

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 9th February, 2021

The Assembly met at the County Assembly chambers at 2:30 p.m.

The Speaker, (Mr. Lempere Solomon) in the Chair

PRAYER

COMMUNICATION FROM THE CHAIR

Opening of the Fifth Session

The Speaker, (Mr. Lempere Solomon): Hon. Members, I have a communication to make.

Hon. Members, I take this opportunity to welcome you to the Fifth session of this Second Assembly. It is three and a half years since we took oath of office and it has been an honour of my life serving as your Speaker. I am delighted that so far we have had time to grow together and perform our constitutional mandate. All of us have comprehensively appreciated the conduct of business in this House and our committees have delivered to their best.

Hon. Members, as your Speaker, I want to appreciate your cooperation and commitment to service to our people. We have had Members present statements on issues of interests affecting our people. Many motions were considered and adopted in the first four sessions of this second assembly. We must appreciate the small strides we have made and build on them as we now begin a new session.

Hon. Members, honestly, our efforts in the last four sessions addressed short term and emerging issues. Our efforts going forward should address issues in the long term. This can only be achieved through well thought legislations The fact that this is a Fifth session means that we still have only one session for the term of this Assembly This should refresh our memory and humble us that this is a temporary privilege to serve our people. This is the people's assembly and it is all about them not us. All they want is a government system that is honest, accountable and responsive to the needs.

Hon. Members, we gather for the beginning of this session when our people are facing a myriad of challenges amid the coronavirus pandemic. The cost of living is skyrocketing affecting basic services such as health care and food security. Unemployment is rampant and small businesses are struggling to be on its feet and our people are looking at us to fix it and give hope.

We must confront these issues head on and successfully transform the lives of our people. Let us move forward together, humble in our demeanor, steady in our principles and dedicated to proving worthy the trust and confidence that has been placed on us. If we brace ourselves to do our duty, and do what we say we are going to do, there is no feeling what together we can do for the great people of this county

Hon. Members, Article 196(1) of the Constitution of Kenya states that; A county assembly shall (a) conduct its business in an open manner, and hold its sittings and those of its committees, in public; and (b) facilitate public participation and involvement in the legislative and other business of the assembly and its committees, further, Fourth Schedule Part 2(14) states that; The functions and powers of the county are to coordinate and ensure the participation of communities in governance. Counties are also to assist communities to develop the administrative capacity to enhance their exercise of power and participation in governance at the local level.

In View of this, Hon. Members, We would soon roll out '*Bunge Mashinani*' initiative that would see us hold our proceedings outside Maralal. The first ever *Bunge Mashinani* will take place in Wamba next week starting 15th to 17th February 2021 in Wamba, an event that I encourage all of us to be part of in creating business especially that touches the people of Samburu East. In this light, I urge individual Members and Committees to play their constitutional mandates and roles and fast track any pending businesses before them, especially Bills and Petitions that are in Committee stage.

Hon. Members, I am excited to have you all resume the business of this House. Let us endeavor to make the lives of our people richer in opportunity, fairer on how it rewards hard work, steadfast in demanding government responsibility and generous in fostering the peace and freedom to succeed. I thank you.

MESSAGES

Transmission of the BBI (Constitution Amendment Bill, 2020 to County Assemblies

The Speaker, (Mr. Lempere Solomon): Hon. Members, I have a message on Transmission of the BBI (Constitutional Amendment) Bill, 2020 to County Assemblies. Hon. Members, I have the

following Message to make pursuant to Standing Order 39(1): - Hon. Members, my Office is in receipt of a letter dated 26th January 2021, from the Chairperson of the Independent Electoral and Boundaries Commission (IEBC), Transmission of the BBI (Constitutional Amendment) Bill, 2020 To County Assemblies.

The letter reads as follows, which I now reproduce verbatim: -

"The Independent Electoral and Boundaries Commission ("the Commission") received a draft bill to amend the Constitution by Popular Initiative pursuant to Article 257 of the Constitution of Kenya, 2010 dubbed Building Bridges Initiative. The said Initiative was promoted by Hon. Dennis Waweru and Hon. Junet Mohamed.

In compliance with Article 257 (4) of the Constitution of Kenya, 2010, the Commission undertook a verification exercise to ascertain whether the Building Bridges Initiative is supported by at least one million registered voters.

The Commission, through interim verification of data captured as of 19th January 2021, has confirmed and is stated that the Initiative has been supported by 1,140,845 registered voters. This is therefore to notify you that the Initiative has met the requisite threshold as provided in Article 257(4) of the Constitution of Kenya, 2010.

Pursuant to Article 257 (5) the Constitution of Kenya, 2010, the Commission hereby submits a copy of the draft BDI (Constitutional Amendment) Bill 2020, to your County Assembly for consideration within three months from the date hereof. In conformity with Article 257(6) you are required to submit the decision of your County Assembly to the Speakers of the National Assembly and the Senate within three months from the date of this letter."

Now therefore, Honorable Members, I now draw your attention to the provisions of Article 257, which provides as follows regarding the consideration by the County Assembly of Constitutional Amendment Bills by Popular Initiative, which reads thus: -

257. (1) An amendment to this Constitution may be proposed by a popular initiative signed by at least one million registered voters

(2) A popular initiative for an amendment to this Constitution may be in the form of a general suggestion or a formulated draft Bill

(3) a popular initiative is in the form of a general suggestion, the promoters of that popular initiative shall formulate it into a draft Bill.

(4) The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent Electoral and Boundaries Commission, which shall certify that the initiative is supported by at least one million registered voters

(5) If the Independent Electoral and Boundaries Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft to each county assembly for consideration within three months after the date it was submitted by the Commission.

(6) If a county assembly approves the draft Bill within the months after the date it was submitted by the Commission, the speaker of the county assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the county assembly has approved it.

(7) If a draft Bill has been approved by a majority of the county assemblies, it shall be introduced in Parliament without delay.

Hon. Members, the IEBC having dispensed with its mandate in so far as this matter is concerned has forwarded The BBI (Constitutional Amendment) Bill, 2020 for the Assembly's consideration

For that, Hon. Members, we turn back to Article 257 (6), which provides, and I reiterate, that if a county assembly approves the draft Bill within three months after the date it was submitted by the Commission, the Speaker of the county assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the county assembly has approved it.

Hon. Members, The BBI (Constitutional Amendment) Bill, 2020 is therefore admitted and properly with us and stand committed to the committee on Labour, Social Welfare, Justice and Legal affairs.

PAPERS

Tabling of the Bill to amend the Constitution of Kenya, 2010; amendment Bill 2020

The Deputy Leader of Majority, (Hon. Elizabeth Kalapata): Thank you Hon. Speaker. Hon. Speaker, I beg to table the following papers; Bill to amend the Constitution of Kenya, 2010, that is the Amendment Bill 2020. I table.

The Speaker, (Mr. Lempere Solomon): Hon. Members, the Hon. Deputy Leader of Majority has tabled the Bill and we will discuss as House on how we can process it through the House. So this is something that we will jointly discuss, on how we are going to process it. Probably, during the week we will discuss how best we are going to process it through the House. Thank you.

NOTICES OF MOTION

Nomination of Member to serve in the House Business Committee

The Speaker, (Mr. Lempere Solomon): You have a Notice of Motion? Okay, Hon. Kalapata

The Deputy Leader of Majority, (Hon. Elizabeth Kalapata): Thank you Hon. Speaker. Hon. Speaker, I beg to notify the following Motion, THAT, pursuant to the provisions of Standing Order Number 46, I wish to give notice of the following motion , THAT, pursuant to Standing Orders 150(1), the Assembly approves the following Members nominated to serve in the House Business Committee, in addition to the Speaker of the Assembly, who, pursuant to Standing Order 157 (1) (a) (b) (c) (d), shall be the Chairperson of the Committee, the Deputy Speaker who shall be the vice chairperson, the Majority Leader and the Minority Leader. Members;

1. The Hon. Asha Mohammed.
2. The Hon. Lesoipa Shadrack
3. The Hon. Lucas Lekwale
4. The Hon. Josephine Lesilampa

MOTION

The Deputy Leader of Majority, (Hon. Elizabeth Kalapata): Pursuant to Standing Order 150(1), the Assembly approves the following Members nominated to serve in the House Business Committee, in addition to the Speaker of the Assembly, who, pursuant to Standing Order 157(1)(a)(b)(c)(d), shall be the Chairperson of the Committee, the Deputy Speaker who shall be the vice chairperson, the Majority Leader and the Minority Leader. Members;

1. The Hon. Asha Mohammed.
2. The Hon. Lesoipa Shadrack
3. The Hon. Lucas Lekwale
4. The Hon. Josephine Lesilampa

The Speaker, (Mr. Lempere Solomon): Someone to second the Motion.

The Deputy Leader of Majority, (Hon. Elizabeth Kalapata): Hon. Doris Lenkirasi to second the Motion.

(Hon. Doris Lenkirasi bows to second the motion)

(The question was proposed, put and the Motion for Approval of Members to serve in the House Business Committee was passed)

ADJOURNMENT

The Speaker, (Hon. Lempere Solomon): Hon. Members, the time being 26 minutes to 4 o'clock, and there being no other business this Assembly now adjourns until Wednesday, 10th February, 2021 at 9:00 am.