

# THARAKA NITHI COUNTY ASSEMBLY

## THE HANSARD

23<sup>rd</sup> February 2021

*The County Assembly met at the  
County Assembly chambers in Kathwana at 10.00am*

### ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

*[His Excellency the Governor (Hon. Muthomi Njuki) escorted by  
the Speaker of the County Assembly (Hon. D.J. Mbaya) entered  
the Chamber at 10 o'clock accompanied by the Mace]*

*[The Speaker (Hon. D.J. Mbaya) in the Chair]*

*(The Mace was placed on the Table)*

### PRAYERS

**Hon. Speaker:** Honourable members kindly let's get seated. Next Order

### COMMUNICATION FROM THE CHAIR

#### ADMISSION OF HIS EXCELLENCY THE GOVERNOR

**Hon. Speaker:** Honourable Members, the County Assembly Standing Order 33 (2) provides that whenever the Governor addresses the Assembly the Speaker of the Assembly will take the seat on the right of the Governor and the Senator of the County shall take the seat on the left of the Governor. However, as you are aware the Governor is not addressing the County Assembly today. Standing Order 36 provides that the Speaker may designate a suitable place in the Chamber for purposes of admitting a Member of the County Executive. Now therefore, Pursuant to the provisions of Standing Order one I admit His Excellency the Governor to take the seat on my left.

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I request the honourable Members to be up standing as the Sergeant at Arms escorts His Excellency the Governor to his seat.

*(Honourable members rose in their places)*

*(The Sergeant at Arms escorted His Excellency the Governor to his seat)*

*[His Excellency the Governor (Hon. Muthomi Njuki) took the designated Chair of the County]*

**Hon. Speaker:** Honourable members, kindly get seated.

#### WELCOMING OF HE THE GOVERNOR AND OTHER GUESTS

**Hon. Speaker:** Honourable Members, it is my pleasure to welcome you this sitting where we continue to exercise our mandate as per the provisions of the Constitution of Kenya, 2010. Today is a historic sitting as the County Assembly will be playing its role in the constitutional amendment process as per the provisions of Article 257(6) of the Constitution of Kenya 2010.

Honourable Members, I wish to recognize the exemplary work done by the ad hoc Committee on Building Bridges Initiative Constitution of Kenya (Amendment) Bill, 2020 as it considered and conducted public participation on the Constitution of Kenya (amendment) bill, 2020 laid on the Table of the House on 9<sup>th</sup> February, 2020.

It is my sincere hope that the same zeal and dedication that you have shown in handling the Constitution of Kenya (Amendment) Bill, 2020 before the Assembly, despite the challenges posed by the ongoing COVID-19 pandemic, will be exhibited as we seek to fully exercise the County Assembly role of oversight, representation and legislation

Honourable Members, I take this opportunity to most sincerely welcome His Excellency the Governor Onesmus Muthomi Njuki to this auspicious occasion when the county Assembly is discharging its constitutional mandate as set out under Article 257(6) of the Constitution of Kenya 2010.

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Your Excellency, it is the custom of the Assembly to recognize invited guest seated at the Speaker's gallery. I therefore wish to accord special recognition to the distinguished guests seated at the Speakers gallery. When I call your name I request that you stand and bow.

I am aware that we have Mr. Mr. Micheni Birichi, the County Secretary;

*(Mr. Birichi stood in his place and bowed)*

Kindly feel welcomed. We have the Chief Officer Public Service, Mr. Stephen Mitugo;

*(Mr. Mitugo stood in his place and bowed)*

Kindly feel welcomed. We have the Chief of Staff, Mr. Wilson Murithi;

*(Mr. Mitugo stood in his place and bowed)*

Kindly feel welcomed. We have the Economic advisor, Mr. Wilberforce Muriungi.

*(Mr. Muriungi stood in his place and bowed)*

Thank you and kindly feel welcome. We also have the County Building Bridges Initiative Secretariat led by Mr. Mwenda Kathendu, County coordinator;

*(Mr. Kathendu stood in his place and bowed)*

Thank you and kindly feel welcome. We also have Ms. Mary Mugambi, Maara Constituency Coordinator;

*(Ms. Mugambi stood in her place and bowed)*

Thank you and kindly feel welcomed. We have Ms. Rael Fatuma, Chuka/Igambang'ombe coordinator;

*(Ms. Fatuma stood in his place and bowed)*

Thank you and feel welcomed. We also have Mr. Samson Mbaruku, Tharaka Constituency coordinator.

*(Mr. Mbaruku stood in his place and bowed)*

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Thank you and kindly feel welcome.

The guests are all welcome to the Assembly during this momentous occasion.

Honourable Members on 26<sup>th</sup> January 2021 I received the Building Bridges Initiative Constitutional of Kenya Amendment bill, 2020 from the Independent Electoral and Boundaries Commission (IEBC) pursuant to the provisions of Article 257 (5) of the Constitution of Kenya 2010. On 9<sup>th</sup> of February 2021 I issued a communication directing that since the Assembly has no Justice and Legal affairs committee the liaison pursuant to provision of standing order 226 (2) read together with standing order 215 to consider forming an ad hoc committee to deliberate on the matter. The assembly by resolution approved the ad hoc Committee on the Building Bridges Initiative Constitution of Kenya (Amendment) Bill, 2020 with a mandate of considering the Constitution of Kenya (amendment) Bill, 2020 after which it shall stand dissolved.

Honourable members this is to therefore confirm to the House that the Motion is properly before the house having complied with all the relevant laws

Honourable Members, I urge you and members of staff to continue observing the Ministry of Health guidelines on social distancing, usage of masks and other hygiene measures since we are in unprecedented times, and have to be ready to conduct ourselves in new ways.

Honourable Members, I wish you all the best as you continue to fulfil your Constitutional mandate. I thank you and welcome. Next Order.

## PAPERS

### REPORT OF THE AD HOC COMMITTEE ON BUILDING BRIDGES INITIATIVE CONSTITUTIONAL AMENDMENT BILL, 2020 ON THE CONSTITUTION OF KENYA AMENDMENT BILL, 2020

**Hon. Speaker:** Yes, honourable Peterson Mwirigi, the member of Ganga and the majority leader.

**Hon. Kathenya:** Thank you honourable Speaker Speaker. I lay on the table of the House the report of the Ad hoc Committee on Building Bridges Initiative Constitutional Amendment Bill, 2020 on the Constitution of Kenya amendment Bill, 2020. Thank you Mr. Speaker.

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**Hon. Speaker:** Thank you honourable Peterson Mwirigi. The report of the the Ad hoc Committee on Building Bridges Initiative Constitutional Amendment Bill, 2020 on the Constitution of Kenya amendment Bill,2020 stands laid on the Table of the House. Thank you, next order.

## NOTICES OF MOTION

### THE APPROVAL OF THE CONSTITUTION OF KENYA AMENDMENT BILL,2020

**Hon. Speaker:** Yes, honourable Peterson Mwirigi, the Majority leader.

**Hon. Kathenya:** Thank you honourable Speaker. I rise to give a notice of the Motion on the approval of the Constitution of Kenya Amendment Bill, 2020. That the County Assembly notes the Report of the Ad hoc Committee on the Building Bridges Constitutional Amendment Bill, 2020 on its consideration of the Constitution of Kenya amendment Bill, 2020 laid on the Table of the County Assembly on 9<sup>th</sup> February, 2021 and pursuant to Article 257(6) of the Constitution of Kenya, 2010 Approves the Constitution of Kenya Amendment Bill, 2020. Thank you honourable Speaker.

**Hon. Speaker:** Thank you honourable Mwirigi. Honourable members, pursuant to the provisions of Standing Order 67(1), the notice of motion on the approval of the Constitution of Kenya (Amendment Bill), 2020 is hereby acknowledged. Next order.

## MOTIONS

### THE APPROVAL OF THE CONSTITUTION OF KENYA AMENDMENT BILL,2020

**Hon. Speaker:** Yes, honourable Peterson Mwirigi the majority leader.

**Hon. Kathenya:** Thank you Mr. Speaker. I seek the leave of the House to move the motion on the approval of the Constitution of Kenya (Amendment Bill), 2020 and I request honourable Samuel Muthini and Wilson Nyaga to support.

**Hon. Speaker:** Yes, honourable Wilson Nyaga the minority leader.

*(Hon. Derebia and hon. Karangi stood in their place to indicate support)*

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**Hon. Speaker:** Honourable members, is there any member that has any objection Pursuant to the provisions of standing Order number 3. Honourable members, there being no objections and in exercise of the powers conferred upon the chair by Standing Order number 3, the leave of the Assembly is hereby granted. Thank you.

**Hon. Kathenya:** Thank you honourable Speaker. Allow me to move the motion on the approval of the Constitution of Kenya (Amendment Bill), 2020. That the County Assembly notes the Report of the Ad hoc Committee on the Building Bridges Constitutional Amendment Bill, 2020 on its consideration of the Constitution of Kenya amendment Bill, 2020 laid on the Table of the County Assembly on 9<sup>th</sup> February, 2021 and pursuant to Article 257(6) of the Constitution of Kenya, 2010 Approves the Constitution of Kenya Amendment Bill, 2020.

Honourable Speaker, we formed an ad hoc committee and I thank the honourable members for giving the chance to lead the committee. And as a committee which includes the honourable Derebia who is the vice chair and also includes all other members we embarked on this BBI journey.

On behalf of the Members of the Ad hoc Committee on Building Bridges Initiative Constitutional Amendment Bill, 2020 and pursuant to the provisions of Article 257 of the Constitution of Kenya 2010 it is my pleasure and duty to present to the House, the Committee's Report on the Building Bridges Initiative Constitutional Amendment Bill 2020.

Honourable Speaker, the (Building Bridges Initiative) Constitutional Amendment Bill, 2020 was submitted to the County Assembly by the Independent, Electoral and Boundaries Commission (IEBC) pursuant to Article 257(5) of the Constitution of Kenya, 2010 on 26<sup>th</sup> January, 2021 and was consequently laid on the Table of the House on 9<sup>th</sup> February, 2021.

Upon being laid on the Table of the House the Honourable Speaker noted that there is no County Assembly Committee within which the mandate of constitutional amendment or justice and legal affairs falls and thus directed the Liaison committee pursuant to the provisions of Standing Order 226 to establish an ad hoc committee to consider the Bill.

Standing Order 226 (1) and (4) of the Tharaka Nithi County Assembly Standing Orders provides that:

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*“The Assembly may, by a resolution establish an ad hoc Committee for purposes of enquiring into a matter or matters specified in the resolution.”*

It further provides that an ad hoc Committee established may not deal with a matter that falls within the mandate of another Committee.

Further, Standing order 215 provides that no matter shall be referred to a committee unless upon a resolution of the Assembly.

In light of the above and pursuant to the provisions of Standing Order 226(2) the Liaison Committee recommended as follows:

- i. That there be established an ad hoc Committee comprising of all the Members of the County Assembly;
- ii. That the mandate of the Committee shall be to consider all matters related to (Building Bridges Initiative) Constitutional Amendment Bill, 2020;
- iii. That the ad hoc Committee shall submit its report to the Assembly within thirty days and shall upon submission of the report stand dissolved.

At a sitting held on 9<sup>th</sup> February, 2021 the County Assembly approved by resolution the establishment of the ad hoc Committee on Building Bridges Initiative Constitutional amendment Bill, 2020 upon which the Building Bridges Initiative Constitutional Amendment Bill, 2020 was Committed to the ad hoc Committee for Consideration.

Honourable Speaker, allow me to skip the membership of the committee since every honourable member in this House is part of this committee.

**Hon. Speaker:** Permission granted kindly proceed.

**Hon. Kathenya:** Thank you Mr. Speaker.

Mr. Speaker the mandate of the committee;

The ad hoc committee on Building Bridges Initiative Constitutional Amendment Bill, 2020 is constituted pursuant to the provisions of standing order 226 and is mandated to consider all matters related to (Building Bridges Initiative) Constitutional Amendment Bill, 2020.

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The ad hoc Committee held a total of Seven meetings and Conducted Six public hearing Forums across the County.

On behalf of the ad hoc Committee, I have the honour and pleasure to present the Committee's Report on the (Building Bridges Initiative) Constitutional Amendment Bill, 2020.

May I take this opportunity to thank all the Members of the ad hoc Committee for their input and valuable contributions during the consideration and deliberations on the Constitutional Amendment Bill.

Mr. Speaker we have chapters that are describing what we did as a committee. Number one, of course since we are dealing with a legal matter, allow me to go through the legal basis.

Article 257 of the Constitution of Kenya, 2010: Amendment by popular initiative states that;

- (1) An amendment to this Constitution may be proposed by a popular initiative signed by at least one million registered voters.
- (2) A popular initiative for an amendment to this Constitution may be in the form of a general suggestion or a formulated draft Bill.
- (3) If a popular initiative is in the form of a general suggestion, the promoters of that popular initiative shall formulate it into a draft Bill.
- (4) The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent Electoral and Boundaries Commission, which shall verify that the initiative is supported by at least one million registered voters.
- (5) If the Independent Electoral and Boundaries Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each county assembly for consideration within three months after the date it was submitted by the Commission.
- (6) If a County Assembly approves the draft Bill within three months after the date it was submitted by the Commission, the speaker of the county assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the county assembly has approved it.
- (7) If a draft Bill has been approved by a majority of the county assemblies, it shall be introduced in Parliament without delay.

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- (8) A Bill under this Article is passed by Parliament if supported by a majority of the members of each House.
- (9) If Parliament passes the Bill, it shall be submitted to the President for assent in accordance with Article 256(4) and (5).
- (10) If either House of Parliament fails to pass the Bill, or the Bill relates to a matter specified in Article 255(1), the proposed amendment shall be submitted to the people in a referendum.
- (11) Article 255(2) applies, with any necessary modifications, to a referendum under clause (10).

Mr. Speaker, in compliance with article 257(5) of the Constitution of Kenya 2010 the Independent Electoral and Boundaries Commission submits to the County Assembly the Building Bridges Constitutional Amendment Bill, 2020 on 16<sup>th</sup> January 2021. On the 9<sup>th</sup> of January 2021 in the Speakers communication from the chair, he directed that since the assembly does not have a Justice and legal affairs committee the liaison committee to consider forming an ad hoc committee as provided for in the Standing Orders to consider the Building Bridges Constitutional Amendment Bill 2020.

I decided to go through all that so that I can notify the honourable members that we are following the due process and we are within the law. The members did a very good job during the public participation.

The Assembly, through the office of the clerk, gave a one week notice to members of the public who would wish to submit a memorandum through the office of the clerk and we have the memoranda with us. We also went through the public hearings and we have a report on the same. Allow me now to go through the report.

**Hon. Speaker:** Kindly proceed.

**Hon. Kathenya:** Honourable Speaker, the (Building Bridges Initiative) Constitutional Amendment Bill, 2020 was submitted to the County Assembly by the Independent, Electoral and Boundaries Commission (IEBC) pursuant to Article 257(5) of the Constitution of Kenya, 2010 and was consequently laid on the Table of the House on Tuesday 9<sup>th</sup> February, 2021. and committed to the ad hoc Committee for consideration.

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The ad hoc Committee on Building Bridges Initiative Constitutional Amendment Bill, 2020 in the process of considering the proposed Constitutional Amendment Bill, 2020 and pursuant to the provisions of Article 196 (1)(a) and (b) of the Constitution of Kenya, 2010 read together with Section 87 of the County Governments Act, 2012 conducted public hearings forums on the Bill on Thursday 18<sup>th</sup> February, 2021 as shown below. The members have this copy. In Maara, we had two venues, one in Chogoria and another one in Muthambi. In Chuka we had constituency we had two venues, one in Chuka and the one in Igambang'ombe and in Tharaka constituency we had two venues, one in Tharaka south and the other in Tharaka north.

Members of the Public, Civil Society Organizations, Community Based Organizations, Faith Based Organizations were encouraged to participate in this process by making their submissions in the venues above or through written memoranda.

Written views or memoranda on the Constitutional Amendment Bill, 2020 were to be hand delivered to the Office of the Clerk or emailed to [tharakanithicountyassembly@gmail.com](mailto:tharakanithicountyassembly@gmail.com) or [clerk@tharakanithica.go.ke](mailto:clerk@tharakanithica.go.ke) on or before 18<sup>th</sup> February, 2021.

Copies of the Bill were to be obtained from the Office of the Clerk, County Assembly Offices or the County Assembly website <http://tharakanithica.go.ke>.

The adverts on Public hearing forums were appeared in two newspapers of national circulation (The Daily Nation and The Star) on 10<sup>th</sup> February, 2021. The advert was also made in two local language radios for three days prior to the day of the public hearing.

The Committee received two written memorandums with regard to the constitutional amendment Bill, 2020 that are annexed to the report.

Honourable Speaker, the views of the public on the Building Bridges Initiative Constitutional Amendment Bill, 2020;

The following are some of the views as highlighted by the members of the public during the public participation process:

1. The expansion of the criteria for determining equitable share to county governments from fifteen to thirty-five percentage as a way of strengthening devolution;

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2. Creating a new Article establishing the Ward Development Fund that shall comprise at least five per cent of all county government's revenue in each financial year divided among all wards in the county was a welcome move appreciated by the public;
3. Enhancing gender parity in the governance of counties by providing that in nominating a deputy the county governor to consider a person who is not of the same gender;
4. It was proposed that the Judiciary budget to be hinged on a percentage of national revenue to guarantee their independence and avoid influence and arm twisting by other arms of the Government;
5. Corruption cases to be expedited and dispensed within 28 days and appeals arising must also be heard and determined within 28days;
6. Persons convicted of corruption either relating to public or private funds be barred from contesting for or holding any public or state office whether by appointment, election, nomination or otherwise;
7. Concern that the expanded National Assembly and the Executive would lead to an even larger wage bill leading to more national debt. The public was concerned of additional taxes to cater for the expanded executive and the additional cash to counties;
8. It was proposed that the elections be staggered at both National and County Government levels for instance the presidential and Governors elections be held at a different time from the other elective posts;
9. The public was happy with the County allocation increase of the equitable share.

In conclusion, the majority of the public in attendance endorsed the Building Bridges Initiative Constitutional Amendment Bill, 2020 in all the six forums held across the County.

Mr. Speaker in the annex of the report we have a list of the members of the public who attended the public hearings in different venues. There were many and the majority of them endorsed the Building Bridges Initiative Constitutional Amendment Bill in the six venues.

Mr. Speaker, the committee sat down and these are its observations:

The Bill seeks to amend the Constitution of Kenya by popular initiative pursuant to the provisions of Article 257 of the Constitution of Kenya, 2010 to address issues arising from its implementation, specifically the need to resolve issues of divisive elections and promote

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gender equity in governance; to also strengthen the structure of devolution and increase resource allocation to the counties; broaden mechanism for all the people of Kenya benefit from economic growth; harmonise certain roles and functions of the bicameral legislature; fortify national ethos by specifying the responsibilities of citizens; and strengthen accountability on public resource and the fight against corruption.

During the public participation the ad hoc committee observed that there was a general misconception or misinformation to the public on the contents of the Building Bridges Constitutional Amendment bill 2020. This was evidenced by the fact that upon taking the members of the public through the contents of the Bill their attitude towards the Bill changed and they were enthusiastic about the contents of the Bill.

The Committee observed that the County of Tharaka Nithi will receive a higher equitable share of more than Kshs. 2.1 Billion shillings thus enhancing development within the County. It also noted that the Amendment Bill establishes a ward development fund that will ensure small projects within the ward that directly affect the residents will get done.

In conclusion the Committee noted that the Constitution of Kenya (amendment) Bill, 2020 would generally benefit the people of Tharaka Nithi

Honourable Speaker, having considered the (Building Bridges Initiative) Constitution of Kenya (Amendment) Bill, 2020 the ad hoc Committee on the (Building Bridges Initiative) Constitutional Amendment Bill 2020 recommends as follows:

- i. That the County Assembly approves the Building Bridges Initiative Constitution of Kenya (Amendment) bill, 2020 pursuant to the provisions of Article 257 (6) of the Constitution of Kenya 2010.

In Conclusion, it is the ad hoc Committee's humble submission that the House adopts its report on the Building Bridges Initiative Constitution of Kenya (Amendment) Bill, 2020.

I move. Thank you honourable Speaker. I request honourable Samuel Muthini to second.

**Hon. Speaker:** Thank you honourable Peterson Kathanya. Yes, honourable Samuel Muthini.

*(Hon. Karangi stood in his place and bowed to second)*

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**Hon. Speaker:** Honourable members, allow me now to propose the question that the County Assembly notes the Report of the ad hoc Committee on the Building Bridges Constitutional Amendment Bill, 2020 on its consideration of the Constitution of Kenya amendment Bill, 2020 laid on the Table of the County Assembly on 9<sup>th</sup> February, 2021 and pursuant to Article 257(6) of the Constitution of Kenya, 2010 approves the Constitution of Kenya Amendment Bill, 2020. The floor is now open for debate. Yes, honourable Wilson Nyaga, member for Muthambi and the minority leader.

**Hon. Derebia:** Thank you Mr. Speaker for the opportunity you have given to me to support the adoption of this document. I remember I was the team leader in Maara sub-county. I am just coming here to exercise my mandate of representation for the people of Muthambi and Maara where we moved from one station to other doing civic education and taking people through the document.

The electorates of Maara requested all the MCAs from that area that when they come here to ensure that they vote Aye. That is the message I got from the public. And it is not just for that reason. It is also because of the benefits we are getting from this Bill.

One of the benefits is the decentralization of resources from the national government to the county government. The addition of the allocation from 15% to 35%. There is also further decentralization from the county executive whereby 5% is allocated at the ward level so that the MCAs will be seen performing duties which they were elected to perform.

I was encouraged by the people of Maara when they read about the insertion of clause 11A part 2 (c) whereby agriculture and pastoralism is captured in this document. This is why I said I will vote yes and when the time comes for me you will hear a very loud yes.

I support the approval of this document.

**Hon. Speaker:** Thank you honourable Wilson Nyaga. Yes, honourable John Njagi Mucee, member for Ciakariga and the deputy Speaker.

**Hon. Mucee:** Thank you Mr. Speaker sir. Allow me to first of all convey my greetings to the guests seated on the Speakers gallery and also the Governor.

**Hon. Speaker:** Your indulgence is granted.

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**Hon. Mucee:** Thank you Mr. Speaker for the opportunity given. I support the Motion in that the amendment to article 97 looks at the youth and they are given seats in the national Assembly, two of them, one for a man and one for a woman. The Article 237(a) also creates a commission for the Youth where matters of the youth will be addressed. For example, where they have a loan the commission proposes that the youth get a grace period of 7 years before they pay the loan. The other thing is that after our youth graduate from the university after they have been given the HELB loan they will be given a grace period of 4 years before they can start paying.

The other thing, article 207(a) proposes the establishment of the ward fund. That 5% of county revenue goes to the ward fund. This means that the MCAs can fund various activities within their wards. For example, if it were there today, people of Kamariru will not be crying of a dispensary, people of Tubue in my ward would not be crying of a dispensary, People of Gituma would not be crying of poor roads, people of Murinda would be comfortable with proper roads.

I still continue to say article 203 it increases money to the county level from 15% to 35%. This empowers devolution. The common man in various counties will realize development by the county government.

The power that the electorates gave me during the public participation was to say yes to this report. They told me this, and I quote them, “anything with *pesa mashinani* honourable Mulandi go and pass”. For that reason, I support, thank you Mr. Speaker.

**Hon. Speaker:** Thank you, honourable John Njagi Mucee. Honourable members, in the interest of equity and fairness, I will be giving one member from my left and then another member from my right. Yes, honourable Anita Karimi.

**Hon. Anita:** Thank you honourable Speaker. First, I wish to welcome our visitors in the Speakers gallery and our very able Governor. Your Excellency the Governor, I rise as a member of this County Assembly and also as a nominated member who comes from Igambang’ombe sub-county. When we went for public participation, our team leader put a question on those who supported the Bill and those opposed to the Bill. The question was agreed to by everybody. By opposing the Bill, I would be going against the people I represent.

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We always say that if you want to own the product, you should own the process. Initially, we have told a lot of lies about the BBI. When we went for public participation, I realized that the people who are spreading the propaganda about BBI, they have not opened even the first page of the document. They always talk of what they have heard in the evening when they are taking one for the road. That is why we have a lot of lies. For example, considering the proposed office of the prime minister. People have been told that this will make us have a bloated wage Bill. I want to tell the public and I am happy that the coordinators of BBI in our constituency are in this House. I wish the members of public could know that the office of the Prime minister is just but a change of name from the majority leader in Parliament because a prime minister, has to be an elected member. If someone tells you that the wage bill will be bloated yet an elected member has an office with staff. I believe the members of public needs to know that. Once we pass this Bill, we should now move to the process of educating the public on this document so that when we come to the ballot, we can have our people voting in support of the Bill so that at least we can move ahead.

I also want to touch on Article 6(a). The people who are opposing the BBI are not telling us that we have been operating on a CDF that is illegal whereas BBI is legalizing CDF. When you look at Article 207, where we are getting the ward fund. Sometimes, you find that some of the things that are going undone in our wards, simply because money is not enough and we also need projects that are touching on all areas but now I believe with the 5% ward fund, at least our wards will now be able to move and we will have good development all over.

I also want to touch on Article 18 which is talking of the two third gender rule. If you remember Justice Maraga's judgement before he left the office, he gave the President the mandate of dissolving Parliament because they could not agree on the one third gender rule. I believe this problem will now be handled by Article 18 which is talking of the County Assembly and then Article 9(b) and 13, is talking about the National Government.

We want to be in the records and not because we want to pass BBI so that we can please anyone. We want to pass it because we have gone through the document and seen that it is serving the rights and the interests of Kenya. I want to specifically say that the ward where I come from and the Sub-County at large. We were advised by our people to pass the BBI and when it comes to voting since I have gone through the document, I urge our leaders and also the coordinators from the Constituency, who should at least now start educating the public on

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what is contained in the BBI. I urge this Assembly to pass this BBI report so that we can move ahead and also move ahead as a country.

With that Mr Speaker, I strongly support.

**Hon. Speaker:** Thank you honourable Anita Karimi. Yes, Honourable Margaret Gitari.

**Hon. Margaret:** Thank you Mr Speaker. I rise to strongly support the Ad hoc Committee's Building Bridges Initiative(BBI). One, as a resident of Tharaka Nithi County, two, as an elected member of Chogoria ward and three, as a member of this County Assembly where I am standing now.

It has been said and it is true that initially our people out there did not understand why the Change of constitution. When they were taken through it the Document especially during the public participation, that it is making all the constituencies in this country to be equal for equal sharing of revenue, they just started to agree. When I look at my County, we will receive more money and that means that development will be seen more than we can see it now because there will be enough money. Coming also to the members of the County Assembly, it means that they will be having something to enable them do some work at the grassroots. The small projects will make them relevant to their electorate.

When I look at the youth commission that will be formed, our youth must now wake up and start thinking on how they are going to develop themselves as they develop this Country, and as they develop Tharaka Nithi County. I also want to thank the leaders who came up with this amendment. It is in good faith. It is dealing with the deep issues which have been affecting us since when the Constitution was promulgated ten years ago. This amendment is coming to help this Country so that even if we have a leader who is against any County, all this money will go to that County because it will be anchored in the Constitution.

I also want to take this chance to thank Chogoria ward constituents because when they were taught and they were told what exactly was in the BBI, they agreed that when I come to this august House, I should vote "Yes" so that enough money can go to the grassroots starting from the County going to the grassroots and other areas.

When I look at women, initially there was a problem because we had Motions which were taken to the Parliament twice, and they were not passed. This time, women have been really

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taken care of. I want to urge women of this Country and especially in our County, to go for elective positions so that they can also fight for those elective positions. It is anchored in the amendment Bill that those who will be nominated, they will have first gone to the ballot. Let us meet with men and women out there, so that we can sell our agendas to the people so that the best candidate can win.

With this Mr Speaker, I strongly support the report by the ad Hoc committee. Thank you Mr Speaker.

**Hon. Speaker:** Thank you, honourable member for Chogoria. Honourable members, in the interest of gender parity, allow me to allow honourable Gitonga Leonard to contribute.

*(Laughter)*

**Hon. Gitonga:** Thank you Mr Speaker. Let me say that from the onset, I am supporting the Building Bridges Initiative Bill. Having looked at what is contained in the Constitutional amendment Bill, it is worth noting that we have a lot of benefits from the COK amendment Bill 2020.

Honourable members have already spoken, and there is this additional funds from 15% to 35%. There is this argument that the National Government will not afford. That argument is a lie because what we are sharing, it is what is available. What the National Government has collected as revenue is what we are sharing. I cannot understand why it is impossible because we are sharing what is available. Take for example, suppose the National Government is collecting Ksh 100 to share between the Counties and the National Government. Currently, out of Ksh 100, we are getting Ksh 15. What the COK amendment Bill 2020 proposes, it is that from Ksh 100 that has been collected by the National Government, they should give the Counties Ksh 35. This will enable the Counties to have funds to undertake the projects for the functions that were devolved which are weighing heavily on the County Government. When we get these funds, let us take for example Tharaka Nithi County whereby we get about 3.9 billion. We are targeted to get around 6 billion. This is an addition of 2 billion. Taking factors being constant, the additional 2 billion, naturally, will go more towards the development of this County. You can guess. If currently we are using less than 2 billion to do the projects that we are undertaking as a County, how much more will the extra 2 billion be able to do. It

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means that we can do much so that we ensure that our people are empowered economically to undertake projects that will be beneficial to them.

In the current Constitution, there is no money called ward development fund. The COK Amendment Bill 2020, gives us as the elected members an opportunity to have a fund. This will help us undertake the small projects in our wards that we are elected to represent. The additional projects, of course they will be undertaken by the Executive as they have always been doing. This means there will be improvements of the impact in terms of the development projects that will go to the wards.

Looking at the new Article 172(a) that has been introduced in the Constitution of Kenya Amendment Bill 2020. This is about the creation of the ombudsman office in the judiciary. Currently if you look at it, once the citizens are not treated properly by the judiciary, they have nowhere else to report. Through creation of this office, the citizens will have a place to report. If for example a judge or a magistrate becomes rogue, by creation of this office, one can report and the case be investigated and action is taken. This is a positive thing that is being introduced through the COK Amendment Bill 2020.

Most of the people who are opposing the BBI, they are saying that we shall have an increased expenditure. Through this Amendment Bill, it is worth noting that a number of Constitutional Commissioners who were put in place by the Constitution of Kenya 2010 was a maximum of nine, in this Amendment Bill, it seeks to reduce that number by two. And you know, once that deduction is done, it means that there shall be a lot of savings in terms of salaries and other allowances that these two other Commissioners enjoy. Putting into perspective the number of Commissioners that we have, that reduction means that the National Government will have enough funds to devolve to the Counties or to do other extra works that they are supposed to do.

Through this Amendment Bill, we have also seen a deliberate effort to ensure that the senate is strengthened to perform its functions as enshrined in the Constitution.

If you look at it wholesomely, the benefits of this Amendment Bill, far outweigh any other negative that could be there. For that reason, Mr Speaker, taking into account the benefits that we are bound to get, I support the Amendment of the Constitution Mr Speaker. Thank you.

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**Hon. Speaker:** Thank you honourable Gitonga Leonard. Yes, honourable Samuel Muthini.

**Hon. Karangi:** Thank you Mr Speaker. I want to be very brief so that we be around County number maybe 15 or 16 to have passed this Bill.

*(Laughter)*

Mr Speaker, as my colleagues have stated, we had discussions during public participation. Unanimously we supported this document. What is very important for us as leaders, we must bite the bullet and show leadership. The ghosts of people who came in 2010 and told us that the proposed Constitution of Kenya 2010 was bad are here again telling us that the 2010 Constitution of Kenya is good. So we must as leaders shun that and show leadership to our community by showing them the benefits that we are getting as they confirm.

The problem is that we are not separating 2022 politics and the Amendment Bill. Therefore, a case like the propaganda they are giving that some of the issues can be handles in the parliament. Has the parliament of Kenya been created today? We have the ward development fund that was brought by Senator Irungu Kang'ata passed at senate and the National Assembly killed that Bill. Who are we not to pass this Bill now that we have the knife to cut this meat.

With a lot of authority, I am giving a very big yes to this amendment for the benefit of the people of Tharaka Nithi. With the 20% that is held at the national level, what are we getting? Let us have this 35% so that we get more development in our county. Thank you Mr. Speaker and I support.

**Hon. Speaker:** Thank you honourable Samuel Muthini. Yes, honourable Karen Karimi.

**Hon. Karimi:** Thank you Mr. Speaker I want also to be brief like my colleague honourable Muthini. It has been a process and those people who started the process until now they have been able to see the benefits of this document. Something that I would want to say the bible is full of unbelievable truths and most of us are faithful, we go to church sometimes we may not believe in it but we still benefit from that word. So I believe after this document is passed we will still benefit even those that are not believing in it. I support.

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**Hon. Speaker:** Thank you honourable Karen Karimi. Yes, honourable Bonifacia Njeri the Majority Whip and the member for Igambang'ombe.

**Hon. Bonifacia:** Thank you Mr. Speaker I am standing to strongly support this BBI Constitutional Amendment Bill 2020. A lot has been spoken by my colleagues therefore I will be very brief.

When we did public participation last week specifically in Igambang'ombe sub-county all the participants said "Aye" after being taken through the contents. Initially there has been a lot of misunderstanding due to lies that malicious people have been spreading about the BBI. However, when the members of the public were taken through by the facilitator they all supported unanimously and when the question was put whether to support or not they all said

In addition to that, if you check most of the constraints or disagreements that has been happening between the MCA's and the Governors is because of ward fund. It's not in the constitution; the Governors did not have a formal way of giving the ward fund unless maybe by agreement which was also unconstitutional and in case of anything the Governor could also be held responsible in case the funds are misused. But now that it's in the constitution the MCA will be held responsible and as such this establishment of the ward fund which will also facilitate the actualization of the rights that are guaranteed under article 43 of the constitution within the County government.

Mr. Speaker Sir, if you check during all these elections like the 2007, 2013 there has been a big trend of chaos at the national level. I believe everyone has relatives who live in towns, some in the slums, others have businesses and we also have investors from foreign countries and every time chaos come the economy goes down. Our poor "Mama's the "Wanjikus" who have some small businesses and maybe probably they have taken loans from the banks which they are still paying and they have small kiosks selling some tomatoes, their kiosks are burnt because of the chaos of just two people maybe the results for whoever somebody voted for did not get the seat and as a result they start burning kiosks for that innocent "mama". And as such I am very grateful to our president for humbling himself low to do the handshake with the former prime minister because he could as well have taken him to court for treason because he had all the rights but he decided to humble himself and do a handshake for the sake of that "Wanjiku". So that every time we have elections the leader of opposition or the person who will be number two...

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*(Interjection)*

**Hon. Speaker:** Honourable Member for Igambang'ombe you promised to be brief.

*(Laughter)*

**Hon. Bonifacia:** Yes, sir. I am saying that every time there will be elections from now the person who is number two and his followers will not feel like they have been locked out. I strongly support. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you honourable Bonifacia Njeri, member for Igambang'ombe. Yes, honourable, Jones Kinegeni Member for Mwimbi.

**Hon. Kinegeni:** Thank you Mr. Speaker sir. We are here today for the purpose of this BBI. Let me first thank our Almighty Father for granting us this chance, time and energy for us to be here. I have been sent here by my people from Mwimbi ward and they have given me a chance to come and pass this BBI because of three main points.

One in our county, Tharaka Nithi County we will be having an addition of 2 billion if this BBI passes. Number two I being the MCA for Mwimbi I have nothing to work for them. But if we pass the BBI we shall be having our ward funds. Yesterday in my ward there were so many demonstrations because of feeder roads and if we pass this BBI it will give me some amounts to be catering for those little works in my ward.

So Mr. Speaker sir...

*(Loud consultations)*

**Hon. Speaker:** Honourable Member lets consult quietly.

**Hon. Kinegeni:** I strongly support the BBI for our own benefits. I think we as ad hoc committee we agreed unanimously to come and pass the BBI. Mr. Speaker sir I strongly support the BBI.

**Hon. Speaker:** Thank you, honourable member for Mwimbi. Honourable Jones Kinegeni. Yes, honourable Member for Mariani. Honourable Erastus Kinyua, Minority whip.

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**Hon. Kinyua:** Thank you Mr. Speaker. I strongly support the BBI Constitutional Amendment Bill, 2020. Bearing in mind that on 18<sup>th</sup> February 2020 we had a public participation whereby I was the team leader of Chuka constituency. When people of Igambang'ombe sub-county were taken through they voted one hundred percent and they made me promise that when this Motion or debate of this Bill come on the floor of the house I should support it. I am here today Mr. Speaker standing with authority to support this BBI.

We are having all points to support this BBI because most of our arguments is that there is addition of funds in the county whereby our county will be getting over 2 billion. We will also be having on article 207 county ward fund. During my two campaigns it was just promising people of what I will not get when I come to the Assembly. When you are elected to the assembly you find things are different. You are told that the constitution is very clear that the role of MCA is to represent people, therefore of MCA is to oversight, the role of MCA is to make legislation there is no role of implementation of any budget. Therefore Mr. Speaker adding 5 percent as the ward fund the people who will be elected come 2022 they will have something to tell the people they will do this and this. In that regard if you look at section 73 clause 1 whereby it states that it is to be enacted by the parliament and that once we pass this BBI the second current sitting House will not benefit on implementing because when we refer to article 202 will take effect after one year and by now that one year our time will have elapsed therefore we are doing a room that we will not sleep in. I support.

**Hon. Speaker:** Thank you, honourable Erastus Kinyua member for Mariani. Yes, honourable Justin Kithinji, member for Magumoni.

**Hon. Kithinji:** Thank you Mr. Speaker I was a grown up during the one party state when people used to go and bow to his Excellency the president. They normally used to, say and I quote “*ndio baba*” so that they can benefit. Of course we were disadvantaged that time because majority of people whom we elected never used to dance to that song.

When the CDF came I was a grown up I have seen what the CDF has done. When we moved from the other kind of governance to the current governance that after Constitution of Kenya 2010. I have witnessed changes taking place in our wards, in our county and in our places. Looking at the Bill that is before this House of course they are those who feel that a few things are not perfect and there are those who feel that it is okay.

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I cannot deny that I have visited churches and even before I greet them they could give me some kind of warnings and I really searched and I dwelt so much on some words which were written by a writer called Sidney Sheldon in his famous book called the other side of mid night. Where a certain guy could not confess; that guy was a professional and he could not confess that whatever he was saying was right and everybody else was wrong. Those words have really persuaded me that in this kind of debate nobody can say that he is very right and of course make the others wrong and the vice versa is also true. There is only one road and that is to enable our people to decide and that is being on the positive. When it gets to the people those who will have their say and those who will have their way will have exercised their constitutional mandate.

Therefore Mr. Speaker I am on the positive and so I submit.

**Hon. Speaker:** Thank you honourable Justine Kithinji. Yes, honourable Asumpta Gabriel.

**Hon. Asumpta:** Thank you Mr. Speaker sir for this opportunity to stand to support this document. Referring to article 180, the article the article itself it's amended and it is strengthening devolution. Especially when we say the candidate who shall be standing for the governorship he should appoint a woman and if she is a woman she should appoint a man. This is a way of fulfilling the gender rule according to the constitution.

During the public participation there were so many question concerning people living with disability whom I represent here sir. We shall be running for the seat like other people. It was explained by the ward representatives and the nominated members, the MCAs who will be nominated will be from those that will be on the ballot. This includes nominations for PWDs youth and women. No amendment was made to the nomination of PWDs in the County Assemblies and so they understood the amendments in County Assembly is not done but in the National Assembly it is done. It is good for us PWDs that the article itself if adding the nominees in the National Assembly, two men and two women, it will be an added value to us.

Without adding much allow me to sit Mr. Speaker.

**Hon. Speaker:** Thank you honourable Asumpta. Yes, honourable Mwenda Gataya member for Mukothima. Honourable member for Karingani I will give you time to contribute after Mwenda Gataya.

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**Hon. Gataya:** Thank you chair I happen to have some cold. Honourable Speaker today we are going to go into history because we are on the right side of this Kenyan history because what we are discussing today is a very serious document which embraces some serious segments in life in Kenya. The BBI document is a document that for posterity, a document that is generational which is supposed to address generations after generations, it's a game changer to the economic social landscape in the Kenyan history. I don't want to go to details because quit of the honourable members have highlighted that are captured in the BBI.

**Hon. Speaker:** Kindly proceed honourable member for Mukothima I have always known you to be precise in matters concerning debate.

**Hon. Gataya:** This document Mr. Speaker is the best legacy that his Excellency the President of this republic honourable Uhuru Kenyatta will have left in this country Kenya.

If you look at the entire document it is very friendly to all sectors, and something that will make sure as a country we are going to move. I happened to be the team leader of BBI team in Tharaka and something very interesting is that we have had a lot of misinformation to our people down there. People were told that this document... it was quite distorted in its meaning and everything. Through public participation and when people were taken through the document I have some direct instructions by the Tharaka people that this document sees the light of the day in this Assembly and that I should strongly vote yes on behalf of Tharaka people.

Without wasting a lot of time honourable Speaker, I want to thank the entire leadership and the stakeholders because of the resolve, headed by you, the clerk and without forgetting the Governor. We have worked as a county team because of your resolve, will, the push, coordination and finally the production of the final product which is a report of this journey.

It is my resolve to make sure that I support this document considering that in the in the next assembly after 2022 half of the members of this County Assembly will be county executive ministers. This is a very big reap for devolution considering MCAs are politicians they have the very final touch and understanding of what is on the ground and I am sure it will translate into very positive development for our people.

In this regard I strongly support the BBI so that we can go to the next level Mr. Speaker.

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**Hon. Speaker:** Thank you honourable Mwenda Gataya. Yes, honourable Godfrey Murithi.

**Hon. Muchiri:** Thank you, honourable speaker I first of all thank my people of Karingani for giving me an opportunity in this Assembly so that I can be part of this historic process of amendment of the constitution. I want to thank them for coming in large numbers when it came to public participation.

Before I say and declare what they told me allow me to say when it comes to constitutional change it is a process and sometimes we may amend the constitution but it takes 10 or 20 years before it is implemented. With that let me remind my people that the legislation will be enacted parliament especially when it come to the implementation of the economy and shared responsibility after one year. The issue of legislation on election will be in effect after six years, Office of the judiciary Ombudsman will be enacted after one year, the constituency development funds is operating even now illegally or maybe through the back door, will be legalized after one year. The ward development fund that every member of the County Assembly is relying on will be in effect after one year. Honourable Speaker the issue of youth which is a bone of contention everywhere you go because of our youth will be in effect after one year and every other legislation will take effect after two years.

I don't want to repeat anything else because it has been said, but I cannot deny that there is division when it comes to the support of this Bill in my ward. When it comes to the division it is my right to give my people a chance to participate democratically to either pass or not pass this Bill when it comes to the referendum. With that I support the Motion so that so that I can give my people a chance to participate democratically when it comes to amendment of this constitution

I do support thank you honourable Speaker.

**Hon. Speaker:** Thank you, honourable member for Karingani. The floor is still open for debate, yes honourable Morgan.

**Hon. Muggana:** Asante sana bwana Spika kwa kunipa fursa hii kujiunga na wenzangu kuchangia mchakato wa BBI. Ningependa kuanza kwa kusema naunga mkuno mageuzi ya katiba kwa sababu inasaidai kuleta mageuzi kadhaa ambayo ninaona yanafaa. Ningependa pia kusema mimi kama mkaaji wa eneo la gatuji la Tharaka Nithi nimeipitia BBI nikaisoma na

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nikaelewa. Najua bado tunaendelea kuwahusisha wananchi katika kusoma na kuelewa mageuzi haya. Tumeweza kupitia na baadhi yao tumewapa vijikaratasi wakajisomea, tumepitia nao katika sehemu na muda tofauti tofauti katika vikao tofauti. Tumeskia maoni yao natumejua mahali ambapo hawajaridhika na tumegundua kuwa wananchi hawakuwa wameelewa mambo mengi katika mageuzi ya BBI. Baada ya kuwaeleza na kuwaimiza wasome wengi wao wameunga mkono na ndio maana ninaunga pia.

Kuna mambo kadhaa ambayo yanasaidia aswa sehemu ambazo zilikuwa zikitutaliza katika uchaguzi, katika uongozi kule juu na hasaa ugatuji katika sehemu ya bunge za kaunti. Tunaona kuna mambo ya metutaliza kama wabunge ambao wako katika maeneo ya ugatuji. Kwa mfano kama pesa za matumizi katika maendeleo almaarufu Ward Development Fund. Mimi ninaunga kwa sababu ninaona wananchi walikuwa wanaleta matatizo wakisema tunapewa kumi na tano na haiji. Kuna tofauti ya pesa kutokuja na pesa kuchelewa. Kwa hivyo ninaunga kwa sababu ile pesa inaongezwa hata ikichelewa bora ije itatusaidia.

Kuna mambo ya jinsia almaarufu two third gender rule yanayo tusaidia sisi. Kuna mambo ya vijana ambayo tunasema katika maisha yao ambapo wanamaliza shule wanapewa muda wakuweza kulipa na zile pesa ambazo wanapewa za mkopo katika masomo. Kuna baadhi ya mambo mengi ambayo haswa yanawasaidia kama kuondolewa ushuru kwa muda furani ili waweze kujikimu kisha waanze kulipa.

Katika kusoma na kuelewa bwana Spika nimeweza kujiunga na wengine katika maeneo tofauti na nikasoma na nikawaeleza na nikakuja kuwakilisha ujumbe wao kwamba wangependa ipitishwe kisha tuwapelekee na tuendeleo kuwasidia ili waelewe kwa sababu walitutuma tuwakilishe.

Naunga mkono na ninasema yangu ni ndio. Asante bwana Spika.

**Hon. Speaker:** Thank you honourable Morgan. Yes, honourable Mutegi Rugia.

**Hon. Rugia:** Thank you Mr. Speaker I stand to support the Motion and mine will be brief and short. Because of two things. The BBI is giving us a chance to get money from the ward development fund. Number two you see if the BBI passes in our county we shall get an increase of two billion and therefore I support. When we went around the places we come

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from there was the notion that the people did not want BBI but I have met the people and they want to support the BBI. It was only propaganda on the radio.

So Mr. Speaker I support.

**Hon. Speaker:** Thank you honourable Mutegi Rugia. Yes, honourable Denis Mutwiri honourable member for Mugwe.

**Hon. Denis:** Thank you Mr. Speaker sir. I start by appreciating the Motion in front of the House and the spirit of the proposed amendment they are very positive because they give the minimum guarantee for the county, and you know because most of the problem are solved by money when devolution gets more money that means more projects will be undertaken.

Appreciating that the majority of Kenyans are youth and there is the creation of the youth commission that will holistically look at the affairs of the country that's gives the spirit of the youth engaging in social and economic development of this country. We know both the member of parliaments and the MCAs will be getting fund that will give an opportunity for the MCAs to compete with the MPs when it come to some development initiative and it shall be well appreciated.

As a person who has participated the whole process I also endorse that the process continues so that the electorates will also have an opportunity to exercise their mandate when it comes to referendum. With those many words I also look at the objectives of the amendment especially when we talk about reviving our economical and our agriculture sector, and this is what will make our country become industrialized and this is what benefits the *wanjiku* more.

With those many remarks I do endorse that the process continues and the people of this country will have an opportunity to exercise their democratic rights through the referendum. Thank you.

**Hon. Speaker:** Honourable Denis Mutwiri, I am not putting words into your mouth but kindly be kind enough and tell us if you support or not for the purpose of the Hansard.

**Hon. Denis:** Thank you Mr. Speaker. My words have been very positive and with the spirit of being positive Mr. Speaker I have said I endorse the process to continue.

**Hon. Speaker:** You support the process.

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**Hon. Denis:** Yes.

**Hon. Speaker:** Thank you.

*(laughter)*

**Hon. Speaker:** Honourable member for Magumoni I am also being advised that for the purposes of the Hansard record that you have not stated if you support, do you support? I am asking that for the purpose of Standing Order number 93 so that we may know if division is required or not.

**Hon. Kithinji:** Thank you Mr. Speaker. Unless they have not heard what I said I elaborated positively and I said there is only one route.

*(Interjection)*

**Hon. Speaker:** I am not pressing you my brother, I am only asking you to be emphatic and say whether you support or not.

*(Laughter)*

**Hon. Kithinji:** Mr. Speaker let them examine what I said and its very clear.

*(Laughter)*

**Hon. Speaker:** Thank you. Honourable members the floor is still open for debate. Honourable Susan Ngugi, member for Marimanti.

**Hon. Susan:** Thank you Mr. Speaker sir for giving me this chance to debate about this noble document. I am happy I was part of this process and remember Mr. Speaker that you gave me a lot of chances to travel to Nairobi and getting involved in initiating the BBI process. Mr. Speaker sir am also happy I was part of the constitution that is ruling us today, I was the civic educator at the constituency in Tharaka. I have always known the gaps in the constitution that is ruling us today. I have also looked at the BBI process and seen it fixing some gaps in our constitution.

Last week we had public participation in my ward that is where the people of Tharaka South converged and discussed this document and I am going to debate looking at the concerns of

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the people of Tharaka South being from Ciakariga, Marimanti and Nkodi wards. Their major concerns were the issue of not getting an extra constituency. The other concern was about the 35% the one that is going to be devolved into our counties. Having listened to their concerns I fully understand that they really lacked knowledge. The people of Tharaka South and the people of Tharaka Nithi County for most of the one hour was not enough for briefing them the contents of BBI.

Mr. Speaker one thing I would want to urge is that let the people of Tharaka Nithi receive enough civic education on the BBI process. They said that they really doubt how the 35% will trickle down to our counties while they have not been receiving the 15%. I would really want people to know that having something anchored into a law is better than it being into no law. We don't know who will be our next president of Kenya, who will be ruling our counties and other institutions. We would rather have the 35% in the constitution other than not having it.

Mr. Speaker sir I would also want the people of Tharaka Nithi understand that without BBI in the 2019 census this county was supposed to lose one constituency. Were it not for the BBI we would be having 2 constituencies in this county. Despite the fact that we are not receiving an extra constituency; we are neither going to lose any in this county. So let us ask ourselves is it better having the status quo remaining or losing a constituency? I say we would rather have the status quo remain other than losing one constituency as result of 2019 census.

Another issue Mr. Speaker sir we have heard about one man one shilling one vote this has also affected people and these are some of the concerns that were raised at Tharaka South. People have not understood that they are now receiving about 4 billion and through BBI initiative we are going to have an extra 2 billion. This is very important for the people of Tharaka Nithi County. We may not have more addition like other people because of our population but having that extra 2 billion is a lot of money. So I appreciate that this BBI is going to bring a lot of money in our county.

Mr. Speaker sir, and this is a bit personal, I want to inform this House that am very certain in 2023 I will not be seated in this House and I pray that I will be seated elsewhere.

*(Laughter)*

And because of what I have gone through as an MCA Marimanti ward.

*(Interjection)*

**Hon. Speaker:** Please kindly ensure you stick to the debate before the House.

**Hon. Susan:** That is what I am doing Mr. Speaker sir, that is where I am. The fact that I have gone through hell as the MCA Marimanti ward that you have to worship move around pleasing everybody if you want money for our ward development. I am happy that the person that will take over from me, the person who will be seated on this sit in 2023 will not go through what I have gone through. It will not be full independence but I want to believe that they will have some a bit of freedom, a bit of independence and move about fixing small issues that will be in their wards. Thank you Mr. Speaker sir.

**Hon. Speaker:** Kindly confirm if you are supporting or not for the purposes of Standing Order 93.

**Hon. Susan:** Mr. Speaker sir kindly read that Standing Order.

**Hon. Speaker:** No am asking if you support.

**Hon. Susan:** I just want to know what that Standing Order says.

**Hon. Speaker:** I will read Standing Order number 93 shortly but I just want to know as the chair if we really need division.

**Hon. Susan:** You will decide Mr. Speaker sir.

*(Laughter)*

**Hon. Speaker:** Yes, honourable Charles Nyaga.

*(Hon. Charles Nyaga stood at his place)*

*(Laughter)*

**Hon. Speaker:** I am asking honourable Charles Nyaga do you support or not support the motion

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*(Hon. Charles Nyaga stood at his place and bowed)*

**Hon. Speaker:** You support. Thank you. Honourable members, regards being taken to the mood in the House and pursuant to the Standing Order 106 (4) allow me now to call upon the mover to rely.

**Hon. Kathenya:** Thank you honourable Speaker. For the purpose of the Hansard record I also support. I thank the people of Ganga. I know not everybody who got the chance to participate during the public hearing but I also know that when someone is sick with malaria you do not involve the whole blood to test. You just take some sample and in that case the few that came we thank them very much and if we pass the Bill we will give them the chance to debate it during the referendum.

I thank the honourable members for the support. I reply. Thank you.

**Hon. Speaker:** Thank you, honourable majority leader. Honourable members, before I put the question allow me to remind you about the mandatory provisions of the Standing order number 3. Standing Order number 93 (1):

*Unless otherwise provided under the Constitution or any written law, a question arising in the Assembly shall be decided by a majority of the members in the Assembly, present and voting.*

*(2) In ascertaining the results on a question under paragraph (1), the Speaker shall, in the first instance, collect the voices of the 'Ayes' and the 'Noes' and shall declare the results accordingly.*

Honourable members, a cursory look at 257 of the constitution indicates that the manner and voting is not indicated. It is silent on the manner and mode voting in a matter of this nature. I therefore honourable members allow me now pursuant to Standing Order number 93 (2) to put the question.

*(Question put and agreed to)*

*(Applause)*

## COMMUNICATION FROM THE CHAIR

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### THE SPEAKERS LEGAL OBLIGATIONS

**Hon. Speaker:** Honourable Members, today is an outstanding day as the County Assembly has participated in a significant constitutional role in amending the Constitution of Kenya. I wish to thank you for the commitment and dedication in executing your constitutional mandate pursuant to the provisions of Article 257(6) of the Constitution of Kenya 2010.

Honourable Members, I wish to confirm to you that I shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the County Assembly has approved it as provided under Article 257(6) of the Constitution of Kenya within the shortest time possible.

Honourable Members, I wish you all the best as you continue to fulfil your Constitutional role of oversight, representation and legislation.

### ADJOURNMENT

**Hon. Speaker:** Honourable Members, there being no any other business on the Order Paper the House Stands adjourned until the next sitting. Thank you.

*(Hon. Members rose in their places while His Excellency the Governor and the Speakers' procession left the Chamber)*

*\*\*\*The House rose at 11.35am\*\*\**