

OCTOBER 15, 2019

COUNTY ASSEMBLY DEBATES

KERICHO COUNTY ASSEMBLY

THE HANSARD

Second Assembly

Tuesday, 15th October 2019

(The House met at 2.30p .m.)

(Speaker (Hon. Dominic Rono) in the chair)

PRAYERS

The Speaker (Hon. Dominic Rono): Let's proceed.

**MOTION (BY THE CHAIRPERSON JUSTICE AND LEGAL
AFFAIRS COMMITTEE, HON. EDITH KAPTICH)**

The Speaker (Hon Dominic Rono): Hon. Edith Kaptich you may move the motion.

Hon. Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Thank you Mr. Speaker for giving me this opportunity so that I can move this motion That this House adopts a report of Justice and Legal Affairs Committee on the Punguza Mizigo Constitution of Kenya Amendment Bill 2019.

The Speaker (Hon. Dominic Rono): Please proceed and read it.

Hon. Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Hon. Speaker allow me to proceed from page 4 of the report.

The Speaker (Hon. Dominic Rono): Page 4.

Hon. Edith Kaptich (Chairperson Justice and legal Committee): Yes.

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The Speaker (Hon Dominic Rono): Yes proceed.

Hon. Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Okay thank you Mr. Speaker.

**REPORT ON PUBLIC PARTICIPATION ON THE
PUNGUZA MIZIGO (CONSTITUTION OF KENYA
AMENDMENT) BILL, 2019.**

The Punguza Mizigo (Constitution of Kenya Amendment) Bill, 2019 was committed to the Committee on Justice and Legal Affairs for deliberation and consideration. The Bill was subjected to public participation on 23rd September, 2019 in the entire Sub - Counties of Kericho County. The Committee sat to deliberate on the Bill and public views.

The Bill seeks to amend the Constitution of Kenya pursuant to the Popular Initiative under Article 257 of the Constitution of Kenya, 2010.

The Constitution of Kenya 2010 provides two modes of amending the Constitution vide Article 256 (Parliamentary initiative) and Article 257 (popular Initiative)

Since time immemorial, there have been various reasons for amending Constitutions but none aptly captures it as Thomas Jefferson, American statesman, diplomat, lawyer, architect, and Founding Father who served as the third president of the United States from 1801 to 1809 who said the following;

“No work of man is perfect. It is inevitable that, in the course of time, the imperfections of a written Constitution will become apparent. Moreover, the passage of time will bring changes in society which a Constitution must accommodate if it is to remain suitable for the nation. It was imperative, therefore, that a practicable means of amending the Constitution be provided. Whatever be the Constitution, great care must be taken to provide a mode of amendment when experience or change of circumstances shall have manifested that any part of it is unadapted to the good of the nation.

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In some of our States it requires a new authority from the whole people, acting by their representatives, chosen for this express purpose, and assembled in convention. This is found too difficult for remedying the imperfections which experience development from time to time in an organization of the first impression. A greater facility of amendment is certainly requisite to maintain it in a course of action accommodated to the times and changes through which we are ever passing." That is Thomas Jefferson

The popular proposals for constitutional amendment in Kenya emanate from a seemingly heavy financial burden that has been occasioned by the implementation of the Constitution. Corruption and theft of public resources at national and county levels has become rampant, taxes have increased (recently tax on petroleum products went up by 8% and a housing tax was introduced), elected officials are constantly increasing their salaries and benefits, not to mention the ballooning public debt from internal or external lenders. Kenyans are reeling from a shrinking economy, they have diminished disposable income while the government spends Billions of dollars on recurrent costs annually and access to essential services is out of the reach of many.

2.1 Proposed amendment to the Constitution by the Third Way Alliance

Outside the parliamentary initiative, Thirdway Alliance has proposed to amend the constitution of Kenya vide the provisions of Article 257. According to the promoters of the Bill, the amendment aims at reducing the burden of cost of governance currently being borne by Kenyan tax payers.

The proposal seeks to, among other matters;

1. Reduce the number of members of parliament from 416 to 147 by abolishing the 290 constituencies, nominated positions in county assemblies and the Senate. More than a third of the members of county assemblies are nominated. The proposal would also increase the share of revenue for counties to 35% from the current 15%.
2. Reduce the cost of running Parliament from current USD 365 million (Ksh.36.8 Billion) to USD 50 million per year (Ksh.5 Billion) thus saving the taxpayer Ksh. 31.8 Billion.

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3. Capping of the salaries of elected leaders to a maximum consolidated pay of Ksh. 500,000/= for the president and KSH. 300,000/= for members of parliament per month while abolishing all forms of allowances.
4. Elevating Senate to the upper house with veto power.
5. Demystifying the presidency by introducing the 7 year term presidency.
6. Abolishing the position of the Deputy Governor and appointing one of the CECs to be a principal assistant of the Governor.
7. Enforcing integrity, end corruption and theft of public money by automatically adopting the recommendations of public enquiry and audit reports and bar adversely mentioned individuals from holding any public or state office. Trying corruption cases within 30 days and appeal within 15 days. Imposing a life sentence on those convicted of corruption and theft of public funds.
8. Reducing the cost of running election and registration of voters by requiring that every Kenyan at the age of 18 years and has acquired a national identity card be deemed to be a fully registered voter for purposes of election and referenda.

3.0 Committee Findings

Mr. Speaker, after undertaking public participation in the above mentioned areas, the members of the public expressed their views on the Punguza Mizigo (Constitutional Amendment Bill) 2019 to reflect their legitimate concerns.

The Committee made the following findings.

- a. Reducing the cost of running government through addressing concerns of overrepresentation by reducing the number of MPs from the current 416 to 147 by abolishing the 290 constituencies, adopting the 47 Counties as a single constituency, nominating Six Special interest Groups and electing 47 senators.

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- i. That it could be unconscionable to abolish the constituencies for as it would imply that service delivery would be hampered at the constituency level.
 - ii. That those currently employed at the constituency offices would lose their jobs yet the country is struggling with high rates of unemployment.
 - iii. That abolishing CDF which is the backbone development initiatives in the country would deal a blow to development at the constituency level.
 - iv. That it would lead to underrepresentation and that in any case, the number of constituencies should be increased.
- b. Elevating Senate to the upper house with veto power
 - i. Most of the public participants in the four sub-counties supported this proposed amendment for the reason that the National Assembly needs to be oversighted so that they do not become law unto themselves.
 - ii. They also stated that in other jurisdiction like United States of America and United Kingdom, one of the Houses of their parliament was regarded to as the “Upper House”
- c. Increasing revenue share allocation to at least 35% from the current 15%
 - i. This proposed amendment was also supported by a vast majority of the participants in the four sub-counties arguing that this will devolve development to the ward level. A few minority were however of the opinion that there was no guarantee that the money would be utilized well at the county level.
- d. Demystifying the presidency by introducing the 7 year term presidency
 - i. An overwhelming majority of the public participants at the four sub-counties rejected this proposition for the reason that there was no co-relation between the 7 year term and service delivery. They argued that there would be no motivation for

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a president to work hard since he/she will not be seeking a re-election and would therefore be reluctant to work hard.

- ii. That since the term of the other elective positions e.g. parliamentary elections would be every 5 years then the country would be in a continuous election mood.

- e. Capping the salaries of the President and the Members of Parliament to Kshs. 500,000 and Kshs. 300,000 respectively

Majority of the public participants rejected this proposed amendment arguing that the two state offices should be well remunerated so that they can be motivated in the discharge of their functions. They also argued that corruption would thrive if the President and Members Parliament are not well remunerated since they will be oversighting Billions of money and a low pay would not be the ultimate solution of reducing the cost of running government. The public also noted that the proposed amendment was silent on other elected leaders like Members of County Assemblies and hence there was a lacuna.

- f. Abolishing the position of the Deputy Governor and appointing one of the County Executive Committee members to be a principal assistant.

A vast majority of the participants opposed this proposed amendment arguing that a Deputy Governor plays a vital role in the running of County Governments and they would not trust someone (County Executive Committee member) whom they did not elect to deputize the Governor. That further to it, the cost of having a re-election of the Governor would be costly.

- g. Enforcing integrity, end corruption and theft of public money by automatically adopting the recommendations of public inquiry and audit reports and bar adversely mentioned individuals from holding any public or state office. Trying corruption cases within 30 days and appeal within 15 days. Imposing a life sentence on those convicted of corruption and theft of public funds.

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On this proposed amendment, there were mixed feelings. There were those who supported arguing it would end the culture of corruption in Kenya which has led to stagnation of development, and would act as a deterrence factor. Those who opposed it argued that the 45 days of trial including appeal would lead to miscarriage of justice.

- h. Reducing the cost of running election and registration of voters by requiring that every Kenyan at the age of 18 years and has acquired a national identity card be deemed to be a fully registered voter for purposes of election and referenda.

Majority of the public participants from the 4 sub-counties supported this proposition arguing that this would save the tax payer Billions of shillings normally used for the continuous registration of voters. Those who supported it, argued that this would lead to unemployment of those currently employed at the IEBC and would bar job opportunities for those normally employed for purposes of continuous registration of voters would lose their jobs.

- i. The member of the public generally termed the proposed amendment as “**bitter-sweet**” and other termed it as “**Punguza-Ongeza**” and deeply regretted that the Bill was too rigid and there was no avenue for amending the same.

4.0. Flipside to the Proposed Amendments

Even with an amended constitutional text, there is no guarantee of the end of the culture of impunity, theft of public resources, senseless public borrowing and disregard of the rule of law and constitutionalism. While the constitution is a crucial political and policy instrument, the proposed amendments may have misdiagnosed the problem and as a result prescribe the wrong medicine. The amendment efforts may be diverting needed focus, efforts and resources away from tackling the root causes of the mismanagement of public affairs and resources.

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5.0 Recommendation

The Committee having considered the Punguza Mizigo (Constitutional Amendment) Bill 2019; and having collected the views of the public on the same; and having regard to the fact that the Bill cannot be amended but should either be rejected or adopted as a whole, the Committee recommends that this House **rejects the Punguza Mizigo (Constitutional Amendment) Bill, 2019.**

Thank you Mr. Speaker Sir I invite Honorable Kassim Nasir to second motion

The Speaker (Hon. Dominic Rono): Hon. Kassim Nasir.

Hon. Kassim Nasir: Thank you Mr. Speaker for giving me this opportunity. I stand here today to proudly second this motion as moved. If you look well on this Punguza Mizigo Initiative, it is a legal sham. It proposes an amendment that anyone who has been adversely mentioned in any public report since 1963 is automatically banned from Public and state office. This proposal takes away all right of innocence, full trial judicial process of review of the Bill.

The Bill proposes the removal of the office of Deputy Governor and states that in the event of vacancy in the office, election shall be held within sixty days. The Bill doesn't say who acts as Governor for those sixty days. It is first in history that the office stays vacant for sixty days and also how will salaries be paid without a Governor for sixty days that is two months? Who will chair the county cabinet? So a county will stay leaderless for sixty days even a gate cannot stay open for that long. I would like to say that Punguza Mizigo Initiative is an economic scam. The Bill proposes for a five year term for members of parliament and one term seven years for the president saying it will reduce parliamentary Bill by 31.8 Million annually. In this scenario we will have five separate elections of first ten years for the amendment. Each election will cost IEBC 50 million and every election Kenya's economy will therefore shrink five times in ten years and thereafter destroy our economy.

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The Bill also proposes we have two Members of Parliament from every county. We have a male Member of Parliament and a female member of parliament. If we have a case study and we look at a County like Lamu for instance that has 100,000 voters and we come to our County Kericho where we have 800,000 voters, I don't think this will be even representation to good people of Kenya. I also want the Honorable members to know that this Bill cannot be amended so it's better off shooting down than even discussing it further.

On the issue of gender representation in County Assemblies this Bill does not cater for gender representation in County Assemblies at all. It's my view that this Bill discriminates against women and it deserves to be rejected. Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you. So Honorable members before I propose the question, I wish to acknowledge the presence in the public gallery this afternoon our esteemed visitors to the County Assembly that is Dr. Jane Kiriangai Chairperson of CRA, Honorable Florence Kajuju, Commission on Administrative Justice (CAJ), Dr. Joyce Mutinda, National Gender and Equality Commission, Mrs. Ann Makori from Independent Police Oversight Committee (IPOA), David Gichana Auditor General's Office, Dr. Lydia Nzomo from Teachers' Service Commission (TSC), Fauzia Dhahir (CRA), Frida Kamancha (CAJ) and Josphine Mwatibo from National Gender and Equality Commission (NGEC).

So to our visitors welcome to our county assembly of Kericho.

(Question proposed)

The Speaker (Hon. Dominic Rono): Any takers? Honorable Hezbon Tonui!

Hon. Hezbon Tonui: Thank you Mr. Speaker for allowing me this chance to arise and reject the Punguza Mizigo Bill 2019. I am a member representing Cheplanget ward in Bureti Sub County and member of Justice and Legal Affairs Committee. I was sent to represent the members in Bureti during the public participation and so I rise to reject in totality because there is no amendment. I don't see whether there is something I can add, I reject in totality.

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The Speaker (Hon Dominic Rono): Thank you. Honorable William Soi!

Hon. William Soi: Thank you Mr. Speaker Sir for giving me this chance. I stand to reject this Bill of Punguza Mizigo because it affects many people. One, if our nominated people will lose their jobs and MPs will lose their jobs this will disadvantage many people and we want many people to get jobs. We are trying employ more but the Bill is trying to reduce it. So I reject this Bill in totality

The Speaker (Hon. Dominic Rono): Thank you. Honorable Esther Tonui!

Hon. Esther Tonui: Thank you Mr. Speaker for giving me this chance. I stand to reject this Bill in totality with reasons stated here. First, this Bill is taking us another fifty years behind where we have come from. We talk of reducing members of parliament right now and if you ask me in my ward that is Soin, it is so big I can't even go round and manage alone. Now you want to reduce the constituency which is not possible we are taking back the development of this county. I again reject it because it is fighting women in the county and in the nation. That is fighting himself because there is no one here who sleeps at night without a woman beside him. If you develop a woman you are developing a whole nation yet this Bill is telling us we want to reduce the women. Honorable members, you cannot cheat me, I can stand today and vie equally with my Honorable member Josphat. You know our country Kenya, there is still discrimination against women. This Bill is cheating us and taking our women away from leadership so I reject it in totality. Mr. Speaker we shall not allow nation to go back to where we have come from. I refuse it and I reject it in totality. Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you. The Honorable Erick Bett!

Hon. Erick Bett: Thank you Mr. Speaker for giving me this chance to contribute on this important motion. I am one person who is going to support this Bill and therefore I reject the committees' report because the report was altered in the last stages. Remember in the public participation before we tabled the report few weeks ago, this Assembly was approving this *Punguza Mizigo* Bill but I don't know what happened in the course of the time such that they

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have deleted the last part and put rejecting *Punguza Mizigo* Bill. Nevertheless since the Honorable member of the Justice and Legal Affairs Committee, Mr. Speaker, when Dr. Ekuru Aukot was in this chambers, when he presented the issues, we raised a concern. In fact I raised a concern on issues of counties not being equal and the team was able to explain very well and you even went ahead to just propose a question in a friendly manner on which these members said the *Punguza Mizigo* Bill was good. There have been so many things going on in this Assembly. Remember before we went for the games, there was an issue of we need to do a consultation which our able Chair said we want to allow members to ventilate. I do not know what happened in Eldoret but I am very sure we are well aware that when this Bill was addressed by the proponent of this Bill, the issues were raised to ask the questions and when members come here and they bring the issues which were addressed then by that report, it becomes a big issue in terms of saving this country called Kenya. I wish to remind members that this Bill is not about us being in leadership right now, it is for the future. It is for the people who will come after us in terms of development. *Punguza Mizigo* Bill is not about individuals, it is not about parties, it is not about people, it is just about future generations. We are yearning for 35% of funds to come to counties and this *Punguza Mizigo* Bill is one of the proponents and the only way we can have money is reduce on cost of paying leaders. I am just from a funeral in Matobo area where I represent and people are asking me why the only person we see coming to the functions is the MCA yet we elected 6 people during elections. People are tired, people wants things that are overally represented. So allow me just to highlight a few things why I fully support and because the good people of Kipchebor ward whom I represent told me to support this Bill and with reasons which I want to give it right now. I do support the *Punguza Mizigo* Bill because;

- i. There is an issue of the Senate that for a long time we have heard in this country the issues to do with the National Assembly and the Senate. Recently there was an issue with the revenue to the county. You remember the Governors and the Senators were up in arms with the government saying that we need more money to the counties. But what happened, because the Senate is not powerful, we ended up accepting the little revenue to

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the counties. So what the Punguza Mizigo Bill is asking is that the Senate will have powers which means they can be able to overthrow what the lower house has done. This is a big plus for devolution is going to help this country to move forward and will no longer need to do demonstrations like what the Governors and Senator has done in order to ensure that money comes to the counties.

- ii. It is the issue of revenue. Right now we enjoy small money in counties. This Punguza Mizigo Bill is very clear saying that 35% of the funds need to come to the counties. How sweet is that Mr speaker? Very sweet for the local mwananchi because these are funds which will do development. Every now and then we are in this House Mr Speaker, we do try to put allocations through the budget committee on different activities and we have never had enough funds to do many things in our counties.
- iii. The issue of abolition of Deputy Governor. My able Deputy Leader of Majority said that when you abolish the position of the Deputy Governor, this Bill is very clear, it says that the Governor will appoint one of the CECs in acting capacity and number 2, in case the Governor dies, we will go back to the people, not the Deputy Governor assuming power. This is ready for disaster because if you are the Governor and I am the Deputy Governor, I will make sure that I put you behind bars so that when you are struggling with your case, I am the Governor for the day. We need people who are elected by the electorates, not people who are planned by other people. The Deputy Governors' office always is no longer in isolation, it is only one office. So the issue of abolishing the Deputy Governor's office is in good test for this country and it is very important that we do.
- iv. The issue of running an election which was also mentioned that because it is going to be a five year term and seven year term, when elections are done in this country every year, the cost is very huge and when you elect less representatives we will be able to save more money. For re-elections and the seven-year term presidency which I had my reservations but when I look at it clearly on the issue of a seven year term, in this country Mr. Speaker, there is no president who has defended his seat while in power and lost. So it means even if you do five year term, the president sitting in his office will make sure he

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is using the government resources to make sure that he is re-elected. The seven year term is going to demystify that and so I want to agree with the orders of this Bill that it will demystify the issue of presidency in this country and it will make sure that also we don't have things like we witnessed in post-election in 2007. I want to urge my colleagues and that we have heard many stories from different quarters, from the party, from who and who, from different quarters on why this Bill is not good. We have even been told that there are other Bills coming ahead of us. We do not know. They normally say a bird in hand is better than one that is not in your hand. This Bill, history will judge us that Kericho County Assembly, when given a chance to support a Bill that is going to support the mwananchi, they turn their blind eye on this Bill. Even the one who is in heaven will judge us harshly. I want to urge my colleagues that let us put our differences aside, let's loop these eyes of the local mwananchi and let us look at this Bill. I do admit that this Bill is 100% perfect but even the current Constitution which we passed in 2010, there are still issues and that is why they are always making amendments but this Bill is a platform for our future. I am passing this Bill for the sake of my son who is now 4 years old. I am passing this bill for the sake of next generation who will ask us what we did when the country was not performing well Mr. Speaker I rest my case and say that I totally reject the committee report and support Punguza Mizigo hundred percent. Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you Honorable Erick Bett, the Honorable Erick Bii!

Hon. Erick Bii: Thank you Mr. Speaker for this opportunity you have given unto me today to raise my contribution on the Punguza Mizigo Bill. First of all Mr. Speaker I have only two or three issues I want to add on this bill. And first of all I want to say I reject the Punguza Mizigo Bill completely. First it is concerning the way Punguza Mizigo came. It never even allowed the common mwananchi to make the amendments. I believe that when you are going for public participation Mr. Speaker, we had some issues because when you went to the

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mwananchi there were some amendment they wanted to make but there were some closure or death end in this Punguza Mizigo Bill. This means it was prepared for one man show, so we are running a one man show in this Punguza Mizigo Bill of which the common mwananchi never contributed anything in terms of the amendment. Secondly, Mr. Speaker, I want to say that when we cheat ourselves that it is the president elect with only five hundred thousand, is it possible Mr. Speaker for Kenyan president to be earning five hundred thousand? It is not possible I believe, even the Honorable here have issues. When they are going round meeting the mwananchi because they are being told that there is patient here who sick, there is something being done here, in development you can't run the country with five hundred thousand. It is unrealistic. I want to believe that one cannot even allow the person at home to say that president is earning five hundred thousand. Secondly when you say want to reduce...

The Speaker (Hon. Dominic Rono): Yes Hon Josphat Rutto.

Hon. Josphat Rutto: Honorable Speaker the member is talking about five hundred thousand to be used in development. Is it for development or for salaries for president? May be clarification.

The Speaker (Hon. Dominic Rono): Hon. Erick Bii five hundred thousand for development or a salary?

Hon. Erick Bii: Mr. Speaker thank you for that. My comment is concerning the salaries. It is salary for the president. I am saying when you talk of having the reduction with the constituencies, I believe as a leader you don't wish any other person to lose their job. You see when you say that I want the constituency to be reduced or increased. I don't believe that one will work because even us right now the elected members of the County Assembly don't believe that one day one time they are going to lose. They believe that they will be given another seat for the second time. So I want to say that this thing is biased. It is not focused because if we are going to reduce the constituencies, it doesn't mean that the number of people who are closer to their member of parliament will lose a lot. So I don't believe this one will work even the issue of saying that we are going to scrap deputy governor post, I don't believe in that.

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Thirdly is the issue of representation. Most of us came through nomination and I have seen one of the factors here is that they will no longer be a youth who will have a chance to represent fellow youths. I think that is my point, you allow me to proceed on because I am raising a point concerning the Punguza Mizigo Bill.

The Speaker (Hon. Dominic Rono): Order Hon. Erick Bii. There is a point of order by the Hon. Haron Rotich.

Hon. Haron Rotich: Thank you very much Hon. Speaker. I wanted to point an issue that Honorable member has raised. I wanted to tell him that it is very clear in this bill that, it is indicated that 6 will be selected from the marginalized, from youth and therefore Mr. Speaker I don't want Honorable member to mislead the house. So maybe he should correct and if need be I can show him where it is written very clearly that 6 of them should be retained not abolished.

The Speaker (Hon. Dominic Rono): So that is it Hon. Erick Bii.

Hon. Erick Bii: I think it is my point because I am giving out my points concerning the whole country. So when I talk of the representation, the Honorable members have to listen and listen carefully. So allow me to wind up, the term of seven years for the president. You see when somebody is exiting power, we have issues because he is not giving development to the people because if you know that next you will not come back, and you will just amass wealth. If you give seven years, it is like telling the president you proceed, take wealth and you move out then the next person will come in like that. We inheriting people who are going to make wealth and goes home. So these seven years is not enough for the president , he should add in another ten years like the way we are going on with this constitution we have right now. So I reject this and I say Punguza Mizigo rest in peace.

The Speaker (Hon. Dominic Rono): Thank you the Hon. Erick Bii. The Honorable Evance Kibet?

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Hon. Evance Kibet: Thank you Mr. Speaker for this opportunity you have given me so that I can support the Punguza Mizigo Bill and reject the report of the committee and also to bring to clarification some instances here which are not clear. The Constitution of Kenya states clearly, I can even read, that is article 182, vacancy in the office of the governor, now if we have a vacancy in the office of the governor and that of the deputy governor, for this case Punguza Mizigo bill doesn't have a deputy governor then the constitution clearly states that a vacancy occurs in the office of the governor and that of deputy governor or if the deputy governor is unable to act, the Speaker of the County Assembly shall act as the governor. So it is very clear on that instance and that means you can possibly become a governor. And also the reason why I am supporting the Punguza Mizigo Bill is because of...

The Speaker (Hon. Dominic Rono): There is a point of order by the Hon. Kassim.

Hon. Kassim Nasir: Thank you , I can see the chairman sports is excited about the Punguza Mizigo Bill but he just read to us the current constitution and where we are talking about the amended constitution , as per the Punguza Mizigo initiative they do not say who will take over in case there is a vacancy. Thank you.

The Speaker (Hon. Dominic Rono): Thank you. So you be guided.

Hon. Evance Kibet: Mr. Speaker ...

(Loud Consultations)

The Speaker (Hon. Dominic Rono): Order Honorable members lets listen to Hon. Evance Kibet.

Hon. Evance Kibet: Let me also explain something to Hon. Kassim Nassir who is also very happy to reject the Bill. We are amending the mother constitution Bill and it doesn't mean once we have the Punguza Mizigo Bill in place, the current constitution will not be functioning. We

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are just amending the constitution and some of the clauses of the original constitution will be functioning. The constitution is very strong but we are just amending. The Punguza Mizigo Bill is just giving some suggestions on how to amend the Constitution. If I may proceed!

The Speaker (Hon. Dominic Rono): Please proceed, let's listen to him.

Hon. Evance Kibet: The reason why I am supporting this Bill is that they are using each word which now of 450 words in Kenya they are using it as a unit of primary unit of accelerated development is replacing CDF. So we should not have a lot of people representing us in the national government and also attain real and meaningful inclusivity that means when we bring resources closer to the people, it will accelerate equitable sharing of resources evenly. Also the issue of gender, I heard the Hon. Member from Soin saying this Bill is all about women. We are saying every other person has a right to be elected. We only need to go down to the people and convince them. People like Charity Ngilu, the Late Joyce Laboso among others become leaders for many years and they got elected every time. So we need even the nominated members to do so. Constitution doesn't say all the time the women are going to be nominated. Even men should be nominated. What the constitution says is we are going to have what we call special interest groups and this people are just going to be nominated to represent the special interest groups so I don't see any reason why women would say the seats are gone and they are not representing anyone. The reduced wage bill and the recurrent expenditure that is happening in our country, even the county government, the recurrent expenditure is at 75%. What we need to do is to stop this recurrent expenditure while we pay people who are representing us and bring resources to the people. This Punguza Mizigo Bill is very important in looking into such issues. To sum it up also on issues of corruption, the theft of public funds, we see the longer time it takes for someone to be convicted for maybe after stealing public funds, then that person will have a longer time for using that money they stole to defend themselves. So if we give them a period of thirty days and the court will be able maybe to convict and say someone has stolen or not stolen the public funds it should be within 30 days so that the person shall not use the money they have taken from

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public offers to defend themselves .I support this Bill and I urge Honorable members to support this Bill. Thank you.

The Speaker (Hon. Dominic Rono): Thank you, we shall have Hon. Collins Biegon then we shall have Hon. Beatrice Tonui.

Hon. Collins Biegon: Thank you Mr. Speaker for this opportunity. For avoidance of doubt Mr. Speaker I think we also need guidance because the question you proposed was whether we are supporting or rejecting the recommendation of the report by the committee. I heard people saying I support the Bill others the report, we are talking about the report, so I think the house need guidance in that sense so that we go systematically .The other thing before I speak my view about the report, I want to comment on the point that one Honorable member has just said that youths are not going to be represented here, it is the public knowledge that this Assembly if you look at the average age, I am a youth and I represent youth and everyone else. The average age of this Assembly has inclined more towards youth so there is a lot of youth going around its only that the member is defending because he was nominated. So he wants that free ride and I think he has also the ability to go and ask for votes just the way we did and ask people to vote for him and be elected just the way we were elected .I wanted to correct that so that it is noted that this house has so many youth that represent youth and we were elected, so Mr. speaker please...

Hon. Eric Bii: Point of information!

The Speaker (Hon. Dominic Rono): Just one second, the Hon. Eric Bii has a point of information.

Hon. Eric Bii: Thank you Mr. Speaker, I think the Honorable member who was speaking right know has his own interest. I believe that supposing today the county, the whole county never elect any youth and it is in the constitution that every youth's interest must be catered for, persons with disability and women is stipulated in the constitution that they must be represented

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no matter whether they have been re-elected or elected, so I want to say that it was in the constitution and I was saying my words. Thank you.

The Speaker (Hon. Dominic Rono): Hon. Collins Biegon please proceed!

Hon. Collins Biegon: Thank you Mr. Speaker. Just to keep the Honorable member in terms with the trend now, if you look at our Honorable MPs, it is more likely that more youths are coming to be elected, because we form a larger population. Will have time that will have to ask the older people to come and be nominated, the majority of the people who are old will come to be nominated because now majority will be youths. So we don't have a problem about youth representation we are here and we will just go back and be elected. Mr. Speaker I want to state that I reject this report. To be objective, looking at it in the sense that I am going to lose my job, am not going to get my salary as expected because leadership is more about service to the people. We don't have to look at the salary too much. I want to say that the people who did this report did not do justice to it. How can you write things that make sense from the word go? Everything makes sense and then the recommendation that you reject it after everything make sense, I don't know how that comes in, how can you say that the county is going to get 35% an increase in its allocation and you came and reject the report? How can you say that in terms of elevating the Senate which is important also in terms of decisions that are going to be made about counties? How can you say that there will be harsh penalties to those people who embezzle money in this country to extend that we will reduce corruption and then say we will reject the Bill? I think we should be fair to ourselves. I need not to be informed Mr. Speaker just protect me. I am almost done with my contribution...

Hon. Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Point of information Mr. Speaker!

Hon. Collins Biegon: I need not to be informed Mr. Speaker!

The Speaker (Hon. Dominic Rono): Hon. Edith?

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Hon Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Thank you Mr. Speaker for giving me this opportunity so that I can inform the House. First of all I have a right of reply to the Honorable Erick Bett and I must reply to him that there is nothing that went on in Eldoret that is the first thing.

The Speaker (Hon. Dominic Rono): Order the Honorable Chair!

Hon Edith Kaptich (Chairperson Justice and Legal Affairs Committee): Yes.

The Speaker (Hon. Dominic Rono): You will reply once we are done.

Hon Edith Kaptich (Chairperson Justice and Legal Affairs Committee): It's okay.

The Speaker (Hon. Dominic Rono): Yes

Hon Edith Kaptich (Chairperson Justice and Legal Affairs Committee): It's okay, better late than never. Mr. Speaker. I want to inform not even inform, I want to tell the Honorable member representing the great people of Kapkugurwet that I think he was too fast to read our report. Mr. Speaker from what he said, those were the highlights of the bill and if he will take time to read the bill he can now understand why we had to reject the bill. So it doesn't mean this bill is not making sense. He is somehow provoking us that this bill is somehow useless. I want to urge the Honorable members to kindly go back and read the bill from the first page to the last page so that you can understand why the committee made the recommendation of rejecting it. Thank you, Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you. Honorable Collins Biegon please proceed.

Hon. Collins Biegon: Mr. Speaker please in terms of guidance it is also appropriate that we use the Standing Orders. When somebody rises on a point of order let them state which Standing Order they are using which number and then give us the point of order but now they are discussing and replying to the report and there is no time to do that. So just give them a ruling so that they don't raise hands for points of orders when they don't have the points of order.

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The Speaker (Hon. Dominic Rono): We are well guided.

Hon. Collins Biegon: Thank you. I was saying that I reject this report Mr. Speaker and when it comes to the time of supporting the bill, if it reaches there then I will support it because some of the recommendations that were put out really favor the development in the counties. We have seen what the 15% has done so far the number of roads that have been opened, the number of dispensaries that have been built using the 15% assuming that we get even to 30% even to 35%. What the bill is proposing then the *mwana-inchi* on the ground not only in Kericho but all the way to Marsabit and the far end of this country there is going to be a lot of development.

Two, I think in terms of what the bill proposes, overrepresentation if you compare with countries like China for example even the United States and The United Kingdom we are actually over represented. I remember Honorable Alfred Keter was making comments that the members of parliament now you don't know who is representing who they are so many that they don't even know each other by name and that is just an extra burden and a cause to this country which is irrelevant and it does not really assist. Most of them, if you look at politics now have just turned to sycophants and they do not actually represent the people that are supposed to be represented. You will just find them in Pride Inn in Mombasa and all this other areas using taxpayers' money for their own enjoyment. I think this reduction of members of parliament is also important and will go a long way in cutting the wage bill. I think I will rest it there and I reject the report. Thank you.

The Speaker (Hon. Dominic Rono): Thank you. The Honorable Beatrice Tonui.

Hon. Beatrice Tonui: Thank you very much Mr. Speaker for giving me a chance to contribute on this report. First of all let me say my name for the sake of the visitors my name is Honorable Beatrice Tonui representing women of Kericho County. I stand to reject in totality. I reject because first of all our role as leaders is to advance our county at large. For example Mr. President told us in the four big agenda that we create jobs but for this *Punguza Mizigo*, it is reducing and we want to make more jobs for our people so I reject. I also want to reject because

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the current constitution supports the two- third gender rule and for this one it is somehow making them to be few. Thank you Mr. Speaker sir.

The Speaker (Hon. Dominic Rono): Thank you. Lastly we shall have The Hon. Caroline Soi and then Honorable Haron Rotich then will have the Hon. Edith Kaptich reply.

Hon. Caroline Soi: Thank you very much Hon. Speaker for giving me this chance so that I may support The Punguza Mizigo in totality. Why am I saying so? Though I am a woman, I have what it takes to go to the ground and I know if I ask for votes, people will vote for me. Even for the youth, if you are a youth and you have what it takes to represent the people, people will elect you. So I don't see any reason why we should reject this Ekuru Aukot's Bill. I want to go into history fully that I supported The Punguza Mizigo. The Mizigo is too much. We are using a lot of revenue, a lot of money that is only going to the wages. So Honorable Speaker and the rest of the House kindly let us support because we have so many youths, why were you elected? You were elected because you had what it takes so kindly don't fear these things come out if you are old like me and you go to the ground and you have what it takes and people will vote for you. Thank you so much.

The Speaker (Hon. Dominic Rono): The Honorable Haron Rotich.

Hon. Haron Rotich: Thank you very much Mr. Speaker. I want to make just one clarification however I want to be on record that I once supported The Punguza Mizigo Bill. I want to support also what Honorable has just said, Hon Caro Soi, she said very clear, if really you have what it takes, the way I am, I am young Mr. Speaker but I was voted in overwhelmingly by 90 percent of voters therefore let's not fear anyone. Just go to the field and present yourself very well. So for me I want to be part of history and I want to say that the lowest unit of devolution and it's very clear in the constitution that the lowest units are wards. I therefore Mr. Speaker want to say that I really need that money like yesterday, because I want to developed roads in my ward, I want hospitals to be also equipped very well and also need all those other things like

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water. I therefore want to say let's not fear whichever who aptly come our way but I want to say that I'm for the Punguza Mizigo hundred percent. Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you and lastly we shall have the Deputy Speaker, the Hon. William Soi you have spoken and Hon. Kassim Abdi you have spoken. As per Standing Orders you can't speak twice on the same issue. So let's have the Hon Josphat Rutto as the last speaker then the mover of the motion can reply.

Hon. Josphat Rutto: Thank you very much Mr. Speaker for giving me this opportunity. Mr. Speaker I want to say that I stand here to support the report of Justice and Legal affairs committee. I have the reasons to support Mr. Speaker being among the elderly members in this assembly, being in the second, I term have a lot of reasons why we need to put away this Punguza Mizigo bill. I understand that people actually are facing a lot of challenges I know that. But look at the way the country is now doing, the economy is very bad Mr. Speaker. If we have to go for the referendum, people are facing a lot of challenges even the wards that we are heading we haven't done any development, now if we subject our people to referendum, we are using billions of money. I can see even the last time, the National Assembly was discussing on actually accepting the proposal from the secretary in charge of finance in the national on actually borrowing more money, three billion which we shall have a debt of 9 trillion in Kenya. We are facing a lot of challenges and we need to do away with this referendum. We have a good constitution that is already existing and we need to utilize it. Now see the way the politicians are using the counties, we have the Ugatuzi which is about to come again, we have Building Bridges Initiatives. People are looking for positions in the upper side Mr. Speaker sir. So we to reject, we need to have our stand that the constitution we having is good and should be implemented well. So I reject this Punguza Mizigo bill. Thank you Mr. Speaker.

The Speaker (Hon. Dominic Rono): Thank you, the Honorable Edith Kaptich.!

Hon. Edith Kaptich: Thank you Mr. Speaker for giving me this opportunity. First I want to apologize for having have come first with the right of reply for Hon. Erick Bett. Mr. Speaker I

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want to inform the Member representing the great people of Kipchebor that this Punguza Mizigo bill has never been debated in this Assembly and Mr. Speaker as he alleges that he doesn't know what happened in Eldoret I must inform the Honorable member that nothing happened in Eldoret, and it was the decision of the Honorable members that they be given time to ventilate. That is why Mr. Speaker today I tabled a motion urging this house to reject. After ventilation there is nothing permanent, change is inevitable always the Hon Erick Bett. And that is why I tabled this motion that this house rejects the bill after the ventilation by Honorable members of the Committee that I chair. They decided that this bill be rejected. Before I continue so that I don't get lost and may be the Honorable members who doesn't understand well, I want to clarify that if you are supporting the report of the committee it means you are rejecting the Punguza Mizigo bill, if you are rejecting the report of the committee it means you are supporting the Punguza Mizigo Initiative. I hope the Honorable members have understood, those who had gotten lost. I was astonished to see some Honorable women leaders standing on the floor of the house fighting to support something that really discriminate women. I don't know what the excitement is for? Also the Honorable members of this house are excited. May be the Honorable members can wait for other Bill coming, there is Ugatuzi Initiative that is coming there are so many things coming. Mr. Speaker sir I also have a right of reply, because the special interest groups is only in the National Assembly not in the County Assembly according to this bill. I want to urge this Honorable house that we reject this Punguza Mizigo bill and I urge this Honorable House to kindly reject this bill. This bill died on inception. I urge this Honorable House that lets come together for the purpose of our county, this bill is going nowhere. Mr. Speaker we don't want to be on record supporting something that died on inception.

The Speaker (Hon. Dominic Rono): Thank you the Honorable Lady, Chair Justice and Legal Affairs committee.

(Question put and negated)

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OCTOBER 15, 2019

COUNTY ASSEMBLY DEBATES

(Adjournment)

The Speaker (Hon. Dominic Rono): So the Assembly stands adjourned till tomorrow 9:30am in the morning. Thank you.

(The house rose at 4pm)

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