bottle, and each bottle is 20 degrees centigrade, when I add the two together, I do not get 40 degrees centigrade, I just get 20 degrees centigrade. If I want to change the temperature of this water, I need to excite the particles that are in this water by introducing temperature from out. So, what I am going to substantiate is a mathematical formula, where one plus one equals to two.

To begin with, I have prepared a document here titled “Documents Tabled Before the Senate of the Republic of Kenya in Substantiation of Statements Made on the Floor of the Senate Regarding Public Borrowing, Parliamentary Approval, and Compliance with the Constitution and the Law.”

The document is dated today and the parliamentary context of the document is what you have just laid out when you invited me to speak; that I was invited to substantiate what I said on the floor. The documents contained in this volume are tabled for the purpose of placing before the Senate evidence, records, analysis, official correspondence, structural instruments, financial statements, reports and other relevant material in support of the submissions I made. These documents concern the legality, constitutionality, authorisation, reporting, management and oversight of public borrowing by the Government of Kenya.

The documents are intended to assist the Senate in the discharge of its Constitutional mandate of oversight and accountability in matters related to public finance, public debt and the protection of sovereignty of the people of Kenya. I have prepared a summary of all borrowing by the Government of Kenya since the first budget that was made under this new Constitution. That is the budget for the year 2014 to 2025.

I have given an analysis of the budget and the borrowing provisions from the year 2014 to the year 2022, which was by President Uhuru Kenyatta, within which period I have demonstrated that a total of Kshs6.607 trillion was borrowed by the Government,

yet Parliament only approved Kshs2 trillion. There is Kshs4.6 trillion that was borrowed outside the budget system.

Between 2022 to the year 2026, under the administration of President William Ruto, His Excellency, a total of Kshs5.8 trillion was borrowed at the end of 3rd April, 2026. Out of that money, only Kshs1.04 trillion was approved by Parliament; Kshs4.806 trillion was not approved, it was borrowed outside the budget line. You can already see that within four years, President Ruto has overcome Uhuru's eight years in terms of borrowing outside the budget.

The grand totals that we have in this document---

(Loud consultations)

The evidence is here which I am reading; I am not alleging. I am tabling the evidence.

The Deputy Speaker (Sen. Kathuri): Sen. Cherarkey, what is your point of order?

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I thought that under Standing Order Nos.101 and 105, he just needs to table the documents of substantiation; he does not need to explain. He is even creating other allegations which we did not demand. He is including borrowing outside the budget, which was not the cause of substantiation yesterday. Can you guide---

Can the Senator sit down because I am on a point of order? We must follow procedures. He cannot be saying he wants to protect the Constitution while abusing the same Constitution. We must follow the Constitution, your Excellency, Sir, and if you want to run for president, run away from such issues.

The point I am trying to make is very simple. It is just to explain to us the Standing Order he is going to use. He does not need to debate or explain. Can you guide the Member appropriately? He will make some of us raise further clarifications.

The Deputy Speaker (Sen. Kathuri): Sen. Omtatah was doing so well, actually, up to that point. He was listing the documents that he wants to table for my analysis. This is so voluminous, I cannot determine on them now. What I want you to do, Sen. Omtatah, is table the documents that you have as evidence of substantiation. Then, I will communicate after I go through the volume.

Yes, the Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, you have guided Sen. Okiya Omtatah very well. I am keenly listening because I want to hear about the documents that he is tabling. However, the reading of Standing Order No.105 is not what he is doing. He is trying to justify his statement. I believe that is not in his place, because he has already made the allegation and has been challenged accordingly. Therefore, I want to believe that you need to guide him.

Lastly, can you also guide on time? Otherwise, we may be here the entire afternoon, in the pretext that I am showing the documents, and then Sen. Okiya Omtatah speaks until 6.30 p.m. Can you guide us for the sake of good order?

The Deputy Speaker (Sen. Kathuri): Senate Majority Leader, of course, reading the documents that he is tabling does not take even two minutes; maximum three minutes, just to read the way Sen. Sifuna did yesterday. He tabled all the documents. Now, the Speaker is analyzing his evidence.

So, Deputy Minority Leader, Sen. Sifuna, can you also guide the team on how to table documents before the Senate?

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, Sen. Sifuna can inform you on how thick his document was.

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, proceed to table your documents and stop dramatising.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I am not dramatising; I am dealing with a problem here. I am dealing with a House that has some very ignorant Members who cannot distinguish between what is inside a budget and parliamentary approval.

(Sen. Cherarkey and Sen. Oketch Gicheru stood in their places)

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, you see now what you are actually inviting us to this afternoon?

Sen. Eddy Oketch, what is your point of order?

Order, Sen. Okiya Omtatah. Just listen to the points of order.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I understand the veracity of this matter. I also understand that Sen. Okiya Omtatah is keen to substantiate the document that he has brought here and we need to understand it too. However, the rules of this House are very clear on the language that must be used in this House.

To call members of this House--- you know he has used the English term, “some.” Where we come from, the word “some” means that it is several people here. We have very competent Members in this House, and if Sen. Okiya Omtatah feels that some are ignorant, it will be abusive to Members. I find that term unparliamentary. I do not want it to get into a big drama. I just wanted to ask you, perhaps through your order, that Sen. Okiya Omtatah withdraws and apologises to all Members of the House.

In the same spirit, I support that he makes sure that he actually presents this document. I want to go through them as someone who understands numbers. I am very keen on this substantiation, so that I can support him.

(Sen. Cherarkey spoke off record)

We will get the analysis from the Speaker, but we need to understand it. You need to withdraw that issue of “ignorance” and then---

Mr. Speaker, Sir, this point of order requires him to first apologise. I am scared because maybe I am among the ignorant Members.

The Deputy Speaker (Sen. Kathuri): I will caution Sen. Okiya Omtatah. Please, use parliamentary language and also respect your colleagues.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, to say somebody is ignorant does not mean you are insulting him. To say somebody is stupid is an insult. To say somebody is ignorant is not an insult and is parliamentary. It means he requires information. People make points of order here, asking to inform somebody. When somebody asks to inform me, they are basically saying I am ignorant of an issue and so, they are informing me. The word “ignorant” does not mean stupid.

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah!

Sen. Sifuna, what is your point of clarification?

Sen. Sifuna: Mr. Deputy Speaker, Sir, I just wanted to intervene as a leader in this House and speak. We are in a *WhatsApp* group together. I do not want to say it here, but this problem has been created partly by our rules. We feel frustrated sometimes as Members that the House never gets to know the quality of material that was presented to the Speaker before the decision is made, because the decision is usually the Chair's decision.

For instance, I was asked to substantiate something on this Floor just a few weeks ago. I provided a video. I had requested that the video be played here for some reason, but that has not happened. I continue to sit here, waiting for judgment.

Secondly, the document that I presented here or tabled was a one-page document. It was an extract of the HANSARD of the National Assembly. So, of course, I took a shorter time. What we can encourage Sen. Okiya Omtatah to do is to run quickly through the list of documents. If we, as Members of the House, gave him just a little latitude, I am sure by now we would have finished. The issue that he is raising is heavy. I do not think it is comparable to any other moment when we have been required to substantiate heavy matters like this.

So, Mr. Deputy Speaker, Sir, if you can guide, that we allow him, you can specify the amount of time, but during that time, there should be as few interruptions as possible, so that he, as a presidential candidate, can go through the material that he is presenting here.

The Deputy Speaker (Sen. Kathuri): Deputy Minority Whip, Sen. Sifuna, I had guided him very well.

Sen. Cherarkey, please, hold your horses. Sen. Okiya Omtatah, just read through the list of documents that you have and give the Chair time to go through that volume, so that he can determine whether you have substantiated your issues.

Hon. Senators, I will not take any other point of order until Sen. Okiya Omtatah clears his issues.

(Loud consultations)

The Deputy Speaker (Sen. Kathuri): Sen. Cherakey and Sen. Oketch, I do not need any guidance from you as I sit here. I gave him caution that he should use parliamentary language. That is enough caution.

Sen. Omtatah, proceed.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for protecting me from my good friend, the Bull of Nandi.

I have a total of 93 sets of documents that are contained in this volume, and these documents were downloaded from the websites of the National Treasury, the Central Bank of Kenya, Parliament and the Auditor-General-

- (1) The Appropriation Act of 2014 on pages 1 to 20
- (2) The Appropriation Act of 2015 on pages 21 to 41
- (3) The Appropriation Act 2016 on pages 42 to 68
- (4) The Appropriation Act 2017 on pages 60---

The Deputy Speaker (Sen. Kathuri): Sen. Okiya Omtatah, you do not need to read the 93 documents now. Once you---

Sen. Okiya Omtatah: What are you asking me to do? Mr. Deputy Speaker, I would rather you throw me out than I do a shambolic job here. Throw me out, I go with my documents.

The Deputy Speaker (Sen. Kathuri): As a Chair, I will be able to read all through from number one to 93. Just say that you have documents from numbers one to 93. Unless you are unable to substantiate, then the Standing Order will deal with it.

(Sen. Okiya Omtatah spoke off record)

You cannot give yourself---

The Senate Minority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, maybe we should help our colleague, Sen. Okiya Omtatah. Maybe he is under the wrong impression that there are people who are opposed to him tabling this evidence.

Let me tell you, Sen. Okiya Omtatah, at least I take this issue of debt seriously. It is the biggest threat to our existence as a country today. Any attempt to make things better is most welcome. I will let you know, for example, just a comment, so that you know that we wish you well, and I support what you are doing, I wish to learn from the documents you have tabled. I was among the only six Senators that opposed it. Ninety per cent of Members supported that debt to move it from Kshs6 trillion to Kshs10 trillion.

Therefore, I support what you are doing. However, to guide us as a House, what the Speaker is requesting you to do is to tell us; I have downloaded documents from National Treasury, Parliamentary Budget Office (PBO) or the National Assembly - whatever, such and such documents. But honestly, to expect that as a House, we will sit, especially because there is no material value to us listing all the 93 documents that you have, is being unfair on the time of the House, given that it is the last day, we have business that we need to prosecute.

So, we take what you are saying seriously. I also want, maybe if the Speaker can allow, that the rest of us, also read through your documents. However, you will lose good opportunity to do good value for your country if we dwell on the sideshows of the items you want to read and the rest, and not the very important documents you are tabling.

Therefore, it is a humble request from your colleagues, not the Speaker alone.

Sen. Osotsi: Mr. Deputy Speaker, Sir, when you read Standing Order No.105, it is very clear. It talks about substantiation. My English dictionary reading of the meaning of substantiation means that you provide proof or evidence. Sen. Omtatah is a victim of inadequacy of our Standing Orders because if he raised a matter or a claim in this House,

and he was to come and provide proof under Standing Order No.105, then we should allow him to do that, instead of appearing like to be curtailing him. This is because some of the things he will say will be a cause of discomfort to some people. I have gone through this before. You remember I raised the issue of Moi University and the same Sen. Cherarkey did not allow me to substantiate. Eventually, the evidence I had, the Speaker came later to declare that evidence as not admissible in this House.

Therefore, this is a House where we need to exercise freedom of speech.

(Sen. Cherarkey spoke off record)

Let me finish.

The Deputy Speaker (Sen. Kathuri): I want to give him that latitude because you have mentioned his name, so that it is fair.

Sen. Osotsi: Yes, but I was already on a point of order, for heaven's sake.

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, have your seat first. You cannot impute improper motives and allegations on your colleagues, even if you are on a point of order. Right? So, that is why it is the obligation of the Chair to make sure that the House is managed well. But also, let us give Sen. Okiya Omtatah time just to table the documents. Actually, once he tables these documents, the Chair also has obligation even to declare them the property of the House. I have no problem with the documents, even if Members interact with them.

Sen. Omtatah, proceed.

(Sen. Osotsi and Sen. Cherarkey spoke off the record)

No, both of your points of order have been dismissed.

Sen. Omtatah, kindly do justice to this House, so that we make progress.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, when I opened, I talked about mathematics coming from mathematics and one plus one not always adding up to two and circumstances where one plus one just remains one, I was pointing at exactly this kind of misbehavior; this kind of misconduct. Maybe we are here for performance. The substantiation I am being asked to make is a performatory substantiation. I am not created for performance, I am real.

So, either I am allowed to substantiate or you cannot tell me not to give a digest. You cannot tell me not to read the list of what I am presenting and then claim I am substantiating. I do not mock myself.

The Deputy Speaker (Sen. Kathuri): You said that you have a set of 93 documents.

Sen. Okiya Omtatah: Yes, what is wrong with that? Who said I have to bring one document?

The Deputy Speaker (Sen. Kathuri): I think you are not ready to substantiate.

Sen. Okiya Omtatah: So be it. We are lowering the dignity of this House. We cannot come here with rumours. I am trying to substantiate an item. The consequences of not substantiating is being thrown out of this House.

The Deputy Speaker (Sen. Kathuri): You must use the procedures of substantiation.

Sen. Okiya Omtatah: The consequences are dire.

The Deputy Speaker (Sen. Kathuri): Can you lay down the documents that you have also for the Chair to interrogate them?

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, you have denied me the chance to lay down the documents I have. If I cannot go through the list of documents I have presented - It is me who has been challenged. I have to read the 93 documents.

The Deputy Speaker (Sen. Kathuri): Can you just table what you have?

Sen. Okiya Omtatah: If the Majority Leader said there is no time, you have power under Standing Order No.1 to adjourn this process, we come back in the new term when there is enough time, I do proper substantiation. I will not be crucified on the cross of no time.

The Deputy Speaker (Sen. Kathuri): Lay your evidence.

Sen. Okiya Omtatah: But you cannot tell me how to lay my evidence, by denying me to lay the evidence, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Just lay on the table the documents that you have.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I was at No.5, the Appropriation Act, 2018 on pages 100 to 131; The Appropriation Act, 2019 on pages 132 to 159; The Appropriation Act, 2020 on pages 160 to 194; The Appropriation Act, 2021 on pages 195 to 221; The Appropriation Act, 2022 on pages 222---

The Deputy Speaker (Sen. Kathuri): Majority Leader, what is your point of order?

The Senate Majority Leader (Sen. Cheruiyot): We cannot create rules for ourselves. What Sen. Omtatah finds to be just to him might not necessarily be just to me. There is a well-laid-down procedure and it is not the first time. Senator Omtatah, I am sure, has seen other Members being challenged and asked to do substantiation and how it has been done. Surely, Sen. Omtatah, even if you try to persuade us that what you are doing is substantiation by quoting documents that are available with no explanation whatsoever, we do not have the benefit of that document. You are just being dramatic.

Mr. Deputy Speaker, Sir, I would wish to request that if Sen. Omtatah really wanted to substantiate, then he will take time and explain.

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

I beg for your attention because I can see - I do not mind resuming my seat. Be briefed first, then I speak because I need your attention.

The Deputy Speaker (Sen. Kathuri): Proceed.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, we have been on this matter for 30 minutes. You actually rose at 16.00. It is now 16.38. The reason we are not making headway is because our colleague is insisting on a procedure that only he has invented, not how this House has normally transacted its business.

So, can you guide us, if you are permitting Sen. Omtatah to read all the 93 documents, it is okay, we will sit and be prepared. If you are asking him to table the documents as has been the practice, then we shall equally be prepared. What happened is that you had an altercation between the two of you, then Sen. Omtatah just started reading, so we do not know what is happening.

Therefore, I would like to know, what is your decision on this matter? Do we sit down and listen to him reading the 93 documents or he tables, so that we know what to do?

The Deputy Speaker (Sen. Kathuri): You remember, Majority Leader, I clearly guided Sen. Omtatah that there is no need of reading the 93 documents or titles that he is reading, one by one up to 93. He can say, I have these documents, which are from one, content number one, to number 93 or to number 100, and then he tables that volume. I have this, another set, this set containing this information, and then he tables, right?

So, we do not need to - he is insisting he should read the 93 documents or whatever evidence he has.

Sen. Okiya Omtatah, I guided you, just tabled the documents. You can tell us what you have, from number one to 93.

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, yesterday, when I commented that these documents were publicly available and I did not need to substantiate, I was told to substantiate. Now, the Senate Majority Leader stands here and says that these are public documents that are readily available. Why this circus?

The Deputy Speaker (Sen. Kathuri): Can you table the documents you have without reading number one to 93?

Sen. Okiya Omtatah: I am not going to be micromanaged in the way I defend myself.

The Deputy Speaker (Sen. Kathuri): The Chair gives guidance to the House, not micromanaging.

Sen. Okiya Omtatah: You are micromanaging me.

The Deputy Speaker (Sen. Kathuri): You are not the Chair. Order, Sen. Omtatah. You cannot take the authority of the Chair and say what you want to do or what you must do. If you are not ready to follow the Chair, then it is up to you. You are supposed to substantiate. If you are not ready to follow the Chair's guidelines, then maybe you are not ready to substantiate. Or maybe you know your documents have no material.

(Sen. Okiya Omtatah consulted with the Deputy Speaker)

Sen. Okiya Omtatah, we have some business to clear before the end of business today. The reason we have the Mace is for the Chair to guide the House appropriately. If I have guided you and you are not listening to the Chair, then I will be left with no other option, but use the Standing Orders, which are a creation of this Senate. I have appealed to you several times, in a very gentle manner, to table the documents that you have in the manner I have prescribed.

Sen. Okiya Omtatah: Mr. Speaker, Sir, I have listened to what you just said when I was sitting; that you think these things might be empty, *tabula rasa*. That, maybe, I am not able to substantiate. You are casting aspersions on me, yet I am before this House. I do not know what kind of conduct that is.

The Deputy Speaker (Sen. Kathuri): Proceed and table the document.

Sen. Okiya Omtatah: This House is not ready for me to substantiate. Let the chips fall where they may or where they must. I am not going to be part of a masquerade.

The Deputy Speaker (Sen. Kathuri): Are you ready to table the documents?

Sen. Okiya Omtatah: What have I been doing all the time? You have been stopping me. I tried to substantiate and explain what was in the documents, but I was stopped. When I began reading the document, the Senate Majority Leader stood up and said that I should read without explaining. Why am I being tied in knots? I was elected to be here. I represent people in this House.

The Deputy Speaker (Sen. Kathuri): Sen. Omtatah, you were also elected to follow guidelines of the Senate. That is why not everyone is in this House.

Sen. Okiya Omtatah: The guidelines are not what is in the mind of an individual. They are in a piece of paper called the Standing Orders. I have been asked to substantiate. It is an English word. Can you guide me on the meaning of the word substantiate, then I will proceed?

The Deputy Speaker (Sen. Kathuri): I can see Sen. Omtatah is not ready to do that. Let us go to the next Order.

(Technical hitch)

I want to check that. There are two ways to do it, Sen. Omtatah. You can either request the Chair for more time to do it or you withdraw if you are not able to substantiate. Those are the two options you have.

(Loud consultations)

Yes, Sen. Okiya Omtatah.

Sen. Okiya Omtatah: Mr. Deputy Speaker, sir, I request that you allocate a new date in the new session when I can come to substantiate. Substantiation comes from the word 'substance' and not articles. If you read Aristotle, you have got realities made of substance and habit. I want to deal with the substance, not the habit, but you stopped me to explain the titles. You stopped me.

Mr. Deputy Speaker, give me time when I can come back and walk the House---

The Deputy Speaker (Sen. Kathuri): Order, Sen. Okiya Omtatah. Your request is very valid. This matter, as the Senate Majority Leader put it, is also important for the nation. We must give him time to go and summarise number one to 93 and bring something concrete to this House. You will also give the Chair an opportunity to debate on the documents you have, so that we can help this country in one way or the other.

(Sen. Cheruiyot spoke off record)

Not today. I have given him until after the break. He will come back with a lot of energy. He should, however, summarise number one to 93. When we come back, reading from one to 93 will still not be acceptable. Sen. Omtatah, go summarise your evidence and bring it when we resume.

Let us move on to the next business.

(Resumption of Statements)

Hon. Senators, before we went for a break, we were on comments on statements. We can resume. Sen. Tobiko. Is she around?

Sen. Okenyuri, men have argued here. You can give us another platform from this gracious lady.

Sen. Okenyuri: Thank you, Mr. Deputy Speaker, Sir. I wish to comment on the statements by Sen. Wambua and Sen. Kavindu on the killings we are experiencing. About two weeks ago, we lost Mr. Elijah Nyambega who was abducted and murdered by unknown assailants. He was a student at Kenyatta University from Nyangusu in Bobasi Constituency. Later on, a decomposing body of Mr. Geoffrey Oteri Nyamao, an elderly man of 50 years old, was found.

Yesterday, Mr. Amos Manase of Keroka Technical Training Institute, was stoned to death. We have a series of these murders for reasons not known. There are so many allegations surrounding the deaths of those people. I urge the security agencies to look into this matter. People should not take the law into their own hands where they stone and kill people without giving a chance to know why we are having what we are having.

Mr. Deputy Speaker, Sir, I urge security agencies to swing into action. They should not only look into issues raised by Sen. Wambua and Sen. Kavindu, but also other murders that have been reported in those areas.

I thank you.

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

Sen. Sifuna: Mr. Deputy Speaker, Sir, I would like to make brief comments on the statement that was brought by the Senator for Bomet, Sen. Wakili Hillary Sigei, regarding unpaid contractors. Just to inform this House that in the morning, we had a conversation with the Chairperson of the Council of Governors (CoG), who is also the Governor of Wajir. Some of the problems that we discussed are captured in the conversation that has been initiated by Sen. Sigei.

In fact, one of the clashes that we have with county governors is that they do not want monies that go to counties to be ring-fenced for specific purposes. I am sure colleague Senators will agree that the frustration on the ground is that whenever we lump county money in the equitable share, most of the times, governors do what they want with that money.

The Governor of Mombasa appeared before us and told us that the reason county governments do not want to employ Community Health Promoters (CHPs), who are outside our gate now, on permanent and pensionable terms is because they wanted money that was disbursed under the County Governments Additional Allocations Act to be put

in the equitable share. The fear is that once you lump that money together with the equitable share, most of the things this House wants to see done are not done.

In fact, there was a debate here, but I do not know if you can remember. As a Senate, we wish we ring-fenced money for payment of contractors because the issue of pending bills has gone on for too long. People come to our offices with all sorts of complaints, and so on and so forth.

This is what we are asking the Governor of Wajir, who is also the Chairperson of the CoG. Why do you not discuss the additional money that this Senate has fought for? As a collective measure, governors will get an extra Kshs13 billion, which is actually more than Kshs8 billion, to have CHPs employed on permanent and pensionable terms. What is the difference between Kshs13 billion that we added as a Senate and Kshs8 billion under county governments additional allocations? Why can they not use the extra money passed by the Senate, under equitable share, that is, Kshs13 billion, to have CHPs on permanent and pensionable terms? They do not have an answer. Therefore, we are becoming increasingly frustrated.

They are saying that they can only give one-year contracts to CHPs because their money will be released as a conditional grant. However, in this Senate, we feel we should tie their hands even more. It is frustrating to the point where we feel that even here in Nairobi, we should have money set aside and ring-fenced for collection of garbage, so that we can see things happening. The same should apply to roads and so on and so forth. We do not want to micromanage counties, but it is out of frustration because people have gone so long without being paid for work they delivered.

Mr. Deputy Speaker, Sir, I hope that these conversations will continue and that we will find solutions as a family of devolution to some of these challenges.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, I want to contribute on the issue raised by our colleague, Sen. Wakili Sigei, just like the Senator who has spoken before me. The issue of pending bills is a national crisis.

Sen. Omtatah, Sen. Sifuna, Sen. Eddy and other colleagues who are here, if we are serious as a House, we must forget everything else that we have done, face governors right in their eyes and make a decision as a House because it is within our powers. A resolution of the House is binding. If you may recall, that is why when Sen. Ledama came up with his Motion, I felt that we ought to have gone a bit further. Despite the fact that we have just concluded the budgeting cycle, it is still within our powers to make a binding resolution.

If you ask your governor, they will tell you those are bills that were inherited from governor so-and-so. I have done an analysis because I asked the Parliamentary Budget Office (PBO) to help me. The truth of matter is that as of now, almost every governor has tripled pending bills that they inherited in 2022. Therefore, it is not correct to say that those are historical debts that were incurred either procedurally or unprocedurally by their predecessors.

We should demand that, as a county government, you should settle first, at least, what you incurred during your term - we are going to the last financial year – otherwise,

this will become a vicious cycle that will never end such that in the next five or 10 years, the same crisis of documents that you have seen Sen. Omtatah trying to table here on debt--- What is a pending bill? It is just another form of debt that you incurred either procedurally or unprocedurally, and you have not paid for a particular service. Unfortunately, today is our last day before we proceed for a three-week recess. I request that when we resume, this matter should be given the priority it deserves.

Yesterday, I listened to people raising concerns. If you are not careful because we are headed to an election year, what county governments will do with the money that we just added, the Kshs13 billion, is that they will hire more casual workers and do things like that for election purposes. A governor will be going from one village to another asking about the most-needy people and give them jobs. Of course, the public will cheer and say they have a kind governor, but what will be the import of such a decision? Therefore, we must be firm about the issue of pending bills and not just limit it to let individual Senators to be in charge like what Sen. Wakili Sigei has brought to the attention of the House on what is happening in Bomet.

We must have this conversation wholesomely. I know for a fact that this is a problem that cuts across all the 47 county governments. The Committee on Finance and Budget must lead us. There are solutions which we can ring-fence, including passing further amendments to what we just concluded, so that, at least, people who flood our offices with messages and all those things asking us to speak on their behalf--- They are rightly doing so because we are representatives of the people. They include contractors who have not been paid for services they rendered.

Mr. Deputy Speaker, Sir, when we resume in mid of July after the rise of the House today, this matter must be top of the items that we will chase viciously, of course, alongside what Sen. Omtatah will say we have denied him the opportunity to do. I would like to hear about that also because it is equally important.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Eddy Oketch, you have the Floor.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, I would also like to add my voice to the statement by the Senator for Bomet, Sen. Wakili Hillary Sigei, regarding failure by the County Government of Bomet to pay contractors for completed road works. I know the statement has been committed to my committee. Therefore, I do not need to belabour because I will do it justice as needed and required.

I just want to bring to the attention of this House that the issue of pending bills to contractors is a big one. I do not know at what point the Senate can explore the possibility of a special audit on pending bills, especially those owed to contractors and suppliers in our counties.

When governors look at the issue of pending bills, we have seen one or two try to do some kind of an oversight exercise where they establish an oversight committee to look at the pending bills in their county, whether they are genuine or not, and use it as a framework for dealing with that. We must face this problem and confront it on the face because most governors are using pending bills as a bait to enable corruption. The problem is where they request for serious handouts and percentages of monies from contractors and suppliers who want to be paid that they must be given upfront

Mr. Deputy Speaker, Sir, several pending bills are not being paid because suppliers and contractors are asked for money by the Governor of Migori County. Why can we not confront this issue? I know for a fact that suppliers and contractors in Migori County whose monies are not being paid because they are not politically aligned with the Governor of Migori County. I also know for a fact that the network within the Governor's office, County Executive Committee Members (CECMs) and Chief Officers, are requesting 10 per cent, 20 per cent or even 30 per cent in advance for them to pay those monies.

Why are we not confronting this reality? It is a serious issue that we must confront. Beyond seeking this statement from the Committee on Roads, Transportation and Housing, in which I sit, and I will do it justice, I want to request that this House brings a special audit framework to the issue of pending bills. You will find awards being for purposes of roads that have stalled and roads that do not get maintained in our counties. We must interrogate the budgets that our governors have for these roads. They are spending on bills, like what you are seeing in Bomet now, on roads that were supposed to be maintained, yet in every single financial year, the same governors are budgeting for those roads.

If you look at the road budget in Migori County, over Kshs1 billion is being budgeted almost every year to do the same roads that have pending bills that have not been paid. So, there is a circus that the governors have decided to run in the counties, to ensure that they are minting money from pending bills.

I want to urge that even as this statement is being looked at by my committee, let the House pay attention to the issue of pending bills and form a special audit framework that we can use to confront the counties. I wish that the Standing Committee on Finance and Budget would be the committee charged with this, and I also wish that they would start with roads in Migori County, where I come from.

Every single time I raise this issue about Migori County, we even raise them with the Ethics and Anti-Corruption Commission (EACC). In the committees where I sit, the County Public Accounts Committee (CPAC) and County Public Investments and Special Funds Committee (CPI&SFC), we write reports to the EACC every single time about Migori County and about pending bills in Migori County that are not being paid. When we write those reports and letters, because the EACC sits in those committees, there is one Mr. Kinoti who sits there, and I give him complaints every single time about Migori County. When they get to the EACC, the governor finds a way of clearing the requests that we send to the EACC.

Since the EACC has failed us, they are not confronting our governors, including the Governor of Migori County, I request that we now confront the governors directly, with the committees of this House doing direct special audits on these pending bills and on this kind of stealing from the people by taking 10 per cent or 20 per cent out of those pending bills.

I support, but I request that it becomes a larger matter for the whole House. Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Bw. Naibu wa Spika, asante ka fursa hii uliyonipa niweze kuchangia Kauli ya Sen. Wambua kutoka Kitui na Sen. Gataya Mo Fire kutoka Tharaka Nithi kuhusu kilimo. Mambo ya kilimo katika kaunti za Embu, Kitui, Meru, Tharaka Nithi na zile zingine imepatiwa kipau mbele ---

The Deputy Speaker (Sen. Kathuri): Hon. Members, note that this is not a debate. Give a few comments, do not take 20 minutes.

Sen. Munyi Mundigi: Bw. Naibu Spika, naunga mkono kauli hizi kwa sababu zilikuwa zinazungumzia mambo ya kilimo ya dengue, mahindi na maharagwe, kulingana na vile kilimo hakiendelei kwa njia inayofaa. Mkulima ndiye anafanya kazi kubwa, kama vile kushughulika na mbolea, mbegu, kupalilia, ila mkulima anapata shida wakati wa mavuno. Kuna watu wengi wanaotembea barabarani wamekuwa matapeli, wanaleta watu wa kununua kwa bei ya chini.

Ningeomba Kamati ya Kilimo, Mifugo na Uvuvi iangalie jinsi mkulima ataweza kusaidiwa. Nakumbuka mwaka jana tulikuwa tumesema jinsi kutakavyokuwa na uongezaji thamani kwa zao la dengue. Lakini kuna shida na matapeli wengine wanaosema kwamba ukitaka kibali cha kilimo unafaa kulipa pesa fulani. Ningeomba mjadala huu urudishwe ili tuweze kuona vile kilimo cha maharagwe, mahindi na dengue kitamsaidia mkulima.

Pia, naunga mkono kauli ya Sen. Sigei kuhusu mambo ya kaunti, vile wanakandarasi wameteseka. Wanakandarasi wamepata shida, wengine wamefilisika, wengine wameaga dunia na wengine wamepata shida kusaidia familia zao. Naomba tukirudi, zile pesa tumeongeza Shilingi bilioni 13, magavana wote katika Kenya, kaunti 47, waweze kuketi ili malipo ya madeni yaliyosalia yaweze kusaidia wale wanakandarasi.

Kama Seneta wa Kaunti ya Embu, nina shida hiyo hiyo. Naunga mkono kauli ya Sen. Sigei.

Asante sana.

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

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, thank you for the opportunity to comment on these statements. I am particularly concerned about the issue of pending bills. Currently, counties owe close to Kshs200 billion in pending bills.

Upon examination, it appears that there has been no attempt to segregate these pending bills, which technically, under Kenyan law, cannot exist. To distinguish between pending bills for recurrent expenditure and pending bills for development expenditure, the term "pending bills" is used. I am unsure where it originated, but I believe it was created by accountants. I want to warn and draw attention to the fact that recently, due to the influence of accountants who have been trained to audit private companies, we have been forced in this country to begin auditing our books as if we are a private company. They have introduced something called accrual accounting, which will mask this massive theft of public resources in the name of pending bills.

Mr. Deputy Speaker, Sir, we spend on cash. Our budget is spent through an Appropriations Act. The Appropriations Act is a law that must be obeyed. There is a County Appropriations Act, and we also have the national Appropriations Act. These are laws with penalties if disobeyed. Where there is an inability to pay in one year, there is room for supplementary budgeting, in case something happens that was not planned for.

We have seen many counties claim that they had own-source revenue or stuff like that they were unable to meet and that is why the pending bills came about. However, the truth of the matter is that you, Mr. Deputy Speaker, and I know that they go and void procurements in the Integrated Financial Management Information System (IFMIS). Once they have voided genuine procurements that have been authorised by the Controller of Budget (CoB), they go in and use that money to do other things that were not approved and then that genuine procurement remains as a bill that has not been paid.

It is really unfortunate that the CoB has no capacity to intervene, because they do not have access, even read-only access, to the IFMIS. So, the National Treasury and Economic Planning collude with governors and those people who are running these things to void genuine procurements, keep them in abeyance, and since the money has been released, they use that money to pay for bills that were not approved.

Before we go ahead and say we are going to pay or pick up this debt, first of all, I would like to differ with the Senate Majority Leader. Not all pending bills are public debt. Public debt is clearly defined in Article 214 of the Constitution. It must be for something that has been spent on capital expenditure and such kinds of things. Recurrent expenditure cannot generate public debt. When you look at some of them, people provide transport services and things like that. They cannot be pending bills or a public debt.

So, we need to go back to the basics. Before we begin bemoaning the numbers, since we know the effects of the genuine procuring officer, let us hold each governor and each finance officer accountable for each pending bill in this country. It is not beyond us to do that. We have institutions like the Ethics and Anti-Corruption Commission (EACC), the Economic Crimes Unit of the Directorate of Criminal Investigations (DCI) and the Auditor-General. If they put their minds together, we should be able to nail the culprit and stop facilitating theft of public funds from poor people, who cannot even afford a meal a day or *mara moja* when they are having malaria and they die. We should go on and say we are paying for bills that should not exist in the first place.

The law is clear, that you cannot incur expenditure if you do not have money to pay for it. Those who did that should be held to account, so that we clean up this issue by going after the culprits first, then if there is any genuine case that remains, we then pay. If the state chooses to pay, we must punish those officers who misused public funds contrary to the law. That is provided for in Article 226(5).

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Samson Cherrarkey, please, proceed.

Sen. Cherrarkey: Mr. Deputy Speaker, Sir, I would like to make a brief comment on the lynching of the three young men in Machakos County.

This is a serious breach of the law in the country. My condolences to the families of these three young men, namely, Kennedy Katuu, Stanley Muthungu and Charles Mutiso, who were lynched. We must investigate the circumstances under which they lost their lives.

I call upon the concerned committee to investigate further. This points to a clear breach of law and order. It is very unfair for ordinary people to do mob justice or attack a Kenyan. We have also heard of police extrajudicial killings. I am happy that the Independent Policing Oversight Authority (IPOA) are doing their work, but we need a

comprehensive look into this abuse of the law. No one has told us what really happened to the Kianjokoma brothers from Embu County. We are also following the Rex Maasai case, as well as cases on a number of people who have been killed in police custody.

Mr. Deputy Speaker, Sir, this lynching shows that there is a breach of law and order. It pains me that we saw an attack of a church, the All Saints Cathedral here in Nairobi, by goons. This is the act of goons where people take the law into their own hands. I would like to condemn the attack of the All Saints Cathedral here, Nairobi. No one has also told us what happened in the African Independent Pentecostal Church of Africa (AIPCA), Kenol, Murang'a, on 4th October, 2022, when the church was attacked. It is very unfortunate.

The other day, our brother, Sen. Godfrey Osotsi, was attacked. After hue and cry, a few individuals were arrested. However, no one has told us what really happened. The issue of goons is becoming serious. I suspect these young men were lynched and killed by goons.

Even Hon. Edwin Misoi, the Member of County Assembly (MCA) of Uasin Gishu County Assembly was attacked by goons and left for dead. He has stayed in the Intensive Care Unit (ICU) and is yet to regain his faculties. However, the goons cannot be arrested because they are being protected by a senior politician, who is a close ally of the Cabinet Secretary (CS) for Interior and National Administration. It is very unfortunate. We wish Hon. Misoi all the best and full recovery. However, his attackers must be arrested. That is how to stop mob lynching, otherwise, the goons will take advantage to lynch you even in public. There was an MCA by the name Wycliffe Siocha, famously known as Embande, who was attacked in Kisii. That is a breach of law and order.

I call upon the Inspector General of Police that let us not allow this country to go the Haiti way, where the people take law into their own hands, lynch and attack people in public. I saw the Inspector General of Police speaking to media the other day about the attack at All Saints Cathedral, Nairobi. These goons who lynch people in public---

I appeal to Kenyans through you, that if you find anybody breaking the law, let the police arrest them, and take them to court, including your former governor, where they were mimicking you. That is how lynching starts. They were lynching your character, where they brought a person who looks like you, dressed like you with *kakofia*, and gave them a *gunia*, and demonstrated--- We were right by impeaching her. If she comes again, we will impeach her again. She will never get any seat, even if he goes to court and the court says she comes back today. That is also lynching your character. Such a person should not be given a chance to be a leader in this country.

With those many remarks, I hope the Senate Standing Committee on National Security, Defence and Foreign Relations will look into these cases, including that of lynching of character of the Deputy Speaker of the Senate, *Kakofia*, Sen. Kathuri Murungi, the Chairman of Njuri Ncheke.

I yield.

The Deputy Speaker (Sen. Kathuri): Do you need an extra minute?

(Laughter)

Sen. Mandago, please proceed.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir. I rise in support of the Statement sought by the Senator for Bomet County, Sen. Wakili Hillary Sigei, on the matter concerning non-payment for services rendered to contractors in Bomet County.

The matter of pending bills is becoming a serious and grave matter in our counties. The pending bills that are being created and the actual bills that are not being paid is a product of county governments working together with the Controller of Budget and creating a situation where bills are piling, not being paid, while counties continue to spend the money and budget for pending bills.

Mr. Deputy Speaker, Sir, I say this because the Controller of Budget approves all payments for all services and goods procured in counties. However, there is no follow-up to ensure that once the money has been approved for a particular contractor or supplier, that contractor is actually paid. Instead, counties have been making payments to contractors and suppliers whose payments have not been approved by the Controller of Budget, creating pending bills for the genuine bills.

County governments have also formed a new habit of creating fictitious pending bills. In my county, the County Government of Uasin Gishu has factored in a pending bill of Kshs4 billion within a span of three years. When we move around the county, we do not see any project of value equivalent to Kshs4 billion.

As we speak today, the county is not able to execute any project. Projects that were budgeted under the Ward Fund have all stagnated and are not being procured. The new excuse in town is that the Electronic Government Procurement (e-GP) is not working. Let the people of Kenya and Uasin Gishu know that e-GP is working. It is only that the money is now being used to pay fictitious pending bills, including the snake park, whose contract has already been paid, but there is no snake park that has been constructed in the county.

Therefore, we are calling on the Controller of Budget to check whether the approvals she gives end up paying the suppliers whose payments have been approved. We are not going to continue to allow counties to process payments all the way to Internet Banking, get the approval from the Controller of Budget, receive the money, then reroute the money to contractors and suppliers whose payments have not been approved. Therefore, the Senate Standing Committee on Finance and Budget should actually investigate all county governments on the abuse of the process of payment by falsely requisitioning money for suppliers and paying suppliers whose payments have not been approved.

Mr. Deputy Speaker, Sir, we must let the Governor of Bomet County know that by creating pending bills and failing to pay contractors, they are also destroying livelihoods and employment opportunities, as well as causing financial distress to the directors of those companies.

It must not be lost on the county governments that people who do business do not necessarily rely on their own capital. Some of these business people borrow money from banks; interests are accruing; they are being sold and auctioned while county governments sit pretty seeing their own citizens suffering.

We urge counties to pay all genuine pending bills. I agree with Sen. Omtatah of Busia that there should never be a pending bill for a recurrent expenditure. Once the financial year ends, the recurrent expenditure lapses, there should be no reason for anybody to spend beyond what has been budgeted for recurrent.

On capital projects, we also want to ask the Controller of Budget (CoB) never to approve supplementary budgets that remove money from ongoing projects. Once a contract is signed and work is in progress, the CoB cannot then approve a supplementary budget, remove all the funds from that project, leave the contract on site without money thus creating legal problems where counties again will be required to pay for legal fees. This is creating a burden for counties and unnecessary problems.

The Office of the CoB, through their county coordinators of budgets, must make sure that all the payments that are being requisitioned in the counties are actually used for the intended suppliers of services and goods.

I, therefore, support the statement sought by Sen. Hillary Sigei and say that all genuine contractors and suppliers in all our county governments, including national Government must be paid on time.

The Deputy Speaker (Sen. Kathuri): Last but not the least, Sen. Mutinda. Use your two, three minutes, kindly.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. Allow me to quickly just comment on two statements, one by Sen. Kavindu with regards to the killings of our young men in Machakos County. Issues pertaining sudden deaths, sudden mob justice and sudden attacks have been sort of like the order of the day.

I challenge the security apparatus to move in with speed. Apart from speed, we need to see the culprits behind bars.

At the same time, I wanted to mention something very quickly with regards to what happened to All Saints Cathedral on Friday. I happened to be having a very big meeting of church leaders and pastors. Luckily, as I always do my meetings within the city, I seek security from the nearest apparatus depending on the jurisdiction of that area.

Having liaised with the Officer Commanding Police Division (OCPD) Kilimani, they had sent me enough police as the event was ongoing. It is those police actually who were able to assist when the goons arrived at All Saints Cathedral, where I was doing a prayer breakfast. The pastors were praying for me over my ambition for 2027 as the Woman Representative for this county.

Goonism that is there today needs to be addressed differently. These are sort of young men who have formed companies that if services are needed, then it is rendered at a cost. It is high time that, as leaders, we need to acknowledge that it cuts across. It does not matter if you are in Government or in the Opposition. We need to put a stop to this because the more these goons are mushrooming, it will be very difficult in future to cut them off.

Mostly us, as politicians, across board, it does not matter which side you belong. They are always there asking for these services or wanting to render services, which in the future will affect all of us. It is the high time that the security operators move with speed to ensure these groups are put to a stop.

Quickly as I touch on the issues of pending bills, I wanted to ask you, Mr. Deputy Speaker, Sir, if this statement from Sen. Hilary Sigei should rightfully be at the Committee on Roads, Transportation and Housing, because the issues of pending bills are normally addressed by the Committee on Finance and Budget. I am just curious, as you will be giving directions, if this Statement is placed in the right committee.

Pending bills is a matter that we have discussed in this House. We have also discussed it in our Committee on Finance and Budget. When we fought in the mediation to increase the Kshs13 billion to all counties, one of the key main reasons was so that the county governments can close the issue of pending bills is concerned. I would request if you would redirect that this matter is addressed by the Committee on Finance and Budget.

Allow me, as I conclude, to talk about the Bill that I tabled last week, The County Additional Allocation Bill, with regards to the Kshs8.6 billion for our Universal Health Care (UHC) workers. I speak it because it is relevant as far as pending bills are concerned. There have been pending arrears for salaries and wages for our UHC workers across all the 47 counties.

Luckily, I sit in the Committee on Health and also in the Committee on Finance and Budget, where this matter has been brought in two committees that I actually serve diligently. I have championed and ensured that at least the Kshs8.6 billion is now given to the county, so that they can settle the quagmire of our UHC workers.

I speak like that because today they were still demonstrating. Their question is when they will be absorbed into permanent and pensionable terms. This Kshs8.6 billion is supposed to take care of their salaries for this financial year and any arrears that have been there, so that it brings this matter to closure. That is why we directed that the Kshs8.6 billion be put at County Additional Allocation.

It is in that regard I have seen one of the governors, none other than Governor Barasa of Kakamega County, attending a baraza and discouraging the UHC workers by telling them, “you know what, this money has not been put in DORA. So, we cannot employ you on permanent and pensionable terms. It was put in the County Additional Allocation.”

The governors wanted this money to go to DORA, so that they could have the freedom to utilize these funds the way they want. The reason we insisted as a committee that these funds go to the County Additional Allocation is so that they can fully address the issues of our UHC workers.

We are trying as a committee to ensure that counties get additional monies to be able to sort any pending issues, be it current expenditures for salaries, such as this one for UHC workers. It is a high time that the governors pronounce and stop distressing our UHC workers. It is painful. Again, they are here trying to demand that they be given their permanent and pensionable contracts. They have suffered, they have worked since the COVID time, offering services to our people.

Governors, next year, the Kshs8.6 or the actual amount that will be needed will be in DORA or in the County Additional Allocation of Revenue. What is important is that can you kindly give the UHC workers in this country their valid contracts moving forward, so that the depression and the stress that they have can come to an end.

I support.

The Deputy Speaker (Sen. Kathuri): Now, honourable Senators, you remember we dispensed of Order No. 8.

Now, we can go to Order No.9. Majority Leader, if you are ready, you can proceed and reply.

BILL

Second Reading

THE COMMUNITY HEALTH PROMOTERS BILL (NATIONAL ASSEMBLY BILL NO.53 OF 2022)

(Sen. Cheruiyot on 11.06.2026)

(Resumption of debate interrupted on 11.06.2026)

The Senate Majority Leader (Sen. Cheruiyot): Mr. Deputy Speaker, Sir, thank you for this chance.

I thank colleague Senators who took time to speak to this Bill. This is one of those very important Bills, which if we leave this House--- I am beginning to speak like this because I have seen two other previous ends to a term of Senate and I know they can be very quick and fast.

It gets to July and raising the requisite number to transact business in the House becomes a bit difficult. Therefore, Sen. Eddie should take maximum advantage of the little time that we have left, if there is any signature legislation that he feels needs to be part and parcel of his resume as a legislator for this term.

I am speaking about the Community Health Promoters Bill. Like I said in my moving notes, this is a representation of the work of more than 100,000 Kenyans who attend to millions of the rest of the country, despite the fact that they are not medics. They have very little, sometimes, no formal training in the things that they do. However, because we have accepted their place and structured their standing in the national ecosystem of the health culture in this Republic, we cannot wish away their presence.

We were informed earlier that while we may discuss and talk about the minimum wage and all these things, important as it is, the stipend that they get goes a long way to sustain and keep some of them in the work that they do. Of course, in the proper African culture, when somebody attends to you, like some of them do to different people, there is what is culturally right to do. I know other things happen within that line. People know that there is a Community Health Promoters (CHPs) from such and such family in a locality. At least, there is somebody who has a clue about health matters within the county.

You know people underestimate the value of preventive medical practises in the overall bill of a nation's health being. They teach people about healthy practices, healthy eating and how to manage some of their lifetime illnesses, and things like that. These are things which the CHPs can do with so much ease. This is because as they interact, train

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and work around with other more senior and qualified medical practitioners, they learn these things and bring indigenous knowledge from their areas of operation. Therefore, these are very important Kenyans.

It is my hope that upon the passage of this Bill, we shall conclude and see through its intention, which is to set up this council that looks after them. I am not particularly sure whether we have placed it in the right place, given that these are people who are majorly placed in counties. Although we pay them a stipend from both national Government and county governments, something that I have many times without number said is not neat in the management of public finance. Those are things that we will correct as we move on during our stint should that opportunity be availed. Therefore, I want to pause at that. I know we have said all that we need to say on this very sticky topic.

It just breaks my heart that most of the demonstrations that come outside the door of the Senate are from healthcare workers. I had hoped that, maybe, there is still time to do something about the overall architecture of devolution, national Government and how to manage healthcare workers.

We could standardise things for them. I do not believe in the old debate about reverting health, as a sector, back to the national Government. However, there are certain things that we can manage at a national level. It does not have to be by way of transferring staff and personnel, but even by standardising legislation on practices of things to do, such as remuneration, promotion, leave days and all welfare issues.

It should trouble our conscience, as a House that is charged to look after the interests of devolution, that for almost every five demonstrating groups that come before the door of the Senate, most likely three out of five are different cadres of the health sector. It tells you that there is something that we have not got right as a House. I do not see Sen. Mandago, the Chairperson of the Committee on Health, but I believe there is still sufficient time to think through.

I had previously asked if we could draft something of a similar nature. There was something that was being considered. Although time is visibly running out on us, there is still much that we can do in between that particular time.

Therefore, I want to thank you for this opportunity. I thank Members who have spoken to the Bill. I believe that they have had their valued input. Eventually, when the Committee brings their amendments, we shall find ways of progressing it.

I beg to reply.

Finally, in accordance to Standing Order No.66 (3), I request that the putting of the question be deferred until a later date.

The Deputy Speaker (Sen. Kathuri): Okay, very well. Putting of the question is deferred.

(Putting the question on the Bill deferred)

Hon. Senators, looking at the Order Paper, business appearing as Order No.10 all the way to Order No.20 are Divisions. I am afraid that we have no numbers for the Division. So, we will go to Order No.21.

BILL*Second Reading*

THE ASSISTED REPRODUCTIVE TECHNOLOGY BILL
(NATIONAL ASSEMBLY BILLS NO.61 OF 2020)

*(Bill deferred)***BILL***Second Reading*

THE COUNTY GOVERNMENTS LAWS (AMENDMENT) BILL
(SENATE BILLS NO.14 OF 2025)

*(Bill deferred)***MOTION**

ADOPTION OF REPORTS OF THE COMMITTEE ON DELEGATED
LEGISLATION ON TRAFFIC RULES AND NTSA REGULATIONS

THAT, the Senate adopts the Reports of the Select Committee on Delegated Legislation on its consideration of the –

i) The Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026;

ii) The Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No.13 of 2026); and

iii) The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No.14 of 2026);

laid on the Table of the Senate on Wednesday, 10th June, 2026; and that pursuant to Section 18 of the Statutory Instruments Act, the Senate resolves to **annul** the Traffic (School Transport) Rules, 2026 (Legal Notice No.11 of 2026; the Traffic (Motor Vehicle Inspection) Rules, 2026 (Legal Notice No.13 of 2026); and the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026 (Legal Notice No.14 of 2026).

(Sen. (Dr.) Mungatana, MGH on 11.6.2026)

(Resumption of debate interrupted on 11.06.2026)

(Division)

(Motion deferred)

COMMITTEE OF THE WHOLE

THE HERITAGE AND MUSEUMS BILL
(SENATE BILLS NO.8 OF 2023)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE STATUTORY INSTRUMENTS (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.3 OF 2024)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE ENVIRONMENT LAWS (AMENDMENT) BILL
(SENATE BILLS NO.23 OF 2024)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE SPORTS (AMENDMENT) (NO. 2) BILL
(SENATE BILLS NO.45 OF 2024)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC AUDIT (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILLS NO.4 OF 2024)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY HALL OF FAME BILL
(SENATE BILLS NO.18 OF 2023)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE PUBLIC FUNDRAISING APPEALS BILL
(SENATE BILLS NO.36 OF 2024)

(Committee of Whole deferred)

COMMITTEE OF THE WHOLE

THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL
(SENATE BILLS NO.3 OF 2024)

(Committee of Whole deferred)

BILL*Second Reading*

THE KENYA ROADS (AMENDMENT) (NO.3) BILL,
(NATIONAL ASSEMBLY BILL NO.34 OF 2025)

I can see the Bill is under the Majority Leader. Who is moving the Bill?
Proceed, Chairperson, Committee on Roads, Transportation and Housing.

Sen. Oketch Gicheru: Mr. Deputy Speaker, Sir, pursuant to Standing Order No.148(1), of the Senate Standing Orders, I beg to move that The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) be now read a Second Time.

The way you ushered me in to move this particular Bill, I must say that it is one of the Bills that I am very proud of having worked on. It is a Bill about the Road Maintenance Levy Fund (RMLF). It also touches on road maintenance, an issue that has been a problem in the psyche of the Senate for the longest time possible.

So, from the onset, I want to thank the Members of the Standing Committee on Roads, Transportation and Housing, for their commitment and involvement in the public

participation process that informed a lot of the ideas I am going to share with you in this Bill.

I sincerely also want to thank your office. This is because this has been the most contentious Bill that has also shown the dichotomy between the Senate and the National Assembly, to the extent that, we have always battled out the issue of equitable sharing of resources in some of the levies that cut across. Your office has been very supportive in handling this Bill in a way that has been difficult in the psyche of the House and the 'Lower House,' the National Assembly.

In the same measure, the Office of the Clerk has been very fundamental in terms of just helping us with a number of wonderful members of the secretariat, who have helped us to unearth some of the concepts that have really informed us, to make sure that we brought something concrete to the House.

We engaged stakeholders and members of public who also participated in the scrutiny of the Bill. I also want to thank all the members of the public who appeared before my Committee to help us think and rethink this Bill.

Perhaps, for the benefit of the House, the principal object of this Bill is to align the road sector through a legal framework with the Constitution, 2010, by providing a clear classification of roads, defining the responsibility of county governments in the management of our roads, which has been a very hazy thing.

Even now you have seen the Statement that has just been committed to my Committee by Sen. Hillary Sigei. There is still haziness in terms of management of our roads and the responsibility of counties. Therefore, there is always need of reviewing the framework for allocation. One of the things that we have fought for, as a House, is the idea of giving responsibilities to counties without resources. That is not dissimilar in the case of roads where counties have the responsibility in the management, be it maintenance, construction or rehabilitation, yet they do not have a resource allocation mechanism. This has been because the Road Maintenance Levy Fund (RMLF) has not been alive in the counties.

Mr. Deputy Speaker, Sir, before I take the House through the specific provisions of the Bill, allow me to briefly provide the background that has brought us here. This context is particularly important as it informs why some of the proposed amendments underscore the need for strengthening governance, maintenance and financing the roads infrastructure in Kenya.

The Majority Leader has just said that it is important we pass a number of Bills before Senators and politicians in general, get back to the campaign mode. I have complained a number of times that we have given heavy focus on the National Assembly bills. We pass their Bills, but when our Bills go to the National Assembly, they do not get to be considered as fast as we consider theirs in this House.

I have personally passed three Bills which have gone to that House, but they have not been considered. However, this Bill originated from the National Assembly. It is the only Bill that I ask the entire House to focus on and pass as fast as possible because the road infrastructure remains one of the most critical enablers of socio-economic development in our country, as you all know.

Perhaps, I can give you some figures. The road transport is a dominant mode of transport in our country to the extent that approximately 93 per cent of all freight and passenger transport are dependent on roads. The country's road networks, however, has had a problem of bias when you look at how the national Government maintains, constructs or revamps roads. We have a network of about 162,600 kilometres of roads in our borders, and out of this, the national Government only manages 45,532 kilometres. The county governments are left to manage about 117,068 kilometres worth of roads.

The country's road network, therefore, facilitates the serious connectivity we need and supports trade and investments within our counties. It also enhances the access to markets, which the administration is really focused on, the concession of the economic stimulus markets and provision of essential services in our country. This significance notwithstanding, the maintenance and management of roads framework in the country right now do not align with the Constitution of Kenya 2010.

This alignment became a problem because the management of roads was bestowed on the Kenya Rural Roads Authority (KeRRA), the Kenya Urban Roads Authority (KURA) and the Kenya National Highways Authority (KeNHA) by a framework from before the Constitution of Kenya 2010. While the Constitution assigns national trunk roads to the national Government and county roads to the county government, the existing legal infrastructure framework that dictates responsibility and follow-ups on that responsibility with resources do not align at all with what is in the Constitution of Kenya 2010.

The distribution of those functions between the national Government and the county governments is that on one hand, responsibility is given to one of them, while on the other hand, the other one enjoys the resources to maintain their side of the bargain. Consequently, the existing statutory framework has resulted in institutional and functional misalignments relating to road classification also, because the assignment of responsibility and location of road maintenance resources between the national Government and the county governments must follow a certain kind of classification.

If you do not have money to maintain roads that you are responsible for, their classification also becomes a problem. So, while the county governments are constitutionally responsible for the larger share of these road networks, as I have indicated here, resources have continued to be administered predominantly by the national Government. This has been happening through the known agencies.

If you were to reflect on how our roads have been maintained, you will probably argue that KeNHA has been maintaining national Government trunk roads. The KeRRA and KURA with the power given to them by national Government have actually been maintaining roads with resources that ought to be given to counties. Moreover, the current framework lacks a clear mechanism for the direct allocation of the Road Maintenance Levy Fund (RMLF). This has been the key context between the national Government and the county governments.

In the proposed Bill, you could even see that when the National Assembly developed this Bill, they still had the audacity to say that they were only allocating 5 per cent of the RMLF to counties to maintain 117,068 kilometres worth of roads. This disparity between constitutional responsibility and allocation of resources underscores the

need for a proper legislative framework that we must participate in right now and make sure that we guide the nation on.

The issue that I am raising here is not just an issue of misalignment between the Constitution and what the counties have experienced. It should be noted that there has been a court responsibility that was heaped on the two Houses. In 2003 and 2004 when the National Assembly was allocating RMLF, they totally excluded county governments from the RMLF allocations. I remember when I came into this House, I was very passionate about this issue. The Majority Leader really helped to fight and we were able to get some money from RMLF to go to counties. However, the National Assembly did not care. They simply gave all that money to the national Government.

The Deputy Speaker (Sen. Kathuri): Did you say 2003?

Sen. Oketch Gicheru: Sorry, I meant 2023 to 2024 for the record. Due to that problem of misallocation, the Council of Governors (CoG) and other parties went to court through Petition No. E004 of 2023. The CoG and the 47 county governments were basically petitioning the court to give us an interpretation against the National Assembly and others. Others being the administrators of this fund which is the Kenya Roads Board (KRB). When they moved to court, they went to question what we are trying to cure through this Bill. The Senate should understand that.

They were questioning the constitutionality of the Kenya Roads Board Act and the Kenya Roads Act. Since they were questioning various tenets of the administration and allocation of these funds, the courts declared Section 6 of the KRB Act and Section 47 of the Kenya Roads Act unconstitutional. I will show you why they were unconstitutional as I take you through this Bill.

The petitioners, that is, the National Assembly, appealed. They appealed and sought conservatory orders. However, when the court gave them those orders, the courts indicated that within 12 months, we, as Parliament, that is, the National Assembly and the Senate, must put a legal framework to sort out this issue once and for all.

The reason I thought it was important to move this Bill today is so that if you look at the time that the decision was made, that was July 27th July, 2025. It means that if you are a House that honours the courts, this Bill must be processed by both Houses by 27th July, this year.

Now that we are going on recess, Senate Majority Leader, of course, I am addressing you through the Chair--- I know we are going for a long recess, and will be coming back around the 14th July, 2026. If we do not pass this Bill by that time and have the National Assembly consider it on time, we will be having a crisis by not meeting the deadline given to us by the courts. This means that by 27th July, 2026, this Bill must have been processed by both Houses of Parliament, and we must have this legal framework put together.

Therefore, the processing of this legislation is very critical. It will not only enable us to sort out the issue of the counties, but will also enable us to actually abide by the courts.

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

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

Mr. Temporary Speaker, Sir, very quickly, because I do not want to be drunk at my party, allow me to briefly introduce to you the provision of the Bill, and then I will call perhaps the Senate Majority Leader to second when I finish. I will just go to the critical clauses that are important to us.

Clause 2 of the Bill amends Section 2 of the Kenya Roads Act by introducing the terms ‘National Trunk Roads’ and ‘County Roads’. This is something that has been lacking because all roads have been assumed to be taken care of by the national Government, even though counties end up maintaining them. These amendments, therefore, establish a clear distinction between roads falling under the mandate of the national Government and those that fall under the mandate of the county governments.

Then Clause 3 provides for the classification of public roads and requires that all roads be classified in accordance with the First Schedule of this particular Act. Where a new public road, for instance, has been established, the responsibility of the county government is put in this Bill to submit to the relevant Cabinet Secretary, who will be the Cabinet Secretary for Roads and Transport in the current order. So, this clause gives clarity in terms of periodic review of road classifications to ensure that they reflect the functions served by the respective levels of government.

Then, the one that is very close to my heart is Clause 4 of this Bill, which introduces New Sections 47A and 47B to this particular Act. Of course, this was the most controversial part.

Section 47A sets out the functions of county government with respect to roads under their jurisdiction, which would include well-prescribed responsibilities, starting from development to rehabilitation to maintenance of those roads, management of the road reserves, implementation of road policies, which have actually been wavering in counties oversight of traffic, which is critical to road safety.

We have seen on several occasions, serious accidents happening in Kericho, Migori, and other places. There is nobody who takes action immediately, because the national Government will say the county government is responsible for that traffic and road safety and the county government will say that it belongs to the national Government.

As I am speaking to you, since the long rains happened in March, a critical road that connects our borders, Tanzania and Kenya, but perhaps you might even argue that Migori County, the old Sirare-Isebania border is probably the third most important border in the country. If the main bridge is affected by the rains and it is cut into two sections of the side of Migori County, people cannot access the other side of the border. Can you imagine up to date, that road has not been fixed? There are no signages on that road in Migori County.

Accidents are happening there every single time because there are no signages. The county government is saying they cannot put proper signages on that road because it is not their responsibility. The Kenya Roads Board also has not put signages there, because it is saying this is a disaster issue, that the county government should be able to

take care of the signages. So, we are losing lives and businesses because there is nobody who takes the oversight role on traffic and safety on that road. There is also the enforcement of axle load requirements. This would mean collection of data on our roads, preparation of annual road works programmes and correlations with relevant road authorities and agencies.

In addition, this particular section requires county governments to concur with national policies and enforce them as well as implement them. This will make sure that our roads in the counties have got standards and they have guidelines that make sure that we are doing very well. We have Clause 47 that requires public roads to bear signages indicating their classification and the level of government responsible for their management.

We have Clause 5 of the Bill that replaces the First Schedule of the Kenya Roads Act and establishes a new framework for the classification of public roads. This classification is very important to provide clarity in the assignment of responsibility for their management, maintenance and development.

I will go to Clause 6 of the Bill which amends Section 6 of the Kenya Roads Board Act by reviewing the manner in which the Road Maintenance Levy is apportioned among the road sector institutions. This is one of the most critical parts because what happens in the Kenya Roads Board under this section is that the Kenya Roads Board does not only get money from RMLF, it gets money from other appropriations as well from National Assembly.

So, when all the money goes to Kenya Roads Board, what happens? Kenya Roads Board says they will only give 50 per cent of the money that they have in that account to all the agencies that are maintaining roads, and then maintain 50 per cent of that money as an instrument for debt, which is how, the Kshs7 shillings was securitised by Kenya Roads Board. However, when you do that, the entire money that is remaining for debt infrastructure does not end up reaching county. Even when you securitise and get debt to maintain roads and do other roads from that road bond, it does not go to county either. Therefore, it is extremely critical that this section be amended as we have proposed here.

Lastly, because of time, and I wanted the majority to get time to also be able to chime in, for ease of comparison, on what different stakeholders have been able to talk about. I talked about how different stakeholders did propose that we share the money in RMLF, and I indicated that National Assembly had indicated that we should only get 5 per cent. We have come here with a number of formulae that I hope you will see in the Bill that will inform a new number that we are proposing as a House, and as a committee that the House will propose, that will be what the county should be entitled to.

So, if you look at the table that we have shared, under that Clause 6, you will see a comparison between what the National Assembly had proposed, what the Kenya Rural Roads Authority (KeRRA) had proposed and what the Ministry had proposed. After consulting with the Council of Governors (CoG), we came up with our own rationale and math, and came up with the Committee's proposed number on how we should share the Road Maintenance Levy Fund.

I will go through this quickly and then conclude. KeRRA, which calls itself constituency roads, as if constituencies do not exist in counties, had proposed under the current Act that 22 per cent of the money be allocated to KeRRA. In the amendment, there was a proposal of 25 per cent and the Commission on Revenue Allocation (CRA) endorsed the 25 per cent. As a Committee, we equally agree with the same.

For KeRRA link roads, the current Act had proposed 10 per cent. The amendment Bill by the National Assembly reduced it to 7 per cent and CRA endorsed that. We also think it makes sense that our link roads get 7 per cent.

On the Kenya National Highway Authority (KeNHA), the mother Act allocates 40 per cent. The National Assembly in the amended Bill proposed 38 per cent, while the CRA proposed 36 per cent. Based on our formula in the Bill, we believe it should remain at 38 per cent.

For the Kenya Urban Roads Authority (KURA), the urban roads in our counties, the mother Act currently allocates 15 per cent. The CRA had proposed 10 per cent and the amended Bill had proposed 14 per cent. When we applied the formula, we concluded that this should be split, as most county roads fall here. We cannot give all this money to KURA. We propose 10 per cent to counties and 4 per cent to the national Government.

For the Kenya Wildlife Service (KWS) roads maintained in our parks, we have allocated 1 per cent. For departments responsible for roads, disaster and equalisation, we have allocated 4 per cent to both the national Government and county governments, since disaster and road maintenance are shared functions.

For recurrent expenses faced by the Kenya Roads Board (KRB), they had proposed 1.5 per cent. We believe that counties should get 3 per cent and KRB 2 per cent. For functions under the Constitution relating to standards and classification, which mainly affect counties, we have allocated 2 per cent. We also propose that KRB, as a board administering this Fund, be given 0.5 per cent for administration.

Mr. Temporary Speaker, Sir, if you look at our proposal for counties in total RMLF allocations, we recommend 49 per cent to counties and 51 per cent to the national Government. This is the crux of the matter. The Committee seeks enhancement of county allocation, from the 45 per cent proposed by the National Assembly to 49 per cent. In particular, we recommend transferring 32 per cent currently assigned to constituency roads and link roads to counties. That is the essence of the Bill.

Lastly because of time, I want to indicate categorically that RMLF monies have mostly been allocated through KRB. The current practice is that RMLF collects the levy, transfers the money to KRB and then KRB apportions it to agencies maintaining roads.

We insist in this Bill that money must be allocated directly from RMLF to counties and to national functions, so that counties form their own special purpose accounts for RMLF. The money should go directly to them, not through KRB. This will help make a proper distinction in functions and responsibilities. I hope that when we pass this Bill, we will later come up with a horizontal formula for counties to share this allocation.

Mr. Temporary Speaker, Sir, with that, I beg to move that the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No.34 of 2025) be read a Second Time.

I call the Senate Majority Leader, Sen. Aaron Cheruiyot, to second.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Eddy. Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I am a bit at pains. I am wondering how to proceed, as Sen. Eddy has taken all the time. It is now 6.06 p.m. and this being the last day, I know there is still a Procedural Motion, which we must do; that is, Adjournment Motion.

Mr. Temporary Speaker, Sir, if you permit as per Standing Order No--- I am waiting for Innocent to help because---

The Temporary Speaker (Sen. Wakili Sigei): Senate Majority Leader, I get the direction you are headed to. What you do is proceed to second. Once you have done so and it becomes open for debate by Members, a Member may propose to defer further debate on the Bill, so that we have room for the Procedural Motion.

The Senate Majority Leader (Sen. Cheruiyot): I hear you, Mr. Temporary Speaker, Sir. My only problem is if I begin, unless you want me to do a very quick seconding to leave sufficient time for the Motion.

The Temporary Speaker (Sen. Wakili Sigei): The other one is a Procedural Motion. How much time do you need to second this Bill?

The Senate Majority Leader (Sen. Cheruiyot): About 20 minutes.

The Temporary Speaker (Sen. Wakili Sigei): That time is sufficient. The other one is a Procedural Motion. You can do 20 minutes, but let us deal with that when we get there.

The Senate Majority Leader (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir, for your guidance.

Mr. Temporary Speaker, Sir, I am here to second The Kenya Roads (Amendment) (No.3) Bill (National Assembly Bills No.34 of 2025). As Sen. Eddy explained, we are here because of the strength of our Constitution. If it were to be left to our colleagues in the National Assembly alone, we would never have gotten here.

On many occasions, our colleagues have squabbled with the CoG on this matter back and forth until the courts are asked whether there are enough adults in Parliament. We needed to do the adult thing. Therefore, this is the adult thing, which is to come up with legislation to ensure that we divide monies from the Road Maintenance Levy Fund (RMLF) equally between counties and the national Government.

There are many Kenyans who were shocked the other day when the President was trying to explain why fuel had certain elements of cost in the Kenyan pump prices that do not exist in the magnitude it does, and this is one of the items that features prominently. The RMLF is generated by funds every time you fuel your vehicle. It was purposely designed to ensure that we maintain our roads because building road network is one thing and maintaining it is a different thing all together. You know the disaster we are staring at in various parts of our country, including all of us from various regions. There are roads that were made during the Jubilee Administration under the Low Volume Roads Programme (LVRP).

Mr. Temporary Speaker, Sir, you know it well because it is closer to your home. The road from Silibwet towards Kiptagich is one such example. Another one is Chebole

to Dikirr; I think that is even closer to you than the one I mentioned earlier. Closer to me is the Brooke–Maili Nne Road, which is supposed to be tarmacked. In its current state, citizens would rather it was still in murrum state, because it would be easily passable. This is all part of what the RMLF is supposed to do.

As we increase our road network, I doubt if this cost element will disappear from the pump price, because Kenya boasts of thousands upon thousands of kilometres of tarmac. When the President appeared before the Joint Sitting of the Houses of Parliament last year while making the State of the Nation Address, he mentioned plans to expand that road network by a further 2,500 kilometres. I do not know if that includes roads being dualled and broadened, like the Mau Summit–Rironi Road.

Therefore, this Fund will be with us for a while if we want to maintain our roads in good condition. You can understand this tussle that exists between county governments and the national Government on the need to share these funds, because money will never be enough, and there must be a *pro rata* basis upon which you share it.

From as far back as 2016, I can recall debates in this House, more than 10 years ago, about classifying our roads. There have been previous attempts, but they never got to the level and the detail that this Bill attempts to do. Fortunately, or unfortunately, there will always be new roads that emerge, and then the question arises: how frequently can you classify those roads?

I am sure many times, colleagues, you have been in public functions where Members of the National Assembly and Members of the County Assembly trade accusations and say, “No, this is not my road, it belongs to the MP,” “No, this is a county road,” and that kind of ugly spat that we have all witnessed in public. In many cases, it leads to problems because, at the end of the day, it is the citizens who suffer when the roads are not repaired.

Therefore, the demand and the need for us to do a total classification and ensure that the resources then follow the size and the design of the road network that needs to be maintained is a very considered approach to this particular issue.

Make no mistake, though, that this will bring an end to the issue of poor road network in our Republic. It is not possible, because, as I have explained, we shall be building new roads every now and then, and there is need to agree and find a way through which, even after the classification, we establish what will be prioritised.

While the national Government will easily settle this, because the National Assembly will do the budgeting and the allocation through the road agencies, the challenge will come at the county level, because there will be need to agree on how to use these funds.

I have two problems, Sen. Eddy, which I hope your Committee will eventually have to address. I will remind you, Sen. Eddy, when we did the Sugar Bill in 2024, you remember the controversial debate when we were doing stakeholder engagement with farmers, where there was debate on where to locate the cess.

Remember, there is cess money that you are collecting, the sugar levy and we set aside some percentage for maintenance of roads that lead to farms and factories within the sugar belt. In all the memoranda that I read, sadly, I never saw any stakeholder who

agreed that the fund should be located at the county government; none proposed the county governments.

That troubles me as a legislator, as a leader, as a Senator, and more importantly, as somebody who cares for devolution, because it tells you that there is something the citizens are speaking to. There is a lack of confidence in the ability of counties to utilize these resources effectively for the benefit of ordinary citizens.

Mr. Temporary Speaker, Sir, the troubling thing will be a situation where once these funds have been dispensed to the counties, it all becomes just a procurement game and people do shoddy things, with the sole intent of just being paid monies and disappearing with it and no purpose for it. That is a concern which we should address. Otherwise, citizens will blame this House for pushing so hard for these resources to certain percentages and agreeing with the Council of Governors that they go to counties without setting in place the proper procedures for ensuring that these resources are put to good use.

Colleagues, as you know, I have been in the House for quite a while, and that there are certain games that county governments officials play on the auditors. For instance, you would find a particular road even paid more than once, where you find a road named point A to point B, then subsequently point B to point A, yet it is the same road and there is payment for the same particular road, though on two occasions. There is also the retainer for maintenance certificate. Sometimes, there is lack of proper recording of these resources. Counties need to convince us, and I do not know the memorandum that Council of Governors sent on this particular Bill, that despite the classification, that alone is not enough.

There is need to properly name our roads in the counties, so that proper records can be kept that this road is called this, it starts from this particular point, goes through this particular location up to the end. That way, there will be a history of that particular road that is kept in the Government records, that counties maintain proper records, so that at the end of the day, when you do an audit, you are able to see, after two, three, four or five years, what that money has done.

Otherwise, this money will just be messed around by people buying truckloads of murrum, pouring it, having a roller run over it, and it is said that a road has been made. That is not proper use of this particular resource. It is like what also the agency called Kenya Rural Roads Authority (KeRRA) sometimes does, under some shadowy dealings with our colleagues from the National Assembly, called the 22 per cent, where the Members of National Assembly supposedly make murrum roads. The country does not get value for money. Anybody who is honest knows that many times our colleagues from the National Assembly just dish it to their cronies, and they agree that you do not even have to make the road, just come and run around briefly, and you get the payment.

The administration of this Fund has not been as rosy in the National Assembly. It is only that citizens do not know as much as they do about counties. Consequently, the scrutiny is not to the level that is done particularly with counties. That is one of the concerns that I have.

There will also be a challenge, Sen. Eddy, to do with policies. The national Government has not been able to sort this particular issue of axle load on our roads. Part

of the reason why these low-volume roads fail is that while the intention was good that they would be used by low-weight vehicles that carry passengers and things of the sort, the roads were left open. There is no system of monitoring to ensure that heavy trucks from quarries and those carrying different equipment did not feature in those roads. Therefore, those are part of the administrative actions, which I think county governments will have to do.

Mr. Temporary Speaker, Sir, because I will get an--- No, actually I did not move the Bill, hence, I will not get an opportunity to say many things. However, I am mindful of the fact that there is an opportunity elsewhere, including in the Committee of the Whole, to say any other things that I would wish to say.

With those remarks, I beg to second.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, The Senate Leader of the Majority, for seconding this Motion.

The Temporary Speaker (Sen. Wakili Sigei): Honourable Members, this Bill is now available for contribution by Members.

Sen. Cherarkey, do you have a point of order?

Sen. Cherarkey: So, Temporary Speaker, Sir, I rise under Standing Order 110 of the Senate Standing Orders. I request that we defer the debate on this matter until when the House reconvenes, so that we can allow the Majority Leader to move an Adjournment Motion, considering that this Kenya Roads (Amendment) (No.3) Bill (National Assembly Bills No.34 of 2025) Bill is very critical, especially for the whole House to continue debating.

Upon the rise of the House, we are going for, in fact, not a recess but a working recess. I know even the Committee on Roads, Transportation and Housing will be having county visits.

I beg to move and request Sen. "Dr." Alexander Munyi Mundigi to second.

The Temporary Speaker (Sen. Wakili Sigei): Yes, take your seat, Sen. Cherarkey.

Sen. Cherarkey: I have requested for seconding.

The Temporary Speaker (Sen. Wakili Sigei): Yes, I will allow Sen. Mundigi the opportunity to second.

Sen. Mundigi, you may proceed to second.

Sen. Munyi Mundigi: Thank you, Mr. Temporary Speaker, Sir. I second.

The Temporary Speaker (Sen. Wakili Sigei): Hon. Senators, pursuant to Standing Order 110, I will proceed to propose the question.

(Question proposed)

This is a Procedural Motion.

Sen. Oketch Gicheru: Mr. Temporary Speaker, Sir, I do share the spirit, because it is a procedural Motion. When I was moving the Motion, I also did refer to the fact that this Bill has got a stringent timeline, because both Houses of Parliament must complete working on the Bill by 27th of July this year.

I beg through your seat, that perhaps you can do a special sitting at some point during this recess, so that you can process and finish it, so that National Assembly can

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have time to consider it on time and close up, given that National Assembly might also be overlapping in that last week on their recess.

Otherwise, I support the adjournment.

The Temporary Speaker (Sen. Wakili Sigei): Thank you. That is noted. Recall that we are resuming on 14th July, and therefore, it will be very important also for you to bring to the attention once the House resumes, so that we fast-track the additional debate on it, and also because of the numbers, as we are right now.

So, if we are then in agreement, I will proceed to put the question.

*(Question that debate on the Bill be
now adjourned put and agreed to)*

Having dealt with Order No.21, honourable Senators, I will proceed for the convenience of the House to defer Orders No.22, 23, 24, 25, 26, 27, 28, 29 and 30.

MOTION

ADOPTION OF REPORT ON PETITION ON ENACTMENT
OF A LEGAL FRAMEWORK TO PROVIDE FOR CITIZEN
INITIATED RECALL OF THE PRESIDENT AND COUNTY GOVERNORS

THAT, the Senate adopts the Report of the Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of a Petition to the Senate by Mr. Laban Omusundi regarding the enactment of a legal framework to provide for recall of the President or a Governor through a citizen initiative, laid on the table of the Senate on Thursday, 11th June, 2026.

(Motion deferred)

MOTION

ADOPTION OF REPORT ON PETITION
ON PROPAGATION AND COMMERCIALISATION
OF NEW GENERATION MUTHEA ANTIVENOM IN KENYA

THAT, the Senate adopts the Report of the Standing Committee on Health on a Petition to the Senate by Mr. Patrick Musilu and others concerning the protection and propagation of the commercialization of the New Generation (Muthea) Anti-venom in Kenya, laid on the Table of the Senate on Wednesday, 17th June, 2026.

(Motion deferred)

BILL

Second Reading

THE PUBLIC SERVICE INTERNSHIP BILL
(NATIONAL ASSEMBLY BILLS NO.63 OF 2022)

(Bill Deferred)

BILL

Second Reading

THE BASIC EDUCATION (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILLS NO.59 OF 2023)

(Bill Deferred)

BILL

Second Reading

THE ARTIFICIAL INTELLIGENCE BILL
(SENATE BILLS NO.4 OF 2026)

(Bill Deferred)

BILL

Second Reading

THE COUNTY GOVERNMENTS (AMENDMENT)
BILL (SENATE BILLS NO.5 OF 2026)

(Bill Deferred)

BILL

Second Reading

THE REFERENDUM BILL
(SENATE BILLS NO.3 OF 2026)

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(Bill deferred)

MOTION

PROMOTION OF ARTIFICIAL INTELLIGENCE AND INNOVATION POLICY IN KENYA

THAT AWARE THAT, the Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain, and financial technology (Fintech);

FURTHER AWARE THAT Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future;

NOTING THAT in a landmark decision, the African Union Executive Council endorsed the Continental AI Strategy during its 45th Ordinary Session in Accra, Ghana, on July 18-19, 2024 to underscore Africa's commitment to an Africa-centric, development-focused approach to AI, promoting ethical, responsible, and equitable practices;

COGNIZANT THAT the Continental AI Strategy calls for unified national approaches among AU Member States to navigate the opportunities of AI-driven change, aiming to strengthen regional and global cooperation and position Africa as a leader in inclusive and responsible AI development;

APPRECIATING THAT the Ministry of Information, Communications and the Digital Economy recently formulated and launched the Kenya National Artificial Intelligence (AI) Strategy 2025-2030;

RECOGNIZING the need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment;

CONCERNED THAT the absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises and slow down Kenya's ability to harness AI for inclusive growth;

NOW THEREFORE, the Senate resolves that the Ministry of Information, Communication and Digital Economy develops a Policy to promote Artificial Intelligence and emerging technologies with particular emphasis on:

promoting research and development of locally relevant AI solutions;
facilitating ethical guidelines to ensure responsible and beneficial application of AI;

creating innovation-friendly ‘Sandboxes’ for supervised testing of AI and emerging technologies;
strengthening public-private partnerships to build digital skills and innovation ecosystems; and
integrating AI and coding into the education curriculum to prepare the next generation for the digital economy.

(Motion deferred)

MOTION

DELINKING JUNIOR SECONDARY SCHOOLS FROM PRIMARY SCHOOLS

THAT, AWARE that, the Ministry of Education in Kenya, introduced Junior Secondary Schools (JSS) as part of the Competency-Based Curriculum (CBC) implementation marking a major milestone for the country’s education system, and a key opportunity to improve the quality of education available to students;

APPRECIATING THAT, the Junior Secondary Schools program play a vital role in shaping the academic trajectory of learners by providing students with a strong foundation in core subjects, helping them develop essential skills and offering them opportunities to participate in extracurricular activities promoting greater social inclusion;

CONCERNED THAT, the integration of Junior Secondary Schools within primary school setups has posed major challenges for Junior Secondary teachers, including inadequate training on the new competency-based curriculum, limited opportunities for career advancement, conflict in leadership, decision-making and resource allocation leading to strained relationships with head teachers;

FURTHER CONCERNED THAT Junior Secondary Schools (JSS) face critical shortages in essential infrastructure such as laboratories, libraries, ICT hubs, and science equipment necessary for the implementation of the JSS curriculum, coupled with inadequate access to approved learning materials and teaching resources, resulting in inconsistencies in curriculum delivery hindering effective teaching, learning, and overall student development;

NOW THEREFORE, the Senate resolves that the Ministry of Education, the Teachers Service Commission and the Kenya Institute of Curriculum Development should: -

Provide for an independent administrative and operational framework for Junior Secondary Schools to enhance governance, streamline

management, and create a more focused learning environment for the learners;

Allocate adequate funds for the construction and equipping of Junior Secondary Schools with essential facilities such as science labs, libraries and ICT rooms, and provide adequate learning materials relevant with the curriculum;

Offer professional development programs for Junior Secondary School teachers to help them specialize in specific subjects to effectively implement the JSS curriculum;

Develop a clear career progression framework for Junior Secondary School teachers, including opportunities for promotions and additional responsibility allowances;

Formulate clear policies and guidelines outlining the structure, curriculum, and management of Junior Secondary Schools; and

Ensure an optimal teacher-student ratio to facilitate personalized student attention and effective learning.

(Motion deferred)

The Temporary Speaker (Sen. Wakili Sigei): Clerk, you may call Order No.31.

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE SENATE PURSUANT TO THE APPROVED CALENDAR FOR THE 2026 SESSION

The Senate Majority Leader (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I beg to move the following Motion-

THAT, pursuant to Standing Order No. 31(3), the Senate do adjourn until Tuesday 14th July, 2026.

I request Sen. Eddie to second.

Sen. Oketch-Gicheru: Mr. Temporary Speaker, Sir, I second.

I wish the nation knows that in this particular Session, we have worked so hard on the primary role of sending monies to counties. So, as we go to counties in the next three weeks, you see us trying to make sure that the monies are used in the right way. This is because we have fought hard to make sure that Kericho, Migori and Embu counties have money.

We have also put the Schedule in place. Therefore, it is upon governors to use those resources prudently. We are coming home to make sure that we put fire on the bottom of the governors and the administrations to use those monies correctly.

I second.

(Question proposed)

The Temporary Speaker (Sen. Wakili Sigei): Hon. Members, this is another Procedural Motion. So it is available for debate, with your concurrence.

Very well. Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Asante, Bw. Spika wa Muda, kwa kunipa nafasi kuchangia Hoja hii. Ni vizuri pesa kwenda mashinani. Kama Seneti, tumepatia Kaunti 47 Shilingi bilioni 428. Pia, tutaangalia kazi ambayo imefanywa. Tukienda kwa kaunti zetu, tutafanya kazi inayofaa.

Pia, tutajulisha watu ya kwamba Members of County Assemblies (MCAs) wanafaa kufanya *primary oversight*. Hii ni kwa sababu wao pamoja na magavana na *county executives* wanajihusisha na *public participation* ya bajeti ya mashinani.

Kwa hivyo, mimi kama Seneta wa Kaunti ya Embu, ninaunga mkono Hoja hii.

The Temporary Speaker (Sen. Wakili Sigei): With that, there are no more Members wishing to contribute.

(Question put and agreed to)

ADJOURNMENT

Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourn until Tuesday, 14th July, 2026, at 2.30 p.m.

The Senate rose at 6.29 p.m.