



THIRTEENTH PARLIAMENT
THE SENATE
OFFICIAL REPORT



Fifth Session

Wednesday, 15th July, 2026 at 2.30 p.m.

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 15th July, 2026

*The House met at 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 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)

Hon. Senators, we now have a quorum. Therefore, we will proceed with the business of this afternoon.

Clerk, you may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF FACTS PURSUANT TO STANDING ORDER NO.105

Hon. Senators, as you will recall, during the sitting of the Senate held on Tuesday, 14th July, 2026, while commenting on the Statements, the Senator for Nandi County, Sen. Samson Cherarkey, MP, stated as follows-

“I would like to thank the President for following up on his word on the 10-point agenda by ensuring that Kshs10 billion was allocated and provided for. The sponsor of Linda Mwananchi, Uhuru Kenyatta, in the last session, committed Kshs10 billion.”

At that point, I cautioned the Senator for Nandi and urged him to ensure that his remarks were factual. Subsequently, the Senator for Nairobi City County, Sen. Edwin

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Sifuna, MP, rose on a point of order, pursuant to Standing Order No.105, challenging Sen. Cherarkey to substantiate his allegation that Linda Mwananchi campaigns are being sponsored by former President Uhuru Kenyatta.

Hon. Senators, as you are aware, Standing Order No.105 states 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 121 (Disorderly conduct), unless the Senator withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

I, therefore, directed Sen. Cherarkey to substantiate his remarks as required, pursuant to Standing Order No.105(1). However, Sen. Cherarkey was not able to substantiate his statements instantly and requested for time to do so at the next sitting, pursuant to Standing Order No.105(2), which is today.

Accordingly, and pursuant to Standing Order No. 105(2), I now invite Sen. Samson Cherarkey, 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.

Hon. Senator for Nandi, you may proceed to substantiate.

Sen. Cherarkey: Mr. Speaker, Sir, thank you for your direction and ruling. You indicated that I present what I am going to table to prove that the former President is linked or associated with supporting Linda Mwananchi campaigns.

Mr. Speaker, Sir, I will just table the links because the documents are humongous. If I were to bring here, it would be a whole lorry. These are Pandora Papers, where Uhuru Kenyatta’s family secret assets were exposed by *WikiLeaks*. I have provided the link to those assets. I have also provided the link to fully registered political parties to show that Linda Mwananchi is not a political party, and neither is it registered anywhere.

Finally, I have also provided various links, both written and speeches, linking former President Uhuru to the outfit. I have provided several links to that indication because of the humongous nature.

Mr. Speaker, Sir, I beg to table.

The Speaker (Hon. Kingi): You may table. I will review and make further communication on the same.

(Sen. Cherarkey laid the documents on the Table)

(Sen. (Dr.) Khalwale spoke off record)

It is up to the Speaker to review the materials that have been tabled and communicate further. During my further communication, Sen. (Dr.) Khalwale, you will have the opportunity to seek whatever you want to.

Let us go to the next Order.

PETITIONS

LIMITATION OF TENURE OF NOMINATED MEMBERS OF COUNTY ASSEMBLIES

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.236(2)(b), I hereby report a Petition by Mr. Laban Omusundi seeking for limitation of tenure of nominated Members of County Assemblies (MCAs) to one term.

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

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

The issues raised in this Petition are as follows-

That Article 56 of the Constitution obligates the State to put in place affirmative action programmes designed to ensure that minorities and marginalized groups are provided special opportunities in political representation.

That Article 9 of the Constitution established party list nominations as a mechanism to correct historical exclusion and expand representations not to entrench privilege. The re-nomination of nominated MCAs amounts to a deliberate subversion of the Constitution intended to convert nomination slots into a closed system of political reward and patronage.

That the continual recycling of the same individuals through nomination illegally converts public positions into personal property, locks out those other deserving Kenyans, including youth, women and Persons with Disabilities (PWDs), defeats the very purpose of affirmative action and erodes public confidence in democratic institutions. The absence of a statutory term limit for nominated MCAs has created a dangerous legislative vacuum being exploited to capture and privatize constitutional opportunities.

That while elective offices such as the president, governors and other positions are subject to term limits to prevent entrenchment of power, there is no limit to the number of times a member can be nominated. Thereby, nominated positions designed for inclusions are becoming lifetime entitlements.

That unless this is urgently addressed, nomination slots risk being captured permanently by a small self-serving political class thereby transforming a progressive constitutional safeguard into a tool of exclusion and injustice; and that this matter is not pending in any court of law or any constitutional body.

Consequently, the Petitioner prays that the Senate establishes a legal framework of imposing a strict one-term limit for all nominated members of county assemblies with no exceptions or transitional loopholes.

Hon. Senators, pursuant to Standing Orders No.238(1), I commit the Petition to the Standing Committee on Justice, Legal Affairs and Human Rights and in terms of Standing Orders No.238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading this prayer, which is today, to table the report in the Senate for consideration.

I thank you.

*(The Petition was committed to the Committee on Justice,
Legal Affairs and Human Rights)*

Next Order.

(Sen. Wakili Sigei walked into the Chamber)

Sen. Sigei, kindly take your seat.

RE-INTRODUCTION OF THE ELECTIONS
(AMENDMENT) BILL, 2021

Hon. Senators, pursuant to Standing Orders No.236(2)(v), I hereby report a Petition by Mr. Muhammad U. Alasow seeking for the introduction of the Elections Amendment Bill.

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

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

The most important issues raised in this Petition are as follows.

That the Petitioner seeks for the reintroduction of the Elections (Amendment) Bill, 2021 to amend the electoral laws to permit candidates contesting elective positions to have their popular or commonly known nicknames included on ballot papers alongside their official names. That many Kenyan voters, particularly those in the rural and marginalized communities know candidates by their popular names rather than their official names.

That the absence of popular names on ballot papers contributes to voter confusion, candidate misidentification and rejected ballots. That including popular names would enhance voters' ability to identify the preferred candidates, reduce voter confusion and electoral errors, strengthen electoral transparency and integrity, promote inclusivity, particularly for less literate voters and increase public confidence in the electoral process.

Consequently, the Petitioner prays that the Senate reintroduces, considers and passes the Elections (Amendment) Bill.

Hon. Senators, pursuant to Standing Orders No.238(1), I hereby commit the Petition to the Standing Committee on Justice, Legal Affairs, and Human Rights for consideration. In terms of Standing Orders No.238(2)(a), the Committee is required in not more than 60 calendar days from the time of reading this prayer, which is today, to table the report in the Senate for consideration.

I thank you.

*(The Petition was committed to the Committee on Justice,
Legal Affairs and Human Rights)*

Next Order.
The Senate Majority Leader?

PAPER LAID

VARIOUS REGULATIONS ON GAMBLING CONTROL

Sen. Korir: Mr. Speaker, Sir, on behalf of the Majority Leader, I beg to lay the following Papers on the table of the Senate today, Wednesday, 15th July, 2026-

The Gambling Control (Licensing) Regulations, Legal Notice No.111 of 2026.

The Gambling Control (Conduct of Gambling Operations) Regulations, Legal Notice No.112 of 2026.

The Gambling Control (Foreign-Based Operators) Regulations, Legal Notice No.113 of 2026.

The Gambling Control (Advertising) Regulations, Legal Notice No.114 of 2026.

The Gambling Control (Gambling Appeals Tribunal) Regulations, Legal Notice No.115 of 2026.

The Gambling Control (The Conduct of a National Lottery) Regulations, Legal Notice No.116 of 2026.

(Sen. Korir laid the documents on the Table)

The Speaker (Hon. Kingi): Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Request for statements pursuant to Standing Orders No.53(1).
Is the Senator for Mombasa County, hon. Mohamed Faki not here?
That statement is dropped.

JANGA LA MOTO MARA KWA MARA KATIKA
OFISI ZA SHIRIKA LA MOWASCO

(Statement dropped)

Sen. Faki had two statements. Both of them are dropped.

UAJIRI WA WANAJAMII KATIKA CHUO CHA KITAIFA CHA
UFUNDI ANUWAI CHA PWANI

(Statement dropped)

Is the Senator for Machakos County, the hon. Agnes Kavindu not here? That statement is dropped.

WASTAGE OF PUBLIC RESOURCES AND BALLOONING
WAGE BILL IN MACHAKOS COUNTY

(Statement dropped)

The Senator for Busia County, the hon. Andrew Omtatah.

DELAYED APPOINTMENT OF A SUBSTANTIVE
DIRECTOR GENERAL AT KEMRI

Sen. Okiya Omtatah: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Health on a matter of national concern regarding the prolonged delay by the Board of the Kenyan Medical Research Institute (KEMRI) to appoint a substantive Director General of the Institute.

The position of the Director General of KEMRI has remained vacant since 2022 with successive acting appointments made for more than three years. This continued absence of a substantive office holder at such a strategic national research institution raises concerns about leadership stability, succession planning and institutional effectiveness.

In the statement, the Committee should address the following-

(1) Details of all acting appointments at the Kenyan Medical Research Institute (KEMRI) including the list of persons who have served in acting capacity since 2022 and their eligibility for substantive appointment.

(2) The legal and policy basis clarifying the framework governing the duration and renewal of acting appointments made since the director general position fell vacant in 2022.

(3) The reasons for the prolonged delay in appointing a substantive director general, outlining actions taken by the KEMRI Board to resolve the matter and the outcomes of such efforts.

(4) The steps being taken to resolve the issue, detailing measures being undertaken to facilitate the prompt appointment of a substantive director general.

The Speaker (Hon. Kingi): Senator from Murang'a County, the hon. Joe Nyutu.

DELAYED PRODUCTION AND ISSUANCE OF NEW GENERATION
MOTOR VEHICLE NUMBER PLATES

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir, for granting me the chance to read the statement by Sen. Joe Nyutu.

Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Roads, Transport and Housing on a matter of national concern regarding the delayed production and issuance of new generation motor vehicle

number plates by the National Transport and Safety Authority (NTSA). Despite motorists complying with registration requirements and paying the prescribed fees, many continue to face prolonged delays, raising concerns about efficiency, accountability, and fairness in service delivery.

In the statement, the Committee should address the following-

(1) The reasons for the continued delay in the production and issuance of new generation motor vehicle number plates.

(2) The total number of pending number plate applications as at 1st July, 2026 disaggregated by county, vehicle category and the duration for which the applications have been pending.

(3) National Transport and Safety Authority's current production capacity, including plans to expand, modernize or decentralize production and distribution with clear timelines.

(5) The status of procurement of raw materials and other inputs required for the manufacture of number plates.

(6) The immediate interventions being undertaken by the Ministry of Roads and Transport and NTSA to clear the backlog, ensure timely issuance, and protect motorists from penalties or enforcement action caused by institutional delays.

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

SAFETY OF KENYANS IN SOUTH AFRICA

Sen. Gataya Mo Fire: Mr. Speaker, Sir. I have two statements. I pray to be allowed to read both of them.

I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of international concern regarding the safety of Kenyan nationals in South Africa following the recent wave of anti-migrant violence in the country.

In the statement, the Committee should address the following-

(1) The extent of impact of the recent wave of anti-migrant violence in South Africa targeting foreigners, including the number of Kenyan nationals affected by the violence and details of those assisted or evacuated to date under the Government's voluntary evacuation programme.

(2) The support and evacuation measures, outlining assistance provided, the number of distressed Kenyans registered for evacuation, timelines for their return and arrangement for their safety until evacuation.

(3) The long-term protection strategies, detailing government actions to safeguard Kenyans in South Africa and the diaspora generally, including early warning systems, crisis response protocols and frameworks for timely interventions in similar crises in the future.

I thank you, Mr. Speaker, Sir.

RECURRING CATTLE RUSTLING AND LIVESTOCK
THEFT ALONG THARAKA-KITUI BORDER

Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on National Security, Defense and Foreign Relations on a matter of county-wide concern regarding recurring cattle rustling and livestock theft along the Tharaka-Kitui border.

On 30th April, 2026, 150 goats belonging to three traders from Gatunga location, Tharaka North Sub-county, Tharaka Nithi County were stolen at Tseikuru town in Kitui County. The incident is part of a recurring pattern of livestock theft that continues to threaten lives, livelihoods, and security along Tharaka Nithi and Kitui boundary.

In the statement, the Committee should address the following-

(1) The status of investigations into the cattle rustling and livestock theft incident of 30th April, 2026, at Tseikuru town, including whether any of the stolen goats have been recovered, and the measures being taken to pursue and apprehend all suspects involved in the incidents.

(2) The security gaps identified along the Tharaka Nithi and Kitui border, and the steps being taken to address them.

(3) The reason why cattle rustling and livestock theft persists along the border despite existing security arrangements.

(4) The long-term measures being implemented to ensure the safety of traders and residents in the affected areas, including timelines for deployment of foundational or security personnel.

I thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): The Senator for Nairobi City County, the hon. Edwin Sifuna.

Sen. Sifuna: Thank you, Mr. Speaker, Sir. We have been on recess and we just came back this week. I have four statements, material that was gathered during that period. I can take all of them at once.

The Speaker (Hon. Kingi): Okay, if you have the strength, you may proceed.

USE OF CRB INFORMATION AS A RECRUITMENT PRE-CONDITION

Sen. Sifuna: Strength is the only thing we have, Mr. Speaker, Sir.

I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Labor and Social Welfare on a matter of national concern regarding the use of Credit Reference Bureau (CRB) information by employers as a precondition for recruitment.

While the CRB was established to bridge the financial information gap between lenders and borrowers and to help financial institutions mitigate lending risks, its emerging use in employment screening is increasingly locking out many qualified young people from job opportunities. Negative listings deny otherwise competent applicants the chance to secure employment, even though such jobs would provide the financial empowerment necessary to clear the debts that led to the listings. This practice raises

serious concerns about fairness, data protection and the broad implications for youth employment and economic growth.

In the statement, the Committee should address the following-

(1) The reasons for employer reliance on CRB information in recruitment screening despite its primary purpose of helping financial institutions assess credit risk.

(2) The mitigating measures to be deployed to permanently safeguard job seekers from the vagaries of CRB information being used by employers to deny job seekers opportunities that may, in fact, help them clear the debts listed in the CRB.

(3) Regulatory mechanisms in place to protect private data held by the CRBs from misuse by individuals and institutions with ill intentions.

(4) Measures for fairness to balance financial accountability with equal access to job opportunities, including the Government's initiatives to harmonise employment practices with constitutional rights to fair labour and economic participation.

DELAYED REGISTRATION OF GRADUATE ENGINEERS

Mr. Speaker, Sir, I rise pursuant to Standing Orders No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the delay by the Engineers Board of Kenya (EBK) to process applications for registration of graduate engineers.

Mr. Speaker, Sir, according to the Engineers Board of Kenya (EBK) Service Charter, an application for registration as a Graduate Engineer should be processed within four months upon receipt of a complete application and compliance with the registration requirements. However, applicants have raised concerns over delays in the registration process, with many having waited for over ten months, despite attaching all requisite documents and paying the registration fee.

This state of affairs has denied affected young Kenyans job opportunities and worsened the already difficult economic climate for them.

In the Statement, the Committee should address the following-

(1) The capacity of the Engineers Board of Kenya, including whether the Board is fully constituted and adequately resourced to undertake its functions.

(2) The pending applications, detailing the number currently awaiting processing.

(3) The reasons for the reported delays in processing applications and actions taken to resolve them and timelines for finalising the registration process.

(4) Long-term measures outlining policy and administrative reforms to prevent the recurrence of such delays.

REMUNERATION DISPARITIES BETWEEN KENYAN AND FOREIGN EMPLOYEES IN INTERNATIONAL MEDIA ORGANISATIONS

Mr. Speaker, Sir, I also rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare on a matter of national concern regarding remuneration disparities between Kenyan and foreign employees in international media organizations operating in Kenya.

In the Statement, the Committee should address the following-

(1) The oversight mechanisms in place to ensure fair treatment and equal remuneration between Kenyan and foreign employees in international media organisations operating in Kenya.

(2) Plans by the Ministry of Labour and Social Protection to undertake a comprehensive audit of remuneration and employment benefits for Kenyan and foreign employees in international media organisations operating in Kenya, with particular focus on international media where Kenyan journalists, producers, camera operators, editors, technicians and other media professionals have raised concerns regarding wide disparities in benefits.

(3) Corrective measures, where necessary, detailing steps to address the disparities and guarantee fairness, equity and compliance with Kenyan labour laws.

DELAYED PAYMENT OF TERMINAL BENEFITS AND SALARY ARREARS
TO FORMER SUGAR COMPANY WORKERS AND RETIREES

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 countrywide concern regarding the persistent delays in disbursing terminal benefits and salary arrears owed to former workers and retirees of Muhoroni and other sugar companies in the country.

The sugar sector, which for decades has sustained millions of livelihoods across the Western Kenya sugar belt and contributed significantly to the national economy, is now a source of hardship due to poor management, weak regulatory oversight and failure to honour obligations to workers.

Despite reported budgetary allocations, former employees of Muhoroni Sugar Company remain stranded within company premises, uncertain of when their dues will be settled.

In the Statement, the Committee should address the following-

(1) The budgetary allocation, specifying the latest funds earmarked for settlement of terminal dues to former staff in the sugar sector.

(2) The timeline for payment, clarifying when salary arrears and benefits will be disbursed to former workers and retirees of Muhoroni Sugar Company.

(3) Protection of affected workers, including assurance that those currently residing within company premises in Muhoroni and other sugar factories will be retained until their salary arrears and terminal benefits are fully settled and confirmation that they will not face eviction before their dues are settled.

(4) The situation in other sugar companies, with particular focus on terminal benefits and salary arrears owed to former workers and retirees of Chemelil, Nzoia, Miwani, Mumias and Sony Sugar, including indicative timelines for settlement where available.

Thank you.

The Speaker (Hon. Kingi): Senator for Kisumu County, the honorable Prof. Tom Ojienda. The Senator had three Statements. All those are dropped.

IMPLICATIONS OF PERSISTENT UNDERPERFORMANCE IN
OWN-SOURCE REVENUE COLLECTION BY KISUMU COUNTY

(Statement dropped)

LOW-RATE CONVERSION OF ROADS IN KISUMU
COUNTY INTO ALL-WEATHER STANDARDS

(Statement dropped)

ALIGNMENT OF CVTC PROGRAMMES WITH ECONOMIC PRIORITIES
AND LABOUR-MARKET NEEDS IN KISUMU COUNTY

(Statement dropped)

Proceed, Sen. Kavindu.

WASTAGE OF PUBLIC RESOURCES AND BALLOONING
WAGE BILL IN MACHAKOS COUNTY

Sen. Kavindu Muthama: Mr. Speaker, Sir, thank you for this opportunity. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget on a matter of countywide concern regarding wastage of public resources and the ballooning wage bill in the County Government of Machakos.

The office of the Controller of Budget, in its County Governments Budget Implementation Review Report for the Financial Year (FY) 2024/2025, reported that the County Government of Machakos incurred expenditure amounting to Kshs249.15 million on domestic and foreign travel by officials of the County Government.

In the Statement, the Committee should address the following-

(1) The number of domestic and foreign trips undertaken by officials of the County Government of Machakos during the FY2025/2026, indicating the officers involved, purpose and destination of each trip, approval criteria, budgetary allocation, actual expenditure and value for money derived from the travel.

(2) The number of employees of the County Government of Machakos, including staff serving in the Office of the Governor, indicating their designation, terms of engagement, remuneration and the total county wage bill, and whether their employment and remuneration comply with the ceilings prescribed by the Salaries and Remuneration Commission (SRC).

(3) The reasons for the expenditure of Kshs249.15 million on domestic and foreign travel and the ballooning county wage bill and whether the expenditure was budgeted for, approved and incurred in accordance with the principles of transparency, accountability and prudent public financial management.

(4) Details of audits and investigations undertaken into allegations of financial mismanagement, wastage and misuse of public resources within the County Government, including findings, persons held accountable and any remedial or recovery measures instituted.

(5) Measures put in place by the County Government to prevent and detect wastage and misuse of public resources, strengthen institutional oversight and provide accessible channels through which members of the public may report suspected misuse of county resources.

(Interruption of Statements)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF TEACHERS AND STUDENTS FROM KITONDO BOYS, MAKUENI COUNTY

The Speaker (Hon. Kingi): Before I allow comments on the Statements, I have a Communication to make. I would like to acknowledge the presence of a visiting delegation of two teachers and 64 students from Kitondo Boys in Makueni County, who are seated in the Public Gallery. The delegation is visiting the Senate for an academic exposure.

On behalf of the Senate, I extend a warm welcome to the delegation and wish them a fruitful visit.

I will call upon the Senator from Makueni, the honourable Dan Maanzo, to extend the word of welcome.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to welcome Kitondo Secondary School from Makueni County, Mbooni Constituency. It is one of the boys' secondary schools which is doing very well in exams. This morning, I had Ukia Girls Secondary School here, although they were not recognised.

I had an opportunity to meet the Kitondo boys when they were at the Public Gallery of the National Assembly this afternoon. I would like to welcome them, and urge them to learn. I hope that they are going to work hard. One day, they will be representatives of the people and Members of this House.

I thank you, Mr. Speaker, Sir.

(Resumption of Statements)

The Speaker (Hon. Kingi): Hon. Senators, I will allow comments on these requests for not more than 15 minutes. Therefore, if you get an opportunity to speak, kindly do so for not more than three minutes.

The hon. Maanzo, please proceed.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to comment on the Statement requested by the Hon. Nyutu about the number plates. I am aware also that

there have been quite a number of controversial issues relating to the National Transport and Safety Authority (NTSA).

In our Order Paper today, Order No.14 is a report of the Committee on Delegated Legislation which had annulled three of their regulations. While we went on holiday, they thought they would enjoy the wind, and by effluxion of time, these regulations will come to force. Unfortunately, we have to vote for them. Kenyans must know that this House has pronounced itself on those regulations, which are pending a vote of yes or no. It is already a report of annulment.

Similarly, those regulations that the Hon. Nyutu is talking about have never gone through the parliamentary process. I have been in the Committee on Delegated Legislation now for 13 years – ten years in the National Assembly and three years in this House – and they have never been presented in either of the Houses. A matter which involves counties like that one on number plates would have come to this floor, or to the Committee on Delegated Legislation. Unfortunately, it never did, yet it is already being implemented. No wonder now Sen. Nyutu is making a request of a Statement on the same.

Finally, I would like to comment on the Statement by Hon. Okoiti, the Senator for Busia County, about the acting position of the Chairperson of Kenya Medical Research Institute (KEMRI).

Mr. Speaker, Sir, KEMRI is a very important institution that does research on medical issues in the country. We have quite a number of threatening issues in the country and in the world, like Ebola. These are the people who will be directing the country. It is only fair that the Government appoints a substantive Chairperson. Besides this, there are many Managing Directors (MDs) who are in acting capacity. It is high time that the Government confirmed or appointed persons in full capacity, so that the country may be served better.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Senator for Nandi County, please, proceed.

Sen. Cherarkey: Mr. Speaker, Sir, I would like to support the Statement by the distinguished Senator of Tharaka Nithi County on the issue of xenophobic attacks in South Africa. It is so sad that, as Africans, we all fought against white domination. We fought against colonialists. It is tragic that our brothers and sisters in South Africa are forcing out their own brothers and sisters from Africa, yet we want to promote Pan-Africanism. If our forefathers were to wake up today and find that Africans are fighting each other, it would be very tragic.

I am aware that more than 53,000 Africans have been attacked and migrated, both documented and undocumented. It is no longer about illegal migrants. Operation Dudula in South Africa is chasing each and every person that they meet, whether they are documented or undocumented migrants.

Therefore, I would like to thank the Government because the Ministry of Foreign and Diaspora Affairs, ably led by the Prime Cabinet Secretary (PCS), Musalia Mudavadi, has ensured that they have facilitated repatriation of more than 400 Kenyans back into the country. I am told, among the 20,000 internally displaced people that have been chased

by these vigilantes in South Africa, there are Kenyans. These 400 Kenyans have come back without anything.

I saw a story in one of the media outlets of somebody who had built an enterprise there, was married and have children with South Africans, and they have nothing for the 20 years they were in that country. I appeal to the Government to step in, stabilise them and ensure they give them opportunity so that they can settle. They can even assist them by bringing their wives and children. You can imagine being here and your wife and children are in South Africa. With the current cold of July here in Nairobi, things might go south.

As I conclude, I would like to talk to South Africans. It does not make sense that 4 per cent of the population are immigrants. These South Africans want to blame everybody and anything for what is happening in their country.

I support the statement on the issue of xenophobic attacks in South Africa.

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

Sen. Onyonka: Thank you, Mr. Speaker, Sir. On a matter that is a bit private, I would like to say that I appreciate the support my colleagues in this House, especially your office, gave me during my mother's funeral. I say a big thank you to all of you.

Mr. Speaker, Sir, I am going to be very brief. The issue of NTSA that has been raised by my brother, Sen. Nyutu, is a matter that affects county governments. Yet, in reality, we have not agreed on what we are going to do in terms of how to manage NTSA our affairs in terms of motor vehicles.

Secondly, the Committee was supposed to have had an opportunity to sit down and explain to this House who is managing NTSA and the funds that are coming through NTSA, including the speed governors which have been erected. I believe that with the coming of this question, there is a likelihood that at the committee level we will be able to interrogate and come up with solutions to the problems which are bedevilling NTSA.

Mr. Speaker, Sir, the issue that many of us have discussed for a few days now is the issue of the xenophobic ranting and fights, which are taking place between our African people. I have a slightly different feeling about this matter. We are here talking about how Kenyans have been chased from South Africa, how Africans do not love each other, and how this should never happen in Africa.

Our legal framework on migration on the African Continent is wanting. We are looking at the issues which have been raised as to why South Africans are chasing the other Africans. Is it a matter that we are mishandling because we think that when South Africans are talking about not wanting these people in their country, do we simplify it and look at it as either a black against black issue, or is it a South African against other African countries issue?

Mr. Speaker, Sir, even in our country, I have listened to very many individuals in private voices and sounds discussing about how immigrants have moved here. You will quietly listen to Kenyans discussing how the Rwandese and Burundians are now the ones who are fixing our ladies' hair. You will hear how the Rwandese, Malawians and Tanzanians are now in Kenya, selling *mitumba* shoes and clothes.

In my opinion, let us begin to prepare ourselves. What is going to happen when Kenyans begin to behave like the South Africans, where Kenyans will start also attacking foreigners?

(Sen. Onyonka's microphone was switched off)

The Speaker (Hon. Kingi): You have one more minute to conclude.

Sen. Onyonka: Thank you, Mr. Speaker, Sir. The point I was making is, let us begin to prepare ourselves on how we are going to handle our people of the African continent in case this matter cascades to our country, because we are acting as if this cannot happen around.

I have heard it being discussed on foreigners, including Rwandese, Tanzanians, Burundians and Ugandans all over Nairobi. One time because of this tribal disease we have about communities in this Republic--- You have heard many people talk about the Somali community. These things are not justified. Let us be prepared so that when it happens, Kenya will be able to handle it.

Sen. Abass: Thank you, Mr. Temporary Speaker, Sir. I wish to comment on the Statement read by Sen. Kavindu. The issue of payrolls is becoming a big problem in this country, and it needs to be looked at.

The other day I was seeing the Cabinet Secretary for Public Service, Hon. Ruku, on TV having the same issues in the national Government, where there are a lot of manual payrolls. Even underage persons are being employed. These are abnormal things. Every county is experiencing the same problems. The source of these problems is the manual payroll. It is high time this House takes action that we must work hard to see to it that payrolls are controlled and automated.

The Cabinet Secretary has taken the issues to the Directorate of Criminal Investigations (DCI) to investigate and that should extend to the counties so that this business of payrolls, theft of money and underage employment should be curtailed because it causing huge wage bills.

I also wish to comment on the xenophobia that has taken place in South Africa. I think it is very unfortunate that the people whom all African countries supported during the struggle for independence, and stood with them as brothers, are being chased away, beaten and their property looted. It a very unacceptable action from South Africa.

South Africa has experienced a lot of problems in the past during apartheid and, therefore, should have appreciated other Africans to work and live with them as brothers and sisters. The way they have behaved is barbaric, and not acceptable to other Africans who stood with them. Other Africans contributed their forces and resources to stand with them, but today, they have kicked everybody out of their land.

Sen. Osotsi: Thank you, Mr. Speaker, Sir for the opportunity to also make my comments on these statements.

Regarding xenophobia in South Africa, I think what is coming out clearly is that these events happening in South Africa are likely to trigger disunity in Africa. One thing that has come out very clearly is the role of the African Union (AU). Why has the AU not come out strongly to intervene in the matter of South Africa? That sends shivers to many

about the efficiency of the AU, and why we should, as a country, continue financing it when it cannot address our problems.

Secondly, is on the Statement by Sen. Kavindu on the ballooning wage bill in Machakos County. It is not just Machakos County, but every other county that has this problem of wage bill. I think our various committees have tried to address the problem, but it seems it is not disappearing.

I think we have to look for other mechanisms of dealing with this problem of the wage bill so that our counties become proper economic units and not just employment bureaus where people come and get employment, and there is not tangible development that happens.

Lastly, the statement by Sen. Sifuna, the Leader of Linda Mwananchi. I have to say that because I see Sen. Cherarkey---

The Speaker (Hon. Kingi): Sen. Osotsi, just stick to your thoughts.

Sen. Osotsi: On disparities in employment benefits between our local people and foreigners, especially international media outlets, this problem is not just in the media centres, but in many other sectors. When the Committee looks at this problem, I think it needs to extend to other sectors where we have our Kenyans earning very low salaries, and foreigners earning more, sometimes even triple.

I have gone through this myself when I was still young. When I just graduated from university working as a software engineer, I used to earn money, but my contemporaries were earning three times as much because they were white people, yet we were delivering more than them. This is a serious problem and I think the Committee on Labour---

Sen. Murgor: Thank you, Mr. Speaker, Sir. I would like to comment on the statement by the Senator of Machakos, hon. Kavindu, on wastage and also the wage bill. My own county led the whole of Kenya by wasting Kshs500 million. This was shocking for us because we are struggling in that county in many ways. This brought a lot of negativity when it was reported in the media.

The concern is that such an amount of money means that those who are responsible and supposed to be accountable are not thinking of themselves as being servants of the people. Instead, they are thinking that this is their money, which is why they are wasting it. It is even surprising that if you check on the list of the people who benefit from these trips, they are either relatives or close allies of the governor of the administration of a given county.

It is a bad misuse of public funds and yet, services such as provision of medical services in hospitals counties are just deplorable or not there. When such amounts of monies are wasted, it just sends a negative attitude to the people who are supposed to be benefiting from many other services.

Sen. Kisang: Thank you honourable Speaker, Sir. I also want to make comments on the Statement raised by Sen. Sifuna on the youth who are looking for employment and employers are asking for clearance from the CRB.

These are very young people who have just left college, and are looking for any opportunities that come along the way. Asking for CRB clearance is an impediment,

because maybe a young fellow has just gone to seek for a loan such as Fuliza from Safaricom, Airtel's T-Kash, or even from a shylock.

I do not know how they are able to access this particular data and list young people on the Credit Reference Bureau (CRB). It is against the Data Protection Act that was passed in 2019, because they need consent. These are small loans. The youth need employment so that they can clear their loans. This is something that we need to re-look at. We also need to look at the Banking Act and the credit bureau laws, so that our youth are assisted and not listed.

Lastly, I want to comment on the issues of National Transport and Safety Authority (NTSA). There are many people who are importing vehicles from Japan, Dubai, Thailand and even South Africa. Sometimes, vehicles lie in Mombasa Inland Container Depot (ICD) and Container Freight Station (CFS) for a long time because the number plates have not been released.

So, the NTSA needs to improve its act and ensure that when vehicles arrive, they are registered on time, and number plates are given. This is because without number plates, vehicles will not be released. If they are released, the traffic police officers will have an issue with then being driven on the road without number plates. So, this is something the Ministry of Roads and Transport needs to work on, so that number plates are released on a timely basis.

Finally, on Sen. Kavindu's Statement, there is a bloated wage bill across all our counties. The reports that we receive in County Public Accounts Committee and County Public Investments and Special Funds Committee are crazy. Most counties are using as much as 50 per cent of their budget to pay wages. So, it basically defeats the purpose. We said we needed devolved units because there are some sections of the country that perceived that if they are in the opposition, there will be no development.

The Speaker (Hon. Kingi): Hon. Senators, as you speak, keep an eye on your gadget. This is because as you speak, the time is indicated how it gets depreciated, so that you can conclude your thoughts within time.

Sen. Korir: Thank you very much, Mr. Speaker, Sir. Allow me also to comment on a number of Statements that have been raised by hon. Members.

I will start with the Statement by Sen. Nyutu, on the issue of the number plates. There are a number of issues that he has raised, but I want to emphasise that the Committee should check on whether people who have applied for these number plates have been given leeway. This is so that if there is a delay, they should not be penalised by the relevant authorities that are involved in making sure that they have these requisite documents.

The Statement that has been raised by Sen. Kavindu on the issues of the wage bill is something that is also affecting all the counties. What will sort out these issues is the Motion that we had in the morning on Integrated Financial Management Systems (IFMIS). Hon. Senators can access IFMIS numbers of every county, so that at the end of the day, they can check on a number of development and wage bills that are affecting a number of counties, which result to huge pending bills.

The issue that has also been raised by Sen. Sifuna on the CRB affects a number of youth. They cannot be out of that list unless they are employed. It is a critical

Statement that we need to look at, as a Government, so that we can address it and allow our youth to access job opportunities to clear the said loans.

Finally, is on the issue of xenophobia in South Africa. A peaceful country is a healthy nation. I normally follow the Parliament of South Africa. Despite the fact that they have been having a lot of debate and challenges within Parliament, I urge them to speak peace, love and unity in that country, so that we can be one as African nations.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Speaker, Sir. I just want to make a brief comment on the issue of xenophobia. Together with Sen. (Prof.) Kamar, we represent this Senate as part of the delegation in the Pan-African Parliament (PAP). On our wall, the question of xenophobic attacks has really generated debates all the way from Morocco to South Africa, West Africa to East Africa. We have been debating this matter online.

Next week, we shall be in Midrand, Johannesburg, when the PAP will be in session. My thoughts are that we must make it painful for South Africa for allowing vigilantes to mistreat other African countries.

In my thinking, the more than 400 Kenyans who have been brought back against their will and whose property, livelihoods and family life was destroyed, must calculate the damages. For example, if a man was making a particular amount of money in South Africa, they must be able to tabulate those damages. The Government of Kenya should take the responsibility to find funds to restart the lives of these people in the Republic of Kenya.

Having borne the bill on behalf of the people of Kenya, they should demand that the South African Government settles this matter. Reparations should not just be about slave trade or how people suffered in war. It should also cover a country that does not manage its vigilante. This debate and proposal is going to be on the table. I hope even our Committee will consider it when they finally look at this matter before them.

The Speaker (Hon. Kingi): Clerk, before you call the next Order, allow me to make this Communication.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KYANG'ONDU SECONDARY SCHOOL

I would like to acknowledge the presence of visiting delegation of four teachers and 109 students from Kyang'onde Secondary School in Makueni County, who are seated in the Public Gallery. The delegation is visiting the Senate for an academic exposition.

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

I call upon the Senator from Makueni to extend a warm welcome.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. I would like to welcome this school, which is the third school to visit Parliament today. Just like the other schools, Ukia and Kitondo, I want to welcome Kyang'onde Secondary School and urge the 109 students and their teachers to take the opportunity to learn as much as possible from their visit.

I want to encourage the students that in the final examination, there is usually a number of questions on the role of Parliament. I am sure they have learnt and been briefed, just like I did this morning with the schools I met at the National Assembly.

I welcome them and urge them to pick something. I wish them success in their exams and life. I encourage them to one day be elected to serve the people of Kenya.

The Speaker (Hon. Kingi): Sen. Abass, you have some Papers to lay on the Table. Kindly proceed before we proceed with the next Order.

PAPERS LAID

Sen. Abass: Thank you, Hon. Speaker, Sir. I beg to lay the following Papers on the table of the Senate, today, 15th July, 2026-

REPORT ON THE COOPERATION AGREEMENT BETWEEN THE NATIONAL GOVERNMENT AND THE NAIROBI CITY GOVERNMENT

Sen. Abass: Report of the Standing Committee on the Devolution and Intergovernmental Relations on the Cooperation Agreement between the National Government and the Nairobi City Government.

REPORT ON THE APPLICATION FOR CONFERMENT OF CITY STATUS TO THIKA MUNICIPALITY

Sen. Abass: Report of the Standing Committee on the Devolution and Intergovernmental Relations on the Application for Conferment of City Status to Thika Municipality.

Thank you, Hon. Speaker, Sir.

(Sen. Abass laid the documents on the Table)

BILLS

First Readings

THE QUALITY HEALTHCARE AND PATIENT SAFETY BILL (NATIONAL ASSEMBLY BILL NO. 41 OF 2025)

THE KENYAN NATIONAL LIBRARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2023)

*(Order for First Readings Read – Read the First Time
and ordered to be referred to the relevant Senate Committees)*

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.

(Sen. Maanzo on 14.07.2026)

(Resumption of debate interrupted on 14.07.2026)

The Speaker (Hon. Kingi): Sen. Maanzo, as the Mover, you have 12 minutes to conclude your reply.

Sen. Maanzo: Thank you, Mr. Speaker, Sir. Today, you heard another Petition by Omusundi. You can see that he is very concerned with the public issues.

In this Petition, his concern was that we should make or pass a law as a House that will allow the citizens to recall the President or a Governor where the House has not been able to do so, in as much as the House is allowed to impeach a President and the County Assembly is allowed to impeach a Governor.

The reason he gave was that the National Assembly Member and the County Assembly member is recallable by the public. He is seeking, through this Petition, that the people be allowed to recall the President, and in the case of a Governor, the residents of that county be allowed to recall their Governor.

We went through this Petition and even consulted the Attorney-General and got her input. There are case laws that have discussed this issue and found that it cannot be performed the way the Petitioner, Mr. Omusundi, wants it done. We also consulted the Law Reform Commission and the County Assembly's Forum (CAF) plus any other Kenyan who was interested in this matter.

We did our level best to bring a Report to this House. We found out that we are not able to pass a law like that, having in mind the way in which the Petition had been framed and requested. What he is asking for can only be done if we are to have a referendum, because it is a way of amending the Constitution through the back door. The Constitution provides methods on which it can be amended and on the issues that can be amended.

Therefore, this Petition was rejected by the Committee. That is what we have reported to the Senate. In the event he still wants to pursue the same, he should note that it cannot be done in that particular manner. However, the matter can go to a referendum. He should introduce a popular initiative to achieve this particular matter.

According to the Constitution and the court judgments and opinions that have been delivered, this House cannot initiate a law of that nature. It will be unconstitutional to a large extent. That opportunity is not completely blocked out.

He reasoned that frustrations were growing in the country, and that is what made him come to that conclusion. He said that many Kenyans, including him, felt that the Members of the House were not dealing with the matter of accountability in terms of the presidency and the governors. That is why he wanted their impeachment to be two ways so that they either be impeached through the House, or people have a direct way of impeaching them.

This particular issue could not be handled as he requested. Every Kenyan, is allowed by law under Article 7 of the Constitution to come before the House, present any issue, and Petition the House on any matter. This House is supposed to help resolve their issues. That is exactly what we have done. We encourage Mr. Omusundi and any other Kenyan who feels that the two Houses are not doing enough to bring amendments to the Constitution through a referendum. The same could be agreed. As at now, the way the Constitution is framed, this could not happen.

I am grateful and I thank you for giving me the opportunity. I beg to reply.

Mr. Speaker, Sir, with your kind permission, I request that the putting of the question in this matter be put on a later date.

The Speaker (Hon. Kingi): Indeed, the putting of this question is deferred to a later date.

(Putting of the question on the Motion deferred)

Now, Hon. Senators, allow me, pursuant to Standing Order No. 45(2), to rearrange today's Order Paper.

We will now move to Order No.23.

Clerk, you may proceed to call that Order.

BILL

Second Reading

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL
(NATIONAL ASSEMBLY BILLS NO. 34 OF 2026)

(Sen. Oketch Gicheru on 18.06.2026)

(Resumption of debate interrupted on 18.06.2026)

Now, hon. Senators, the Floor is open to debate.

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

Now, Hon. Senators, we will defer that Order and move to---

Sen. Sifuna, you know you cannot rise on a point of order, unless you are seeking a different thing altogether. What is your intervention?

Sen. Sifuna: Mr. Speaker, Sir, I was prepared to contribute to Order No.23. Perhaps there is a special reason why we cannot proceed with it. Should I approach the Speaker?

The Speaker (Hon. Kingi): Yes, you may approach the Speaker.

(Sen. Sifuna approached the Chair)

(Question proposed)

The Floor is now open to debate.

Hon. Sifuna, proceed.

Sen. Sifuna: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Bill.

First, I do not know if other Members have noticed, but the version of the Bill that is on our gadgets misses a critical part, which I always start with when debating any Bill in this House; the Memorandum of Objects and reasons. I do not see it in the version that is on our gadgets. It always points to the import of the legislation and why it is necessary for us to bring these amendments to the Roads Act.

Mr. Speaker, Sir, this is an area that has had a lot of debate, because if you go to the Fourth Schedule of the Constitution, it refers to only two types of roads; the National Trunk Roads, and county roads. There are no other roads.

We have really suffered here in Nairobi, because sometimes we do not know which agency is responsible for which road. I was telling this story in the morning that, yesterday, I was in Lavinton area, where I visited Ndoto Road, and it is in a bad shape. The residents also tell us that there is proper confusion as to who is responsible for that particular road. I also have complaints from residents of Karen that if they ask who is responsible for the upkeep of some roads, there is a back and forth between national Government and county governments.

There are positives that I can see in this particular Bill. However, I will start with the problems. As I have said, there are only two levels of roads from the Fourth Schedule. My expectation with this Bill was that it was going to bring more clarity, but I can assure you, I am more confused as to the types and levels of roads after reading this Bill. I think they have created a vast number of new roads and put most of them under the National Government.

If you go to the Bill itself, you will see that it has a First Schedule, where they have created something they are calling national roads and urban roads. Then, there is A3 rural roads, security roads and last mile city roads. If you read the descriptions, I think you have to be an engineer to actually understand the language employed in the First Schedule to know which road is which.

When you go to that First Schedule, you have all this new terminology being used. For instance, there is something called “rural road secondary national trunk roads.”

Then it says, “roads linking major designated towns and forming a continuous network with Class A and Class B roads. Special Purpose Roads - roads providing direct access to places of specific national, social or economic importance including industrial and commercial areas and government institutions such as schools, hospitals, prisons and government housing. Security Roads - roads strategic to national security as identified by the ministry responsible for internal security and communicated to the minister from time to time.”

Now, if you just consider the architecture of our country, even just this city, you will find that most of these institutions being referenced here will fall along the same road. The confusion here is going to be quite palpable.

Part B of that classification is what they are calling County Roads. So, the county roads are Class D, E, and I think DU and EU. In my view, they have actually made it worse in terms of our understanding of which road is a national trunk road, and which one is a county road. I do not think the descriptions being used here are actually constitutional, because the Constitution has already specified that the National Government is only responsible for national trunk roads, and everybody knows what a national trunk road is.

A national trunk road is, for instance, the famous A104 that links Nairobi to the western part and the one from Nairobi to Mombasa. We do not expect that counties will do such work. With that description in the Schedule, I think we are going to have challenges going forward.

Mr. Speaker, Sir, other than that, I can see that there is a provision woven in there that requires the Kenya Roads Board (KRB) to only send funds for roads to counties, which have opened a special purpose account with the Central Bank of Kenya (CBK). As a Senate, we will have issues because we do not want our counties micromanaged. Allow counties to manage functions given to them without the micromanagement from the National Government.

A few positives; under Clause 47(3)(b), you will see that they are providing for something that we, as a country, have struggled with for a very long time. That, all parts of the country must have reasonable access to a national trunk road or a county road. This is the equity that we have been looking for, especially under the Equalisation Fund. There are counties that are so far away from national trunk roads that it is impossible to access them. We want development to be equitable in this country because every one of us pays taxes and we deserve those roads in our areas.

Under Clause 47(8), they have provided for the functions of county governments which stipulates that each county shall maintain, rehabilitate and develop county roads. The only problem I have is in my earlier submission, that, they have actually narrowed the definition of roads that should fall under county governments. I believe it is an affront on devolution that we should resist.

On management of road reserves and access to roadside development; I have a background in outdoor advertising. My first meaningful job was as a legal affairs manager of a company that does billboards. I get into a lot of problems with people who shout, “*kazi ni kazi*”, because my experience is that “*kazi si kazi*” there is *kazi* that can

actually change your life and transform your entire village; which is the first job that I am referring to.

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

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

Mr. Temporary Speaker, Sir, we used to have a lot of fights with the Kenya Urban Roads Authority (KURA) and even the Kenya Rural Roads Authority (KeRRA), and the Kenya National Highways Authority (KeNHA) because we were of the view that advertising and control of advertising, under the Fourth Schedule of the Constitution, is a county function.

We argued that national Government institutions should have no role to play in the licensing of roadside or road reserve developments, which they call road furniture. But to our dismay, those national Government entities were very rabid in terms of saying the road reserves belong to them.

I am happy that although they have reduced the definition of the roads that fall under counties, that it is clear that management of road reserves, access and roadside developments under Section 47A, has been made clear as a functional responsibility of the county governments.

Under Clause 47(a) (c), management of traffic on county roads has been specifically isolated as a county function, so that we should have the capacity, as the Nairobi County Government, for instance, to manage traffic on our roads without interference from the National Police Service (NPS).

Under Clause 47(d), it is something that I also support signage on our roads. It states that every road shall have signage showing the classification of the road and which government level is responsible for its maintenance, rehabilitation and development.

This will solve the problem that I referenced, that there are roads like Ndoto Road in Lavington, where there is a tag as to who is responsible for the maintenance and rehabilitation of that road. It is a despicable state.

Then my favourite, under Clause 47(d), which I am sure some of my friends in the county assemblies and the governors will not like. It states that no person will be allowed to put signage on our roads with their name or image,

Mr. Temporary Speaker, Sir, you have seen, and I am sure members who drive around Nairobi and even in the other counties have seen that every road, whenever there is maintenance of the road or it is being upgraded, you will see the face of the governor there and then the face of the Members of the County Assembly (MCA) there, saying they are the ones responsible for the good state of the road.

Now, this is a specific amendment that is in the Roads (Amendment) Bill. We have had this conversation several times. We want Kenyans to understand that we, as taxpayers, deserve these things. They are not favours and any person can build a road.

I hear people pontificating, saying, "Oh, I am the one who is building the road from here to there, so you should elect me or re-elect me or give me a second term." We

are saying that any person with authority or in authority and collecting our taxes can build roads. A dictator will build roads. A democrat will build roads.

If you go to some of these countries that have dictatorships, they have built fantastic roads. So, that is not an argument for re-election. Any person can build you a stadium; it is not a favour. Moi built us two fantastic stadia that we use to this day. For the All-Africa Games, we have the Moi International Sports Centre Kasarani, and we have the Nyayo National Stadium. If you ask any person in this country whether we want to go back to the life that we used to live under Moi, where people were not free to debate issues the way we debate today, where we did not have freedom of expression, where you could be arrested and jailed without trial, Kenyans will tell you we do not want that.

That Talanta Stadium which we are insisting on calling Raila Amolo Odinga Stadium on Ngong Road, is not the reason why you tell us you want a second term. We want to deal with the software of this country. Any person can build a road.

So, I am very happy with this particular provision on the removal of images of leaders claiming that that is their work. In fact, I have made the point in this House that my favourite road signs are those that KeNHA used to put up. They were green. I do not see them anymore. It said, “your money, the road maintenance levy funds, has been used to improve the situation of this road or the state of this road.” Those are the only signage we want to see. We want to see a sign on the Raila Amolo Odinga Stadium on Ngong Road that it is your money, not William Ruto’s, that has built this stadium. It is our money and nobody should try to tell us any other stories.

Mr. Temporary Speaker, Sir, with those many remarks---

I forgot the final bit there. The law has provided for a fine for anybody who violates that provision on images. So, if you put your face on that stadium and say you are the one who has built it, we will jail you for two years.

(Loud consultations)

Mr. Temporary Speaker, I am being heckled, and I do not know if it is a point of order.

We are saying the provision in the Bill is that if you violate this particular law that says you cannot put your face on the road to say that this is the person who has built this road, we will jail you for two years or fine you US\$1million. The face of Raila Odinga, of course, is allowed on a stadium that is named after him. He is not saying that he is the one who built it.

Mr. Temporary Speaker, Sir, with those many remarks, I would support the Bill, but when we come to the Committee of the Whole, we will be proposing that we remain true to the spirit of the Constitution by deleting these provisions that reference roads that our Constitution does not recognise, these security roads and the last-mile city roads. There is nothing like that. We want a Bill that reflects the true constitutional position, that there are only two classes of roads, national trunk roads and county roads.

I thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Sifuna. I would have expected in the course of your contribution, to mention that in your other life, when

you were dealing with advertising on roads and challenges that you experienced, that you had a few interests while representing your client in the courts, and you are happy with the classification now. That would definitely take away that part of the challenge. Indeed, as you have said, it is a timely amendment to the Bill. So, thank you.

Before I allow the next Senator to contribute, I have a communication to make.

(Interruption of debate on the Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM KAMBUI GIRLS' SCHOOL IN KIAMBU COUNTY

Hon. Senators, I would like to acknowledge the presence of a visiting delegation of eight teachers and 182 students from Kambui Girls School in Kiambu County, who are seated in the Public Gallery. The delegation is visiting the Senate for an academic exposition.

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

I thank you.

Now that we do not have the Senator for Kiambu in the House, I will ask Sen. Cherarkey, as you contribute to this Bill, to welcome them.

Proceed, Sen. Cherarkey and it is good that you should remind Sen. Sifuna that in Nandi County, you have a city as well. So, you are not entirely a rural Senator.

Sen. Cherarkey: Thank you, Mr. Temporary Speaker, for putting matters on record. Since Sifuna refers us to rural Senators, he should know that we have Eldoret City next to my neighbouring County of Nandi. So, all of us belong to the rural area because I have seen that he wants to go and launch his political career in Bungoma.

Mr. Temporary Speaker, I want to extend a warm welcome to the lovely students from Kiambu on behalf of your Senator, Sen. Karungo Thang'wa. Feel most welcome. We hope you learn as much as possible. I am the distinguished Senator of Nandi County, and my name is Cherarkey Kiprotich. I am a ranking member of this House. Feel most welcome on behalf of the Speaker and this House.

I know your Senator is busy with other duties, but we hope he is somewhere in Ol Kalou, he is an agent in the Ol Kalou by-election. I will talk to him to M-Pesa me, so that I can sort you out. However, since his friend, Sen. Sifuna, will be there, I will just send him to meet you outside and ensure you have something as you go back home. He also might whisper one or two things because he was in Thika the other day.

(Resumption of debate on Bill)

Mr. Temporary Speaker, Sir, as I contribute to this Bill on the issue of roads, I am happy that our students who are here also need roads to go to school. You must know that

this House provides for legislation, oversight, representation and the budget-making process.

I know that in Kiambu, where you come from, you also have a bit of challenges with roads, and the Government is doing a lot. Kiambu County, being a metropolis of Nairobi City County, these young students are well aware that they need roads for easy service. In most of their subjects, they learn the importance of having roads.

If you read a book titled *From Third World to First World* by some people of the Asian Tigers, one of the transformations that the President is doing at the moment is moving this country on the road to Singapore. The people of Kiambu, and the students are here from that county are here; at least they were lucky they got Thika Super Highway, and they now have the Mau Mau Roads, which makes transport easy. We will construct an expressway from Thika to ease the condition that we see from Thika Town into the city.

We are very grateful to the President. Our lovely sons and daughters up there should be aware that some of us who come from the so-called rural counties, when we are going for Christmas, sometimes we have to sleep on the roads because Nairobi-Nakuru-Bungoma Road and Nairobi-Kericho-Kisumu-Busia Road usually have gridlocks. We could not go home to celebrate Christmas with our families, give them gifts and to celebrate the birth of Jesus Christ. However, we want to thank the President because as we talk today, someday someone said there was not even a wheelbarrow in Uplands. B if today you drive from Rironi to Mau Summit, there are machines. Works are ongoing to expand the Road to six lanes. This can only be likened to the road to Singapore.

Therefore, this is a good Bill. I agree with my brother from Nairobi that the major road highways that are linking areas across the country, for instance, the upcoming Rironi to Mau Summit, and then all the way to Malaba-Bungoma. These are infrastructural developments. You may be aware that the second phase of SGR has been launched. It will pass through Bomet, Kericho and all the way to the border of Nandi and Kisumu. These are some of the things that will allow the motorability of areas.

Mr. Temporary Speaker, Sir, I thank one of your voters, the man called Davis Chirichir, who works in silence. Since Davis Chirichir came to the Ministry of Roads, most of the stalled roads that were there have now reopened. We thank him for working in silence. Even in my own county, I have two roads almost complete. There is the one from Selia-Kaiboi. It is from Kaiboi, Chepterwai, all the way to Kapkatimbo. There is one from Timboroa. I saw the distinguished Senator from Uasin Gishu, Sen. Margaret Kamar. This is the one that is going all the way to Potopoto, Kopere and Mamboleo in Kisumu. That road is almost complete.

In Nandi County, there is one of Kitechgaa that is being constructed in Nandi Hills. It will end up in Ainab Ngetuny. There is that one that will come from Kericho, Dikirr, all the way through to Kericho. It comes to Keбенeti and it will come all the way to Nandi and onwards to West Pokot. The contractors are on site.

In Bomet Town roads have been upgraded, even the one that goes to the Airstrip. I thank you, Sen. Commissioner Joyce Korir and other leaders of Bomet, for engaging with the President. There is also the Chebole-Siongiroi-Chebunyo Road, which was

impassible, but the ongoing works of refilling the potholes and setting up the ground for the contractor to come and finish this road is ongoing. It had become an eyesore.

Mr. Temporary Speaker, Sir, I know you come from that sub-county. Road construction is ongoing even in Nairobi and Nyamira counties. I would have expected the Senator of Nairobi to begin by thanking the President, because we have eased the traffic at Nakumatt Junction. The President commissioned that road the other day. It has eased the traffic between Naivasha Road and Ngong Road. The President has committed Kshs80 billion to these works. We are now seeing opening of the drainages---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, would you like to be informed by Sen. Omogeni.

Sen. Cherarkey: No, I am sufficiently well informed.

The Temporary Speaker (Sen. Wakili Sigei): Very well. Sen. Omogeni has complied.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, if you drive around Nairobi, Eastlands, Karen, and all the parts, even in the CBD, you have to appreciate that courtesy of the partnership between the national government and the county government, they have opened drainage.

If El Nino comes towards the end of the year, this city will be open. The President assisted the Governor of Nairobi by opening drainages and roads. We have seen that even here at Serena and Valley Road, construction is ongoing. There are many ongoing constructions of road in the city.

However, I am shocked. There is rubbish and garbage in the City, yet the President has done majority of the work, but the Governor of Nairobi, Sakaja, cannot even collect litter. When you go to Waiyaki Way, there is a lot of garbage. I make an appeal because as Senators, we oversight all the counties, we must ensure that we give value for this.

On the issue of security, there were roads being constructed. For bandit-prone areas, for instance Elgeyo Marakwet, Marsabit, Meru, Isiolo and sometimes between Nyamira and Trans Mara and the area around Migori, we normally have challenges of insecurity. It is very important that we have security roads. You saw what happened in Angata Barikoi the other day. We appeal for calm. The historical land injustices in Angata Barikoi must be addressed. So, this issue of security roads is very important. We should give it priority.

I appeal to the agencies that they should not misuse security roads. I remember in the last session, there was an argument where KURA argued that the roads they were constructing in Kibera were security roads. So, you are wondering what is insecure in Kibera. We want to have a tangible report before a road is named a security road. We must be told it was based on which reason so that we can agree.

There is so much, even in Kisii and Nyamira, where our commissioner comes from. There is a road all the way from Wajir-Modogashe-Kulamawe, all the way to Isiolo. In fact, the people of Northern Kenya have never got an opportunity to see tarmac roads. For the first time since Independence, 60 years ago, President William Ruto is fixing it. We are asking ourselves, what was Uhuru Kenyatta or other presidents doing

with our money? This is because four years down the line, what President William Ruto is doing is more than what Kibaki did for 10 years.

(Several Senators spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Order, Hon. Members! Let Sen. Cherarkey be heard in silence.

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

Very well, what is your point of order, Sen. Omogeni?

Sen. Onyonka, I heard you.

Sen. Omogeni: Mr. Temporary Speaker, Sir, my good friend, the Senator for Nandi, Sen. Cherarkey, is doing his second term, and he knows what our Standing Orders say on matters of fact. He has just made a statement saying that the network of roads that have been constructed by the Government, I want to correct you, it is the Government that is doing roads, not an individual. The roads that have been constructed under the regime of President Ruto exceed the number of roads that were constructed by former President Kibaki and former President Kenyatta combined. Can you table statistics?

Sen. Cherarkey: It is a fact.

Sen. Omogeni: No, that is where I am heading. Let us go slowly.

Mr. Temporary Speaker, Sir, this is a House of record. Can he give us the statistics that will demonstrate that what he is stating on the Floor of this House is factual? I can give you facts from Nyamira. The road that was constructed from Metamaywa-Mosobeti-Kebirigo was done during the regime of President Kibaki. The one that was done from Ikonge through Konete Junction---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omogeni, you have---

Sen. Omogeni: No, I am just trying to---

The Temporary Speaker (Sen. Wakili Sigei): I want to direct Sen. Cherarkey to lay facts---

(Sen. Korir spoke off record)

Order, Sen. Joyce.

Sen. Omogeni: The point I am making---

Sen. Cherarkey: Can you freeze my time, Kavata?

Sen. Omogeni: Mr. Temporary Speaker, Sir, the point I am making is that when we are debating, because this is a House of record, let us have our facts correct, so that we do not make statements on the Floor of this House that are misleading, that are not factual, that cannot be substantiated. I was just mentioning those roads to tell you that even if you sample the counties of Nyamira and Kisii, you will find that what Sen. Cherarkey is stating on the Floor of this House is misleading.

The Temporary Speaker (Sen. Wakili Sigei): You have made your point.

Sen. Samson Cherarkey, proceed. Sen. Samson Cherarkey, as you contribute to this Bill, establish the factual position of the statements you are making, including those

raised by Sen. Okongo Omogeni regarding the extent of the road network done by previous regimes compared to the current one.

Proceed.

Sen. Cherarkey: Mr. Temporary Speaker, Sir, there was a former Deputy Speaker from Nandi County known as Hon. Jean-Marie Seroney. Someone once asked for substantiation from Hon. Martin Shikuku and the Deputy Speaker indicated that there was no need to substantiate the obvious. That information was in the public domain. However, if Sen. Okongo Omogeni wants, I can table the facts tomorrow so that he is updated. I know he has been attending rallies, and may have lost track of what is happening.

As Sen. Onyonka mentioned, we saw how he escaped in Ol Kalou. The point I am making is that President William Ruto has done so much in four years than the combined efforts of other Presidents who have ruled this country. That is why we ask: what were our Presidents doing with our money? People want to compare what President Kibaki did in ten years with what President Ruto has done in three years. We must be proud.

One of the ways to reach Singapore's level is to fix infrastructure. Even with challenges, roads like Ngong - Suswa must be addressed. The contractor there must be called to order and blacklisted for shoddy work. Another road that is poorly done is from Nais Junction to Naiberi. We must blacklist contractors that destroy the reputation of the Government.

I appeal to Senators, who are busy with rallies during weekends to visit these projects. In my county, for example, I could not access Chemuswa-Danger Road as Sironoi Bridge is under construction. Oversight must include inspecting roads the Government is building. I appeal to colleagues like Sen. Onyonka and Sen. Okongo Omogeni to stop at Mau Summit, Rironi and Gilgil when driving to Kisii or Nyamira and see the projects the President is doing.

In Bungoma County, construction of Naitiri-Brigadier Road is ongoing. Many roads are being built across the country. I want to demystify that it is not an individual doing the roads. President William Ruto is the President, so the Government is Ruto. That is why we call it the Ruto Administration.

I wish to comment on roads in our counties. Most feeder roads done by the county government are in poor condition. I appeal to Sen. Okongo Omogeni to also visit the feeder roads in Nyamira as he oversees the national Government roads. He should call Governor Nyaribo to order. Sen. Mungatana, Sen. Tobiko, Sen. Onyonka and Sen. Joyce Korir should do the same.

In Nandi County, feeder roads are pathetic. If the President is building using tarmac, why can governors not fix small roads? The county has never fixed the roads in Mogoyuet and Chepkoya regions. The road to my home, Mosoriot, is also not fixed. In Aldai and other areas of Nandi, roads remain unfixed. The county government must fix those roads. In my county, for example, the governor allocated almost Kshs700 million for roads, but you do not see the value. Counties hire machines they already own. Roads are graded without murrasing or culverts.

Mr. Temporary Speaker, the region you and I come from, grading must be followed by murrum and culverts. Counties are misusing funds meant for murrum and culverts. The same happens in Kisii County as well. Farmers sacrifice sales from tea and other produce, but the money is not reflected in road improvements.

I appeal to colleagues that as you oversee President William Ruto, you must also oversee governors 100 per cent. I sit in the County Public Accounts Committee (CPAC) and say this with authority. Sen. Onyonka was also a Member of that Committee. Sen. Okongo Omogeni is currently a Member of the Committee. Governors are ruining this country.

In conclusion, I was reading *Betrayal in the North* by Abdiqani Hassan. It talks about Sessional Paper No.10 and the Wagalla Massacre. It highlights roads in Northern Kenya, especially Wajir. The book says the current group of governors in northern Kenya are modern-day colonisers. They are ruining roads, education and health. Governors worship with people in mosques, yet they misuse funds. Counties have received more than Kshs4 trillion in the past 15 years, but it is not accounted for. When it rains in northern Kenya, roads are swept away because works are not properly done.

Mr. Temporary Speaker, I will give you a copy of *Betrayal in the North* so that you understand what this nation is going through. Colleagues in the Senate, we must be aware and ensure this country moves forward. We do not want to be like South Africa, which has faced xenophobic attacks. During the World Cup, African countries wanted South Africa defeated because of those attacks. The only way to grow Pan-Africanism, as the late Hon. Raila Odinga said, is to create an infrastructural network---

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey, your time is up.

Sen. Onyonka, proceed.

Sen. Onyonka: Thank you, Mr. Temporary Speaker, Sir. I have wonderful accolades for Sen. Cherarkey. Only that his comments in this House have selective responsibility. Sen. Cherarkey comfortably criticises President Uhuru Kenyatta as not having done much, yet President William Ruto was President Uhuru Kenyatta's Deputy President for 10 years. You enjoy the privilege of roads being built in your areas, while the opposition never gets services. We are behaving badly.

Mr. Temporary Speaker, Sir, let me get back to the Kenya Roads (Amendment) (No.3) Bill. If the leadership of Kenya was honest, this is an issue that should not have raised controversy. All of us wish and hope that all regions can get development equitably and equally.

Historical injustices that have happened have made some of us to take positions on some of these matters which are very uncomfortable because we are always selective. As long as our region gets leadership positions, particularly the Presidency, and he does all the roads he wants to do in our area, it is okay for other areas in Kenya not to have roads.

That is the greatest controversy about us, as a people. When we fight to share national resources or cake, we internalise that. We actually go tribal or communal. We even go up to the ward level. However, nobody wants to talk about national equity because of inequitable levels of development and growth that have taken place in our country for the past 60 years, whether it is a sub county, county or our own country. That

is why our brothers in the north felt that they were not Kenyans, yet we act as if this is a matter that cannot be discussed. In reality, what do you find when you try to solve the problem of inequity so that you give our brothers in the north resources for them to catch up with the rest of Kenya? The leaderships from those areas are just as insensitive as the national leadership. Kenyans have a common trait that when the winner takes it, he should always take it all.

The reality is that roads have been the problem but we do not speak the truth in this House. Why are we always fighting about roads? It is because that is where there are low-lying fruits. That is where corruption is beautiful. That is where we share corruption equitably. That is where those who are in power and those who manage our resources sit down and agree which company will be given road tenders.

The other day we were told that a kilometre of road in Kenya costs Kshs1 billion, and that is normal. The other day I drove on the road that is being done. I want to congratulate my brother, Sen. Cherarkey. When you see the President, tell him that we appreciate the little he has done. You should not say that he has done more roads than anybody else, because you are lying in this House. That is why I would like you to substantiate.

Mr. Temporary Speaker, Sir, allow Sen. Cherarkey to tell me how many roads have been done, and then apologise for not saying the truth.

(An. Hon. Senator spoke off record)

You did not lie or did not say the truth, but you misled the House. Thank you, my brother.

Mr. Temporary Speaker, Sir, I would like Sen. Cherarkey to come here tomorrow. Do not talk about the 47 counties. I want him to talk about four counties only. That is Kisii, Kericho, Nandi, Makueni or any other that he may pick, and you will realise that the trend is literally the same.

When Hon. Chris Obure was the Minister for Finance. It is true that he did more tarmac roads in Bobasi than any other area in Kisii County. It is true that when the Director-General was from Bonchari in Kisii, that area got more tarmac roads than anywhere else in Kisii. In Kitutu Chache, where I come from, when those two gentlemen were working in the Government, I did not receive even a single kilometre, yet I was a Member of Parliament (MP), and I used to fight every day.

I am trying to persuade my brother Sen. Cherarkey. Sometimes you need to look at the other side of what we say. You need to understand why we keep on making noise. It is not that we do not like the President. We respect him and the office. What we are saying is that if you give one constituency in Kisii County 200 kilometres of tarmac road, but there are nine constituencies, what equity have you applied, yet you are using Kisii Town as the Global Positioning System (GPS) point? That inequity, unfairness and aspect of our underdevelopment is what we must deal with in this Bill that is being discussed---

(Sen. Cherarkey and Sen. Korir spoke off record)

The Temporary Speaker (Sen. Wakili Sigei): Sen. Cherarkey and Sen. Joyce Korir, you know how to catch the Speaker's eye. Do not make noise. If you want to intervene, do what is appropriate.

Sen. Onyonka: Thank you, Mr. Temporary Speaker, Sir, for protecting me. I think I am making a lot of sense.

Lastly, my colleague Sen. Cherarkey, I would like to persuade you. We want this country to develop equitably, fairly and responsibly. When you create the Sovereign Wealth Fund (SWF) for infrastructure improvement, you should not tell us that the Controller of Budget (CoB) cannot remit payments to whoever wins contracts.

We are not saying that we do not want development. What we are saying is that you do it responsibly and within the law, so that you eliminate any accusation of corruption. The problem our country is facing is not because we are not spending money for development. We are doing it, but ten times more the price and that is the cost of production in terms of corruption.

The President has done a wonderful thing that you have said. Could he now bring down the cost of constructing roads? A road that is done at a cost of Kshs1 billion should be reduced to Kshs20 million per kilometre so that we see how much can be done.

Mr. Temporary Speaker, Sir, this is a good Bill that will go a long way to solve issues which affect the national and county governments. We have been asking and begging. I hope that this House will deliberate and come to conclusions which are reasonable and fair so that Kenyans can have fair and equitable development and growth in order for all of us to be happy so that we make Sen. Cherarkey happy.

I thank you.

The Temporary Speaker (Sen. Wakili Sigei): Before you sit, Sen. Onyonka, just to remind you that whenever you make a contribution, address the Chair and not an individual Senator. Similarly, Sen. Cherarkey, I believe your gadget is working. If you want to intervene, that gadget allows you to do that.

(Sen. Cherarkey pressed an intervention button)

Now you have done it. Next time when you want to intervene, do what you have just done.

Next is Sen. Mungatana.

Sen. (Dr.) Mungatana, MGH: Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to make a few comments about this Bill. There are some good aspects of this Bill but there are also others that we need to reject as a Senate so that we go to mediation in order for some things to be explained better.

Previous speakers have pointed to the fact that the Constitution only recognises national and county roads. I hope we will reject some of these Clauses or move amendments so that we go to mediation. I am worried specifically about Clause 6(e)(viii), which states as follows-

“five per cent of the allocated funds is allocated to county governments under Article 202(2) of the Constitution.”

Mr. Temporary Speaker, Sir, they are trying to say that for all the monies that will be allocated, county governments will only get five per cent of the allocated funds for county roads. That is taking us backwards and not forwards, because there are so many categories of roads.

In some places, you will find 22 per cent, like in the case of Clause 6(a), being increased by the Kenya Roads Board (KRB) to 25 per cent. Other categories of roads will be increased by up to 38 per cent, but the county governments will only be allocated five per cent of the allocated funds. I do not know whether colleagues have seen this. However, even as we argue here for equitable share, we are now heading to more than 35 per cent. That is the target. We want to go beyond 35 per cent. The equitable share has grown over time. However, they are now saying county roads should be given only 5 per cent. That is taking us backwards. I hope Senators will see this clause and will reject it. They should adjust all the other categories of roads so that county roads under Clause 6 are allocated more funds.

Mr. Temporary Speaker, Sir, the Constitution in Article 203 provides that for every financial year, the equitable share of the revenue raised nationally that is allocated to county governments shall not be less than 15 per cent of all revenues collected by their government. So, 15 per cent is the minimum, and we left 15 per cent a long time ago since we started devolution. We are now heading towards 30 to 40 per cent. So, for somebody to put in written law that is subservient to the Constitution, that county governments will get five per cent, it is a joke to the Senate. I urge all colleagues to reject this particular clause that seeks to make our county governments a lesser government than the national Government. That is trying to create an unconstitutional clause.

Even if this law passes here, civic-minded Kenyans should go to court to raise the percentage to a minimum of at least 15 per cent. Our governors should get a minimum of 15 per cent of the amount allocated for roads, because the equitable share under Article 203 requires that counties get a minimum of 15 per cent. So, I take very strong issue with that particular clause.

Mr. Speaker, Sir, if you go to the Kenya Roads (Amendment) Bill, 2025, on subclause 4, it states that the Board shall not approve any disbursement of funds to a county government unless the county government has met the requirements set out in subsections 5A and 5B. What is on subsections 5A and 5B? They require that a county government set up a special purpose account at the Central Bank of Kenya (CBK), which has a designated department or division responsible for maintenance, rehabilitation and development of county roads. So, do you know what this law is trying to do? This law is trying to make the Kenya Roads Board superior to a county government. The County Government of Tana River will now have to comply with what the Kenya Roads Board is saying. We must understand that there are two levels of government. The Kenya Roads Board cannot be superior to the County Government of Tana River, the County Government of Nairobi or any other county government.

The person who drafted this law does not appreciate what devolution is all about. You cannot subordinate a county government to a board. How can the Kenya Roads Board determine whether funds will be allocated to a county government? How does that happen, Mr. Temporary Speaker?

When we are here as Senators, our business is to protect the counties. This kind of law is nonsensical and we must not pass it. I pray that Senators will look at it again. How can a board dictate what a county government should do? That does not make sense. If that be the case, then even the monies that we allocate here as equitable share under the Constitution would require a board to determine what goes to counties, instead of what the Senate passes.

Mr. Temporary Speaker, Sir, I think this should be sent away. This kind of thinking is informed by people who are still stuck in the central Government mindset in the national Government, and whose minds have not bought into devolution. This kind of thinking is supported by people sitting in the National Treasury, who want to control the money that ought to go to county governments. They do not actually support devolution. How do you draft a law like that? Subclause 3 provides that the Cabinet Secretary shall utilise funds allocated under Paragraph 7 to provide for equity in roads, maintenance, road-related emergencies, primary oversight and administration expenses.

Mr. Temporary Speaker, Sir, they are trying to make the Cabinet Secretary the prefect of roads, including those roads for county roads. It is the Cabinet Secretary's decision on how to utilize the funds. He is the one who determines equity in the maintenance of these roads. I do not know if Senators are seeing this, that we are creating, in the Office of the Cabinet Secretary, powers to decide equity. Why? Already we know we are entitled to a minimum of 15 per cent based on equitable share, and right now we are doing over 30 per cent. This does not make any sense. The person who drafted this law must be sitting in the Office of the Cabinet Secretary, and that person must be very happy that it has passed in the National Assembly. It will not pass in this House.

Senators need to be sensitised on the fact that we are creating a prefect here. Why should the county governments themselves not supervise what is supposed to be under maintenance? Why not create the equity themselves? Why should the figures not be pre-determined? If this year, for example, we are getting 30 per cent of equitable share, it should automatically follow that counties will get 30 per cent of the funds allocated for roads. We do not need a prefect. We do not need the Cabinet Secretary to be a prefect over funds going to counties.

This kind of drafting will expose the national Government and taxpayers of this country to a lot of litigation, because this is an unconstitutional law. The law is wrongly drafted. They even say in Subclause 5D that county governments should submit to the Board, six months in advance, an annual road plan.

Therefore, as a county government, we pass our budgets, allocate money and say, we need this amount of money. Then, the County Executive Committee Member (CECM) for the county government should go outside from the county executive to Nairobi and submit to a different body called the Kenya Roads Board. What are they doing with our share, that the County Executive Committee Member for Roads and Transport should go and submit an annual programme to the Kenya Roads Board? This is wrong. There is something fundamentally wrong with the drafting of this law.

This law is trying to tell us that the Kenya Roads Board is superior to the county government. This is trying to tell us the Kenya Roads Board is the one that should receive

the annual programme for making roads. Why? Is it that the Kenya Roads Board is another level of government? Are we not supposed to be two levels of government? I reject this kind of thinking.

We need county governments to get their fair amount of percentage, which is minimum 15 per cent. The funds allocated to roads should automatically come. We do not want to be told, “Oh, you need to submit plans to the Kenya Roads Board” or it is the Cabinet Secretary who should use his discretion to ensure there is equity.

Mr. Temporary Speaker, Sir, I want to, in fact, make a point before I forget it. Leaving anything to the discretion of the Cabinet Secretary, and specifically, leaving anything to the discretion of Davis Chirchir, the current Cabinet Secretary for Roads and Transport, is a mistake.

Mr. Temporary Speaker, Sir, in the last financial year, in the county of Tana River, there was no tarmac road that was built. Similarly, in the previous financial years, there was no tarmac road that was built. Leaders from Tana River County have met Davis Chirchir and talked to him. I have talked to him, as a Senator. I have talked to the Principal Secretary (PS) in this particular department. We have made the point again and again. I have written that the president of the Republic of Kenya made pledges during the campaign that once he is elected, he will do the Boji, Tarasaa and Kipini roads. We are talking about 13 kilometres and a few kilometres here and there. No single tarmac, not even one kilometre, has been done. Yet now you are saying that we should leave discretion. The discretion Davis Chirchir will give you is just a smile and nothing.

I hope he is listening to me. The people of Tana River County are annoyed with him because he is making the President to be a liar to the people of Tana River County. He made the promises and he is the Cabinet Secretary. The PS should listen to us. People are also going to answer to this issue. You are writing a law telling us we should leave some of these things to the discretion of the Cabinet Secretary. How? The Cabinet Secretary cannot be trusted. The discretion cannot be left to an individual. We do not want promises. It is better if the amount is divided at 15 per cent. It is better for the equitable share to be divided. Let that money come to the county. We do not want to hear stories and promises of people like Chirchir. We do not want stories. Let this money be divided automatically.

Let the money go to the county government for it to decide with the 15 percent that they have received. They will do one kilometer of tarmac this year and one kilometre tarmac next year. If this money had gone to county governments, and I am not speaking for only Tana River County, I know many other county governments would have done at least one kilometre of road. Leaving it to the discretion of a Cabinet Secretary is a wrong law and we must oppose it as Senate.

So, I am saying this Kenya Roads Amendment Bill has something good, but it has missed the fundamentals: which are that there are two levels of government where we have equitable share. It cannot be that we are going to be subservient to the Kenya Roads Board, or we are going to be kneeling down to a Cabinet Secretary to decide how funds should be allocated according to his understanding of equity. The shares must be clear.

We are tired of talking to people here in Nairobi. An example has been given here. When people have offices, they develop their areas, they do roads in their areas. It is

on record here what Sen. Onyonka was talking about. However, they do not do for other areas. So, we do not want people to depend on what the Cabinet Secretary has promised. It should be automatic.

Mr. Temporary Speaker, Sir, if it was not for devolution, there would be nothing in some of our counties. That is true. That is why we do not want any discretion. We do not want the Kenya Roads Board to be in charge because when they appoint those directors, some of our counties do not get a chance to sit in those boards. They appoint their own people. They marginalise us every day

I would like to take the Floor of this House to say that, *saa hii*, you believe that you are in power, and will do what you want, oppress the minorities in this country and refuse to develop our roads. But I am telling you that it is just for a while. We will reject these laws that you are trying to develop, in this Senate.

Mr. Temporary Speaker, Sir, with those many remarks, I beg to support the clauses that are good, avoid and oppose the clauses that are negative to county governments.

Thank you, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Omogeni, please proceed.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir, for also giving me a chance to make my contributions to the Kenya Roads (Amendment) Act 2025.

For the record, I would like to join my thoughts or link my thoughts with the thoughts of Sen. Mungatana that, as a Senate of the Republic of Kenya, we should be very cautious while voting or rejecting this Bill. The devil is in the detail.

If you read the clauses that are being amended, the intention of this Bill is actually to weaken devolution and take more powers on road construction and rehabilitation away from governors to be under the control of Members of Parliament. If you want to understand what I am saying, you need to read the provisions of the law that are being amended.

I would like to begin, with the proposed amendment of Section 6(2) of the Kenya Roads Board Act, which is trying to amend Paragraph (d). The increase on the amounts that are supposed to go to roads that are being defined as roads linking constituencies, that is money that is going to be under the control of a Member of Parliament. For some of us who were here in the last Parliament, we rejected a law that was brought to this House, that was coached almost in similar language. We did make a proposal that if Members of National Assembly should continue having a say in the selection of road projects in constituencies, then we as Senators should also have a say, so that there is parity.

I do not know whether you are aware, Sen. Mungatana, the prevailing situation is that MPs nominate their staff from their constituencies to sit in the road boards, at the constituencies level, so that they have a say in making a determination on the roads that will be assigned a budget for certain projects, while the Senator, the Women representative and the governor have no say.

Amendment A is purporting to delete 20 per cent and increase that percentage to 22 per cent relates to roads that connect constituencies and that is where the mischief is. I would want to read it.

The first one says in part-

“22 percent we shall be depositing to a special bank account to be called Constituency Roads Fund Account, to be maintained in every constituency.”

You get it? So, this is money that goes and is by design under the control of an MP in a constituency.

B says, 10 per cent of the allocated fund is allocated for the maintenance or development of link roads between constituencies. How can you be talking about roads linking constituencies and you leave out counties? How can you say that you are allocating 5 per cent to county governments, as if roads in constituencies are separate from roads in counties?

Mr. Temporary Speaker, Sir, if we need to connect roads in the constituencies in Bomet County, there is no distinction between a road that should be under the ambit of the governor, and one that should be under the MP, unless we want duplication.

I agree with you, Sen. Mungatana, that this law as drafted is for rejection. If it is not for rejection, then we need to undertake serious amendments to this law so that if we are creating a special fund where the Members of the National Assembly have a say, then we need another bigger fund because the county is the bigger entity. The entity that should get more money for road maintenance should be the county and not the constituency, because a constituency is a smaller unit.

Remember we are here to protect devolution and the interests of our 47 counties. That is our main role as Senators. If we enact this law, we will be weakening devolution. I agree with Sen. Mungatana that we cannot put it in our minds that a governor can only do a murram road. No!

If the national Government can come to my county Nyamira and give a contract to rehabilitate roads within Nyamira town municipality, 2.2 kilometers, and award a contract, the money that I send to Nyamira is more than enough to do that work. If we really want to develop this country, let us stop these fights between counties, constituencies, and national Government, because we pay taxes. Today, I fueled my car. I paid tax. The boda bodas in Nyamira today who fueled their motorcycles paid tax.

I wish my friend Sen. Cherarkey had stayed in the House. I think we should implement the Commonwealth practice. When, you make a contribution to a law, the Commonwealth practice dictates that you stay behind to hear what your colleagues will also say on that law. You do not just talk and then you walk out.

I wanted to remind Sen. Cherarkey that this law was first developed in 2007 during the tenure of President Kibaki, and I think that time Sen. Mungatana was an MP. Because President Kibaki wanted fairness and equity in the development of our roads, that is why the Kenya Roads Act that was passed by Parliament in 2007 created three independent boards; KeNHA, KeRRA and KURA.

It was in recognition that once we collect our taxes, we give that money to those entities to ensure that there is fairness so that we do not hear the agonizing contributions from Sen. Mungatana, that the President made promises to make roads in Tana River, which he has not fulfilled to date. I wanted to read this law to Sen. Cherarkey, because he is a lawyer and he should be making statements that are backed by the law. It is a very bad thing to display ignorance of the law, and you are a lawyer. Section 4 says the

functions of the Authority shall be to construct, to upgrade, rehabilitate and maintain roads. Then “H” says they shall do the planning, development of roads. They shall prepare the road work programs for roads.

It is supposed to be an independent entity. When Sen. Cherarkey stands here and says the President is going to make this and such a road, know we have put in place a framework that demands that we should have an objective criterion in terms of how we allocate our resources to have a connection of tarmac roads in the entire country.

If you are a forward-looking leader, you will never move your country to the next level by only developing one region. To develop this country, we must have tarmac roads in Nyamira, Tana River, in Mombasa or Kajiado. That is the only way you develop a country. But if you are not somebody who is wise, forward-looking, then you will think that the best way is to connect all tarmac roads in your region only. How will that develop a country?

You need to do inter-country trades. The people of Tana River should be able to trade with us in Nyamira. If we do not have bananas in Tana River, a good road network should deliver the bananas there. If you have good fish, you should get that fish from Tana River to Nyamira. That is how you move the country forward. If you say you want to go to one region, for example, Nandi and you make 300 kilometers of tarmac, and you leave the other regions of Kenya behind, you will not take this country anywhere.

I want to tell my good friend, Sen. Cherarkey through you, Mr. Temporary Speaker, Sir that a country is developed by successive regimes. It is not right to demean a very respected leader, like the late President Kibaki. I mean, the late Kibaki is standing in his grave wondering what statements are being made here by Sen. Cherarkey. Under his regime, we did Thika highway. If you go to Australia, the Australians will tell you that Princess Highway and Hume Highway, was built by successive regimes. Many prime ministers were in office.

The Temporary Speaker (Sen. Wakili Sigei): Your time is up, Sen. Omogeni. I will just confirm from the gadget so that we do not also rob you of your time. All right, Sen. Omogeni, proceed as we work on the time. There was a technical hitch. You have seven minutes.

Sen. Omogeni: Thank you, Mr. Temporary Speaker, Sir. I want to give an example that if you go to Australia, the road called Princess Highway, which was named in honour of Prince Edward of Wales, was built by successive Prime Ministers. Hume Highway was built by successive Prime Ministers.

The lady who completed that work was Prime Minister Julie Goulet. She did not demean the work that was done by other Prime Ministers. She built on the success of the former Prime Ministers who were in office then. That is what we should be doing as a country. If you have taken over leadership and find work that was done by President Kibaki or President Uhuru, you should continue from there and acknowledge the good work that the previous Presidents did.

There are some good things that have been proposed in this law. One of them is the issue of road maintenance. I heard Sen. Cherarkey shower accolades to the CS from your constituency. I have a lot of respect for the CS for Roads and Transport. However, if you remember, the CS for Roads and Transport was in this House when I raised the

question of Nyagaita Bridge near Kebirigo Market in my County of Nyamira. I said the road from Metamaywa, Mosobeti, Gesima to Kebirigo was completed 10 years ago. However, there is a section of Nyagaita Bridge that has remained incomplete for the past 10 years. The CS promised, on the Floor of this House, to fix that road within six months; but up to now, that bridge has not been fixed.

This Bill is talking about money being allocated for road maintenance. We have a number of fantastic roads that were constructed during the regimes of President Mwai Kibaki and President Uhuru Kenyatta. All those roads are now developing potholes because there is no maintenance. If we do not move in as soon as yesterday, we will find ourselves in the situation we were in, in 2002, when our roads had developed gullies.

So, I want to make an appeal to the membership of the Kenya Roads Board. I know that the National Assembly mischievously amended the law to remove representations of Law Society of Kenya (LSK) from the Kenya Roads Board, which is unfortunate. However, there are still some organisations that nominate membership to the Kenya Roads Board.

To ensure that there is fairness and equity in the way we allocate our resources for road construction, maintenance and rehabilitation, I want to appeal to the Kenya Roads Board to ensure that there is fairness and equity across the country. I also want to appeal to the President to appreciate that there is always wisdom when we come up with these laws.

The first time that the LSK was given a chance to participate in making suggestions and contributions to laws that were being enacted by Parliament was in 2007, when I was the Chairman. That is when we passed the Kenya Roads Act. We borrowed from the law that had been passed in Australia, the National Roads Act. We wanted to pick the principles of fairness and equity that are captured in that Australian law. So, let us not dismantle good laws for short-term expediency. Let us have a professional approach on construction of our roads. That is the only way we will leave this country better than we found it.

As I conclude, I am happy that on the good part of this law, it is barring the very bad habits I have been seeing around, where our governors put billboards containing their picture and name, and say this project was done by governor so-and-so. They are using public resources to campaign. I am happy that this law is proposing that, that should not be allowed. If you put a signage, it should acknowledge that the road has been built by the taxpayers' money. This is because it is my taxes and those of other Senators that contribute to the construction of those roads. It is not anybody's money. It is of taxpayers. We pay a lot of money as fuel levy. So, that is a very good proposal.

I also appreciate the fact that this law is trying to bring some clarity in classification of roads. However, I propose that we Senators relook at this idea of classification. This is because the mischief here is to take away all roads from our counties. Then why did we have devolution if by this classification you want to take away all roads? The words used are 'that the small, minute roads connecting small markets'. I am wondering where do you leave roads like that of the City Council of Nairobi when saying that all city roads are transferred to the national Government?

Why is Sen. Sakaja taking a lot of rates from me as a man who owns property in Nairobi, if he is not going to use that money to rehabilitate our roads in Nairobi? I do not know who drafted this law. Is it somebody who wants us to do away with devolution or a legislator in the National Assembly? I do not know who was behind the crafting.

If you go to the details of this Bill, the intention is to weaken devolution. So, I am appealing to all of us Senators to take a very keen interest in this law and reject it. If not, we make comprehensive and serious amendments to this law. If we allow it to pass the way it has been drafted, we would have made a big contribution in weakening devolution. We will be the enemies of our county governments. We will not have played our role of protecting counties and county governments.

With those remarks, we must be alert so that we do not come here one afternoon and be ordered that we must vote. Remember the petition that we discussed the other day, where somebody petitioned this House and said we are passing bad laws and doing impeachments in the wrong way because of political patronage? Let nobody direct us how we pass laws in this House. Let us be given the freedom to vote how our conscience directs us. Let me vote knowing that I am voting to protect the interests of the Kenyan public, the 47 counties and not the interests of any one individual.

With those remarks, I support this with a caution that it can never pass the way it is.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Omogeni. Proceed, Sen. Tobiko.

Sen. Tobiko: Thank you, Mr. Temporary Speaker, Sir. As I make my contribution on the Kenya Roads (Amendment) (No.3) Bill (National Assembly Bill No. 34 of 2025), if there is one subject that has been close to my heart in the period that I have been at the Parliament of Kenya – both at the National Assembly and the Senate – is the issue of road infrastructure. I intend to use this opportunity to put the case of our people forward. Let me begin by saying the positives about this Bill. This Bill is a better version of the Kenya Roads Act. It is better than what we have been using since the passing of the 2010 Constitution. The Kenya Roads Act had never been amended, and the old version of the Kenya Roads Act did not recognize counties.

This amended Bill is a better version because it brings in the issue of counties. However, I agree with my colleagues that this Bill cannot pass as it is. I am a Member of the Committee on Roads and Transportation of this House, and I also served in the Committee on Roads and Transportation in the National Assembly. I have always tried to be a Member of this Committee because the road network and the road infrastructure in our counties matters a lot for our development. Kenyans would not operate equally if we did not have equity in the roads infrastructure.

This Bill classifies roads into two main categories: the national trunk roads and the county roads. What is shocking me is that the Bill we are discussing originated from the National Assembly. We have our own version of the Bill which contains what the Senate is proposing. I see us headed to a mediation situation because we must bring the two Bills together. We have to look at what the National Assembly is proposing, and what we are proposing.

In our Bill, the percentages are different, but I will discuss this Bill because it is what we have on the Floor. The National Assembly has gone ahead and done more categorization of the national trunk roads. They have categorised them as national roads, urban roads and rural roads. They went ahead and tried to classify county roads, which I would say, is not their mandate. They should leave the classification of county roads to the Senate, because that is our duty.

On the percentages in terms of revenue allocation, I do not agree with the percentages that they have given. This is where we must achieve equity. It is at this point that Kenya must be brought to the same level and devolution must be seen to work. This is where it must be seen to work. If we do not get it right on the issue of legislation, then we will not get it right on the issue of revenue sharing. We must get the legislation right so that we go to revenue sharing. After which, we will hope that the implementers at the executive level, both at the county level and at the national level, will do justice.

Why do I say this? Something that always hurts me so much is the fact that one can always identify my car from that of the other Senators whenever I park in these precincts. This is because my vehicle is battered, and it looks like it came out of a hole, and that is because of the condition of our roads. One of our Members who had contributed spoke about roads at the north eastern part of this country. The truth is that we have counties that neighbour Nairobi whose roads are worse than the roads in the Northern Kenya.

The county where I come from only has one international road, the road that leaves Nairobi towards Arusha. That is the road in Kajiado County. The other road in Kajiado County is there courtesy of Uhuru Kenyatta. It runs from Isara-Mashuuru-Kajiado-Kiserian-Ngong-Suswa. The other road, courtesy of President Kibaki, is the road going to Loitoktok. That is it for Kajiado County.

Sen. Cherarkey talked about security roads, and that made me think of the situation in Kitengela. There is only one road into and out of Kitengela. So, when there are demonstrations, life comes to a standstill in Kitengela because we do not have any other road out of Kitengela. The only other road is the one that goes to Arusha. There are no other roads. We do not have any link roads, and there are no diversions. Kitengela can be brought to a standstill on one single day through demonstrations.

Kajiado does not have other roads unless one crosses over and joins Mombasa Road which has now become the bedroom of many Kenyans who work in Nairobi. We also have Kenyans who have invested their retirement homes in Kajiado because we are a hospitable community. We are peaceful people. Kajiado has a good environment where people can grow their own food and get fresh food and milk. Many of you, even those of you in this House, have interest in Kajiado.

Every Kenyan who leaves Nairobi to come to Kajiado starts to bash the leaders of Kajiado. They say that they are not working because they have not constructed roads. It is not that we have not constructed roads. Seemingly, for any community to enjoy tarmac roads, they must have the president coming from their community. That is the only time people get roads. That is why Thika Superhighway was constructed for Central Kenya by President Kibaki. That is why today, we are seeing the Mau-Summit Rironi Road heading

to the other direction of Kenya. For those communities that will never enjoy the seat of the Presidency of Kenya, we remain with nothing.

The Temporary Speaker (Sen. Wakili Sigei): What is your point of order, Sen. Mandago?

Sen. Mandago: Mr. Temporary Speaker, Sir, pursuant to Standing Order 105 on Statement of Fact; is it in order for Sen. Peris Tobiko to mislead Kenyans that the only time tarmac roads are done in your places is when the President comes from your place? I am aware that there is a road of over 700 kilometres being done all the way to Mandera and to the border of Kenya. I am also aware that the road heading to Tseikuru in Kitui County is being done; it is not leading to where the President comes from. In fact, it is leading to where the leader of disunited opposition comes from.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tobiko, you have heard the concerns by Sen. Mandago. Rephrase your statement to reflect what you meant because you must have meant to say something different from what you said.

Sen. Tobiko: Mr. Temporary Speaker, Sir, let me rephrase. Maybe you need to be politically aligned. In this country, there are other factors that are considered for regions to get their fair share of the road's infrastructure. Why am I saying this?

The Temporary Speaker (Sen. Wakili Sigei): Sen. Peris Tobiko, that is still misleading; it is still not the position of any other government in office.

Sen. Tobiko: Mr. Temporary Speaker, Sir, allow me to qualify my argument. Kajiado County is just here in the metropolitan area; it should have been as connected to Nairobi as Kiambu, Murang'a and Machakos are. I am on record in this House mentioning the roads that are heading to the Eastern region of this country from Mombasa Road compared to roads heading to Kajiado.

I can mention each and every single road that has been tarmacked very recently towards Machakos. There is a tarmacked road going to Kinanie, Mua Hills and interestingly, another one that goes to Stony Earthy Resort. That one should have easily crossed the railway line to Kajiado County but it does not. There is a road that heads to Machakos Junction from Konza Junction; the same road on the Kajiado side is bare. It is marram but old marram that has potholes while we see neighbouring Kenyans enjoying good tarmac roads.

There is even another one in between Machakos Junction and Konza Junction. The same road should head to Kajiado; as they cross Mombasa Road to Machakos, let us have another one crossing to Kajiado. As they cross the road to Makueni County, let us have another road crossing to Kajiado. The road going to Magadi is so narrow yet, it is a road that should be major.

The road going to Ngong, Kiserian and Rongai should be dualled because of the population circuiting Nairobi City County. You will find children going to school looking muddy because their roads are not tarmacked within Kiserian. The roads in Rongai are in terrible situation, yet, they are just neighbouring Nairobi. The situation in Rongai should equal the situation in Karen, because we neighbour Karen, yet we look like we belong to another world.

Mr. Temporary Speaker, Sir, there should be equity in the distribution of resources. When Sen. Mandago talks, it is because he comes from another world. I saw

the roads in Eldoret. I am ready to invite him to my home so that he sees what I am talking about, we come from a different world, our roads are bad.

Sen. Cherarkey had spoken about the Standard Gauge Railway (SGR) which crosses Kajiado County. However, all the substations in Kajiado County have not been operationalised. Why is it that the substations that are working are at Emali and Voi, but the one at Stony Earthy in Kajiado County is not operational? We have been treated like second-class Kenyans who do not need infrastructure. I am stating facts; anyone can go verify the situation in Kajiado.

We must get it right with this Bill right now, otherwise this House will participate in a situation which demoralises, antagonises and oppresses other Kenyans.

Thank you.

The Temporary Speaker (Sen. Wakili Sigei): Thank you, Sen. Peris Tobiko.

Sen. Mumma, proceed.

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir, for an opportunity to contribute to this amendment Bill. I join my colleagues in saying that this is a bad Bill which needs to be rejected or substantively amended.

When the Constitution 2010 was passed, it provided for the Transitional Authority (TA). We established the TA as a neutral body to try and help operationalise the Fourth Schedule of the Constitution. That was to ensure that the National Government does not act in self-interest in terms of assigning functions. That is how the laws that operationalise the Constitution and how the functions assigned to both levels of government were put in place.

In 2013 after the elections, the first thing we saw was an overreach by the national Government. It behaved as if it was a supervisor. Sen. Mandago, you are one of the first governors, you will recall that they did not want to operationalise counties. They felt that their job was to give capacity to governors. I commend my hero, the then Governor Isaac Ruto, who was the Chairperson of Council of Governors (CoG). He refused and mobilised all the governors who fought until they were allowed to start operating as counties.

This Bill is an attempt to play the same game. Sen. Mungatana, Sen. Omogeni and Sen. Tobiko have effectively spoken to this. If you look at the Bill, you can see that the roads assigned to counties in this Law have been downgraded. Now, there is a new description defining what county roads are, and you can see the pathetic description saying that the county roads are the ones that link ward to ward, and something that goes to the sub-county, as if a sub-county is not part of a county. You can see clearly.

Sen. (Dr.) Mungatana, I do not know why you did not pick this. This was specifically done to save KURA and KeRRA, because the roads under KURA and KeRRA are county roads. So, this amendment is being put in place so that the lower roads to those in KeRRA and KURA will now be the county roads and they will be defined as belonging to the national Government; therefore, we retain KURA and KeRRA as parastatals of the national Government.

Hon. Senators, you are aware that IGRTZ has provided a gazette notice and part of the parastatals that are supposed to be wound up are KURA and KeRRA. So, I can tell you the main objective of this law is to downgrade county functions to save KURA and

KeERRA. I do not know who did this, because I do not believe Hon. Davis Chirchir would have done this. I rank him as my number one Cabinet Secretary. He is a sober man. I have personally discussed with him about KURA, and he said he wants the laws to be followed as they are. This is somebody trying to treat counties as if they are some little thing that should be about the village and the ward, and nothing more. Clearly, the National Assembly, which has been guiding, leading, or determining the roads that KURA does, wants to add this as an appendage of the national Government Constituency Development Fund (NG-CDF). Let us call a spade a spade.

Mr. Temporary Speaker, Sir, if you pass this law, you might as well resign enmasse. You might as well resign because your primary role is to protect devolution. This one is clawing back on devolution. Having downgraded and decided the counties will only do these roads in the wards that are connecting to sub-counties, they then give a mandate to the authorities. When planning, the counties must plan with the authorities. So now, even the counties cannot carry out their functions as distinct entities; they need the authorities to clear their plans.

Hon. Senators, now the Kenya Roads Board and the Cabinet Secretary become the ones to determine how to categorise a public road, forgetting that the two entities meet at the inter-governmental level. They decide which standards should be there, which international government roles should be set up by the national Government. However, counties should independently be implementing their functions respecting those standards that have been set up by the national Government. It was never intended that a parastatal would be the one supervising counties on the delivery of their mandate.

So, looking at this Bill, I need not go very far. Clearly, there is something fundamentally wrong. It would be wrong of us to pass the law. In fact, I am sorry to say that I do not know who the mover is, or whether it is a government or a private member's Bill. If it is a government Bill, I want to speak to Your Excellency, our President of the Republic of Kenya. One of the promises you gave is that you would deliver, and you would protect devolution. Please do not allow some of your crazy advisors to advise you to fall into the trap where you will soon be told you are fighting devolution, and yet you promised to deliver devolution.

There is nothing wrong; all we want is for the roads to be delivered. Our Constitution has provided a formula, and we have county and national Government roads. What we need is a faithful transfer of funds that have been undertaking county functions at the national level, and then we meet at the intergovernmental level to evaluate, to find out how we are delivering on these services.

The Temporary Speaker (Sen. Wakili Sigei): Sen. Tobiko, you have the Floor.

Sen. Tobiko: Mr. Temporary Speaker, Sir, is Sen. Mumma in order to say that some of the advisors of the President are crazy? Do you not think she needs to qualify that statement and tell us who is crazy, and if she has evidence of their craziness?

The Temporary Speaker (Sen. Wakili Sigei): Senator Mumma, that is not from you. You may need to rephrase it and drop the word “crazy.”

Sen. Mumma: Thank you, Mr. Temporary Speaker, Sir. I wish to replace the word “crazy” with incompetent. Whoever advises the President that county functions should be reversed by the National Assembly – the Cabinet Secretary, or the Roads

Board – is an incompetent advisor, and they need to be fired. Sorry to use the word “crazy”, I meant incompetent. Thank you, Senator Tobiko.

The President needs to be competent. He is our number one in the country, and our number one cannot have people who allow him to bring laws to this House that will be challenged in the court. Yesterday I was speaking about this. It looks very bad when we pass a law, and two weeks later, that law is set aside because it has unconstitutional provisions.

When it is a Bill moved by the Senate Majority Leader, it makes the executive look bad. When it is a Bill moved either by the Executive or private members, it makes the Houses look bad. Let us call a spade a spade. I am pleading with Senators, let us not fall into the trap of assisting those who are incompetent to make our country look bad.

Those who love the President, show your love by ensuring that we pass the laws that are aligned with the Constitution. I am sure the President has no problem. If he wants to deliver 10,000 kilometres of road, he can deliver them through good coordination of both levels of government, and we have an intergovernmental mechanism. He has a summit where he can sit with the county governments. He has a mechanism through an additional allocations fund, where he can decide that if he wants to fast-track roads in Kajiado County, this is the way to go about it. This law is not taking us there. This law is taking us backwards.

I believe we need to meet and decide. Is the Kenya Roads Board an actor for the national Government, or an intergovernmental mechanism? If the Kenya Roads Board is an actor for the national Government, all it can do is to set standards, provide regulation and supervise or implement the part of the function that belongs to the national Government. If the Kenya Roads Board is to be an intergovernmental mechanism that we want to be able to guide both levels, we need to craft its mandates and functions to reflect that. We cannot take the county functions and make the counties look as if they are a department that is answerable to the Kenya Roads Board. This is the 14th year since we started implementing devolution. It is the 16th year since we passed the 2010 Constitution.

Honourable Temporary Speaker, I am pleading with this House. We are getting out of hand on the question of disrespect for the rule of law. As a Parliament – National Assembly and the Senate – we are apparently the ones who should be understanding how to write good laws and how to protect the Constitution. We are here to represent the people and to ensure that we protect the Constitution. I am disappointed at this kind of law. I am requesting that the relevant committee call a meeting, whether it is a *Kamukunji* of everyone, but it must not allow this amendment Bill, and it must not defend it in this Senate. Let us do what is right. Let us find the language to persuade the National Assembly that they all come from counties. There is no constituency that is out of a county. So, I do not know why the National Assembly must keep fighting counties.

Article 6 provides for a collaborative and cooperative type of devolution in Kenya. It was never intended that the National Assembly would be at the forefront, a representative of the people, fighting the constitutional provisions on the kind of governance that the people of Kenya chose. I am personally just tired of this type of laws. I am tired of how much the taxpayer is spending in courts on embarrassing litigation

about laws that have been passed by people calling themselves the number one lawmakers in Kenya. Let us do what is right.

I reject, Mr. Temporary Speaker, Sir.

(Applause)

Sen. Mandago: Thank you very much, Mr. Temporary Speaker, Sir, for the opportunity to contribute to the Kenya Roads (Amendment) Bill (No.3) 2025 (National Assembly Bills No.34). The amendments that have been brought to this House are not consistent with the distribution of functions by the Constitution of Kenya. If you look at the classification process, the Ministry of Roads has unilaterally decided to classify the roads without the involvement of counties.

In this classification, it is clear that there are roads that are currently under counties that are being upgraded to National Government roads agencies. Unfortunately, what we have seen is that the roads that are deemed to be under the National Government under the three roads agencies, are to a large extent perceived to be roads run, established and supervised by the Members of Parliament. What I read from this bill is that the Honourable Members of the National Assembly would actually want to increase their NG-CDF without necessarily putting that money in NG-CDF.

As we speak, Members of Parliament, on average, are supervising directly more than Kshs500 million towards their constituencies. I have no problem with the existence of KeRRA, KURA and KeNHA, having been part of the team of Governors that agreed that the existence of KeRRA and KURA is necessary. The wisdom behind that was that because some of the funding is from our development partners, and that by that time, there was no law that was allowing counties to access those funds directly. However, now we have the conditional allocation Bill that was passed, and, therefore, from time to time, the laws must be reviewed to be robust, and the institutions must also be responding to the issues.

Mr. Temporary Speaker, Sir, I have a big problem on the percentages that have been given in the sharing of the resources to counties. Even with the classification that has been given, what must be known is that the bulk of the roads will still remain with county governments in terms of kilometres of road network. If you put together the road network under KeNHA, KURA and KeRRA, it can only form probably a third or less than a third of all the kilometres of roads in the country. That is to say that the bulk of the roads will still remain with the counties. As we defend that more resources must go to counties, and this percentage is low to maintain those county roads, this Bill has also been motivated by the fact that the current governors are not serious with the work they are doing.

I wish Senator Peris Tobiko was here, because she was saying she went to my county and she found a lot of tarmac roads. It is the work of the resources this Senate appropriates to counties that you see the road networks that are in Eldoret, plus the supervision that we are able to do on the other road agencies. I also encourage counties that they cannot sit and have road agencies doing road maintenance, encouraging them to

continue to do murram roads even in towns instead of putting the resources to tarmac the roads.

Honourable Speaker, we must ask our counties to be accountable. I have heard some governors speak, and what disappoints me most is to have people who have served in these honourable Houses as Senators and they are now governors. In their time in the Senate, they used to visit us in the counties to oversight, make a lot of noise, but now that the shoe is on the other side and they are now governors, when they are asked to account for the resources, then they are the ones moving around the counties crying that Senators are not allowing them to do their work. Senators are doing their work of oversight.

So, we ask governors also to be responsible and deploy resources in development and the service of the people of the counties. That is why, with a lot of difficulty, we would want to see the percentage that has been allocated to counties increased. Five percent is extremely very low. Personally, I would propose that that section be amended so that counties can get a minimum of 15 per cent. We are also aware that even the so-called national trunk roads and the other classifications have been done under national government agencies, they all are roads that cross one county to another. I have no problem with those road agencies existing and doing what they have been doing, but I have a problem in the amount of allocation that has been allocated to counties. I therefore propose that this law be amended to allow counties to access 15 percent.

The other problem I have with this law is the fact that Kenya Roads Board seems to be usurping the powers of the counties. County governments are independent entities, and I do not expect the amendments that have been done to look like now county governments are reporting to Kenya Roads Board. They should maintain the relationship that has been existing between county governments and the Kenya Roads Board. Previously, Kenya Roads Board was disbursing funds, and counties were responsible for the plans and the funds were being released to counties. We do not want a situation where Kenya Roads Board can arbitrarily stop funds from going to a county on grounds that are not sufficient. This law, therefore, needs major amendments. It must be passed by the House to ensure that functions assigned to counties are supported with resources proportional to the kilometres of roads within them. Counties must then deploy these resources for roads and road maintenance.

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

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

Madam Temporary Speaker, it is disappointing to see county governments spending money on road projects, yet no roads exist. In my own county, the governor recently launched a programme in partnership with the National Youth Service (NYS), where approximately Kshs600 million was provided in the budget for that exercise. However, the programme collapsed. The county then decided to engage local contractors at a cost of Kshs11 million per ward. Unfortunately, these contractors are using county government equipment and will still be paid for the entire contract. We must tell our counties to be accountable and responsible in the use of resources. These actions motivate

the National Assembly to come up with such Bills. If counties were efficient in road works, we would not be debating these Bills. Members of Parliament themselves would be embarrassed to propose them. Some counties are suffering, yet roads built by KeRRA under MPs appear better than those done by county governments.

I urge Sen. Tobiko to sit with his governor and find out where the money for roads is going. It cannot be that governors blame the National Government for taking away their functions while even small village roads are not motorable. These roads do not even need tarmac. Counties must be responsible so that we support the working Governments.

Madam Temporary Speaker, with those remarks, I submit.

The Temporary Speaker (Sen. Mumma): Proceed, Sen. Wakili Sigei.

Sen. Wakili Sigei: Thank you, Madam Temporary Speaker, for giving me the opportunity to comment and contribute to the Kenya Roads (Amendment) (No.3) Bill (National Assembly Bills No.34 of 2025). From the onset, I echo the sentiments of Sen. Mungatana, Omogeni, yourself and others who have read the proposal and objectively contributed. The issues raised are directly against the role and mandate of this House, which is to protect devolution. This proposal seeks to take away the gains we have achieved under devolution.

The absence of the Memorandum of Objects in this Bill is mischievous. Sen. Sifuna earlier indicated that every Bill, by practice and by law, should have a Memorandum of Objects. Why is it that this draft Bill, originating from the National Assembly and signed by its Clerk and Speaker, does not have one? Was it intentionally left out because of the content of the proposals in the Bill? Your guess is as good as mine. We must note that absence.

Secondly, the principal objectives of the Senate under Article 96 is to protect devolution. A number of proposals starting with Clauses 3, 4, 5 and 6 seek to take away the mandate of devolved governments. That by extension takes away the mandate of the House because the classification aspect of roads under the Second Schedule of this particular Bill takes away the role of county governments. As a matter of fact, it requires county governments to make written requests to the Cabinet Secretary in charge of roads to either approve or not. That, in itself, is clawing back on the gains that we have achieved as a country since the promulgation the 2010 Constitution that created county governments.

Madam Temporary Speaker, notwithstanding the challenges and rampant corruption that we talk about in almost every Statement that we make in this House, part of the mandate or role of the Senate is to protect devolution and conduct oversight. While doing oversight, we look at what has not been done appropriately by county governments, the gains we have had as a country because of devolution and issues of resources that we send to the counties. That should not and cannot justify such a law. Therefore, it should not be supported by this House because any law that claws back on the benefits of devolution should be rejected. From the outset, I would like to state that this Bill is a candidate for rejection.

Madam Temporary Speaker, I want to go to specific provisions that are directly against the gains that we desire to protect as a House. Before I do that, allow me to

comment on one particular positive proposal in this Bill. That is Clause 4 that seeks to amend Section 49 by introducing Section 47B(3), which seeks to make it an offence for anybody, including a county governor, from erecting any signage on any road that has been to bear their name, image or likeness of such a person.

That is a good proposal because what we experience out there is that you will find a Member of County Assembly (MCA) or a governor erecting a billboard which, if you evaluate the cost, it is almost the value of the work that went to construction of a particular road. Introduction of Section 47B(3) that seeks to make it an offence is a welcome move because it will prevent ownership by individuals of projects which have been funded by the taxpayer, or where public resources have been used but that project does not belong to either the governor or MCA.

Secondly, the proposal is to give mandate to the Cabinet Secretary to designate the extent of signage that will be required in terms of size. By extension, it will reduce the cost but expressly deny the option to a governor or anybody else, including even MPs, to erect billboards that bear their names, images or likeness.

What I propose is to enhance the fine that is provided for under Clause 47(4). It provides that a person who contravenes the provisions of Subsection (3) commits an offence and shall be liable, upon conviction, to a fine not exceeding Kshs1 million, or imprisonment for a term not exceeding two years, or both. I feel that this amount of Kshs1 million is not punitive because we are dealing with billions of shillings in terms of resources allocated for projects. I would propose that if there is any other proposal to amend this particular provision, we should enhance the amount to make it more punitive so that it acts as a deterrent to anybody who contravenes this law. I propose Kshs5 million and imprisonment for a term not exceeding two years, or both. That way, it will act as complete deterrence to those who will contravene the law.

Regarding the provision under Clause 5 and the First Schedule on the classification of roads, Members have spoken to this. One, the county governments should and must play a role in the classification of roads. Under Part A, we have classification of national roads and rural roads. Under Part B, we have classification of county roads. It does not make sense to limit or to only retain very small feeder roads to be named county government roads. I believe that if we get to a point where our county governments and those in leadership positions at any given time perform their roles appropriately and reduce corruption, we have an opportunity as county governments to own and construct roads which are bigger. They are not necessarily what they have described as Class D roads. These are inter-village roads that form small routes of moderate length that connect one village or link one road to the other.

On the classification of constituency roads, a colleague here, Sen. Mungatana, submitted that these should not be distinguishable from county roads because our constituency is within a county. It is within a ward. Therefore, this classification process should not be left as the preserve of the Cabinet Secretary, as it were. County governments must play a role. The provisions under this Schedule take away the mandate of county governments, which is against the Constitution. By that provision, this proposal should make this Bill collapse.

Critically, Clause 6 seeks to amend Section 6 of Cap. 408A. The mischief, which also makes me oppose this amendment strongly, is the increase in allocation under Section 6 of Cap. 408A on constituency roads from 22 per cent to 25 per cent in the absence, first of all, of a Memorandum of Objects and Reasons.

Secondly, the mischief here is to increase the amount that will be under the management and administration of Members of Parliament. Remember, this is a fund that is purely managed by MPs, as was put clearly by Sen. Omogeni. An increase from 22 per cent to 25 per cent, without further explanation is, in itself, taking away more resources that are meant to construct roads within a county. Ordinarily, this should be a mandate that we can still retain with county governments by enhancing their allocation.

Similarly, the proposal under Clause 6(2)(b) to reduce from 10 per cent to seven per cent is the amount of resources that are normally utilized for construction of link roads from constituency to constituency is still unexplained. This reduction is ordinarily on resources which are managed, again, either by an MP or regional KeRRA or KURA coordinators.

These two amendments, one to increase and another to reduce, are mischievous because it looks as though the amount to be enhanced is to the resources that will be under administration of one Member of Parliament. Hence, it takes away the role that we are looking at, of the county governments. The allocation of 5 per cent of the allocated fund to be allocated to county governments under Article 202(2) of the Constitution is equally wrong. This is so in the sense that if in shareable revenue we are talking of the constitutional requirement of 15 per cent, we should enhance this amount from 5 per cent to what the Constitution provides, being 15 per cent, and by extension then enhance the administration, management of such resources and reduce corruption. This way, we will be taking the work and role of county governments as well as service delivery closer to the people, rather than reducing the amount of allocation. The elevation of the Board, under Clause 6(4) to that of controlling the role of county government is wrong. This is what the proposal reads-

“The Board shall not approve any disbursement of funds to a county government unless the county government has met the requirements set out in Subsection 5(a) and (b).”

Subsections 5(a) and (b) require the county government to perform certain tasks, including opening an account with the Central Bank of Kenya (CBK). This provision elevates the Board to be superior to the county government, which is unconstitutional because our county governments are indeed protected by the Constitution.

Similarly, the requirement that county governments, whenever they are setting up standards, are supposed to comply with the standards and maintenance procedures on rehabilitation and development of roads as set out by the Cabinet Secretary is also elevating the Cabinet Secretary to be superior. This, therefore, means nothing can be done by the county governments unless and until such approval is given by the Cabinet Secretary.

Madam Temporary Speaker, clearly, this proposal to amend the Act has been brought for reasons beyond what most of the Members have said here. It is going not only to take away a lot of the mandate of the county governments, but also the mandate

of this House. By extension, it also claws back on the gains that we have achieved by complying with the provisions of the Constitution. Therefore, I also would like to say that this Bill should not be passed. This House should not be the one to support the Bill that takes away the mandate of the House. I urge honourable Senators to reject this Bill in totality.

Madam Temporary Speaker, I am aware, as I heard this from Senator Tobiko, that the Senate Standing Committee on Roads, Transportation and Housing have their own version of the amendment to the Roads Act which we must prioritise so that, even as we reject this one, we push the amendments that will support devolution and the role that this House has, and reject the one that is taking away the mandate to the National Assembly.

In the event that this Bill were to pass, or in the event that a mediation committee was to be set, several serious amendments must be made to this particular proposal in order to make sure that we protect the mandate of the House and our County Governments, and also maintain the gains that we have achieved, including the proposal which I am supporting here that seeks to deny the Governors, Members of Parliament and Members of County Assemblies their images on projects which have been funded by public resources in order for them not to be used as campaign tools and campaign strategies where an individual says: “I have done this,” when instead such a project has been constructed or has been funded by public resources.

Madam Temporary Speaker, as I conclude, I therefore reject this Bill and oppose it.

Thank you.

ADJOURNMENT

The Temporary Speaker (Sen. Mumma): Hon. Senators, it is now 6.30 pm, time to adjourn the Senate. The Senate therefore stands adjourned until tomorrow, Thursday, 16th July, 2026 at 2.30 p.m.

The Senate rose at 6.30 p.m.