REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 9th February, 2021

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Speaker: Hon. Members, I will be making an elaborate communication as we proceed especially concerning the Bill we are going to lay.

PAPERS LAID

BUILDING BRIDGES INITIATIVE -BBI

Hon. Peter Thomi: Thank you Mr. Speaker, Sir. I have the following Papers to lay:

1. Second quarter Laikipia County Executive Members car loan and Mortgage scheme fund for the quarter ended 31st December, 2020.
2. The County Government of Laikipia second quarter report and financial statements for the period ended 31st December, 2020.
3. Laikipia County Cooperative Development revolving fund quarterly financial report as at 31st December, 2020.
4. The Constitution of Kenya Amendment Bill, 2020 Building Bridges Initiative.

Speaker: Hon. Members, as I had said I will be making a Communication later, I think it is most appropriate to make it now. Before then I wish to commit the following Bills:

a. Second quarter Laikipia County Executive Members car loan and Mortgage scheme fund for the quarter ended 31st December, 2020 to Finance and Planning Committee.

b. The County Government of Laikipia second quarter reports and financial statements for the period ended 31st December, 2020 to the same committee.

c. Laikipia County Cooperative Development revolving fund quarterly financial report as at 31st December, 2020 to the Committee of Trade, Tourism and Cooperative Development.

d. The Constitution of Kenya Amendment Bill, 2020 Building Bridges Initiative committed to the committee on Legal Affairs, Security, Justice and Legal Matters.

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NOTICE OF MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE MEMBERS

Hon. Peter Thomi: Thank you, Mr. Speaker. I want to give notice of the following motion;

THAT, aware that pursuant to the provisions of Standing Orders No. 151(1)(d), this Assembly approves the appointment of the following Members to the House Business Committee in addition to the members specified under paragraph 1(a), (b) and (c);

1. Hon. Charumbo Kaparo –The Majority Whip
2. Hon. Daniel Nyausi
3. Hon. Veronica Ikunyua
4. Hon. Mary Samken

Thank you Mr. Speaker.

COMMUNICATION FROM THE CHAIR

WELCOME REMARKS FOR THE FIFTH SESSION

Speaker: Before we go to the next Order of Business I wish to make the following Communication.

Hon. Members, I take this opportunity to welcome you back to the fifth session. It has been a long holiday and we are all thankful to God that we have started the year 2021 well. I therefore call upon each of us together with staff to settle quickly as we can and embark on undertaking our respective duties.

Hon. Members, as we begin the session I wish to remind you that your life in the Assembly is almost coming to an end. We have less than one and a half year to serve the electorate. For this reason, I call upon all committees to rededicate in undertaking their mandate. As we may know it is the way you end the race and not how you started that determine the final outcome that either attract reward or punishment.

PUBLIC PARTICIPATION ON BBI

Hon. Members, in this session we are required to undertake a very important task of participating in Constitutional Amendment Bill popularly known as BBI. It is already received in the Assembly for processing. As we undertake our role as an Assembly on this, I wish to guide that though the Bill has been committed to the Committee on Legal Affairs, Cohesion and Justice, all Members shall be required to participate fully in the Public Participation as scheduled.

It is my expectation that the bills shall be processed within the agreed schedule of events that was agreed upon by the Members. For that case, the public participation will be on 17th February, 2021. In Laikipia West, it will be at Rumuruti Stadium at 9. 00 am. Laikipia Central, Lamuria at Assistance County Commissioner's compound at 9.00am. Same date it will be held

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at Nyahururu at Nyahururu County Hall at 9.00 am. Same date in Laikipia East Sub-county it will be held at Social Hall from 9.00 am and at Laikipia North it will held at Doldol, Mukogodo Resource Centre at 9.00 am.

OVERSIGHT ROLE ON BUDGET

Hon. Members, I also direct committees to fast-track any pending legislative business committed to them. Finance Bill 2020/2021 should be finalized as a matter of urgency to enable its application. It is also expected that the budget process shall commence soon with the receipt of the County Fiscal Strategy Paper on or before 28th February, 2021.

Hon. Members, it is important to remind you that the Financial Year 2021/2022 remains the only budget that this House shall have a full oversight before its term comes to an end. I will therefore call for more scrutiny and robust discussion on the same.

Hon. Members, may I strongly call for teamwork and harmony as we undertake our mandate. It is clear to each one of us that a united House can achieve more than a divided House. I call upon each one of us to commit himself/herself towards this course. Otherwise I wish you an enjoyable and fruitful fifth session of this assembly. Thank you.

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE MEMBERS

Hon. Peter Thomi: Thank you Mr. Speaker, Sir. I wish to move the following motion;

THAT, aware that pursuant to the provisions of Standing Orders No. 151(1)(d), this Assembly approves the appointment of the following Members to the House Business Committee in addition to the members specified under paragraph 1(a), (b) and (c);

1. Hon. Charumbo Kaparo –The Majority Whip
2. Hon. Daniel Nyausi
3. Hon. Veronica Ikunyua
4. Hon. Mary Samken

Mr. Speaker, as we've just come from prayers and our long recess, there is a way we run this Assembly because we have a Standing Order. So that we may move around with our daily business, we needed to reconstitute the House Business Committee as we start our Assembly sessions.

As a result, I start with this as the first agenda of this House today. I am urging and begging this House, according to the motion I've laid that we approve the appointment of the following Members to the House Business Committee because that is by the law.

Hon. Members, you're aware that we're almost in our final leg as far as our election calendar is concerned. It's always good to notice that we have a lot ahead of us. I believe, because I'm a Member of this Committee and I belong to this House, the following Members have been of great help to this House. I know Hon. Mary Samken who really has time for the

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House Business Committee. She's committed to contributing on any motion. When we're trying to come up with any motion, she helps a lot.

I also know Hon. Veronica Ikunyua who makes it very early and ensures that we have Business for this House. The Deputy Speaker, being very busy, is also very available to ensure that we have business for this House and that we have Order of the day. Everybody is aware that Hon. Chalumbo Kaparo, the Majority Whip, is there for us all during the good and hard times.

As a result, this being a Committee, it's my request and wish that we begin by approving these names so that we may run this Assembly and come back to this House tomorrow whereby we have sittings for a full day so that we can have our motions and things in order. With those few remarks, I wish to call upon the Hon. Zamzam to second this motion. Thank you.

Hon. Salma Zamzam: Asante sana, Bwana Spika kwa kunipa nafasi kuunga mkono mswada ulioletwa na Kiongozi wa Walio wengi katika Bunge. Kwanza kabisa namshukuru Mwenyezi Mungu kwa kuturudisha katika Bunge kutoka kwa likizo ndefu ya miezi miwili. Tumerudi tukiwa buheri wa afya na wazima katika shughuli yetu ya kikazi.

Nikichangia mswada wa kuunda upya kamati ya Biashara ya Bunge ya Kaunti, naunga mkono kama ndugu yangu Kiongozi wa wengi alivyosema. Ni vizuri kuweza kuundwa upya na ndugu zetu kama Mheshimiwa Chalumbo, Mheshimiwa Kaparo, Mheshimiwa Veronica Ikunyua na Mheshimiwa Mary Samken ambaye amerudi kutoka kwenye likizo yake ndefu. Tunamkaribisha Bungeni na tunamwona ni buheri wa afya.

Tunajua hii kamati inachapa kazi bali iwe na uwazi na kumwitika kila mtu. Tunairejesha na tunawaamini, lakini pia wawe na ukweli na haki na wasikie kilio cha kila mtu katika Bunge hili. Ninaunga mkono warejee bali pia watie bidii na wawe Waheshimiwa ambao wamekula kiapo mbele ya Bunge hili la Kaunti. Asante.

(Question proposed)

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nasimama hapa kutoa mchango wangu kuhusu mswada ulio mbele ya Bunge lako. Ningetaka pia kushukuru Mungu kwa vile tumekuwa na wakati mwema na kurejea katika Bunge hili. Hilo ni jambo ambalo hatulichukulii hivi hivi. Nawakaribisha Wabunge wote ambao wamefika katika kikao hiki ili tuweze kujadili mambo mwafaka na ambayo yatawasaidia wananchi waliotuleta hapa.

Bwana Spika, Mswada ulio mbele yako umeletwa ukiwa na majina yaliyokuweko wakati wa biashara ya mwaka uliopita. Kwa maoni yangu, ningetaka kuwe na wanachama watakao ongezwa katika hiyo Kamati kwa sababu tumekuwa tukinyanyaswa na haki haijakuwa ikitendeka katika Bunge hili.

Hii Kamati ndiyo itaangalia biashara zote tutakazoleta Bungeni, na iwe inaelekezwa na Kanuni za Bunge. Nakumbuka kwamba wakati uliopita kuna mswada tulioleta hapa wa kumwondoa Jasper Mutuiri kutoka kwenye kiti chake cha Karani na huo mswada haujafika hapa. Kwa hivyo mimi naona kama kamati hii inadhulumu na kutoheshimu Bunge hili. Ndiposa

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ninasema tunastahili kuongeza wanachama katika hii kamati kama tunataka kuendelea kwa haki.

Tulipotoka hapa Bungeni nafikiri walisema kuwa tutaenda na hatutarudi. Mungu ni mkubwa tumerudi tena. Biashara iliyokuwa mbele yetu ya kuhakikisha kwamba Mutuiri ameenda bado ipo, na ni lazima niseme hivyo hapa. Shida ya Bunge hili si hawa Wabunge Walio hapa bali ni Kiongozi mmoja ambaye tumempatia kazi ya ukarani. Ndio maana hili Bunge linarudi chini.

Sisi kama viongozi tuliochaguliwa kupigania haki ya Wanjiku lazima tuipiganie pasipo na kizuizi mbele yetu. Lazima niseme hivyo kwa sababu tumerudi sasa na tuko tayari kutekeleza biashara yote iliyo mbele yetu. Ningeomba tuongeze watu wengine kwenye hii kamati. Naomba huu mswada ufanyiwe marekebisho kidogo ndio tuhakikishe biashara ya Bunge haingiliwi na mtu yeyote.

Tunawaheshimu hawa watu Walio hapa. Ni viongozi waliochaguliwa na tuko na matumaini kwao bali tunataka kuongeza kwa sababu tumenyimwa haki kwa muda mrefu. Kwa sababu huu ni mwaka wa mwisho, nafikiri itakuwa busara kupitia kiti chako na mwenye mswada tukiongeza wanakamati wengine wawili ama watatu, hata kama ni mmoja. Ndio maana mimi nikiwa nimeketi hapa nimeleta mswada hapa niko na haki ya kwamba huo mswada utafika hapa kwa sababu tumeona mambo ambayo inaendelea na hayo tutazungumzia. Nimesema hata kama itabidi mambo ingine isimame tushughulikie biashara iliyokuwa mbeleni afadhali ifanyike hivyo.

Huu mswada, kwa maoni yangu ningetaka tuufanyie marekebisho na kama wajumbe walioko hapa wangeweza kuona busara kama hiyo ningeomba pia tuweze kuchangia kwa kuongeza hao wajumbe. Kwa hayo machache nashukuru na nashukuru Mungu na kama vile nimesema kama tunataka haki kwa hili Bunge na kuhakikisha biashara imetekelezwa kwa njia iliyofaa, Mutuiri lazima aende. Asante sana na mungu awabariki.

Hon. Chris Mark: Thank you, Mr. Speaker. I would like to thank God for making us see a new year. I'm also grateful to see my colleagues are here in one health and safety and even healthier than before. I would like to make my contribution to this motion. The team that is here is a very able team. It has the best people we have in the House and personally I have no issue with the names but would indulge you Mr. Speaker or the leader of the majority to add at least two or one more person. It is always good that at least some flavour is added to something.

Mr. Speaker, I'm not saying that they are not doing their job well. However, it is always good to have diversity because there are some things they have and this team, we had them since 2017. So even to help them robustly and even in your opening remarks, you said let's execute all this work that is there. They need more diversity in the team and they need more energy. My proposal is before we even go to debating we open the room because this country, we are going to a place where talk is dialogue. No grandstanding, when people start grandstanding, things start going wrong. It must be this way because nothing is cast in stone especial by things done by human being, only things done by creator are cast on stone.

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Things done by human beings can also be dialogue and through that dialogue we can see how to go forward. Whatever is here is tailored to make sure the House is comfortable as it is. My opinion is let have that talk, let's see whether we can add one or two. There is a standing order there and I think it allows. Thank you.

Hon. Robert Maina: Asante Mheshimiwa Spika. Nashukuru kwa kunipa nafasi hii na nashukuru mwenyezi Mungu kwa kuturudisha sisi katika Bunge hili tukufu, tukijua kuna jimbo ambalo wakati tulienda likizo ndefu hawakuweza kurudi Bunge wengi wao waliweza kuaga dunia kupitia janga la Korona na wengine kufa kupitia ajali. Kwa hivyo tuko hapa tukishukuru mwenyezi Mungu kutuwezesha kurudi katika Bunge wenye buheri wa afya.

Nimesimama kwanza kupongeza Kiongozi wa Wengi kwa kuleta mswada huu ambao ni wale wanasimamia biashara ya Bunge. Kwa maombi yangu mimi ningesema kuwe na marekebisho ya hayo majina ama wawezwe kuongezwa. Nikikumbuka ya kwamba mwaka uliopita tulikuwa na mswada ambayo tulipeleka katika HBC na huo mswada haukuweza kufika katika Bunge.

Bwana Spika, kulingana na hayo mambo ambayo Mheshimiwa Kagondu amesema, pengine waliingilia HBC wakati wanakamati wa HBC walikuja katika hili Bunge. Waliweza kutumiwa ujumbe ili watoke kwa hili Bunge na kuenda nyumbani kwa sababu tulisema ya kwamba tunataka wawe na mkutano wa dharura ili tuweze kupata huo mjadala katika hili Bunge. Hao Wajumbe waliweza kutoroka kutoka hili Bunge na kwa hivyo ninaweza kusimama hapa na niseme ya kwamba hatuna Imani na wao. Aidha watolewe tuweke wengine au watolewe ili tuwe na Imani na hii kamati.

Mheshimiwa Spika, hatuwezi kuwa katika hili Bunge na sisi wenyewe ndio watunga sheria lakini kuna wengine ambao wanajifanya eti ni wakuu na wanaweza kuingilia kamati fulani ili Laikipia isiende mbele. Ninawaambia Wajumbe hata pale kwa mkutano wa maombi, nimesema ya kwamba huu mwaka ni wetu na ni wa watu wa Laikipia. Lazima tubadilishe mwenendo na tujue ni kwa nini tuko hapa. Ni lazima tujue ya kwamba wakati tutaondoka mwaka wa 2022, wale ambao watakuja watasema namna gani? Je watakuta Wajumbe wa awamu ya pili kama wamefanya nini?

Kwa hivyo Mheshimiwa Spika tunasema ya kwamba haya majina yafanyiwe ukarabati. Wawili washushwe ama tuongeze watu wengine ili tuweze kuwa na Imani. Mheshimiwa Kagondu amesema hapa na nitamkosoa ya kwamba sisi hatufukuzi Mutuiri. Huo mjadala wetu ulikuwa wa kumsimamisha kwa muda ili tuweze kuchunguza maneno. Hakuna mtu ambaye tunafukuza, tulikuwa tunataka kumsimamisha ili tuweze kuchunguza yale mambo ambayo yanatukera kwa hili Bunge ili tuweze kuendelea.

Nikiguzia wajumbe, sasa hivi hata hawa wajumbe kwa sababu haya maofisi ambayo iko katika hili Bunge haishughulikii Wajumbe. Hata wenye wametuombea pale hawawezi kufurahi wakijua ya kwamba wale Waheshimiwa ambao wanawakilisha hawana hata mshahara. Tutaendesha hii Kaunti namna gani na tuko na wale ambao wamesimamia hili Bunge. Hata wale ambao wako kule mashinani wakisikia ya kwamba Waheshimiwa hawajalipwa, wanaweza kushughulikia hayo maneno namna gani?

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Kwa hivyo hiyo kamati iweze kufanyiwa marekebisho kwa haraka iwezekanavyo ili zile biashara ambazo tumepanga katika huu mwaka na ni mingi ziweze kufanyika kwa haraka bila kutupwa na ili tuweze kuendelea mbele. Waheshimiwa Wajumbe nawaomba muweze kuchangia hii ili Kiongozi wa walio Wengi na Spika waweze kuenda nyuma ya hema wabadilishe haya majina au waongeze wengine ili tuweze kuendelea mbele. Asante sana na Mungu awabariki.

Hon. Judy Lukio: Thank you, Mr. Speaker. I start by thanking our heavenly Father who has enabled us to be in this House. I wanted to know how many Members are supposed to be in this committee because I left my Standing Order. Thank you.

Speaker: Hon. Mugweru can continue as I get ready to respond to Hon. Lukio.

Hon. Daniel Mugweru: Thank you, Mr. Speaker for giving me this chance to make my contribution and also support the motion brought by the Leader of Majority in this House. I also wish to thank our heavenly father for giving me this opportunity to be in this House and continue working for the people of Laikipia.

Having said that, it is to my conscience that the same Hon. Members have been working diligently in that committee since we joined this Assembly and they have worked very hard to ensure that we have business in this House. Having followed what they have been doing all through, I feel that it is the high time I confirm them or rather I make my contribution supporting the motion because I feel that they have been doing well and they will be doing better than before.

Mr. Speaker, for example, if I stand today and say that I don't trust the Finance Committee and that I can only trust the Finance Committee if I am a member, then we will end up joining all the committees and all the committees will be composed of the whole House. Mr. Speaker, that will be ungovernable. Therefore, sometimes we need to reason out and be very sober as we make decisions because the decisions that we make today will stand tomorrow and the day after tomorrow.

Mr. Speaker, today I will stand and say that the Members have been doing very well but on the other hand I will be saying that I don't trust them. That is a contradictory statement because if you say that the members are not good, why should we add them? We should remove them. Any Member making their contribution should either say they are not good and we need new ones but saying that five members are not good and need to add one, how does the one neutralize the five? It is not adding up. How do I stand and say that we add two to the five because they are not good and the two will preach to the five and make them better. Mr. Speaker, we need to be reasonable enough…

Speaker: Hon. Salma Hussein.

Hon. Salma Zamzam: Thank you, so much Mr. Speaker…

Speaker: Are you rising on a point of order or clarification?

Hon. Salma Zamzam: Clarification Mr. Speaker.

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Speaker: Kindly seek the clarification.

Hon. Salma Zamzam: Bwana Spika, nimesikia Mheshimiwa akiweza kutilia mchango wake na sio vyema kuingilia mwenye aliyechangia kwa sababu ya heshima…

Speaker: Are you making a comment or seeking clarification?

Hon. Salma Zamzam: Mr. Speaker, I am seeking clarification.

Speaker: Kindly seek the clarification.

Hon. Salma Zamzam: Bwana Spika, hata kama ni kuchangia ama kufafanuliwa sio vyema mtu kusimama na kuingilia mchango wa mtu mwingine kwa sababu yuko na haki ya kusema waongezwe au wapunguzwe. Kila mtu yuko na haki katika hili Bunge na sote hakuna mwenye yuko na akili punguani.

Speaker: What was the clarification Hon. Salma Hussein? Members we must follow the rules of the debate so that we can have a governable House and so that if I want to make an observation then I will rise and make an observation because it goes to the HANSARD not recorded as a clarification but as an observation that you want to make.

Hon. Stephen Ndiritu: On a point of clarification Mr. Speaker.

Speaker: I want to remind us on the rules of the debate so I am not seen as if I am not giving people a chance to speak. Let us all observe the rules of debate the way we usually do. If another member rises on a point of order, let not another member raise a point of order on the same so that when I don't give you the chance it is seen as if I have denied you. So I think that it is important to follow the rules.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. It is very important to know that this is a House of rules. We are the ones who make laws and therefore we should not be the first to break the same rules that we believe in and stand for. So when you are seated on that chair Mr. Speaker, I am very sorry to question that but I have to say that when contributions are being made we cannot allow somebody to stand and give stories as if it is a dancing competition or something of sort. Let us follow the rule of law. If I break the law tell me to sit as required by the law.

Mr. Speaker, anytime I stand here and mislead an Honourable House, I am answerable to that and that is why when I give my contribution relating it to someone who has made the same contribution, it is always good. In the last few minutes I have heard someone say that we are not paid our salary. The HBC does not give salaries and therefore we should not allow people to give wrong information in an Honourable House like this.

Speaker: Hon. Robert Maina.

Hon. Robert Maina: Mheshimiwa Spika, nataka kupeana taarifa kwa sababu Mheshimiwa Mugweru ananinukuu. Nimesema ya kwamba HBC ilikataa mjadala wetu wa kusimamisha mtu fulani ili tuweze kuchunguza mambo ambayo iko kwa hili Bunge na mojawapo ni kucheleweshwa kwa mshahara wa Wajumbe. ashike vizuri na akitaka nimtafsirie kwa lugha nyingine naweza kutafsiri.

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Speaker: Robert Maina, thank is now well explained.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. I did not take that because it was not directed to me and neither was it a clarification. There was no Standing Order that has given him the permission to stand and therefore I am still insisting that he stand for the law. You are the Chair uncharged of the House and therefore let everyone who stands in this House stand be guided by the law.

Why I am saying this Mr. Speaker and it is me who is making my contribution, it is because we are guided by the Standing Order. For example, it guides us that like today we are discussing the committee. Where does things to do with salary come about in this committee? Where does things to do with the motion that was there before come to this motion? We must strictly stick to the business and the order of the day. If you need to make another contribution beside from the one which is here, it is supposed to be in the order paper.

Anything that is not in the order paper is not supposed to be discussed in this House unless we don't understand the Standing Order of this House. We are saying that we need to create laws that we don't understand. We need to stand firm and guide the constitution. We need to stand firm for the Standing Order that is supposed to be followed in this House. That is why when I am making my contribution, I am making my contribution towards the business of the day.

We have been having other stories outside there but I cannot bring those stories in this Assembly. There are so many things that I can say in this House but I am guided by what is in the order paper. What is not here let it remain in my soul because the Standing Order is very clear that we are supposed to make contribution on the business of the day which is in the order paper. Let us not be creators of laws which we don't understand but let us be the first to stand for the law.

When I am saying this Mr. Speaker, I really support this motion because the Hon. Members who have been in this committee for the last few years have done exemplary well and to me I believe that they are the best. They did it for the first, second, third and they will do it for the fourth year better than before. I urge the Hon. Members to support and also make contributions guided by the rule of law. Thank you.

Speaker: Hon. Members, Hon. Judy Lukio needed a clarification from the Chair on how many members are supposed to be in the HBC. According to Standing Order 151 (1) it states that *there shall be a Select Committee to be designated the House Business Committee consisting of-*

a) The Speaker who will be the Chairperson;

b) The Leader of the Majority Party;

c) The Leader of the Minority Party; and

d) *not less than two other Members who shall be nominated by the Assembly parties in the Assembly at the commencement of every session, reflecting the relative*

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majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration of the interests of independents.

So that is the membership and I hope that Hon. Judy you are well guided.

Hon. Mutahi Muritu: Asante sana, Mheshimiwa Spika. Kwanza nikushukuru sana kwa kunipa hii nafasi na la pili nimshukuru Mungu kwa kuwezesha Wajumbe wetu na pia wafanyikazi wa hili Bunge kuweza kurejelea kikao cha mwaka mpya. Nitakapokuwa nanakili ulivyosema, huu ni mwaka wetu wa mwisho wa utendaji kazi lakini mswada ulioko mbele zetu ni muhimu sana. Katika kanuni zetu 151, nafikiri tuko katika nchi ya kidemokrasia na pengine tufikie kiwango kwamba tunapokuwa kwa hili Bunge na sitoi msomo kwa mtu yeyote lakini maoni anayotoa iwe inakubalika na awe anasikizwa kwa sababu tusiposikizana basi hatuendi popote.

Mheshimiwa Spika, ningetaka nikurejeshe kwa kanuni yetu nambari 151 kifungo cha kwanza (d) na nitanukuu kwa swala linalojitokeza kwa wanachama. '*not less than two other Members who shall be nominated by the Assembly parties in the Assembly at the commencement of every session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration of the interests of independents*.

Mheshimiwa Spika, mimi naunga mkono lakini ingekuwa ni ombi langu kwamba tunapoomba uwiano wa kuelekea kwenye safari, tusije tukaficha vichwa zetu hapa kwamba pengine asilimia fulani ya watu walioko hapa hawajaridhika. Kupitia kwa kiti chako tukufu ukiona ya kwamba nilivyo nukuu kwenye kanuni zetu labda hatuelewani, tuko na muda wa kutosha wa kushusha kidogo ili kuweza kujadiliana nyuma ya hema. Sioni shida na hatusemi ya kwamba hawafanyi biashara kwa sababu wamekuwa wakituongoza lakini kama kuna asilimia fulani ndani ya hili Bunge, huu ni mwanzo na hawajaridhika, tunalekea wapi? Ni lazima tuwe na uwiano kwa sababu bila uwiano tutakuwa tumeanza mgogoro kabla hata tuanze biashara.

Kwa hivyo Mheshimiwa Spika mimi sina shida kwa sababu tunafuata kanuni zetu. Badala ya kusema eti kwamba sasa hivi tutachangia hapa halafu utoe uamuzi, pengine tunajua madhara ya hii kitu. Tunajua madhara ya mswada wowote katika Bunge na sisi zote tunaelewa. Mimi sina shida na hao ndugu zetu ambao wamekuwa wakituongoza lakini tusianze marumbano mapema kabla hatujasonga mbele na hii safari.

Sasa hivi zile nyaraka zilizowasilishwa ndani ya Bunge ni nyaraka nyeti sana ambazo zinahusiana na marekebisho ya katiba ya hii nchi. Sasa tuelekee hivyo halafu mbele ya safari sisi tunatakikana tuwe katika mstari wa mbele kupitisha marekebisho ya mswada wa katiba ilhali uongozi katika hili Bunge tunaelewa kinachoendelea. Sasa hivi pengine tumetoka kule majimboni mwetu na mchakato wa siasa umeanza na pengine nimekuja na jazba na sijarejelea kanuni.

Kwa hivyo tuelewane na ndugu zetu walioko hapa, tuelewane kwa sababu hivyo ndivyo ilivyo. Mimi naomba busara zako Mheshimiwa Spika na pia nakuomba kama kuna mshikiri kidogo tunaweza tukarudi dakika moja tu na tuweze kuelewana kwa sababu tunaruhusiwa na

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kanuni zetu ili tuweze kusonga mbele kwa sababu majukumu yaliyoko mbele yetu ni majukumu nyeti sana na sana sana mabadiliko ya katiba. Sisi ndio tunatakikana kutoka Bunge letu tuwe mstari wa mbele kwa sababu ni sisi ambao tunaofaidika na huo mswada. Tujue ya kwamba huu mswada ulioko mbele zetu tumeuwekea kwenye gazeti la kitaifa. Sasa tukianza kurumbana kwa sababu ya kamati ya Biashara za Bunge, sasa hizo biashara zitafanywa na nani. Hilo kama ndilo tunategemea ili iweze kutupangia biashara na kuziwasilisha ndani ya hili Bunge.

Kwa hivyo tusije hapa tukawa labda mimi nikawa nina nia mbaya ya kutaka kuangusha mswada wa marekebisho ya katiba. Kama sisi tulioko hapa mimi nikiwa Mjumbe, sitakubali na ndio maana nimechukua hii nafasi ya kuweza kutoa ushauri wangu. Mimi sina shida kabisa na hao Wajumbe walioko lakini kama kuna wengine ambao hawajaridhika basi uko na hiyo nafasi katika kanuni yetu ya kwanza. Maamuzi yako ndiyo itakayotupa mwongozo na kwa hayo mengi au machache naomba mwongozo wako kupitia kwenye Bunge lako tukufu. Asante.

Hon. Joseph Suge: Asante, Mheshimiwa Spika kwa kunipa hii nafasi ili niweze kutoa mchango wangu na pendekezo langu kuhusiana na huu mjadala wa siku ya leo. Naungana na wenzangu kwa kushukuru Maulana kwa ule muda ambao tumekuwa pamoja tangu mwaka uliopita wakati ambapo tulienda likizo. Hakika Mungu amekuwa na kila Mjumbe kwa sababu ametupa nafasi nzuri ya kuweza kutangamana na familia na vile vile kupata nafasi nzuri ya kuweza kukaa na kujadiliana na wanalaikipia kwa jumla.

Mheshimiwa Spika, kuhusiana na huu mjadala, hii ni wazo nzuri kwa sababu tunapoanza Bunge huu ni muhula tofauti kwa sababu biashara inaanza hivi sasa. Niungane na hili pendekezo kwa sababu hawa viongozi ambao wameorodheshwa mahali hapa ndio wametuongoza kwa biashara ya Bunge kwa miaka ambazo zimepita. Kusema ukweli hakuna wakati Bunge limekuwa na tatizo kwa sababu ya biashara. Nikiangalia kulingana na kanuni za Bunge, ninaona ya kwamba wale Wajumbe ambao wamewekwa mahali hapa ni watu ambao wametosha na kwa hivyo mimi sioni pingamizi lolote kuhusiana na hizi majina.

Mheshimiwa Spika, nikirudi kuangalia kwa sababu biashara tumekuwa nazo na kusema ukweli Waswahili husema, *'mgala muue lakini umpe haki yake'* kwa sababu tunaweza jadili pengine kwa sababu mjadala fulani haukuingia kwenye hili Bunge ilhali tunajua ya kwamba tunao utaratibu mzuri wa kuwasilisha mjadala. Hili Bunge ni Bunge lenye utaratibu na pia tunajua ya kwamba tuko na wataalamu wa sheria katika hili Bunge ambapo hatufanyi kazi kinyume na sheria ya hii nchi au kinyume na matakwa ya utaratibu wa Bunge. Kwa hivyo haiwezi ikawa ni lawama kwa wale kamati ambao huangalia biashara ya Bunge.

Mheshimiwa Spika, niseme ya kwamba siku ya leo mimi ninaunga mkono mjadala huu ulivyo na ninaomba tu kwa sababu imesemekana ya kwamba kuna wale ambao wanapendekezwa au wazo la kuongezea majina mengine. Hii ni kusema ya kwamba kamati zote ambazo zinafanya kazi katika hili Bunge zitakuwa na marekebisho. Kwa hivyo kusema turekebishe hii kamati ya biashara ya Bunge ni kurudisha kazi zote kwa kamati kwa sababu kama biashara ya Bunge itaongezea watu wengine basi zile kamati zingine zitabidi ziundwe upya. Hiyo itabidi Kiongozi wa Walio Wengi aje na mjadala mwingine wa kusema ya kwamba kamati zote ziweze kutengenezwa upya.

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Kwa leo Mheshimiwa Spika, ninaona ya kwamba huu mjadala uko sawa na kama mwakilishi wa watu wa mji wa Rumuruti nimeunga mkono 100% ili uweze kupita jinsi ulivyo. Kwa hayo machache ninashukuru.

Hon. Peter Matunge: Thank you, Mr. Speaker. I also wish to join my colleagues to welcome each one of us back to this House and I thank the Almighty God for protecting us especially during this period of COVID-19.

Mr. Speaker, to put my contribution on today's motion on the composition of the HBC Committee, I know that the Hon. Members are raising issues from both sides. Truth be said, this is a House of debate meaning that we are not here to lecture each other but to persuade Members to see what I am seeing and what the other Member is not seeing. So when I make my contribution I make it because of what I am seeing.

I wish to join the Hon. Members who are saying that the team that has been there has done a good job but there are issues that out of experience need to be addressed. When we look at the Standing Order in issues of HBC, it is trying to protect two things which are the interest of Members and how Members are going to bring each business in the House through the HBC. That is why Standing Order No. 151 (d) states that;

> *'not less than two other Members who shall be nominated by the Assembly parties in the Assembly at the commencement of every session, reflecting the relative majorities of the seats held by each of the Assembly parties in the Assembly and taking into consideration of the interests of independents'.*

If you continue to read the same Standing Order, it takes the interest of parties that when forming the House Business Committee, we must consider the number or the relative majority of the parties in the House so that every party may have the opportunity to bring business in the House.

Mr. Speaker, at every level every Member should have an opportunity of bringing business in the House without any hindrance. Why are we talking here today? It is because we have been trying to retain this team for the last three years but today we are bringing an issue. Mr. Speaker, during your communication on the issue of the motion that was brought by this House, you quoted that the HBC was not able to pass our motion to come into the House. On that day I was quoting the Standing Order and said that the HBC has no mandate to deny business to this House. I was quoting saying that the mandate of the HBC is to implement the Standing Order respecting the schedule and programming the business of the Assembly and functioning of the committees of the Assembly.

Mr. Speaker, in connection to 151 (5) (e), *it may take decisions and issue directives and guidelines to prioritize or postpone any business of the Assembly acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be.* In the same Standing Order, the HBC had no mandate to say that a business or a motion should not come into this House.

Mr. Speaker, that is the reason why today we are standing and saying that because the Standing Order was looking at the interest of every member. Every Member has an opportunity

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to bring business to this House and every party has an interest and an opportunity to bring business into this House. We must also look at that relative majorities so that interest of Members is considered. The Standing Order is saying not less than two. Standing Order 151 (4) states that in the absence of the Speaker, the Deputy Speaker shall attend and Chair the meetings of the House Business Committee.

The issue here Mr. Speaker is that we have formed a HBC that is composed of just leadership. If today the leadership decides that you cannot bring your business in this House, then they will do the same because they are the majority; they have the quorum and they can all pass those things. Out of wisdom we need to sit and discuss so that we don't have issues of not passing these names but with an agreement and adding more Members as Members are requesting. Thank you.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I stand to contribute on this motion and before that I thank the almighty for giving me this chance of being on the floor of this House and also getting to see the New Year.

Mr. Speaker, I also appreciate my son who is within the gallery, Mr. Kimani who has come for an attachment in the town. I feel proud because he is a 3rd year student doing bio-medical engineering at Kenyatta University and got an attachment in this county. As I contribute here, I start by quoting a Kikuyu saying that "*mburi nguru nditihaga tuhu"* meaning that when you get people raising their concerns, then listen to their concerns. I would beg because we have our Majority who has gotten the concern that the Members have raised, the HBC is one of the most sensitive committee which organizes the agendas of this House. I am one of the persons who cannot make it to be in the HBC Committee because I am always on the way coming here by the time they meet in this Assembly.

Therefore, I would wish that if the concerns that have been raised by the Members to be listened to and the Majority has the power to see to it that the interests of all the Members have been listened to. Mr. Speaker, with your Hon. Chair I am sure that you have the power and therefore let this House be united as we finish our term in this county as we wait on whether the members of the public will renew our contract. Therefore Mr. Speaker, I beg on your wisdom as you guide this House on the way forward. Thank you.

Hon. Peter Thomi: Thank you, Mr. Speaker. I know very well that I am not meant to contribute twice but kindly because I am the one who came up with the motion I am therefore begging for the sake of this House and the preachers who are in this House and the prayers which we have held the whole day, let me defer this motion to tomorrow morning. Thank you.

Speaker: So if the mover requests to defer the motion, then I also wish to grant whatever informed him and I wish to schedule the same motion to be done tomorrow at 9.00 a.m.

(The motion was deferred)

ADJOURNMENT

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Speaker: This House now stands adjourned until tomorrow Wednesday, 10th February, 2021.

The House rose at 3.40 p.m.

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