

# BARINGO COUNTY ASSEMBLY

## THE HANSARD

The House met on Thursday 11<sup>th</sup> February 2021 at 2:43 P.M

The Speaker (Hon. Kiplagat) in Chair

### PRAYERS

**The Speaker** (Hon. Kiplagat): Clerk!

### NOTICE OF MOTION

CONSIDERATION OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL 2020

**The Speaker** (Hon. Kiplagat): Hon. Charles Koske.

**Hon. Koske:** Thank you Mr. Speaker sir I arise to give a notice of motion. Consideration of the Constitution of Kenya Amendment Bill 2020

Aware that article 257 of the Constitution provides for the Amendment of the Constitution of Kenya 2010 through public initiative;

Further aware that Article 1 categorically states that all sovereign power belongs to the Kenya and that same shall be exercised either directly or indirectly through their democratically elected representatives;

Exercising our sovereign and inalienable right to defend, uphold and respect the supremacy of the Constitution of Kenya as provided for in Article 2 of the Constitution;

Recognizing that article 185 of the Constitution further provides that the legislative authority of the County government is vested in and exercised by the County assemblies;

Acknowledging that the Baringo County Assembly dully received the draft Constitution Amendment Bill from the Independent Electoral and Boundaries Commission dated 26<sup>th</sup> January 2021 respectively;

Further acknowledging that the draft Constitutional Amendment Bill 2020 was laid on the table of the County Assembly on the 9<sup>th</sup> of February 2021 and committed to the Committee o justice legal affairs devolution, governance and cohesion respectively;

Now therefore pursuant to article 256 of the Constitution of Kenya 2010 Baringo County Assembly hereby approves the Constitution of Kenya 2020 as presented I beg to give notice

**The Speaker** (Hon. Kiplagat): Thank you very much we will proceed accordingly...what is it Hon Selemoi?

**Hon. Selemoi:** Mr. Speaker I have just walked in and while I was seated I bumped on a document that was on my chair and the document reads: Bill to amend the Constitution of Kenya 2010, the Constitution of Kenya Amendment Bill 2020 and this is the much awaited BBI Bill and as it has been given as a notice by the Hon Member who is the Chair of Justice and Legal Affairs Committee. Mr. Speaker, this process is un-procedural given the fact that in the annexure contained in this document there is a laid down procedure which this Assembly is not exempted from following. Remember this Bill is from the national Assembly and it was prepared

by experts and it went through a process and we cannot as an Assembly break the law and procedures contained here. Remember Mr. Speaker this document cannot be edited or added anything but what we are entitled to as an Assembly and as the representatives of the people of Baringo is to follow the laid down procedure contained in the Bill which is, papers laid which was done then there after we take to the people but not through a notice of motion like now which is supposed to come at the tail end together with the motion.

Mr. Speaker, I doubt whether you will procure an illegality under your watch and because this is a procedural...

**The Speaker** (Hon. Kiplagat): What's your point of order Hon Chepsongol?

**Hon. Chepsongol:** Mr. Speaker, I want to ask if it's in order for the Hon. Member to discuss a motion which is only a Notice, I think he should raise his concern during the time of debating this motion.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): I will give you Hon. Selemoi, what's the information Hon. Kimosop?

**Hon. Kimosop:** Mr. Speaker the information that we need to provide our Hon. Member and the House is that this is Baringo County Assembly and we are governed by the standing orders and any matter that is not clear and not provided for by the standing orders the Speaker has the digression to rule. The information that I want to provide to my brother is that the standing orders provides for the House Business Committee it provides for how a motion can go.

Mr. Speaker another information is if what we are doing does not conform with the law or the Constitution the courts are there to interpret the law anybody can go there and argue out that what we have done we are not following the law but in your judgment. Mr. Speaker as far as this House is concerned the standing orders are supreme. IEBC can give regulations as well as anybody else but in Baringo County Assembly the standing orders supersedes all this because it provides how the law works and how the Constitution works and we are within the standing orders, this is just an ordinary motion like any other...

*(Loud consultations)*

He did not tell us the clause of the standing order that we have violated, thank you.

**The Speaker** (Hon. Kiplagat): Order! Hon. Selemoi proceed.

**Hon. Selemoi:** I think Hon Speaker the Hon. Member of Mochongoi was not in the House when I said that I stood on a point of procedure and it is available in the standing orders. That notwithstanding...

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order members let Hon. Selemoi proceed.

**Hon. Selemoi:** That notwithstanding I am not a daft member of County Assembly like Hon. Kimosop will want us to believe...

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order! What's your point of order Hon Kimosop?

**Hon. Kimosop:** Mr. Speaker is the respectful Hon. Member of Churo/Amaya Ward in order to refer me as a daft member of this Assembly; is he in order?

**The Speaker** (Hon. Kiplagat): Hon. Kimosop we have heard you please take your seat. I was in the process of correcting Hon. Selemoi if I heard you said I am not a daft as somebody would want to be and the word daft is not parliamentary so you will have to withdraw and apologize

**Hon. Selemoi:** Mr. Speaker I think the Hon. Member of Mochongoi Hon Kimosop did not grab what I said but none the less I beg to withdraw the statement on daftness which was not meant for him but because of grammar that he does not grab, I withdraw.

*(Loud consultations)*

**Hon. Selemoi:** Mr. Speaker, before I was rudely interrupted I was laying down facts that are contained in this Bill, remember this was not my Bill neither was it any one's Bill.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order what is your point of order Majority Leader...you are not on HANSARD please go to the microphone.

**Hon. Kipchumba** (Majority Leader): I am humbly asking, are we debating the motion that has just been tabled....

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order Hon. Lawi I have given an opportunity to Hon Selemoi because he started talking about point of procedure and I am still waiting to hear the procedure, the standing orders or which law he is coming to.

**Hon Selemoi:** Mr. Speaker as a product of the trip to Uganda together with the Majority Leader; Hon. Lawi and we were taught on points of procedure. Mr. Speaker, I said that in this Bill which have today it has procedures of presentation, manipulation and execution of the people of Baringo including other Kenyans. That procedure was not followed Mr. Speaker. This Bill the first thing is to be presented to the 47 assemblies in Kenya secondly it gets laid here then it is presented to the people of respective counties. Today Mr. Speaker in the order paper...

**The Speaker** (Hon. Kiplagat): Order! Hon Selemoi.

**Hon Selemoi:** and the motion is coming up today which is un- procedural

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order members give him time.

**Hon. Selemoi:** This is un-procedural and it is a massacre of justice and rules of this House and the standing orders and we would not want to have a Speaker presiding over an illegality under the wimps of his patronage.

**The Speaker** (Hon. Kiplagat): What's the information? Yes Hon. Parkei.

**Hon. Parkei:** Mr. Speaker, I stand to be guided on the procedure of this motion and I can table the procedures of every Bill in this County let me go through then I table it. Mr. Speaker on 9<sup>th</sup> February the said Bill was table in this House and the Speaker informed us at the House Business that he has received the draft Bill from the IEBC when we came to the House in the afternoon the Speaker introduced the Bill to the County Assembly and he communicated that the House has received the Bill, the majority leader who was represented by Hon. Aengwo laid the said Bill

before this House, the Speaker laid the said Bill to the Committee of Justice and Legal Affairs the next move was the Speaker issue guidelines on how the relevant Committee will handle the Bill including but not limited to facilitating public participation noting the unique nature of the Constitutional Amendment Bill

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Let him finish then I will give direction.

**Hon. Parkei:** Just give me time. Mr. Speaker the Bill was tabled what was supposed to follow is the justice Committee to go for public participation Mr. Speaker then from there the Assembly shall give at least seven days notice to the public for the public participation the seven days notice have been termed by the courts as reasonable. Mr. Speaker sir today we are surprised because we were waiting for Justice and Legal Affairs Committee to go for public participation Mr. Speaker sir.

**The Speaker** (Hon. Kiplagat): Hon. Parkei what is the source of your information; is it an Act of Parliament?

**Hon. Parkei:** Mr. Speaker on Tuesday when you tabled the said report it was following the society of clerks at the tables in the Kenyan legislation you tabled the said report with the guidelines. Let the Justice and Legal Affairs Committee go for public participation and bring the report with the motion we discuss here. Thank you.

**The Speaker** (Hon. Kiplagat): Thank you. Members I think we need to make progress on this because it just a notice of motion and we are yet to go to the main motion, the notice has already been given and I have said that we will proceed as per the order paper. This document came to the House Business Committee which is in charge of allocating House Business allocated Business for this afternoon. Next order!

## STATEMENTS

### LOGISTICS OF RELIEF FOOD SUPPLIES TO VULNERABLE FAMILIES DURING COVID-19 PANDEMIC

**The Speaker** (Hon. Kiplagat): Leader of the Majority.

**Hon. Kipchumba** (Majority Leader): Mr. Speaker as to this statement number 023 I am told by my Deputy who was there on my absence that the statement was committed to the chairperson of agriculture so the chairperson of agriculture to respond

**The Speaker** (Hon. Kiplagat): Yes the Chair of Agriculture? I can see the notes at the bottom of the statement. Yes!

**Hon. Paul Serem:** Thank you we shall bring this report next week on Thursday

**The Speaker** (Hon. Kiplagat): Will you be ready on Thursday 18<sup>th</sup> of February at 2: 30 P.M

**Hon. Paul Serem:** Yes.

*(Statement Deferred)*

### ISSUES OF RECRUITMENT OF HEALTH WORKERS UNDER UHC PROGRAMME

**The Speaker** (Hon. Kiplagat): Yes, this is statement number 30, Chairperson Labour and Social Services, Children, Youth and Sports Committee.

**Hon. Birchogo:** Thank you Hon Speaker, we are going to bring the answer to this House after we meet with the County service board on 23<sup>rd</sup> this month

**The Speaker** (Hon. Kiplagat): that will be on Tuesday at 2: 30 P.M. next order!

*(Statement Deferred)*

## **MOTION**

### CONSIDERATION OF THE CONSTITUTION OF KENYA (AMENDMENT) BILL 2020

**The Speaker** (Hon. Kiplagat): Hon. Charles Koske.

**Hon. Koske:** Thank you Mr. Speaker sir, I stand to move a motion on the consideration of Constitution of Kenya Amendment Bill 2020. Mr. Speaker aware that the Constitution of Kenya...

**The Speaker** (Hon. Kiplagat): what's your point of procedure Hon. Selemoi?

**Hon. Selemoi:** Mr. Speaker I am rising on a point of procedure again having raised the same issue a while ago when the Hon. member of Mogotio was moving a notice of motion on the same and if I dint quite here you well, you said that you ordered that the motion be taken back to the House Business Committee.

**The Speaker** (Hon. Kiplagat): Order Hon. Selemoi you cannot put words, I did not say that ...

**Hon. Selemoi:** What did you say?

*(Loud consultations)*

**Hon. Selemoi:** You said that the matter was taken to the House Business Committee.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Hon. Selemoi order! That is not what I said and if that's all you are bringing we may proceed.

**Hon Selemoi:** Hon. Speaker with due respect to your leadership today I am rising two pertinent procedural issues that have been flouted today. Mr. Speaker this BBI Bill otherwise will be called the Constitution of Kenya Amendment Bill 2020. Mr. Speaker the Constitution of Kenya is not our own it's a Bill which we have been given.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order members Hon. Kimosop please hold your horses and Hon. Selemoi you will have a chance to contribute.

**Hon Selemoi:** No, I want to finish before the motion goes on. Mr. Speaker this Bill is not Baringo County Assembly Bill but it is given to us by the secretariat called BBI and it has a procedure, the procedure was enumerated by Hon. Renson Parkei of Mukutani Ward which has not been followed.

Mr. Speaker there is no way even in an imaginable circumstances a notice of motion is tabled today then the same motion is tabled the same day and discussed the same day this is flouting of procedure. The Clerk who is seated here has not published any information to the public and the people of Baringo deserve to have this Bill. Imagine I am an elected member of the Assembly of Baringo from Churo/Amaya Ward and I had not seen the BBI Bill except today what about the ordinary mwananchi. We want the people of Baringo to have a glimpse of this Bill and public participation then we bring back the Bill and vote who know you may win or we may win. We

must get justice to the people of Baringo and Mr. Speaker I have just realized that the Jubilee nominated members of the County Assembly have connived with few elected members of Jubilee to shot down a Bill sponsored by the government of Kenya.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order Hon. Selemoi! I have heard you. Hon. Kibet.

**Hon. Selemoi:** The Hon. Speaker who is also a government officer is condoning an illegality...

**The Speaker** (Hon. Kiplagat): Hon. Kimosop what's your point of order?

**Hon. Kimosop:** Mr. Speaker with all due respect you have an opportunity and we have always respected you, this is not a forum to make un substantiated claims can he substantiate that the nominated MCAs of Jubilee have connived to shot down further. Mr. Speaker you have already ruled on this matter and our standing orders are clear whenever the Speaker has ruled on a matter. Why are you so emotional about it?

*(Loud consultations)*

*(Members stand in their place)*

**The Speaker** (Hon. Kiplagat): Order members! Hon Birchogo, Order members order! Hon Kibet Order member! Hon Kibet you are on a point of Order. Sergeant-at-arms! Order members resume your seats. Proceed Hon. Koske.

**Hon. Koske:** Aware that article 257 of the Constitution provides for the Amendment of the Constitution of Kenya 2010 through public initiative;

Further aware that Article 1 categorically states that all sovereign power belongs to the Kenya and that same shall be exercised either directly or indirectly through their democratically elected representatives;

Exercising our sovereign and inalienable right to defend, uphold and respect the supremacy of the Constitution of Kenya as provided for in Article 2 of the Constitution;

Recognizing that article 185 of the Constitution further provides that the legislative authority of the County government is vested in and exercised by the County assemblies;

Now therefore pursuant to article 256 of the Constitution of Kenya 2010 Baringo County Assembly hereby approve the Constitution of Kenya 2020 as presented. I beg to give notice.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order I will give you...

**Hon Koske:** Acknowledging that the Baringo County Assembly dully received the draft Constitution Amendment Bill from the Independent Electoral and Boundaries Commission dated 26<sup>th</sup> January 2021 respectively;

Further acknowledging that the draft Constitutional Amendment Bill 2020 was laid on the table of the County Assembly on the 9<sup>th</sup> of February 2021 and committed to the Committee of Justice, Legal Affairs, Devolution, Governance and Cohesion respectively;

*(Loud consultations)*

*(Members stands in their places)*

**The Speaker** (Hon. Kiplagat): Order members! Order! Sergeant-at-arms anybody who is standing get them out. Hon Kibet... resumes your seats members, order!

*(Some members engage in a scuffle)*

**The Speaker** (Hon. Kiplagat): I will give everybody a chance. Hon Koske have you finalized

**Hon Koske:** I am about to.

*(Hon. Kibet stands in his place)*

**The Speaker** (Hon. Kiplagat): Hon. Kibet what's your point of order, sergeant-at arm give him a mic. Order members! Proceed Hon. Kibet.

**Hon Kibet:** Thank you Mr. Speaker sir, I want to report an incident I have been assaulted, the mover cannot move a motion and assault members. Mr. Speaker, I have lost my phone it has been taken. You can see that kind of chaos you are babysitting in this House. I rose on a point of order and everybody has a right.

Mr. Speaker the Minority must be heard; we have debated all through with a lot of dignity but if today you want to cause chaos stop members from contributing. Mr. Speaker as members in this House we are here to debate and we want to debate in honour.

Mr. Speaker, I was on order of procedure, why members are very agitated is that I have been in this House consistently and I was here on Tuesday. Mr. Speaker with all the wisdom and the judgment that you have you made a ruling we tabled the Bill and you stated clearly that the Bill will be taken to the Committee of Justice and Legal Affairs and thereafter go for public participation.

Mr. Speaker even if one ward say they need public participation even if they are the minority. This is an illegality; it might be very convenient for you because you want it but if it is not convenient to other members could you oblige allow this Bill to go through the normal procedure my colleague here has put it across that this is not our Bill it was brought to us and it has laid procedure let us not be like others, we as the people of Baringo we are asking for a public participation and you will win.

Mr. Speaker respect and trust is a good thing. You are very peaceful today when I am being assaulted. Tomorrow, Choboot will not be here and your very MCA who was beaten as you officiate will be here. Mr. Speaker, we will not let this go down well, we want you to follow the procedure.

Mr. Speaker we know that such things do happen but let it not be a habit, when we were removing Hon. Selemoi you were outside there and you where charged by the crowds and you came with that momentum and we destroyed Selemoi. Yesterday the momentum from Jubilee House has culminated to what we are seeing here.

Mr. Speaker some of us cannot be threatened we are here to defend the people and allow procedures to take root in Baringo, thank you Mr. Speaker.

**The Speaker** (Hon. Kiplagat): Hon. Kibet you used the word that you were assaulted; we will take the proper procedure to do an investigation on that because there was commotion. The sergeants-at-arms are here and we will do an investigation on that. Can we proceed. What is it Hon. Parkei?

**Hon Parkei:** I want the Chairman of Justice and Legal Affairs together with you the Speaker to tell me...what I expected was a report from the Justice and Legal Affairs Committee we want the report to be tabled.

**The Speaker** (Hon. Kiplagat): Hon Koske proceed.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Hon. Members you heard me that this Business went to House Business Committee and they allotted time to it this afternoon. Proceed Hon. Koske.

**Hon. Koske:** The Bill was submitted to my Committee and we deliberated on it. I request Hon Rono to second

**Hon. Rono:** Hon. Speaker I second the motion.

**The Speaker** (Hon. Kiplagat): Members after this motion being moved and seconded, I now propose the question.

*(Question proposed)*

Debate is now on. Member for Sacho Ward.

**Hon. Tarus:** Thank you Mr. Speaker for according me this opportunity to contribute to this motion on the Constitution of Kenya Amendment Bill 2020 and I arise to oppose the approval of this motion on Constitutional Amendment commonly known as BBI for the following reasons. One, the people of Sacho Ward have been telling me during the public barazas that this Amendment Bill will not assist them in any way and Mr. Speaker the sovereign power according to the Constitution rests with the people of Kenya and the people of Sacho are part of the people of Kenya. Therefore, they have sent me here to represent them and I must do that and also present their views in this House because they cannot be here.

Secondly, if you look at the Constitution of Kenya 2010 it is one of the most pro-active Constitutions that we have in the world and this Amendment is meant to mutilate the Constitution which we have not fully implemented; we are still in the process of realizing the full benefits of the 2010 Constitution.

Mr. Speaker when you look at the BBI secretariat which informs this particular Amendment Bill you will realize that other counties have been given slots for representation in parliament but Baringo County has not been given even one, even Tiaty which is supposed to be sub divided into two because of vastness of the area has not been given a slot. I stand to oppose the approval of this motion...

**The Speaker** (Hon. Kiplagat): Hon. Birchogo what is it, a point of...why don't we give you time to contribute.

**Hon. Birchogo:** Thank you Hon Speaker I think it will be very prudent that this House is fed with the right information like the member who has just contributed he said that Baringo will not have any added constituency, I think we are just discussing a document from NOES says, the same document is protecting Mogotio constituency from being scraped. We should be informing the people we will not come here and debate a BBI out of ignorance, it is very sad because we are representing people who can read and those who cannot read but a whole member standing here without reading the document with a mis-informed mind and telling us that there is nothing for Baringo.

I want to be categorical and I want you to read the BBI report before you argue read what is in the paper and the paper states that Mogotio constituency is protected in the BBI report and it was supposed to be scrapped.

**The Speaker** (Hon. Kiplagat): On my left Hon. Rono.

**Hon. Rono:** Thank you very much Hon Speaker I stand to oppose this Motion.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order members! As far as I know when a seconder does not contribute when he is seconding.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): I have made my ruling.

**Hon. Rono:** Mr. Speaker, I stand here representing the people of Barwessa and the people of Barwessa oppose this motion because, one the Constitution 2010 was one of the best and before we amend any Constitution we must have the audit report of the 2010 Constitution which has never been done. Mr. Speaker the people of Barwessa said at the moment the Constitution is a live document which will live beyond our ages, Mr. Speaker it's not bad to change a document but the people of Barwessa say it's not a priority we have other priorities like the corona pandemic, economic meltdown, they are not even able to provide security in Baringo. Mr. Speaker to the people of Barwessa this is not the right time to amend the Constitution. They need a change but not at this moment Mr. Speaker. We need to fix our emergencies before time. Mr. Speaker from the BBI report ...

*(Hon. Kessei stands in her place)*

The BBI was intended to unite Kenya Mr. Speaker and...

**The Speaker** (Hon. Kiplagat): Order, Hon. Kessei order!

**Hon. Kessei:** Thank you Mr. Speaker sir for giving me the opportunity. I come from Barwessa Mr. Speaker sir and I want the Hon. Member from Barwessa to tell me or this House when was the public participation done and when did the people of Barwessa speak because I come from there? I didn't see any publication on the newspaper to show that these are the comments for the people of Barwessa, or comments of the women of Barwessa nor the youth from Barwessa.

I wish the Hon. Member from Barwessa to clearly state maybe I am sleeping on my job and I didn't see the publication. Let the Member tell me when they did the publication and the public participation in Barwessa.

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Hon. Rono Proceed.

*(Hon. Kibai stands in his place)*

What is the concern Hon Julia? Hon. Kibai take your seat.

**Hon. Julia:** Mr. Speaker I rise on point of concern. Hon. Kessei Mr. Speaker is currently living in Uasin Gishu County, married by the Speaker of Uasin Gishu County Assembly and she is no longer in Barwessa; she is lying to the Hon. House Mr. Speaker.

*(Laughter)*

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Order Hon...I want to give direction on that...order everybody.

*(Hon. Julia stands in her place)*

On your seat resume Hon. Julia. I want to address the issue that Hon. Julia said. Can you resume your seats.

*(Hon. Francisah Cheburet stands in her place)*

Hon. Francisah I will give you but I needed to...Hon. Julia, Order Members I want to protect Hon. Kessei on this.

*(Loud Consultations)*

Order, order, Order Members! I want to protect the personal issues of Members. So Hon. Julia you are out of order to bring issues that do not ...yes please withdraw and apologize.

**Hon. Julia:** Mr. Speaker before I withdraw the...

**The Speaker** (Hon. Kiplagat): Order please...Order, please apologize and withdraw.

**Hon. Julia:** Mr. Speaker...

**The Speaker** (Hon. Kiplagat): Hon. Julia.

*(Loud Consultations)*

Hon. Julia you have not done the honorable thing.

**Hon. Julia:** I withdraw and apologize but she lives in Eldoret and she is married there.

**The Speaker** (Hon. Kiplagat): You are making it... can we proceed, he was still contributing, and I will come to you. Finalize your contribution.

**Hon. Rono:** Thank you Hon. Speaker. Thirdly and lastly the BBI document since inception Mr. Speaker has caused more division in Kenya than uniting our leaders as intended. So I oppose Mr. Speaker this BBI Motion because a Constitution should protect and unite Kenyans. Anything that can disunite Kenyans I won't concur with it and so I stand to oppose it Mr. Speaker.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Hon. Makal.

**Hon. Makal:** Okay thank you Mr. Speaker, I want to go on record also...

*(Loud Consultations)*

Mr. Speaker protect me from the noise.

**The Speaker** (Hon. Kiplagat): Order Hon. Members! Hon. Birchogo and Hon. Julia calm down. Let's proceed.

**Hon. Makal:** Mr. Speaker, I just want to go on record that I support this Motion. I know some of our Hon. Members have not gone through it and especially if this BBI Bill will not pass I pity some of the Hon. Member who are here because the next qualification if BBI will not pass is that you are going to be required to have a degree to vie for this seat. So Mr. Speaker I don't know the time some of our colleagues here will take to finish school because we only have one year and going for that degree will take four years and so it is a challenge.

Mr. Speaker, I support this Motion and even Hon. Julia is not a degree holder and but maybe she reached class 7. Mr. Speaker I just want to support this Motion...

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Hon. Kibai what is the point of order?

**Hon. Kibai:** Mr. Speaker with due respect in this House and the people of Kenya and also Baringo. Mr. Speaker you had ruled for sure that we should not deal with private lives of Members. So Mr. Speaker I think Hon. Solomon Makal to insinuate that Hon. Julia is a class 7 drop out whereas he is not his teacher and doesn't know about Hon. Julia.

Mr. Speaker it is true I agree with your ruling so you should evoke your orders Mr. Speaker, thank you and I should thank the Members now for keeping calm.

**The Speaker** (Hon. Kiplagat): Hon. Makal in as much as that ..., it is true issue of certification is a fact. So Hon. Julia knows where she is gone and even if one says standard one or seven, your certificate will bare you right but even then Hon. Makal you take note of that, proceed.

**Hon. Kibai:** Okay Mr. Speaker, what am I saying, when you are driving you sometimes go through a bump and the bumps that I am telling my colleagues is not in bad faith anyway but I am telling them that if they don't pass this BBI they will have to go and look for the degree certificates because I know the majority here don't have degrees and this BBI Bill because when it passes it gives anybody to vie for positions Mr. Speaker.

Nonetheless not scaring this are facts. Another reason Mr. Speaker why I support this Motion is because there is Ward Development Fund which will assist our electorates and again Mr. Speaker there is increase of 35% of revenue to Counties. So I am here to support this Motion and I request the Hon. Members because of the issue of degree certificates you understand just vote for this Bill.

**The Speaker** (Hon. Kiplagat): Thank you. On my right now, I have given to this side but on my right, yes Hon. Aengwo.

**Hon. Aengwo:** Thank you Mr. Speaker sir, I also arise to oppose this Motion on the following grounds. One, Mr. Speaker sir I know it is written that there will be an increment of 35% that will come to our Counties but I want to tell you Mr. Speaker sir following history in this country; we know regimes and they only want this BBI to go through but we know the state of the economy of this country is actually down and I remember when I tell you in 1997, teachers were supposed to be given an increment of 100-150% Mr. Speaker sir after the election, it became just a lie and up to this date nobody has ever gotten that increment.

Even this one Mr. Speaker sir, the 35% increase that is being said will never happen considering the economy at the moment. Mr. Speaker sir the increase in number of MP's from 349 to around 600, I wonder how man chambers the National Assembly will have. I think it will hit into tax payers money and at the same time Mr. Speaker sir the debate in that Assembly will be wanting. You can imagine Mr. Speaker sir 600 MP's seated in one chamber, how will they debate?

I think this one Mr. Speaker sir, even if we want representation ... in some countries like America Mr. Speaker sir, one person or an elected individual represents so many people but this one I think it is not fair to our people and therefore Mr. Speaker sir I am not supporting this Motion.

Mr. Speaker sir, last but not least, I overheard one of our National leaders told his people in the mother tongue that the BBI that we have at the moment, the number of constituencies in some other areas have not been featured. They are hidden and I remember mentioning Nyatike as one of the constituencies going to be split yet it is not reflected anywhere Mr. Speaker sir. So this Amendment Bill is only there to actually hoodwink our citizens and therefore I cannot on behalf of my constituents support this Motion. Mr. Speaker sir I stand to oppose this Motion.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Hon. Selemoi.

**Hon. Selemoi:** Mr. Speaker I rise to support this Bill having been a Bill like most of our honorable Members have just said that this is not our Bill and it originated from the National government through BBI secretariat. However Mr. Speaker, this Bill contains enormous advantages to the people of Kenya and specifically the people of Baringo and more importantly the people of Churo/Amaya and I want to lay these facts. Mr. Speaker you are aware in the current dispensation, Baringo County at large receives out of the 15% National allocation, receives 6.2 Billion. In this Bill Mr. Speaker the people of Baringo County will receive around 16.8 Billion that is excess of over 100% increase.

Mr. Speaker in this Bill, I have just checked and because this is the first day we got an opportunity to have the Bill and because of the rush and the flouting of the procedure which was discussed earlier by myself and others, this Bill has enabled the Constituency Development Fund (CDF) which each constituency in Baringo will be beneficiary to be anchored in law. Remember it has been hanging and amorphous.

Thirdly Mr. Speaker, in this Bill there is a creation of Ward Development Fund and the Bill suggest 5% of the County Revenue that I have just mentioned to be 16.8 Billion, 5% of that will go to our wards. Just imagine the people seated here as elected honorable Members and some are nominated who may seek election, can you imagine controlling over 60 million in your ward, I can't imagine Mr. Speaker.

The one I am managing now is 10 million and an increase of 50 million is worth supporting this Bill. Fourthly Mr. Speaker, there is a creation of youth fund which will benefit the youth in Churo/Amaya among 29 other wards in Baringo. That is a plus that is created by this Bill. Mr. Speaker I have just run into a clause that is very important for the rest of Kenyans. The County Revenue Allocation (CRA) framework that has been laid here in this Bill; remember Mr. Speaker every year we get a tussle between the National Assembly and the Senate, tussling over annual divisional revenue and up to sometimes taking many months and infringing allocation of funds for Counties.

This Bill Mr. Speaker creates a framework that is seamless and workable and I thought Mr. Speaker coming from a marginalized community like Pokot, this is a God given chance for funds to trickle down to my ward and constituency. Mr. Speaker there are other benefits the Hon. Members will want us not to mention. In this Bill Mr. Speaker it suggests that out of the 10 or 12 County Executive Committee Members (CECM) otherwise called ministers, half of that will come from Members of County Assemblies (MCA's) and I would imagine if the people of Churo/Amaya will elect me again, I will want to be a CEC in charge of a docket and so to many of you. That is provided Hon. Members in this Bill.

Mr. Speaker, I know as you know that politics be as it may, even good things like a road to heaven will make you reject a road to heaven and I am just trying to imagine what has just

happened to our Hon. Members from Jubilee Party who are custodians of their own government. Remember I am a Kenya African National Union (KANU) elected Member of the County Assembly ostensibly an opposition Member.

Remember ...

*(Loud Consultations)*

Wait I am going to that. Now Mr. Speaker when I was elected I came here as an opposition Member of County Assembly from KANU Party and then along the way because of the gerrymandering, some guys did not want to belong to government and because there were empty seats that side that is when KANU made a coalition agreement with you, otherwise we didn't want to join you in the first place.

*(Laughter)*

Nonetheless Mr. Speaker there is what I have just read the mood of this House. Having seen the nominated Members of County Assembly from Jubilee wanting to shot down their Bill and secondly...

*(Loud Consultations)*

*(Hon. Kimosop loudly consults)*

Wait Hon. Kimosop you will have...

**The Speaker** (Hon. Kiplagat): Order Hon. Kimosop give him a chance to finish.

**Hon. Selemoi:** And then I was trying to imagine what is happening and then it came to my mind that there is National politics in play which is healthy and I like that. Mr. Speaker this Bill is not a contest between my friends Hon. His Excellency William Samoei Ruto against Senator Gideon Moi of Baringo nor is it a contest...

**The Speaker** (Hon. Kiplagat): Order Hon. Selemoi.....

**Hon. Selemoi:** I am finishing...

**The Speaker** (Hon. Kiplagat): You cannot bring the name of people who cannot defend themselves here.

**Hon. Selemoi:** But they are Hon. Members.

**The Speaker** (Hon. Kiplagat): Please refrain.

**Hon. Selemoi:** They are our leaders. This is not a contest between them but because we happen to lean on that side this is my advice Hon. Members that even if we want to play the gallery of the National politics, first of all be selfish enough and get what will benefit you more. What will make me join the government of Hon. William Ruto if he wins in 2022 and I win and you lose.

*(Laughter)*

So Hon. Members there are what we call high end benefits of this game and I am trying to imagine I am not a teller and I can imagine that in this Assembly Hon. Speaker and even before that, there are some disadvantages in this Bill that I have seen and these are some of the things if we had soberly debated this matter then we will be in concurrence and agreement. For example the National Security Council. The National Security Council is so disadvantageous to the people of Tiaty according to this Bill but because you guys are just temperamental, you know putting emotions in this....

**The Speaker** (Hon. Kiplagat): Order Hon. Selemoi you have just used unparliamentary language.

**Hon. Selemoi:** I withdraw.

**The Speaker** (Hon. Kiplagat): They are Hon. Members and not guys.

**Hon. Selemoi:** I am sorry if I said that. Then Mr. Speaker today I am just a disappointed Member of the County Assembly because the tenets of our Standing Orders being Orchestrated by the leadership of this House led by yourself, my good friend Hon. Leader of Majority, my good friend Majority Whip; Hon. Reuben Chepsongol and others including the loyalty of the nominated Jubilee MCA's and even our renown Certified Public Account (CPA) Clerk have just thrashed....

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Order Hon Selemoi...

**Hon. Selemoi:** No ...

**The Speaker** (Hon. Kiplagat): Member of staff.

**Hon. Selemoi:** I withdraw. Mr. Speaker I have just slid into anal of history of people, officers or leaders who don't allow procedure and for that matter Mr. Speaker this is the darkest side of our County Assembly when we don't follow procedures and it will come and haunt you. Today it is this Bill and tomorrow it is another one that you favour.

Mr. Speaker, I beg that even when emotions of National politics rain, we must follow the procedure and take this Bill to the people of Baringo through public participation and there is no rush to pass this Bill today. Let's take it to the people of Baringo and then they give us their views then they will enjoy the BBI funds. Why are we getting 2 million grant today and refusing to take money to the local mwananchi of Baringo in Mochongoi?

In fact the people of Mochongoi if public participation could have been conducted in Baringo, each ward including Mochongoi would have gotten Ksh 500,000 for public participation money which Hon. Kimosop is denying them to get.

*(Laughter)*

*(Hon. Kimosop stands in his place)*

**The Speaker** (Hon. Kiplagat): Thank you very much I will come. Let's proceed Member of Marigat.

**Hon. Lemlem:** Thank you very much Mr. Speaker for according me the opportunity to contribute. Mr. Speaker, I stand here today to exercise the Constitution Article No. 1 that is the sovereignty power for the people of Marigat which can be exercised directly by the people or indirectly by the elected representatives. Mr. Speaker today morning before I came here, I had an opportunity to launch few projects in my ward and the first signal that they gave me was to shot down the Bill.

*(Applause)*

So Mr. Speaker I stand here basically to represent the people of Marigat and their views. Mr. Speaker I oppose the Motion. Mr. Speaker the BBI initiative popularly is sponsored by David Waweru and Junet Mohammed is not the will of the people of Baringo or Kenyans. This Bill has

created a lot of division as we can see even in our own party where our party leader seems to differ on this issue with even the Deputy Party Leader. Mr. Speaker this Bill must be shot down at this stage.

Mr. Speaker we cannot allow the public money to be wasted further in the issue of public participation or anything. It is in the wisdom that this Bill must be shot down at this stage. Mr. Speaker for example I also happen to represent the people who belief in God. When they were launching this Bill, one politician who seems to be sponsoring this Bill said that reggae must go on. Again he said and I quote “*Nyoka imetoka pangoni*” It is my business when I am in this House to make sure that this Bill is shot down.

Mr. Speaker BBI has the risk of dividing this country. As we can see today people are pushing for big five communities to coarse to get here to suppress other communities. Mr. Speaker we mush shot down this Bill so that this country can get the right breathing and correct leadership. Mr. Speaker there is no hurry to amend the Constitution. I mean we don’t need BBI to get 35% of revenue. We don’t need BBI to get youth commission. Mr. Speaker we do not need BBI to get more ward fund.

Mr. Speaker it is such embarrassing to listen to a Member of this Assembly saying that I will be controlling 60 million of ward fund. That when BBI will pass I will be a County Executive Member. We do not need to hold more than two positions in this country to be who you are. Mr. Speaker so that another guy can get opportunity to be a CEC and another one get an opportunity to be an MCA, I must shot down this BBI Bill.

Mr. Speaker BBI is proposing that we would have more Members of parliament. If BBI passes we will have over 600 members of Parliament. If they were to introduce their names each taking one minute, we will waste 600 hours an equivalent of 10 hours equivalent to a whole day just for the National parliament to introduce their names without saying anything that is affecting the people of this country.

Mr. Speaker as I close, for us to have better leadership, BBI must fall, for us to have a great future whereby democracy and Constitution is respected, we must vote No. So I oppose this initiative and I say that it should not go more past this position. I give a challenge to Counties that have not debated that they should dispense this thing immediately by tomorrow or next week and we deal with other businesses that are important for this country, thank you Mr. Speaker.

**The Speaker** (Hon. Kiplagat): Member of Mochongoi.

**Hon. Kimosop:** Thank you Mr. Speaker for according me this opportunity. From the onset Mr. Speaker I want to state that I stand to oppose this Motion.

*(Applause)*

Mr. Speaker our role in this House and as everybody knows and the way the Constitution gives us roles is oversight, legislation and representation. In representation Mr. Speaker, we take instructions from the areas or the constituencies that we represent and in this case the 30 wards and the case of specially elected the constituency they represent, that is the youth, the women and other constituencies and in the course of work Mr. Speaker the whole of December holidays, the whole of January we just resumed from recess and this is a matter of public debate that I can clearly interpret what the people of Mochongoi are saying and they have sent me here that I vote against this Bill.

*(Applause)*

And that is my representative role. Mr. Speaker there are reasons why the Members of the public are concerned, number one Mr. Speaker is that it is not a priority and I plead with our colleagues here to actually understand where we find ourselves as a country. We just came back from a National and International crisis. It is only yesterday Mr. Speaker when I saw another circular; an address from the Council of Governors and in that case the department of health that we are even getting another form of Covid-19 called Sars 19...

**The Speaker** (Hon. Kiplagat): Order Hon. Kimosop you have a mask?

**Hon. Kimosop**: Yes no problem.

**The Speaker** (Hon. Kiplagat): Please we gave guidelines that you must be properly masked.

*(Hon. Kimosop puts on a mask)*

**Hon. Kimosop**: And so Mr. Speaker we have just emerged from that situation and we have not even emerged. We still have curfew, we are still required to respect the protocols, and we do not have resources and even here in Baringo Mr. Speaker like for example Lake Bogoria which is the highest earning revenue collector of Baringo we just collected only Ksh 60,000 in the last financial year because of the circumstances we found ourselves in.

So I think we have a duty and Mr. Speaker my point number one is that it is not a priority for now. That is my point number one. Mr. Speaker the practicality of even what this document is suggesting. This document is suggesting that you will be in this House and you can be nominated as a CEC. Performing executive functions and at the same time performing legislative functions.

When we took the 2010 Constitution Mr. Speaker which I was a civic educator in 2010, we were taught heavily on what happens in a Presidential system where there is clear demarcation between the legislatures and the executive and what has been happening even in this House is that it is so clear what happens with the executive and what happens with the legislature.

So when you look at the practicality of how this will happen, we are told there maybe CECs who are MCA's. It is not definite but at the discretion of the Governor and just a point of information Mr. Speaker, this clause was not there but it is only when MCA's met this team without proper research they actually put it there but when you look at the practicality Mr. Speaker it is not possible.

The third item Mr. Speaker is the futility. We are not supposed to sit here Members and I want to plead with Members to reject this Bill because the courts have even stopped a referendum from happening. So we are engaging in an exercise that already the court has stopped by ordering Independent Electoral and Boundary Commission (IEBC) from running a referendum. Somehow even if we pass and it does not go to the referendum, this House would have been subjected to an exercise of futility and we need to show them that we are not that simple to be put there.

Mr. Speaker in terms of how the constituencies, this Bill proposes 70 additional constituencies but Mr. Speaker the body report of the BBI is that a lot of this constituencies are not in our areas like Baringo for example. We know the Ilchamus community went to court and the court allowed them that because they are a minority community they need to get a constituency. We know for example Mr. Speaker that the Endorois community from Baringo South went to Gambia, got a ruling in their favour and were marked as a minority community.

Somebody has talked about the population of Tiaty constituency and I don't know whether it is true or not but somebody has said that and we expected because the biggest proponents that time of this BBI was being led by the Member of Parliament of Tiaty Hon. Kamket, we expected even

Tiaty was going to get a constituency; Mr. Speaker there is no constituency. There is absolutely no constituency we are getting but we are just passengers to allow people...I saw the President of the Republic of Kenya yesterday telling Nairobi County that you will get more constituencies and what the President was telling them was that there are people in this country who are getting 10,000 or 50,000 bursaries and quoting the word of the President and there are people in the same country who are getting less than 1,000 bursary and encouraging them that they are going to get more constituencies.

We want to remind the President of this country that the former President of this country Mzee Moi had a reason why we were allocating constituencies by looking at geographical distance. For example Mr. Speaker sparse wards like Marigat, Mochongoi, and Tirioko are sizes of constituencies. When you compare that with Laikipia west which I border, it would take you one day to go round Laikipia Constituency despite having a huge population and it might take you one month to go around Tirioko, Mochongoi or Marigat ward.

Mr. Speaker we are being disadvantaged as people from the areas that are having huge, spacial, pastoral, geographical areas. Mr. Speaker the animosity we are witnessing in the country... We are heading for elections next year and I want us to send a message as Baringo County Assembly that we are not deaf or blind to what is happening nationally. We have seen for example the kind of tensions that are rising politically. We have seen how heated this issue of BBI is. It was meant to unite us but we can see what it has done. If we were to open up this country for a referendum Mr. Speaker, we are going to tear apart this country...

*(Applause)*

And we saw what happened Mr. Speaker in 2005, 2007 and all this other years that we have had elections. So we have a duty also to add our voice in what is happening. Finally, Mr. Speaker is that some of the things are wishful thinking. When you tell us for example that there will be a youth commission. We have the National Youth Council what has happened it Mr. Speaker? What happened to the Youth National Council? We have the youth representatives here and I want to challenge them to tell us whether they have been invited even to one forum of the National Youth Council.

So some of these things are good things that are always done and said when you are preparing a strategic plan. What the economy need Mr. Speaker is to grow it. Because my question is this Members, we have no money in this country and even if you were to increase to 40% and you have killed the economy, this government is going down as a government that borrowed heavily more than what former Presidents Kibaki and Moi did and we are heavily in debt. So we have no money and no economy. You are promising us what you don't have. It is like promising a girlfriend Mr. Speaker a mansion that you don't have. I mean where will the mansion come from if you don't have?

So Mr. Speaker those are my comments and there are few misconceptions. We are already enjoying the ward fund and there is nothing stopping the ward fund that we have now. We do not need a Constitutional review to have this ward funds. With those few remarks Mr. Speaker I oppose in totality this Motion.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Hon. Kibet.

*(Loud Consultations)*

**Hon. Kibet:** Thank you Mr. Speaker sir. I arise to support this Motion. Mr. Speaker sir from the onset how we wish that this Motion could have travelled the journey that was required; the component of public participation. Mr. Speaker it is unfortunate that today we are here congregating and purporting ... and I have heard Members purporting that as they were supervising projects, as they were visiting their friends and as he was coming from his House he consulted and the friends, wife and the people he met told him to come and say No to BBI.

Mr. Speaker we all know the procedure and there is a reason why they said we need a public participation. The 2010 Constitution was a product of Constitutional making and need for the public to be engaged. Mr. Speaker today we are here taking all that the public must have done by giving ourselves the powers. On my part it would have been good and in order that I engage the people that I represent. Mr. Speaker there was no harm at all and we would have had a robust debate and they say Constitutional making is a continuous process.

In 2010 we had an opportunity to participate fully in the Constitution making. I am afraid what we are witnessing today is the same narrative that in 2010 the Kalenjin speaking people opposed the Constitution. And they were the Minority who opposed the constitutional reforms. By then those who sought to amend the Constitution or to create room for reforms... We are facing challenges just like what they faced but we are going to pursue the Constitutional process. Mr. Speaker this nation will be led by laws. When they brought in the 2010 Constitution they in turn enabled it to take root. We are here today courtesy of the devolution that was introduced by the Constitution. And we overwhelmingly opposed and the pilot was the same. The same pilot is having another narrative that BBI is not good for us.

Mr. Speaker from the onset they said that those who were involved were innovative and we want to take it that even I as the MCA of Kabarnet I have a right...and more so it can be a partisan Bill that maybe since my place in Kabarnet is very rocky then I am bringing a Bill to start a factory. And that Bill is going to be a partisan Bill that will mainly cover my ward for the benefit of my people. The tradition is that I will come and lobby these members to pass the same Bill even though they are not going to benefit from it. Why are we refusing to participate in the Constitutional moments? I have partially read this BBI and Mr. Speaker you must sympathize with us. We are being forced to engage with this a document in a matter of hours. Mr. Speaker this is a pure creation of your leadership. It should be to our knowledge that this is not a Baringo County Bill even if you pass or not, others may pass. What would be the benefit of us passing or not passing in such a short time?

Mr. Speaker, this is something that you are babysitting and it is not good for us to do it in a rushed process. I have looked at the BBI constitutional Amendment Bill and I want to go to the contents and you will allow us time because you have refused to give us enough time.

Mr. Speaker we owe it to the people who elected us to be able to debate in this House. The same people have a right to be told properly. I don't know how we will be able to explain this but I will try my level best to touch on a few things. A colleague here has talked about prioritization and when we talk about priority that this is not the right time and then when there are challenges there has to be remedies. This BBI didn't come from nowhere, we are all aware that it came from the coming together of the presidency, the government of the day and the right Honourable Prime Minister. They came together to address a certain aspect and that is why this BBI is here in this House.

What I have seen in this BBI and someone asked what is there for the people of Baringo. For the first time BBI is raising the allocation of funds for counties from 15% to 35%. The word to be

underlined there is minimum and I want us to be very clear on this. We have heard people saying that what is stopping the government as it is from pushing this 15 % because it is minimum. What is in this document, when we say 15%, anything above 15% is in good faith and good will. Mr. Speaker, Africans have never invested in goodwill. We are being told there will be sober leadership. If we raise this 15% minimum to 35% it will be by law. It will not be by goodwill or good faith. Mr. Speaker the people of Baringo should understand that when we talk about 15% and we move to 35% like today we are in receipt today of almost 7 Billion and if we allow this Bill to pass, we will be able to have 35%. If 15% 7 Billion then 35% will be almost 15 Billion and we all know what that can do. I wish this information would have reached the people of Baringo; I am sure they would have been able to distinguish between the politics of rhetoric, chest thumping and the real facts of BBI. Mr. Speaker, the leadership here has the opportunity to read this and we would have taken this 15%, 35% and explained to the people why it is so important.

The other issue that has been put here and the people should know is the Ward fund. We are being told that we will get 5% by law as ward Fund. When we came to this Assembly the Ward fund was at 30 million. As we speak courtesy of good will and good faith it is 10 million. I am sure next year it will be zero but this Bill here places the allocation in the law and it cannot be disputed. So if we want to go with the law and guarantee ... and Mr. Speaker some of us here have had the opportunity to exist in this leadership and we have seen how biased a system can be. Mr. Speaker the skewed ways that the system is witnessing because of resource allocation is so wide and evident but with the law we can be able to sort this issue. Someone said that we are not able to get the 15%, that is lie and I want to tell Kenyans that we have counties that are able to consume 15% in time. We have counties like Baringo who are so incapacitated cannot manage to consume 15%. But what will be the story? The Governor will say '*Pesa haijakuja*'. Mr. Speaker we don't receive hard cash we work first, we create payment vouchers and we requisition the funds

Mr. Speaker as we speak a county like Kakamega has been able to build a 6 Billion health facility, build a stadium of the world standard. Mr. Speaker are they consuming their allocation or not? They must be consuming, why are we not consuming? Mr. Speaker I will tell you and it is good that we all know and we tell the people the truth. When Baringo is making a requisition of 50 million of building cattle dips, ECD classes and pipes to fence, Kakamega is making a requisition of 2 Billion then let's say the exchequer pay's 50%. For Baringo when you requisition 50 million you are being given 25 million that is the fallacy. Mr. Speaker we should not allow bad leadership, I am so shocked today, Mr. Speaker I am your good friend and I had an opportunity to discuss some of these discrepancies in a very honest version. I am a good friend who will tell you this is how we are being cooked. Mr. Speaker you are allowing a system which is lying under a convenient political vehicle and they are just desperate for election; this is a sad day for Baringo.

Mr. Speaker the people of Baringo should accept 35% or 50 % but elect the very best leaders. We will die because of mediocrity. I am paining because of the Kalenjin nation that we are perpetually against Constitutional reforms. We are against supporting lawful mechanism. I just want to be very clear that in this BBI we have seen constituencies and there was a long debate in this Country about representation.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order allow the member to proceed but you will finalize Hon Kibet.

**Hon. Kibet:** Thank you. I can see you are taking the same orders; I don't know what is wrong with you Mr. Speaker today. The law allows us to debate till morning whether you will pass or reject the Bill

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order members you see the moment you speak you are taking time let the member proceed and finalize.

**Hon. Kibet:** Mr. Speaker because of the tension you should have allowed a secretary, I am distracted I don't even know what I was saying. Mr. Speaker can you assist me remember what I was saying.

*(Laughter)*

What was I saying lastly? Mr. Speaker you will forgive me if I rewind because if I have forgotten I might start again. The constituencies that are being added ..., I want to say this is when the BBI delegation was formed everybody was given an opportunity and I remember when the BBI was moving around counties the same posturing we refused to offer ourselves and engage BBI in the right manner. What I have seen is an engagement from those people who felt like they were disadvantaged on resource allocation based on population. The conversation that has always existed is how we can compare a constituency like Mogotio that has a population 90,000 people and Lari that probably has 400,000. That argument came and people said how we address it. Then they said that we are going to do what they call boundaries review in the all Constitution. After doing the review and we will distribute. If that was to happen minus the BBI we were going to lose Mogotio constituency. I am not biased though my colleague has worked on me I am still able to support him.

Mr. Speaker Mogotio for having less population was going to be lost so whichever way they were going to create extra constituencies because they were basing on population size. BBI said no we don't touch any constituency but can we consider those who have large population. And it is very important that I can see a region made a serious presentation for the one man, one shilling one vote. That is the reason why the constituencies were added. On this other side we had an opportunity in BBI, we would have proposed that we are of the land mass and we would have said one man one acre one shilling and that would have been in the BBI. Other people voted for 15 % to 35% because someone like the Prime Minister is so passionate about 'Ugatuzi' and all of us are going to be beneficiaries. I wish we would have done the necessary thing and participated in this BBI. Mr. Speaker if we were to go like this Bill is just a Bill and if we were to listen to the cries of the many, nothing stops us especially the emotional group who are just focused on the presidency from creating a BBI two and seek their support just the same way someone is seeking our support.

Mr. Speaker someone has talked about the divide and today is a sad day and they say whoever pays the piper calls the shot, it clear we are here not to do what is right.

*(Hon. Kipchumba stands in his place)*

**The Speaker** (Hon. Kiplagat): Order. Hon Kibet just summarize please and there is no point of interrupting.

*(Loud consultations)*

**Hon. Kibet:** Thank you Mr. Speaker. Protect me as you can see the leadership is not in good moods today.

**The Speaker** (Hon. Kiplagat): Yes I am saying there are quite a number of hands so let's give other people an opportunity.

**Hon. Kibet:** Mr. Speaker the engineer knows the rule of the House.

*(Loud consultations)*

If I can be rested then come back then I have no problem if they are tired I can decide to sit.

**The Speaker** (Hon. Kiplagat): You have heard your chance Hon Kibet just summarize

**Hon. Kibet:** My last point is ... and this is just a calculated move to just harass the members. I am asking our colleagues just be patient we debate, we have a lot to say. Had we been given time to discuss with the people we would have come here with a clear mind but Mr. Speaker we are hear struggling because I am sure we are on HANSARD so that this can be looked at and said that members made contributions. Mr. Speaker if you say that ...

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): I have seen Hon Kibai but I am urging Hon Kibet to finalize so that I can give him. To be Honest Hon Kibet you have had enough time. Just finalize. Order Members, finalize.

**Hon. Kibet:** In finalizing this, let people talk in low tones Mr. Speaker. As I finalize this BBI Bill has good things for all of us. If we were allowed enough time and that is what I am asking

**The Speaker** (Hon. Kiplagat): Hon Kibet I thought you were finalizing. What is the point of order Hon Selemoi?

**Hon. Selemoi:** Mr. Speaker I am rising on a point of order on standing order number 124 read together with standing order number 136 that the Bill before us is un-procedural and cannot proceed any further and shall be deemed to be foregone until public participation to the people of Baringo is done and without which we are not going to allow any un-procedural motion when the people of Baringo brought us here to defend the rule of law. So from now this motion should...

**The Speaker** (Hon. Kiplagat): Order. I have given a ruling on that. Hon Kibet finalize and then Hon Kibai.

**Hon. Kibet:** Mr. Speaker I think it will be in order that when a point of order is made you make a ruling because the member has spoken but you cannot just wish us away Mr. Speaker.

*(Members stand in their places)*

**The Speaker** (Hon. Kiplagat): I already made a ruling on the issue of procedure. Hon Kibet can you finalize! Members can you be on your seats. We are on Hansard. Order! I have already given a ruling and I can repeat it. Be on your seats and I will repeat what I have said. I am going to read to you the procedure

*(Loud consultations)*

I want to remind you on the standing order number 106. If a member commits an act of disorderly conduct and I want to warn you members who are on your feet that this is conduct is disorderly. I have already given you the ruling. We cannot go back and forth the issue of

procedure we have already done it. It is on the HANSARD. Hon Kibet can I assume that you have finished. Let him finalize I will give the ruling right away.

*(Loud consultations)*

**Hon. Kibet:** Mr. Speaker you can see how this issue can generate into anarchy when a member rises on a point of order why don't you give the ruling before we continue because we are so intimidated.

**The Speaker** (Hon. Kiplagat): I will give a ruling right away that is why I wanted you to finalize then I come to Hon Selemoi that was 136 and 124. I think Hon Kibet has summarized his contributions. Do you support or you don't so that you go on HANSARD.

**Hon. Kibet:** Mr. Speaker you have just said you want to make a ruling on what he raised. I am a person of interest to that.

**The Speaker** (Hon. Kiplagat): I will make a ruling right away.

**Hon. Kibet:** Mr. Speaker why don't you make a ruling then I proceed. I am so interested on what he has raised.

*(Hon Selemoi and Hon Kibet stands in their places)*

**The Speaker** (Hon. Kiplagat): Take your seat. Hon Members we have been referred to standing orders 124 which is talking about and I want you to listen. Hon Selemoi, your seat 124 (i) a Bill having being read the first time shall stand committed to the sectoral without question put.

*(Loud consultations)*

Hold it there, and then 136 talks about withdrawal of the Bills that is the heading. Either before the commencement of business or on the order of the day for any stage of the Bill being read the member in charge of the Bill may without notice claim to withdraw a Bill. I want to make it very clearly that this is Bill making process what we have just read, 124. 126 to 136. The first, second and third reading but this motion is not a Bill making motion.

*(Applause)*

This is not a Bill of Baringo County Assembly. What Baringo County Assembly is doing is making a decision and take a vote on whether they approve it or not. It is now clear and we proceed. Hon Kibet finalize.

*(Loud consultations)*

**Hon Parkei:** There is information?

**Hon. Kibet:** I need the information.

**The Speaker** (Hon. Kiplagat): I wanted to hear if Hon Kibet needs that information.

**Hon. Parkei:** Thank you Mr. Speaker sir. Being a senior member of this House I pity the Speaker of today because what we are supposed to debate in this House, we are just debating the Bill but we are supposed to debate the report from the committee that is to be tabled. The Bill should just be the annexure. But we are not getting that report from the committee. The Chairman allude that they deliberated this Bill in the committee. Where is the report? Can you challenge me Mr. Speaker that we are discussing a report?

**The Speaker** (Hon. Kiplagat): Hon Kibet finalize there are many people. We have already talked about that Hon Parkei and I talked about House Business Committee. Can you proceed. The beauty about all this is that we are going on record. Hon Kibet can you finalize please.

*(Loud Consultations)*

**Hon. Kibet:** Mr. Speaker there is too much noise can you listen to what they are saying.

**The Speaker** (Hon. Kiplagat): Honestly members let me make myself clear Hon Kibet. This issue of procedure came in from the word go and I have made a ruling that this matter went to public participation.

*(Loud Consultations)*

Sorry I meant House Business Committee and the members are not few, they were there and they made a decision. All these matters are on HANSARD, we have a record and we cannot debate back and forth because we still have time and we will proceed even after 6:30pm.

**Hon. Parkei:** As you have said the House Business Committee is not mandated to tackle a Bill which was supposed to be brought by the Justice and Legal committee. On Thursday 9th you committed the report to the Justice and Legal committee they should have come with the report and not the House Business Committee to allocate time. The House Business Committee does not arise here Mr. Speaker sir ...

**The Speaker** (Hon. Kiplagat): What is the information Hon. Kimosop?

**Hon. Kibet:** I am not interested Mr. Speaker

**The Speaker** (Hon. Kiplagat): Proceed Hon Kimosop.

**Hon. Kimosop:** Mr. Speaker, I think it is important to inform the House as follows that if sincerely you do not believe in a process you don't participate in it. The House Business Committee sat today and it forms five versus nine. They had an opportunity to question the procedure. What we have is a motion and is not a different....

**The Speaker** (Hon. Kiplagat): I have seen you Hon Francisca I will give you ...

**Hon. Kimosop:** Mr. Speaker on HANSARD the members who are debating here have already rendered their opinion on this matter and they will not take us back. They rendered their opinion on the basis of your ruling and Mr. Speaker you have ruled you can go to court for interpretation. My final information is that I have brought two motions where notice was given the same day and approved the same day. So Mr. Speaker what we have is a motion. We are voting for a motion. That is the information I want to provide.

**The Speaker** (Hon. Kiplagat): Hon. Francisca Cheburet.

**Hon. Francisca Cheburet:** Hon Speaker I am so disturbed today. I am on a point of concern and I think Hon Chepsongol is not whipping me while I am on the microphone.

**The Speaker** (Hon. Kiplagat): Order Hon Chepsongol let us listen to Hon Francisca.

**Hon Francisca Cheburet:** I am so disturbed today being a member of Rules and Procedure Committee to note that a member like Hon Kimosop can come here and tell us that House Business Committee sat this morning. The same House Business Committee sat on Tuesday brought and laid the paper here and the Rules and Procedures Committee indicate that when a paper has been laid it should follow the right procedure. The same was not stopped Hon Speaker

you were seated on the same seat and you directed that the same paper be laid and be given to Justice and Legal Affairs Committee. The same House Business Committee is under a rule just like any other committees and other committees go outside to write report and maybe go for public participation then write the report. That is why we are saying we want fairness. If Justice and Legal Affairs Committee is not able to give us justice today then we should be told. Why do we have a committee that is dealing with Rules and Procedures in this House when we cannot follow the same rules and procedure Hon Speaker?

**The Speaker** (Hon Kiplagat): Hon Members, I have already read the standing orders. When the Speaker has made a ruling, that is what it is in the...

*(Loud consultations)*

it is okay; it is a ruling...and I have talked about the issue of procedures and I have already made a ruling; and you know the standing orders are very clear and I am going to invoke them right away if you don't obey them. Hon Kibet finalize then we give it to Hon Kibai.

**Hon Kibet:** Thank you Mr. Speaker it is only fair that we debate this soberly and as we say the only document that is in my possession right now, is just what the IEBC sent to this House. This House has not imputed anything and has not done the work they are supposed to do. Mr. Speaker it is so unfair that a Chairman who is mandated... before you were elected as a Chairman, the law had already been put in place an allowance for being a Chairman. This Chairman has come here today with the same papers that were sent to us by the IEBC. He has not done his job; he has no report. I want to challenge and I want you to ask the committee to give us a report. Mr. Speaker I want to tell you that we will not allow this business here and we are going to take it up with serious involvement. You seem to be taking this issue lightly but we want to tell you, even if we are few, we will make sure there is action.

*(Loud consultations)*

Mr. Speaker, it would have been fair if as a representative, you are served by a report which clearly state that the committee went to do the public participation and did the right report writing and report to this House. Today I am debating papers laid in this House. We are debating papers laid from the IEBC without our input. Mr. Speaker, if it is possible and we still have a chance to redeem ourselves and allow a prudent debate. The rush that you are in to just shot down this Bill...I heard that someone talking about the information ...; I have information that these members are so eager to surprise and Baringo must be the first County to shot down this Bill. The people of Baringo need a chance...

*(Loud consultations)*

**The Speaker** (Hon Kiplagat): It is okay Hon Kibet; I think you've made your point. Honestly...

**Hon Kibet:** Mr. Speaker I am finishing...

**The Speaker** (Hon Kiplagat): Thank you very much... you've made your point...and there are so many and I will give everyone a chance...Yes...

**Hon Kibet:** Finalizing, I want to say that I support this Bill, and request that you adjourn until...

*(Loud consultations)*

There is nothing wrong Mr. Speaker, the law allows you...

*(Loud consultations)*

You can still rule that we go for public participation. In the spirit of togetherness you can still rule and allow more information and more debates on this Bill. Mr. Speaker, don't be in a rush. That's my rallying call.

**The Speaker** (Hon Kiplagat): Thank you very much. Hon Kibai...can we agree members that I will allow as many as possible but let's make it short.

**Hon Kibai:** I agree with you Mr. Speaker.

*(Loud consultations)*

You are our Chair, you are our Speaker and we must adhere to the rules and regulations of this House. The Bill before us today is a Bill that concerns the Constitution of Kenya. Mr. Speaker the members are consulting in high tones...

**The Speaker** (Hon Kiplagat): Members please consult in low tones, proceed Hon Kibai.

**Hon Kibai:** Mr. Speaker, they are saying that the Bill before us is a Constitution Amendment Bill. It is a Bill that has been going round as eluded by the members. As I contribute my points, I will put my allegiance to God and the people of Baringo. I will speak my mind. If anything, I am a nominated member of this House not an elected member and if anything happens, that is why I have said I will leave myself and my life to God and the people of Baringo. During public participation when BBI started on a nine point agenda, those who were nominated and gazetted by the president of Kenya came to Baringo for public participated and that's true; I attended the meeting in Rift Hills Hotel. I come from a minority group in Baringo called Endorois. In Baringo we have two main minority groups; the Ilchamus and the Endorois they reside in Baringo South. Mr. Speaker we presented our issues including being given a constituency or be considered in this amendment. In Baringo South, Baringo North and Tiaty, we are experiencing security problem. We appear on headlines every day. We presented the BBI team with our issues because if you see the geographical condition of Tiaty, Baringo North and Baringo South for example, we need an administrative unit to be subdivided so that we can have more government offices in various locations of our area. We need sub-locations, locations and some divisions. The reason why I talk of geographical location is if for instance you go around one Location for a month, you will not find bandits. We asked for administrative units and more government offices but we were not listened to. That's why Mr. Speaker I listen to the people of Baringo. We see the dire situations of insecurities in Baringo. We need chiefs and assistant chiefs in our various sub-locations. That is why I will speak my mind. I said that the public participation was done by the BBI team and I stop there on that matter.

On the National issues Mr. Speaker, we heard some leaders saying that the reason why BBI has been brought in; it is a Constitutional Bill, is to stop the people from the Luo Nyanza from demonstrating. We will be setting a very wrong precedence in this country. I think leaders of this country will bear me witness that if you demonstrate today, then tomorrow you'll be told lets sideline others then we'll look at your issues. Let's look at these issues on one level. Mr. Speaker I want to be categorical because if I were to take an hour I will be repeating the same issues. I am a man with steel balls and we cannot be intimidated. I cannot betray the people of Baringo.

*(Laughter)*

We have listened to the people of Kenya and it is sure that the people of this Republic do not want Constitutional amendment at this moment. In 2005, we had an amendment and it had no intimidations; people were peaceful. In 2010, we also had a Constitutional amendment and as I

quote, ‘*inasemekana kwamba kibaya cha jitembeza kizuri chajiuza*’. I leave myself to God and the people of Baringo. Thank you so much.

**The Speaker** (Hon Kiplagat): Lets proceed; I have seen your hand Mhe. Ng’otie long time...

*(Loud consultations)*

**Hon Ng’otie:** Thank you Mr. Speaker Sir for giving me this opportunity to contribute on this motion and first I’d like to acknowledge my brother Hon Kibet that he will go in history in this honorable House to have contributed for one hour using his brain and I think he likes football because I’ve seen in football, when you are ahead you can use delay tactics passing the ball through and that’s what he did and I congratulate him for having that knowledge to hold us for one hour listening to you here, thank you and I salute you.

*(Laughter)*

Mr. Speaker Sir, when contributing to this motion, first I’d like to say I oppose this motion because of the following reasons;

Mr. Speaker Sir, recently CS Wamalwa; Minister of Devolution was on record that ‘at the moment you are not even getting 15% but we are getting up to 28% of the total revenue to the counties.’ If it is like that what this thing of 35% is because when it passes, they’ll say you’ve been getting 28%. So plus the CDF and so forth you’ll be getting even 40% not 35%. So the issue of 35% in today’s papers there’s an article that the counties are going to benefit above what they are getting that is 407 million they didn’t need this Bill to get that money and why do they think they can get this increment if we pass this Bill. The 5% Ward fund will be benefiting is below what we get at this moment. We are at 30 million per Ward, if we pass this Bill, we will be getting about 5 million per ward to develop our Wards; so there’s nothing to celebrate about this. If you calculate the 5% it’s about 8million so we’ve been enjoying without the BBI.

This BBI is supposed to unite the country; yet the same view cannot unite the two brothers and you know what I mean. So if it cannot unite the two how can it unite the 45 million Kenyans? I heard my colleagues say that we should control 60 million and we should celebrate I would rather that we have 20 Billion being controlled by mwananchi than the MCAs because when we get 20 million we take to the wananchi and decide on which project they’ll decide on; which project they need and it is allocated as per the need of mwananchi but if we control the 60 million then that means that there’s corruption here; so I’d rather that we go we the 20 million that the mwananchi will contribute in public participation. Mr. Speaker lastly, the delegation from Eldama Ravine Ward have sent me with a clear message that is the majority I am not saying that there are people supporting that I vote No. Thank you Mr. Speaker.

**The Speaker** (Hon Kiplagat): Hon Birchogo...

*(Loud consultations)*

**Hon Birchogo:** Thank you Hon Speaker, I think I want to thank God because I’m part of the those who are able to stand and debate about the BBI; who will be historical in a few months. First, I stand to fully support the BBI document even if I’m a member of Justice Committee; I want to be on record that I am a member of Justice and Legal Affairs Committee. The paper was laid on Tuesday and it never reached the committee because yesterday the members of Jubilee were summoned and it also happens that my Chair is also a member of Jubilee. Aware that the same document was not called for a meeting as the Justice and Legal Affairs Committee so today

what we expected to debate was a report that as the Justice and Legal Affairs Committee would have gone for public participation. I am not upset because these Hon. Members are saying that they are here for the sake of the people and that they had some delegation send them here but it is not official of what is required by the law that we hold a public participation. Let the people speak their minds because I don't think that there'll be any other time they'll get to talk about the BBI whether they like it or not it would have been prudent for them to be given this moment to debate and air their views. Even if they don't like it, why the rush? If it is going to be voted No or Yes it is what it is but denying the local mwananchi...

*(Loud consultations)*

I am talking on their behalf; that is very immoral because you were voted to listen to the people not conclude for them, through something anchored by the Constitution called public participation but what we are having today is Hon Members in rush to just satisfy their ego and be the first people to reject the BBI, which is wrong! If you believed that you have the No vote you'd have allowed the people of Baringo the chance to meet and talk about this Bill because next time they hear about this document is through political rallies of which they'll not have given their sufficient views; nobody will ever hear what they have to say about the BBI document courtesy of our administration who are the Speaker and the Clerk. You have denied the people of Baringo a chance to give their views on this document; what we have here are members giving their views and those of their families. I also have not had the chance to ask people to their view on this document.

Today before I start to speak, the newspaper today has five counties that have advertised their public participation that is Meru, Embu, Nakuru counties. In Baringo, surprisingly it is a public participation to ask the people before naming our streets after the heroes of Baringo and I thank the people that apparently if that was put and this is a matter of urgency to allow the people of Baringo to vote we didn't have time; it is very sad and this admin led by the Speaker and will be remembered in this injustice that you've led the people of Baringo in and spoken on their behalf without asking them.

Let me talk about this document; as Hon Ng'otie from Eldama Ravine has said, 35% and that we have now and what Hon Wamalwa said that we are at 28%. What this BBI is addressing is the minimum that will be going to the counties will be 35%. It will rise from a minimum of 15% to 35% meaning that no County will be receiving money below 35% of which it's a plus. If you put a law that it will be 15% you can get 15%, 28% or 100% but you know we cannot operate in good terms but again in Baringo a minimum of 35% of the revenue so you can calculate...that's one of the advantages of BBI.

Secondly, this BBI is going to protect Mogotio constituency from being scrubbed from the status of being a constituency you remember that every 10 years in a country we always have a census so that it informs the boundary review and all that and the last census in 2019 showed that Mogotio did not meet the threshold to become a constituency and it was supposed to be scrubbed. Apart from Baringo not getting an additional constituencies, we are here on record that Mogotio is going to be protected that is what is in the BBI. Another one is the issue of the 5% ward fund. The beauty about that money is, it can operate like CDF it is not like what we have right now where you have 25 million in paper but everything is done by the County government and if it is slow, there won't get any benefit because the project might even be rolled over for more than 5 years and might end up not using the money and I think that's another advantage. Another thing that is being upheld by BBI is the gender. I want to applause gender because they

have given women a possibility and a good chance to lead in this BBI. I think I've not heard anyone talking about HELB maybe because some may have not benefited but I know my friend Hon Lemlem knows about HELB because we've benefited... You can imagine the grace period most of the hustlers and comrades who have been to university know the feeling when HELB officials look for you to your House or village to ask you to pay this amount and start charging the interest immediately. So this grace period is going to help the youth and of course I am the Chair of youth and you know the benefit that comes with it.

Another advantage is the way the government is going to be constituted. We know the problem of this Country; the winner takes it all. In a situation of the winner taking it all, we know how many times we have gone back to serious political turmoil in this Country. This BBI that the spirit built, we want that after every election Kenya moves on, let's not go back to where we were in 2007- 2008 post election period. I want to dissect that in this BBI, there will be the President, the Deputy President and the Prime Ministers and so forth and the office of the leader of the opposition. I think that's the most gracious thing about this BBI that you can lose and still hold office and get funded so that you are not frustrated and frustrate the whole Country and that's the major thing we should be seeing. Imagine if we had such an arrangement in 2007-2008, there wouldn't be any bloodshed if we had the same arrangement in 2013-2014, if someone loses they accept saying "fine I am having this desk here and I am going to operate and oversee the government with the same resources" because the leader of opposition would have his office and can employ his people and be funded by the government. I think that's the beauty of this BBI and it is going to solve the issue of post election violence. For once in our lives we will not have someone coming and swearing himself as the president because he feels that he won and has been denied. You can be a leader of opposition and if by chance you have more MPs you'll have the opportunity to be elected as the prime minister but then again if you choose to be a prime minister you'll lose your position as the leader of opposition and that's the real BBI.

What I am getting from this report is, most members have not read the document; we are just here to pass because it is populism and it is easy to reject without knowing. For me I think you should do justice to the people of Baringo. If we could just decide to adjourn the putting of the question and go back and do public participation because you people have numbers that is what you believe. If the public says No even I will come here and talk about it even if I am in the Justice and Legal Affairs Committee. We will be listening to the views of the people and we will write a report according to the views of the people. Let's not hurry instead let us allow the people of Baringo to decide because this thing is a sharp blade knife that cuts both sides and nobody is safe. We might decide today to reject then people will ask you why they were not allowed to participate in this BBI report. The most honorable thing is to allow Justice and Legal Affairs Committee to read to the people. Give us three days we go to Naivasha or Nakuru, write a report then table it in this House even if it's Thursday or Friday we do it on Tuesday next week. You have the same numbers and if you've already made up your mind we will still vote. I don't see the need to hurry and jump the gun before starting. I believe in fairness and justice and people should be given a chance to be heard because once this document is completed here they will not have another chance unless in political rallies and you know what happens in these rallies.

So Speaker what I am requesting you and I think it will be very prudent. This House is a House of politicians and it is also full of people with ambitions and we might decide to take a chance of our lives and a take advantage of the people of Baringo because of our political ambitions. It will be very prudent so that next time on Tuesday people have numbers and people have already

made up their minds and nothing will change no matter the day. Let's give a chance to the people of Baringo so that next time there will be no emotions; we will know what the people are saying and there will be no shouting and I think that's the only prudent thing I am asking Hon. Speaker. Please consider that before you put question. Let's not be populists but be idealists, thank you.

**The Speaker** (Hon Kiplagat): This side...yes Hon Oleparsalaach.

**Hon Leparsalaach:** Thank you so much Mr. Speaker, I also rise to give my views on this Bill. Let me start by saying that this is a very sad day for me because we have taken a long time arguing instead of reasoning. I think when the '*Punguza Mizigo*' Bill was here, we had few members settling feuds and they articulated their views correctly unlike today where there is a lot of lamentations and procedures and if I recall well, the '*Punguza Mizigo*' Bill did not go through public participation and it never had a report from the Justice and Legal Affairs Committee and I am very astonished that today we are just discussing a document like the one we had and we are getting some funny stories.

Let me start by taking members to article (107) in this Bill on Leader of official opposition; it says there shall be a leader of opposition in the National Assembly. The leader of official opposition shall be the person who receives the second greatest number of votes in a presidential election. If you go to (4a) it says, if a person shall not assume the office of the leader of official opposition if the prime minister is appointed from the person's political party or coalition of party. What an injustice! What will prevent the elected president from appointing someone to be their prime minister from their political party or coalition party so that if number 2 receives the highest votes will be disqualified? Nothing! This is not Building Bridges Initiative but is Breaking Bridges Initiative. Another issue is the Kenya Constitution 2010. It is a heavily borrowed document from America. The American parliament bought congress the lower and the upper House has a total of around 500 members and the population of America is close to 300 million people. Here in Kenya we are creating a parliament of 500 members and we have a population of 47 million people. What injustice is this to the people of Kenya and the economy? In my view, the BBI is a document to appease a few because in the IEBC the methodology to select or curve constituency there are several issues to be looked at. One is the population; two is the vastness of the area; three is the community of interest. In the 70 constituencies that we see in this document only one methodology has been applied that is the population index. What a shame to the other methodologies as appointed by the law. As somebody mentioned here that the Ilchamus community and the ward and the community that are representing this County Assembly went to court in 2005 and got a court order that in the next elimination of boundaries, they'll be considered for a constituency. During the BBI discussion, the pastoralists in Kenya of which Baringo is among the pastoralist counties. They proposed a number of issues Mr. Speaker. First, if there will be a single constituency to be awarded the pastoralist communities, it should be the Ilchamus community and I am not seeing anything about that in this document. I also thank drafters of this motion because; article 1 of the Constitution of Kenya categorically says that, all sovereign power belongs to the people of Kenya and that shall be exercised directly or indirectly through their democratically elected representatives. That is what we are doing today in this House. Finally, 30% is being sugarcoated in this Bill; it is not realistic because those of you who listen to renowned economists in this country say that what we have borrowed at the moment is close to 12 trillion and what will remain after paying all those taxes will be about 600million. If you pay counties 35% what will go to the National Government. This is just an appeal that is bitter and is sugarcoated on the outside. So the people of Ilchamus Ward

through several meetings that we've held directed me that we vote this Bill a big NO, thank you Mr. Speaker.

**The Speaker** (Hon Kiplagat): I think Hon members you must realize that time is really moving we have to...Hon Birchogo point of order after? What is the matter about?

*(Loud consultations)*

**The Speaker** (Hon Kiplagat): What is it Hon...

*(Loud Consultations)*

**Hon. Birchogo:** Hon. Speaker it is prudent ...I request that we refer to our standing order No. 52 (2) which says;

The Speaker may on the request of member defer the putting of the question to the following day in which the Speaker shall there upon nominate a time at which the question shall be put. We can debate then we defer the putting of the question to another day...

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order! Majority Leader... There is this point that Hon. Birchogo talked about 52(2) when a motion has been moved, and if necessary is seconded, the Speaker shall propose the question thereon...despite the above paragraph the Speaker may on the request of a member defer the putting of the question to the following day in which the Speaker thereupon nominate a time at which the question shall be put. The discretion is on the part of the Speaker but you have made your application. Hon. Birchogo after looking at this, I have not seen any ground for adjournment for now, the motion shall proceed. Hon. Majority Leader.

**Hon. Kipchumba** (Majority Leader): Thank you Mr. Speaker for granting me this time and I urge my colleagues that Baringo people are watching you. Today some of us are making political suicide. I talk on behalf of Lembus Kwen people who talked with them during the recess time and send me to vote NO on this Constitution Amendment Bill.

*(Applause)*

Mr. Speaker many have stood here wasting time by saying nothing...

*(Loud Consultations)*

Reading the mood of the House, Mr. Speaker, I ask you to put the question on the motion as we proceed to other steps. Thank you, Mr. Speaker.

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Order members the question will not be put before even...I want to limit each from the two sides then we finalize; those who have not had a time...

*(Members lift up their hands)*

Hon. Cheserem, then Hon. Lotela, Kessei...Hon. Tuwit I have seen you it is two minutes each.

*(Loud Consultations)*

**Hon. Cheserem:** Thank you Mr. Speaker for the opportunity. I stand here on behalf of the people of Saimo/Soi and Baringo County and also Kenyans. I oppose this motion because we as Baringo people should have been given Equalization Fund and now we are told in the document that we will be given Ward Fund which I see it as a miracle.

Secondly, I oppose this motion because it was brought to sort the issue of the winner takes it all but now it has changed the narrative because the powerful President shall appoint someone from the opposition; it happened to Nkaisery may his soul rest in peace. Opposition is a very strong post that Kenyans need. It is happening now; there is no opposition in this country for he has destroyed the structures of the current government. I oppose the document terming it not good for Kenyans; it will be rejected in this House. Thank you.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Thank you in that order, Hon. Tuwit...he is not in? Yes Hon. Tuwit.

**Hon. Tuwit:** Asante Mhe. Spika, nimesimama kuunga mkono hoja hii kwa sababu ya mambo mingi. Mhe. Spika tulipinga katiba wakati ya awali lakini hiyo katiba ikaleta ugatuzi ambao imeleta Maendeleo kwetu. Nalaumu wale ambao wanaambia watu wetu wapinge marekebisho ya katiba hii. BBI italeta mazuri kwetu. Napinga ile inaitwa '*kikirei*' tumekataa kila kitu kwa sababu ya hii kitu. Tuulize kwa nini tunakata BBI sio tuambiwe tu '*kikirei*'.

Tuko hapa bunge kuwakilisha watu natunapewa asilimia kumi na tano (15%) ya ugatuzi lakini itaongezwa hadi asilimia thelathini na tano (35%) kwa BBI. Naunga katiba hii mkono ata sisi Baringo tukikataa itapita kwa Kenya mzima na itakuja kutusaidia baadaye. Asante sana Mhe. Spika.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Hon. Lotela

*(Loud Consultations)*

**Hon. Lotela:** Mr. Speaker I wanted to be part of the historic moment of this country when it comes to the reforms of our Constitution. It is not normal always to conform to the status quo. If the Constitution could not have been amended in 1992 on multi-partism, we could not be here enjoying Mr. Speaker. We are the creator of Constitutional process as a County Assembly of Baringo and if there is someone to stand here and say for the sake of the people of my ward, I will not allow any Amendment at low to Executive level is a serious joke.

Mr. Speaker devolution has changed lives including us here. I am happy that the members of the national Assembly have been moving around and using CDF unconstitutionally but it has been anchored in the Constitution that CDF will be supported by law same as the ward fund. We will have award fund in Article 207 which has an act on it which makes the members not become desperate because you will have funds for the office. The basis of any development is the ward. Also let us support this motion to secure Mogotio constituency.

Lastly, we will not allow to be dragged to the politics of today. This Bill will not stop any MCA or anyone from Baringo to vote whoever they want to vote for in 2022. This is just an Amendment and after six months legislation is done on this process. Kenyans must move forward and Baringo is known for producing Moi who ruled this country for 24years and the kind of emotions we are issuing means that we have enough.

Baringo has been in the limelight with serious issues compared to other counties; we have extreme issues Mr. Speaker. At the moment, we have issues with hunger, landmines, floods that we have never controlled and if there is a need to amend the revenue allocation from 15% to a minimum of 35% we might even get more. If this Assembly today makes a mistake that we reject this Constitutional Amendment we will be a laughing stock in the generation to come. We

could have taken this Bill to our people even for a day. This Bill will pass in the national and senate assemblies and we all know that our citizens are responsive they know what they want and need.

As we were coming to chambers, Hon. Kimosop told me that he wants to slap Gideon Moi with this BBI...

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Order Hon. Lotela...Order Hon. Kimosop ...order Hon. Lotela address the Speaker not the member and Hon. Kimosop these are rumors and they are not true we do away with....

**Hon. Lotela:** If they are true...the politics of Baringo wanted to slap Gideon Moi which is a stupid rationale to use people's lives. That is misleading, what if Gideon Moi does not contest in the 2022 Presidential elections? What will you say? This thing is neither for Tugen nation nor Pokot as I am myself but it's about what is coming to Baringo.

We have been having issues with recurrent and development expenditure in our budget and an increment from 15% to 35% is something we should embrace otherwise we are insane.

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): What is your point of order Hon. Lemlem?

**Hon. Lemlem:** Mr. Speaker I rise on point of order number 29(3) hours of meeting; realizing business in front of us and the time says that unless the Speaker for the convenience of the House otherwise directs (3) notwithstanding paragraph (1) and (2) the county Assembly may resolve to extend its sitting time in order to complete a business. I seek extension of time and call Hon. Elizabeth to second. Thank you.

**Hon. Elizabeth:** Seconded.

**The Speaker** (Hon. Kiplagat): As I look at the time and business of the House I accordingly direct that if the business goes beyond 6:30 p.m. to enable the business to be finalized, proceed Hon. Lotela finalize we had said two minute each.

**Hon. Lotela:** Mr. Speaker we have been witnessing violence in our country after elections every five years. The Amendment Bill is sensitizing on expansion of the Executive by giving the winner takes it all and anyone from Silale can be a Deputy prime minister.

Lastly, Mr. Speaker you are aspiring to be a M.P. for Baringo Central and you will have your CDF kitty and allow us MCAs to also have ward fund so as to transact business independently. Also not to use this Amendment Bill to show that *'huyo mtu hatakikani'*. Let us pass this Bill and want people of Silale to enjoy fruits of devolution and someone from Baringo will be Deputy prime minister. It can be Tochim, majority...

*(Loud consultations)*

We have violated the procedure of this House today by not going to the public to give their views. With those few remarks, I support the Bill.

**The Speaker** (Hon. Kiplagat): Thank you Hon. Lotela...Hon. Fransisca.

**Hon. Fransisca Cheburet:** Thank you Hon. Speaker I rise to support this motion though it is an illegality and I am ashamed Hon. Speaker that you are the Chair of Rules and Procedures Committee yet we are all colluding in an illegality.

I support this motion because I was nominated to this House to represent women top up. I went round when people were giving their views on BBI and I was ashamed that the public did not support nomination and called us flower girls and other names tainting us. But we come to this county because of other reasons because we are Christians Hon. Speaker. In BBI women will vie and come back with their respect.

In 2013 the President and his Deputy promised to have a 24 hour economy and double digit economic growth but none has come to pass. If we gave them a chance to lead this country and up to now nothing has been done, what of the 35%? Does it mean that if someone else lead this country, we shall not have the 35%? I was with Hon. Kimosop among those who said No in 2013 they should have come up to state on clauses that they need to amend. The Constitution is intact but an Amendment is a quarter of the whole Constitution which we are doing today.

We are complaining of the expansion of the Executive yet the economy went high during the coalition government of Raila and Kibaki. In insurance you have to spread the risk and that is why those who thought of building bridges initiative thought it wise to spread the risks on the Executive expansion to curb the violence that happens after every elections. We said No the other time but we are enjoying the fruits of Constitution today. The building bridges initiative is such sweet word only we are giving it nicknames. The first building bridges was 2013 then the next was 2017 that is why we are here.

As Hon. Members of Baringo we need to look at our people with two open eyes, they have different opinions on BBI. My parents are from Baringo South Hon. Lemlem's ward and they support the Amendment Bill I do not know why he says that he was sent by the public to reject the Bill! I want the issues of girl child to be built up in future.

When we had a NOREB meeting we resolved that we need to step down and look on the issues affecting our people. Counties like Uasin Gishu sat and championed issues affecting their people. Baringo County we are stooping low when we shot down this Bill yet we don't have the reasons why we are doing so. Baringo is endowed with enough resources and we should take up the mantle to support this Amendment Bill for the betterment of our people. I support.

**The Speaker** (Hon. Kiplagat): As directed, Hon. Parkei you will be the last having found out that you have not contributed.

*(Loud Consultations)*

Proceed Hon. Parkei

**Hon. Parkei:** Thank you Mr. Speaker sir, it is a sad day for Baringo for the actions and the Speaker of the day did not answer my requests on point of orders. The Clerk should facilitate the Speaker for inductions on procedures of motion in this House.

*(Applause)*

Secondly, as a senior member in this House the people of Mukutani ward sent me to say the truth. I was the first member on Tuesday to be in the House when I received the document. Some members received it today at 2:30 p.m. yet they are the first ones to shot down what they do not even know.

Thirdly, the voice of the less fortunate will be heard because I was very ashamed today because the legal committee could have brought the report to the House and also views of the people of Mukutani ward. Nevertheless, Mr. Speaker sir, there are beneficial articles in this Amendment Bill but there is lack good will, it will be passed or rejected.

Article 82 on legislation of elections; the retired Chief Justice Maraga gave direction to the President of Kenya to dissolve parliament simply because the two third gender rule was not met. In this Amendment Bill it is included and some women in this House do not support because they do not know their rights; some of them not all.

Mr. Speaker sir we have Article 99 which talks about the qualifications and disqualifications of elections of a Member of Parliament currently. If you want to vie for the seat and you are a sitting MCA you cannot, several months down the line they will... there was an MCA who was elected to go to parliament but her elections was nullified because she was still the sitting MCA when the nominations for elections was done.

In these Amendments it is corrected in Article 99, so I don't think all of you just want to sit here to be MCAs, you don't want to prosper to be MPs come 2022. Thank you Members who see far because we do not want to be MCAs for long we want to prosper and become Members of Parliament.

Mr. Speaker sir, in chapter 12 clause 45 of this Amendment talks about the Membership of County Assembly, Mr. Speaker currently the term of a Member of County Assembly is not aligned to the five year term of elections.

If elections will be done like the other time first term we did elections while we were still remained with eight months but for the MPs their term was anchored in the Constitution and they were paid for the eight months but for the MCAs we didn't get anything because our term of service was not anchored in the Constitution.

But now this Constitution is aligning the Member of County Assembly to the electoral years and here you just want to shot down before even reasoning your fate. Mr. Speaker sir, Clause 46 of this Amendment Bill that talks about the County Executive committee.

Currently as it is all CECs are from the Members of the Public but according to what we are seeing here come 2022 if we pass this Amendment most of the Members let us say 50% will come from this County Assembly because you are the ones who have the mandate of the people and yet you are saying that you don't want to be CECs.

As an MCAs from Mukutani Ward, I want to come back and be a CEC of roads, water because I have the mandate of the people and I have what it takes. Secondly, I want to go to chapter 12 clause 49 of this Amendment Bill, it talks about the equitable sharing of national and other financial laws and as it is now Mr. Speaker the National Assembly and even clause 50 about the equitable share and other financials, we are now getting 15% of the national revenue but the Amendment Bill is now proposing for us to get 35%.

As a Member of Mukutani Ward, I am now getting let us say Kshs. 20 million from my Ward, I cannot be the first person to say that given 35% my Ward will receive at least Kshs. 50 million. I will be a very happy man for my people of Mukutani Ward and Ilchamus as a Community because Ilchamus Community we did not get any Constituency but we cannot say because we have not gotten a Constituency will do not want to get the benefit of getting 35% because we have a lot of issues.

We have insecurity, we have floods and if we now get Kshs. 50 million in my Ward a lot of problems will be solved Mr. Speaker, even the CDF, what we are getting as Mukutani Ward I get almost 5% of Kshs. 110 million so this one, the devolved units Ward development fund is what is rightful for Mukutani people and a Community at large.

So Mr. Speaker sir even Clause 51 now we are saying that 35% increment we are now saying that we have a wage Bill and we don't have ECD teachers. We are paying an ECD teacher Kshs. 8000, Turkana County because they are getting almost Kshs. 11 Billion now they are paying the same teacher Kshs. 24000 which we are paying Kshs. 8000.

Mr. Speaker we have shortage of teachers up to now so you want to tell me that we do not want to get the increment of the allocation and our youths are still languishing they don't have employment. Mr. Speaker even today in Marigat we have the recruitment of KDF almost one thousand youths are there who are jobless.

So you are the ones who say that we want an increment so that we create jobs for those people. So you want to say that we do not want to employ our youth and they are the majority in the society?

So we want the 35% to come to our County, for example in water department, in agriculture department we have a lot of people who have retired, a lot of technical staff and up to now because of wage Bill they have not been replaced.

When we get the 35% increment all those slots will be filled in Baringo, so Mr. Speaker sir we also have the issue of loans, we have a lot of youth who are completing universities and most of them are the beneficiaries of higher education loans board as it now when you complete university you are supposed to start remitting what you have taken and those youth doesn't have jobs.

In this Amendment, it is proposed that there will be a grace period of maybe 4 years for someone to get a job to start repaying and we have penalties, so you want to say that all the 30 Wards in Baringo County how many youths are there who don't have jobs but trying their level best and they have been shortlisted in CRB because they have not submitted their HELB subscriptions.

Mr. Speaker sir, lastly I want to urge Members that let us reason beyond our political inclinations because national politics will not help Baringo, our politics at the ground will help us, you are now celebrating because you want to support an individual but come 2022 Hon. Parkei will be celebrating because he chose the right path and will be back to this House and you will on the other hand will be crying. Mr. Speaker I support the Bill. Thank you.

**The Speaker** (Hon. Kiplagat): Thank you very much; I think I had already given my ruling.

*(Loud consultations)*

Hon. Kessei... I think at a time she walked out but I will be kind to her because at the time you were called you were out. Yes Hon. Kessei.

**Hon. Kessei:** Thank you Mr. Speaker for the honor that you have given me. I will not...

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order Members, give Hon. Kessei time.

**Hon. Kessei:** Mr. Speaker I will briefly take five minutes. Before that it will be of honor if you recognize and preserve a moment of silence for the late Hon. Hosea Kiplagat. I know he has

touched a lot of lives in Baringo County and I wish Members stand and we observe a moment of silence.

**The Speaker** (Hon. Kiplagat): Order Hon. Kessei. Can you be seated I thought I am still in chair. Hon. Kessei what you need to do is make your request and if I grant then we will proceed,

**Hon. Kessei:** Hon. Speaker with due respect I am sorry and I am requesting that we respect Hon. Hosea , I know he has touched so many lives in Baringo County and we will be heading to his burial to Hon. Tochim's place and he will be a very good host I presume. Thank you Mr. Speaker.

**The Speaker** (Hon. Kiplagat): Thank you. As requested by Hon. Kessei and it makes sense let us rise for one minute in honor of Hon. Hosea Kiplagat.

*(Members stood in their place)*

Thank you very much. You may be seated.

**Hon. Kessei:** Thank you Mr. Speaker and Hon. Members. Mr. Speaker, I am supporting the motion as Hon. Caroline Kessei and representative of the women in this County. Briefly Mr. Speaker and it is high time that Baringo required political hygiene.

The moment we realize that we require political hygiene is when we will help the people of Baringo Mr. Speaker. So that when we will be contributing we will be having the hearts of the people of Baringo Mr. Speaker.

Why do I say that Mr. Speaker? Years have come and passed and the politics of Baringo has always been taken as wholesale and I wish one time we will rise above the wholesale politics in representing the national politics. Mr. Speaker, I remember when we were having the Amendments and the late Mzee Moi was heading the campaigns, I was still in school and they were saying that the Amendment is okay but the 20% needs to be amended.

I asked myself is this the time that we need to amend the 20% and I also want to pose that question to the Hon. Members. Mr. Speaker, I have been sitting and it is good to always be the last Speaker, clearly they have said insecurity is the problem in Baringo County, I agree, Covid-19 is a problem in Kenya, I agree but they have not said that car grant is a problem to the MCAs...

*(Applause)*

Mr. Speaker as I move on, I am one person who has the hearts of the people of Baringo especially on matters of health, this County of Baringo has been crying on matters health and it is a cross the board but ours is a unique case. Mr. Speaker I wish these Hon. Members would speak on behalf of the people of Baringo on the health matters and the health issues in Baringo.

Mr. Speaker this is because BBI would have covered that health issue as a problem in this Country and especially in Baringo, the BBI is talking of the commission, the HR goes back to national government, is it not sorting the rampant strikes that we are having in this Country. It will sort and then we follow the functions of course the functions will remain at the county government and when we have the functions at the county government money will follow the functions.

Mr. Speaker to the second point, when you read the BBI in to the Nitti grittiest because if you read this Bill you will not understand you have to have that hump and the synthesis that has been done by the BBI report.

Mr. Speaker they are talking of a skin in the game, the skin in the game in the BBI is talking of when you are given that opportunity for example to be the Cabinet Secretary of health or education you don't take your children out of this Country they will use the same system that the children of the poor people of Kenya and the people of Kenya are using.

They are saying, health, you may say hustler I don't know, you may say the health factor, we always have our medical card and the rich class are always taking their children to medical covers where they are covered.

But the common mwananchi is going to the public hospitals now the skin in the game is saying that we all go to the same facility as the people we are representing and I think with that BBI is solving a lot of issues and we will not be having classicism and dynasty versus hustler we will be having level plain field.

The other thing I will stand because no woman have talked about the representation of women and it will be bad if we go out and don't talk about the women, as women we have not been given the level plain field to go for politics; to go for political seats but for BBI women are being given the level plain field, getting the youths and the PWDs.

Mr. Speaker as I wind up, we have heard issues with public participation and BBI has enshrined public participation and it recommends an establishment of public participation rapporteur. And public participation rapporteur there will be transparency and they will offer effectiveness so that they will not be having... because honestly when we talk about public participation it is never effective, it is never transparent.

So the office of the public participation rapporteur will be conducting public participation on behalf of the state and the non-state. Mr. Speaker I call upon our Hon. Members to go through this document, let us educate the people, go to the Nitti gritties read it properly so that we don't rush something that will benefit the people of Baringo whom we are representing. Mr. Speaker, I support.

**The Speaker** (Hon. Kiplagat): Thank you very much. Mover.

**Hon. Koske:** Mr. Speaker sir thank you for giving me this last chance. I thank all the Members those who contributed in support and those that have shot it down, thank you so much. Finally I want to request that by the end of this session today...

*(Loud Consultations)*

**The Speaker** (Hon. Kiplagat): Order. What is the point of order Hon. Birchogo?

**Hon. Birchogo:** Hon. Speaker, I still stand on my point of order of number 52 section 2, that the Speaker on the request of the Member may defer the putting of the question to the following day in which the Speaker shall nominate a date to which the question shall be put.

And do you know the reasons is, we have discussed here and all of us have given out as those who are pro this and we are saying this thing did not go for public participation and we are requesting you to rule that this goes for public participation first so that we can debate it after that. Mr. Speaker that is my request and I think you should take a stand and become neutral in this House...

*(Loud consultations)*

No I can request for point of orders as many as I want.

**The Speaker** (Hon. Kiplagat): Order. Let Hon. Birchogo have her time.

**Hon. Birchogo:** These people are harassing me it is like they have the monopoly of this House.

**The Speaker** (Hon. Kiplagat): Order! Let Hon. Birchogo finish.

**Hon. Birchogo:** Mr. Speaker what I am requesting and you have to listen because even the minority have their way and as much as the majority can have their way, they can postpone their way so that we can do what is just in this section.

Mr. Speaker you are supposed to be neutral but you are not doing so and we are seeing from the comfort of our seats that you are not neutral and Hon. Julia you can come and speak you don't need to be on the mask.

*(Loud consultations)*

Hon. Speaker protect me I am being abused and you are sitting at the comfort of your seat.

**The Speaker** (Hon. Kiplagat): Order! Hon. Birchogo can you finalize your request.

**Hon. Birchogo:** Mr. Speaker my request and I want you to rule on that now that we have talked about public participation and there was no report tabled in this House. What do we do, do we postpone until Tuesday so that we do the public participation over the weekend or you want to use thorax so that you make sure this thing is rejected, we want to know that.

**The Speaker** (Hon. Kiplagat): Thank you very much Members, that request by Hon. Birchogo had already been made; she already made that request and I had given the ruling. So proceed Hon. Koske.

**Hon. Koske:** Mr. Speaker sir, I thank all the Members and I rest my case.

*(Applause)*

**The Speaker** (Hon. Kiplagat): Now Hon. Members I wish to put the question.

*(Loud consultations)*

Its okay, I want to see how many are on their feet for division because the standing orders require for more than five.

*(Members stand in their places)*

## **DIVISION**

Sergeant-at arms can you ring the division bell for five minutes and after that we close the doors.

*(Division bell rung)*

*(Loud consultations)*

Order! Please be silent the standing orders requires that you be silent. Majority Leader... You need to take divisions, Order Members. Take divisions and the bar be drawn, that is now the door and there is no movement out and inside.

Order Hon. Kimosop you will get a teller, the AYE side will get a teller and the NOES side will also get a teller. We have done this before.

On the AYE side, Hon. Parkei take your seat here a pen and a paper, who is for the NOES side take your seat and have a pen and a paper. Hon. Chepsongol you need to record; have a pen and a paper. Clerk you have the list.

Order Members! The standing orders are very clear that the names will go down in alphabetical order and when you are called you stand up and respond. If you support you say I vote YES and if you do not support you say I vote NO, if you want to abstain you say I ABSTAIN.

*(Loud consultations)*

So in that order the Clerk will call the names from the alphabetical order and the rest of the Members please be calm to enable the tellers to hear and follow. Clerks proceed.

**AYES:** Hon. Selemoi, Hon. Birchogo, Hon. Kessei, Hon. Siriti, Hon. Kibet, Hon. Fransisca Cheburet, Hon. Lotela, Hon. Makal, Hon. Losile, Hon. Parkei and Hon. Tuwit

Teller of the AYES: Hon. Parkei

**NOES:** Hon. Koech, Hon. Koske, Hon. Chepsongol, Hon. Cornelious Cheruiyot, Hon. Elizabeth, Hon. Kakerel, Hon. Kibai, Hon. Fransisca Cherutich, Hon. Cheboiwo, Hon. Kabon, Hon. Jeruto, Hon. Kipchew, Hon. Aengwo, Hon. Tarus, Hon. Julia, Hon. Ngotie, Hon. Kipchumba, Hon. Cherus, Hon. Musa Cheruiyot, Hon. Kimosop, Hon. Lemlem, Hon. Oleparsalaach, Hon. Serem, Hon. Kibarar, Hon. Kebut, Hon. Purity, Hon. Rono, Hon. Cheserem, Hon. Saphina and Hon. Tochim

Teller of the NOES: Hon Chepsongol

*(The name of Hon. Sam Lorien read out)*

**The Speaker** (Hon. Kiplagat): Hold on, we have to be clear on that, he is absent and the other Members who are also absent; there are people that are absent if he is not present the standing orders are very clear present and voting. So we shall record that he is absent, can you proceed.

*(Loud consultations)*

**The Speaker** (Hon. Kiplagat): Order. Commissioner you know what you have done. Proceed.

*(The name of Hon. Valarie Ngeny read out)*

**The Speaker** (Hon. Kiplagat): Valarie mark absent. Now as per the procedure before we get the votes, I need to put the question so that now we can see.

*(Loud explosion)*

*(Loud consultations)*

*(Members stood in their places)*

**The Speaker** (Hon. Kiplagat): Now can I get from the tellers?

*(Question put and the House divided)*

**The Speaker** (Hon. Kiplagat): The YES are 11 the NO are 30. The NAYS have it.

*(Question negated by 30 votes to 11)*

*(Loud consultations)*

**ADJOURNMENT**

Order Members, this House stands Adjourned until next week on Tuesday the 16th February 2021.

The House rose at 7.05 PM.