

# PARLIAMENT OF KENYA

## THE NATIONAL ASSEMBLY

### THE HANSARD

Thursday, 6<sup>th</sup> May 2021

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

#### PRAYERS

#### PAPERS LAID

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Statutory Six Months Preference and Preservation Report for the Public Procurement Regulatory Authority (PPRA).

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2020 and the certificates therein:

- (a) the State Department for Agricultural Research;
- (b) the National Environmental Complaints Committee;
- (c) the Numerical Machine Complex Limited;
- (d) the State Department for East African Community;
- (e) the National Cohesion and Integration Commission;
- (f) the Rural Electrification Scheme of Kenya Power and Lighting Company, PLC;
- (g) the Kenya National Commission on Human Rights;
- (h) the Occupational Safety and Health Fund;
- (i) the Kenya Scouts Association;
- (j) the Commission on Revenue Allocation Staff Mortgage Scheme Fund; and,
- (k) the Asian Officers Family Pension Fund.

Reports of the Auditor-General and Financial Statements in relation to the following institutions for the year ended 30<sup>th</sup> June 2019 and the certificates therein:

- (a) the Political Parties Fund;
- (b) the Bukura Agricultural College;
- (c) the Kenya Accountants and Secretaries National Examination Board;
- (d) the Public Procurement Regulatory Authority; and,
- (e) the Kenya Investments Authority.

**Hon. Speaker:** Hon. Members, I will just deal with Questions and not allow Statements. This is because, in all fairness, many of you have placed requests. There are some people who have already spoken and I can see their names. I can tell from some names which are here. It is good, Hon. Members, to give me a fair chance to estimate what is likely to happen. For instance,

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I see the name of the Member for Soy. I heard him contributing in the Morning Sitting. I see the name of the Member for Kesses. The name of the Member for Kesses was on top, but he has spoken. He has removed his card. Your name was actually number one. I do not know what you have done and suddenly, your name has disappeared. Let us deal with Questions. The segment on Statements will be taken to next week. The total number of the requests is in excess of 95 although some of them are of names of persons who have already contributed.

The first Question is by the Member for North Imenti, Hon. Rahim.

### ORDINARY QUESTIONS

*Question No.145/2020*

STATUS OF LAND REFERENCE NTIMA/IGOKI/1769

**Hon. Rahim Dawood** (North Imenti, JP): Hon. Speaker, I rise to ask the Cabinet Secretary for Lands and Physical Planning the following Question:

- (i) What is the current ownership status of the parcel of Land, LR No. Ntima/Igoki/1769, in Gakoromone Area in North Imenti Constituency which was sub-divided into LR No.Ntima/Igoki 5980 and 5999 on 8th April 1999, and who were the original owners?
- (ii) Could the Cabinet Secretary provide details of persons who have illegally acquired or occupied the said land?
- (iii) Could the Cabinet Secretary undertake to institute action against those who facilitated the illegal transfer processes?
- (iv) Are there plans by the Ministry to ensure that the title deeds illegally acquired are revoked and the land reverted to the community for public use?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied before the Departmental Committee on Lands. Next is a Question by the Member for Dadaab, Hon. Duale Mohamed

*Question No. 146/2021*

STATUS OF IMPLEMENTATION OF GARISSA-LIBOI-HARHAR ROAD (A13) PROJECT

**Hon. Mohamed Duale** (Dadaab, KANU): Thank you, Hon. Speaker. My Question No. 146/2021 is directed to the Cabinet Secretary (CS), Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) What is the status of implementation of the Garissa-Liboi-Harhar Road (A13) project with regard to road designs and funding?
- (ii) Could the CS explain why there have been inordinate delays in the construction and upgrading to bitumen standards of Garissa-Liboi-Harhar Road (A13) in Garissa County?
- (iii) What measures have been put in place by the Ministry to ensure that the said road project commences and state what the expected completion date will be?

Thank you, Hon. Speaker.

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Transport, Public Works and Housing.

The next Question is by the Member for South Imenti, Hon. Kathuri Murungi, who requested that the Question be asked on his behalf by Hon. Rahim Dawood.

*Question No.153/2021*

ADDITIONAL TAXES AND LEVIES BY KPLC LEADING TO HIGH COST OF ELECTRICITY

**Hon. Rahim Dawood** (North Imenti, JP): Thank you, Hon. Speaker. I rise to ask Question No.153/2021 on behalf of my colleague, Hon. Kathuri Murungi, of South Imenti Constituency in Meru County. The Question is directed to the CS, Ministry of Energy:

- (i) Could the CS explain why electricity bills have skyrocketed due to various additional taxes and levies that are hard for our Kenyan citizens to comprehend?
- (ii) Could the CS explain why the following deductions are made by the Kenya Power and Lighting Company (KPLC) during purchase of electricity tokens by users, namely Fuel Energy charge, Forex charge, Energy and Petroleum Regulatory Authority (EPRA) charge, Water Resources Management Authority (WARMA) charge, Rural Electrification Programme (REP) charge and Inflation Adjustment?
- (iii) What measures is the Ministry putting in place to end monopoly in this sector and allow other industry players to distribute and sell power which would give options to users and lead to price stabilization?

Thank you, Hon. Speaker.

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Energy.

The last Question is by the Member for Mwingi West, Hon. Ngusya Nguna. Proceed to ask the Question. There is nothing to adjust there. Just wait to be given the microphone.

*Question No.154/2021*

STATUS OF PAYMENT OF HARDSHIP ALLOWANCES TO NPS  
PERSONNEL AND OTHER GOVERNMENT OFFICERS

**Hon. Charles Nguna** (Mwingi West, WDM-K): It is now working, Hon. Speaker.

Thank you, Hon. Speaker, for the opportunity. I want to ask Question No.154/2021 to the CS, Ministry of Interior and Co-ordination of National Government:

- (i) Could the CS explain the criteria used during payment of hardship allowances to National Police Service Personnel and other National Government Administration officers particularly in Kitui County?
- (ii) Could the CS provide a list of all the officers who currently benefit and those who are yet to be facilitated with hardship allowances in Kitui County?
- (iii) Could the Cabinet Secretary undertake to remit hardship allowances to the said personnel who are yet to be facilitated and state by when this will be done?

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. That Question is to be replied to before the Departmental Committee on Administration and National Security. As indicated earlier on, Hon. Members, I defer Statements to the next sitting of the House.

Was there any Member who was on the Floor when the House rose?

*(Hon. (Ms.) Rozaah Buyu spoke off record)*

Yes, I remember, the Member for Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker, for giving me this opportunity.

**Hon. Speaker:** Sorry. There is one crucial Statement by the leader of the Majority Party.

## STATEMENT

BUSINESS FOR WEEK COMMENCING 11<sup>TH</sup> TO 13<sup>TH</sup> MAY 2021

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on 3<sup>rd</sup> May 2021 to prioritise business for consideration:

I wish to officially welcome Members back from recess which we had in compliance with the Ministry of Health guidelines, also noting that we were able to hold our Special Sitings on Wednesday and Thursday last week to consider several key Motions.

Most importantly, we considered and are still considering the Constitution of Kenya (Amendment) Bill, 2020, at great length. I am happy the majority of Members who wish to contribute have already done so or will do so in the course of this afternoon.

During the Afternoon Sitting of Tuesday next week, we shall be considering the following Bills:

- (i) The Public Fundraising Appeal Bill, 2019.
- (ii) The Kenya National Library Service Bill, 2020.

We have also scheduled the following Bills for debate at Second Reading:

- (i) The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2020.
- (ii) The Waqf Bill, 2019.
- (iii) The Social Assistance (Repeal) Bill, 2020.

Hon. Speaker, during the Evening Sitting of Tuesday next week, the following Committee reports have been scheduled for consideration:

The Report of the Committee on Parliamentary Broadcasting and Library on Formulation of Parliamentary Broadcasting Channels.

Report of the Public Accounts Committee (PAC) on examination of the Report of the Auditor-General and Financial Statements for the National Government for the Financial Year 2017/2018.

Report of the Departmental Committee on Finance and National Planning on inspection visit to the Kenya Revenue Authority (KRA) Offices to ascertain the impact of revenue enhancement initiatives on revenue collection.

Report of the Departmental Committee on Labour and Social Welfare on implementation status of the Report of the Petition regarding deplorable working conditions of workers at the Kwale International Sugar Company Limited.

Report of the Departmental Committee on Transport, Public Works and Housing on consideration of bilateral air services agreement between the Republic of Kenya and the Russian Federation.

Report of the Departmental Committee on Transport, Public Works and Housing on consideration of memorandum on the bilateral air service agreement between Kenya and the United States of America (USA).

Hon. Speaker, the budget cycle is still ongoing and we have already received the Budget Estimates for the Financial Year 2021/2022. The Departmental Committee on Budget and Appropriations will be required to fast-track considerations of the estimates given the short timelines we are working with. The House adopted the Motion altering our Calendar to reduce our main recess by a week to allow the House to expedite the urgent business.

In accordance with provisions of Standing Order No.42(a)(5) and (6), I wish to convey that the Cabinet Secretary for the National Treasury will appear before the Departmental Committee on Finance and National Planning on Tuesday, 11<sup>th</sup> May 2021, to answer the following Questions:

- (i) Question No.071/2021 by Hon. Samuel Atandi on the status of the emergency facility following the collapse of Imperial Bank and Chase Bank.
- (ii) Question No.320/2020 by Hon. (Ms.) Zuleikha Hassan on the pension due to specific retired civil servants from the Coast region.
- (iii) Question No.133/2021 by Hon. Godfrey Osotsi on the declining national revenue performance and other issues relating to the management of the KRA.

Hon. Speaker, the House Business Committee will convene next week to reschedule the business for the coming week.

I now wish to lay this Statement on the Table of the House.

*(Hon. Amos Kimunya laid the Document on the Table)*

Thank you.

**Hon. Speaker:** Very well. What is your point of order, Hon. Ng'eno?

**Hon. Kipyegon Ng'eno** (Emurua Dikirr, KANU): Thank you, Hon. Speaker. I know there are modes of communication in this House, one of which is the Communication that you also made last week on the ruling and the procedures in this House. However, we have also been having communication from the Office of the Majority Whip, particularly, today, we have received short messages claiming that we converge here by 2.00 p.m. for purposes of voting. I wish to seek your clarification on whether this message is true. If it is true, based on your Ruling that we will be debating this matter until almost all Members are over, what would you advise on this text, Hon. Speaker? I thank you.

**Hon. Speaker:** Now, the communication has not come from me. So, you want me to comment on communication that has come from the street because you have not said where it has come from. Be that as it may, remember I have given my Ruling with regard to how debate will continue. It is only the House itself, through a resolution, that can alter that in going by the rules of the House. If, for instance, many of you may desire that you conclude, then the Speaker cannot insist that you continue talking. All I will do is to put the Question. Then, depending on how you

vote, that will become the decision of the House. Hon. Ng'eno, just be satisfied with the fact that you can see me on the Chair and I still remember what I ruled.

I am informed that the Member for Kisumu County was the one on the Floor. I do not know what the balance of time was. Hon. Rozaah Buyu, I am informed you have a balance of two-and-a-half minutes.

## BILL

### *Second Reading*

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

*(Hon. Amos Kimunya on 5.5.2021)*

*(Resumption of Debate interrupted on 6.5.2021- Morning Sitting)*

**Hon. Speaker:** Yes, Hon. Rozaah Akinyi Buyu.

**Hon. Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Speaker, for giving me an opportunity to continue with what I was saying before we went for lunch. For avoidance of doubt, I fully support the Constitution (Amendment) Bill of 2020.

The Constitution conclusively deals with the issue of the two-thirds gender rule. We know that this has dogged this Parliament and all Kenyans at large, for a long long time. But the proposed amendment goes even beyond the expectations, especially in the Senate where it offers a 50-50 per cent representation for both genders. It is not just in the percentage. It also gives women equal voting powers as men in the Senate. Added to that, the Senate has been given powers to oversee all revenues that are generated within the counties. This means that Senators will have a direct influence on any project that will be going on in the counties.

In mind, I read Article 43 where we have the right for housing, the right for comfortable housing and the right for water. All the rights that affect women and men in the grassroots will, in this amendment, be effected by Senators. If you look at the National Assembly, the proposed amendment also offers a mechanism in which women will be nominated into the National Assembly. I dare say that in 2007 and 2013, both years when I contested and received so many votes, I could not be nominated because there was no mechanism. Now, the Constitution gives us a mechanism so that whoever is nominated into the National Assembly comes with a whole load of supporters behind them. This will give a strong voice to the women who will be nominated.

I want to say again that I support and fully support this constitutional amendment.

*(Technical hitch)*

**Hon. Speaker:** I think the staff that are dealing with the equipment must stop playing around with the machines. I am not in any way able to tell when everybody comes and tells me "I was here at 8.00 a.m., I was here at 9.00 a.m." How am I able to confirm that? Surely, I am aware that I found some four Members at 8.30 a.m. by the time I arrived in this building. But I am aware that all of them contributed in the earlier sitting. But I remember finding them hovering here. That some were here as early as 8.00 a.m., it is true, but I have no way of knowing. On this machine,

when I sat here, the first person whose name I saw was the one of Hon. Mishra, but it has disappeared. I do not know how.

*(Loud consultations)*

Now, Hon. Tiren, you cannot be raising your hand and you are standing in front of him. Please, Hon. Members, do not come to tell me you were here at 8.00 a.m. I have no way of confirming that from the screen here. There are some of you who have said that you left your cards and you do not know who removed them. How would I solve that kind of situation even if so many of you are answering in the affirmative that it is true? If I were now to listen to all that, who do I say is the one who was first and who was ahead of who?

*(Loud consultations)*

So, let me just follow the way it is, for the avoidance of doubt. Hon. Mishra.

**Hon. Swarup Mishra** (Kesses, JP): Thank you, Hon. Speaker. I rise to support the famous historic Bill, the BBI, the best Bill internationally. Today, after the Constitution, 2010, time has arrived and ripened for the Constitution to be amended. I will not take much time. I will just take very little and talk about devolution, ethnicity and inclusivity. That is the Health Commission, the Youth Commission, gender balancing political positions, including governorship and for considering small-scale industries and giving the seven years' holiday tax. I will tell you that politicians think for the next elections, but leaders think about the next generation. Those who are opposing the Bill are politicians. Those who are supporting are leaders of this country.

*(Loud consultations)*

Today, I will tell you that history will be written. I request my every colleague, please, do not be political. Support the Bill for our great country called Kenya. The Constitution guarantees sovereignty of every citizen of Kenya. Please try to understand. Now, let me tell you, the handshake begins with the father of a new Kenya, Uhuru Muigai Kenyatta, and the father of Africa, Raila Odinga Amolo Jaramogi.

*(Applause)*

Let me tell you, the handshake is prevented by the Coronavirus. The people who are opposing this Bill are supporting Coronavirus.

Thank you very much.

*(Applause)*

**Hon. Speaker:** Member for Kitui South.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you very much, Hon. Speaker, for this opportunity that I have really been waiting for. On the onset, I want to declare that I support this Bill.

It is still fresh in our minds when Hon. Uhuru Muigai Kenyatta and Hon. Raila Amolo Odinga stood on the stairs of Harambee House and had the handshake; the greatest handshake of our time. Our country was divided between the winners and the losers of elections.

Our counties, constituencies and villages were divided between the winners and the losers. The handshake brought many more handshakes and hugs on the ground that made the difference and brought peace and change with regard to development. It brought peace to the business community. I want to state that the handshake set the motion for peace and co-existence amongst different communities irrespective of their presidential candidate in the 2017 election. It brought law and order and a united country that we are celebrating today. We now have a comprehensive reform process that we are seeing today that has given us a proper trajectory towards good development.

The President appointed the BBI Taskforce that presented its recommendations that have now led to this document that we are discussing. This document was taken to Wanjiku. One of the Members was giving us a different name for Wanjiku. I want to believe the names “Wagendo or Ogendo” will take long to fly. This document was given to Wanjiku, the citizens of this country, civil societies, faith based organisations, CBOs, churches, the private sector and other experts who made it better. It was signed by over a million citizens.

This is a good document because it will result in harmonisation of the roles of this bi-cameral House. Those of us who were here during the 11<sup>th</sup> and 12<sup>th</sup> Parliaments have seen the sibling rivalry and mediation meetings for Bills that were very difficult because one House decided to vote “no” however good a Bill is. The BBI Bill gives clear roles of the National Assembly and the Senate such that it stops the rivalry that we have been experiencing.

Hon. Speaker, this document brings the intention of President Uhuru Muigai Kenyatta of having a united country together with Hon. Raila Amolo Odinga. It is also good because it is replacing the pure presidential governance system with a hybrid system where Members of this august House will have a chance to be cabinet secretaries as part of the Executive. We have been suffering trying to respond to Questions on behalf of cabinet secretaries and when a Member asks a follow up question, all a Committee Chair can say is that they will consult. The hybrid system will make it easier for Members to raise supplementary questions with the possibility of getting responses in real time.

On the two-thirds gender rule, as women in this House, we did a lot of explaining and lobbying in the 11<sup>th</sup> Parliament. We even held a dance for the male MPs to try to explain to them the importance of having more women in the House. We came up with a Bill and associated it with Hon. Duale thinking it would get us more buying in. All this has been sorted out by the BBI. We respect men for what they do, but we also agree that women can do much.

Hon. Speaker, the Senate will have 47 men and 47 women. They will not just be decorating that House because we need to have the women vote in the Senate. They will have equal roles in the identification of projects in their counties. They will also vote on equal terms with their male counterparts. This will give respect to the women of this country as they will participate like men. Some women have said that they will be moved from the National Assembly to the Senate, but I want to tell them that they can choose to serve in this House by identifying single constituencies. This will give them an opportunity to serve and maybe be picked to serve in the Executive as cabinet ministers.

I can see my time is up, but I support the allocation of 35 per cent to Kitui County and the Ward Fund. I support this Bill because it will bring peace and give this country the best trajectory to development without caring where we come from, our tribes and who we associate with.



I want to thank President Uhuru Kenyatta, Raila Odinga and Kalonzo Musyoka.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Junet, you have the Floor.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I want to take this opportunity to contribute to this Bill and state that I fully support it. It is worth noting that many Members have contributed. It has been a very robust debate and Members have given their views. This is a House of debate and this Bill has proved to be a Bill that interests...

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Junet, just a minute. Hon. Members, if you just want to rise on a point of order because someone has said something that you do not agree with, I want to caution you that immediately you rise to do so, you will be out for the balance of the session. Given the gravity of this Motion, let us allow everybody to say whatever they want to say even if you do not agree. It is your right not to agree, but remember they also have a right to say what they want to say.

Hon. Sankok, let us hear your point of order.

**Hon. David ole Sankok** (Nominated, JP): Hon. Speaker, I wanted to seek your guidance on whether Hon. Junet is speaking as a promoter of the Bill or as a Member of Parliament.

**Hon. Speaker:** He is at liberty to contribute in either capacity or both. That is not exactly the same.

Hon. Junet, proceed.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I hope I will get back my minutes.

**Hon. Speaker:** You will get your minutes.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, this Bill is very important as I had earlier stated. Members have contributed to this Bill and have given their views. This is the best way to make a Constitution; allowing everyone to speak their mind on behalf of the Kenyans they represent. I have heard Members raise a few issues. Some have said that this Bill is clawing back on the gains that we have made in the 2010 Constitution. Some of the issues raised are abolishing the National Police Service and giving powers to the Inspector-General of Police. I want to jog the memory of this House for those of us who were here during the 11<sup>th</sup> Parliament, under the leadership of the former Majority Leader, Hon. Aden Duale. The 2010 Constitution envisaged an independent Inspector-General of Police. It says there shall be an independent IG. The same former Leader of the Majority Party brought an amendment Bill that removed the powers of the independence of the IG. The Constitution envisaged that there will be an advertisement when the IG is supposed to be appointed and Kenyans will apply. Then there will be vetting and the name will be submitted to the President, who will then bring it back to Parliament. Hon Duale, with one fiat, changed all that. The Members who are complaining here had supported that Bill then.

*(Applause)*

Today, the same Members are complaining after they have joined the other side of the divide. They knew that they were going to Canaan in Jubilee. Now that they have joined another wagon, they have forgotten that they are the ones who weakened the Inspector-General.

*(Applause)*

Another issue they have raised is the issue of vetting ministers. From 2013 when we came to this House under the new Constitution and your leadership, we have been vetting cabinet secretaries and principal secretaries. Tell me one PS or CS this House rejected? Even the one that

came without papers, we passed. You know who I am talking about. I do not want to mention names. He only came with a birth certificate.

*(Laughter)*

Let us not be people who forget what we have done. If vetting of PSs and ministers was helping this country, why are we complaining about the corruption malpractices that are happening now? We should have vetted the right people to go to the right offices. Let us not use avenues that have no value to mutilate the Constitution.

People are talking about eroding the independence of the Judiciary. It is true that I am not a lawyer and I have not gone to a law school, but some of these problems that we are suffering from were created by lawyers who wrote for us the Constitution. The winner takes it all and the two-thirds gender rule were written by lawyers in the Committee of Experts and not by laymen like me who have not stepped in a school of law. On the Judiciary, they are saying that we are eroding its independence. How? People do not know what Kenyans are going through. Kenyans appear before a Magistrate Court and their judgement is delayed. There is corruption. They are given wrong judgements and they have no avenue to complain to. Why do we want to make the life of peasant farmers of this country who have been deprived of their land, difficult? As a legislative House, why can we not give them an avenue to go and complain to the ombudsman who will take their complaints to the Judicial Service Commission? The ombudsman is not going to charge or form a tribunal.

The lies that are being propagated must stop. If you have a political problem, solve it politically. Let us face each other politically out there, but the Bill has got nothing to do with all those issues that have been raised. For example, there are lawyers that I have been consulting of late, namely, Hon. T.J. Kajwang' and Hon. Kaluma, and they told me of an Article in the Constitution that says that the function of the JSC in terms of disciplining judicial officers has stopped only at the magistrate level. The JSC has no power to discipline any Judge. They cannot hold any judge accountable on their judgements. The day they are employing judges as the JSC, they hold them to account for all the judgements they made when they interview them just like what we watched when they were interviewing Justice William Ouko. They were talking about cases...

*(A phone rung)*

**Hon. Speaker:** Hon. Members, who is that? Is it Hon. Amin? Hon. Members, whether you are fasting or not, when you come to the Chamber, you can put your phone on silent mode, switch it off or do not come with it to the chamber like me. Just leave it in your office. You are coming to do solemn duty. Proceed, we will give you more time.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. The JSC can only discipline magistrates. Magistrates also make rulings like judges. You can only appeal their rulings in the High Court and the Court of Appeal. In this country, the Executive is held to account through an election every five years. You elect the President who is the head of the Executive and if he does not run his Government well, you can throw him out. Members of the Legislature here are held accountable by the people through an election. If you do not perform according to what your constituents require, they will throw you out. Where do we hold our Judiciary accountable? We do not want to empower the JSC. That is what the BBI Bill is proposing. We do not want to have an ombudsman. We know the kind of problems this country has...

**Hon. Speaker:** You have your three minutes.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. We know the kind of problems this country has gone through from bad judgements by certain judges. Some of them have been sacked because of corruption. Let us not throw the baby with the bath water because of politics. Political issues will be sorted out politically, but issues that that are going to make this country economically, politically and socially stable must be looked at in a bipartisan manner and in a way that is led by wisdom. This country is bigger than all of us. Today you may think this Bill is supported by the President and the former Prime Minister, Raila Odingo, but that is just today. This Bill is supposed to cure issues that this country has suffered from for the last 50 years.

On inclusivity, we have been having a Government that for the last eight years has been run by two people and two communities. If you look at the establishment in Government in the first term of Jubilee Government, one person was employed from Mount Kenya and the other from Eldoret. You could not see any other names. If the BBI Bill goes through, we will have an inclusive Government where we will have people from different communities, the President, the Deputy President, the Prime Minister and two Deputy Prime Ministers. I have to see a face of somebody I think is my person in that Government. Otherwise, if we continue the way we are... If you can remember, we declared two states in this country, the republic of something and the Kenyan. We were almost going away. Those are the ills that this Bill wants to cure. I urge this House to support it. Let us not forget where we have come from. Let us not be people who do not know where they are going.

With those few remarks, I support.

**Hon. Speaker:** Very well. If we are all debating the Bill before the House, sometimes it is good to educate one another. Those of you who have looked at the Bill - not what is in the social media and newspapers - you will notice that there are proposals to delete, add or repeal the provisions relating to Articles 152, 154, 155 and 156. That is the proposal. I am saying this because Hon. Junet has touched on it. However, there has been no proposal to amend Article 132.

*(Applause)*

Those of you who have read the Constitution and understand it, would immediately understand what I am referring to, that in Article 132 on functions of the President, he is to appoint with the approval of the National assembly, cabinet secretaries, secretary to the cabinet, principal secretaries and the Attorney-General. That has not been touched. That is the truth. If you look at the Constitution, you will see that those provisions in Article 132 have not been touched. We are discussing the Bill and not what is on social media. Let us hear from the Member from Lamu East.

**Hon. Ali Sharif** (Lamu East, JP): Ahsante, Mhe. Spika. Nataka nichukue fursa hii kuungana na wenzangu ambao wametangulia kuzungumza kwa kupinga na kukataa marekebisho haya. Vile vile, nataka niseme kwamba nchi hii inawashukuru pakubwa Mhe. Raila Odinga na Mhe. Uhuru Kenyatta kwa kunyamazisha fujo iliyokuweco nchini. Miongoni mwa fujo hizo tulikuwa sisi viongozi. Leo hii nchi inashuhudia kwamba hakuna tena makelele na matusi.

Tunalolijadili mbele yetu ni suala la uchumi na mazingira ama miundo msingi katika nchi yetu ya Kenya. Tunayajadili haya yote yaliyoko mbele yetu kama Wabunge tuliopewa fursa. Ni mambo mazuri tunapoyaona na kuyasoma lakini yote yanahitaji kutekelezwa baada ya kupitishwa na Bunge.

Kwa mtazamo wangu, nikiwa kama Mkenya na kiongozi anayeishi katika hii nchi, haya yote yatahitaji fedha ili kuendelezwa. Kwa mfano, iwapo twapanga kuongeza maeneo bunge sabini, ni lazima kuwe na fedha zitakazoendesha maeneo bunge hayo.

Vile vile, sote twajua na kufahamu namna uchumi wa nchi hii ulivyo. Mwisho wa haya yote, mimi na wengine tutalazimika kutoa ushuru wa ziada ilhali tunaelewa uchumi ambao tuko nao.

Hakuna kiongozi atakayekataa mazuri yaliyoko katika marekebisho haya. Hofu yangu kubwa ninayotaka wakenya waifahamu ni utekelezaji wa haya mazuri tunayoyajadili yatakapopitishwa. Tunavyojua sasa ni kwamba nchi imekumbwa na madeni chungu nzima. Lazima hatua za ziada za kuhakikisha kuwa ushuru umeweza kupatikana ili kuyatekeleza haya.

Ninasimama kupinga kikamilifu haya marekebisho kwa hofu kwamba huu ni mzigo ambao utaenda kwa wananchi baada ya marekebisho hayo.

Kwa hayo machache, asante.

**Hon. Speaker:** Hon. Members, if only you can take little time like him. He only took three minutes. Member for Tiaty, kindly have the Floor.

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker.

At the outset, I am proud of supporting this Bill. I was among the first Members of Parliament to bring a comprehensive proposal to amend the current Constitution. I am gratified that even though my proposals were not able to come to the Floor of this House, most of what I proposed at the beginning is what is contained in this current Bill.

Without using many words, I am more gratified by the prospects that the political formation that I support is the one that is likely to implement the proposed new Constitution.

I support.

**Hon. Speaker:** Very well. Another Member to speak for one-and-half minutes. Member for Kilome, kindly have the Floor.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): Thank you, Hon. Speaker for this opportunity to register my contribution to this Bill. On behalf of the people of Kilome, I strongly support this Bill and with reasons.

One, the duty of the President of this republic is to promote and enhance the unity of our nation. Kenya broke after the 2017 General Election. The President of this republic opted for a handshake with Hon. Odinga to put the nation together.

There have been several general elections where we have lost lives and properties in this country. This Bill will do the necessary to curb all these problems which we faced in 1992, 1997, 2002, 2007 and 2017. I support this Bill because its main concern among others is to foster peace and unity. I was a victim in 2017. I was nearly killed. I was with Hon. Mboya, a Member of Parliament, as we tried to resist after the chaos erupted.

I support this Bill because it will bring peace and prosperity for the sake of the nation. It is also seeking to strengthen devolution. Kenyans want better services delivered and development projects to receive enough oversight to prevent wastage and corruption. I will be committal to the provision of this Bill that seeks to strengthen devolution by increasing allocation from 15 per cent to 35 per cent. My county, Makueni, will receive 35 per cent. At the same time, there is provision of the 5 per cent Ward Development Fund which was a suggestion by the Wiper Democratic Movement Party headed by His Excellency Kalonzo Musyoka. It was all captured in this Bill.

When it comes to representation, this Bill seeks to introduce a proportional representation system which advocates for political equality. The principle of one man, one vote will allow each citizen to exert an equal influence on the formation of representation in their respective localities

as a consequence of attaining this principle. This Bill has strategically assigned a number of seats to regions and constituencies in proportion to their population. For instance, we have a constituency represented by one Member of Parliament with a population of, say, 500,000 people while we have other constituencies in North Eastern with less than 40,000 people being represented by one Member of Parliament. Through this Bill, we will attain a fair representation in the additional 70 constituencies. My constituency was at the verge of being scrapped. My people of Kilome are now assured that their constituency will be retained since it will be protected by this Bill. That is one reason the services for my constituents will be guaranteed.

There is the issue of the youth. Everybody is talking about the youth. The future of this country is the youth. We also have the issue of the HELB loans to students, which after completion of their studies, they face it rough to repay. Now they have a period of at least four years to strategise to repay as they are in a way cushioned from the problem.

As I continue to summarise because of time and also so that I give other Members time to contribute, on the issue of the NG-CDF, schools are opening next week. Most parents in my constituency will be rejoicing because of the bursary funds which will assist them greatly. In this Bill, the NG-CDF has been well exerted. This time round, it will be constitutional. Most schools in my constituency have been constructed through this Fund. It will be included in the Constitution and everybody has a reason to support it 100 per cent.

Politics aside, this is a document which is very key to our future generations. I will only urge my colleagues to avoid looking into issues of 2022 and focus on this Bill to assist this country's future generations. Moreover, I strongly support this Bill on behalf of the constituents of Kilome.

Thank you very much.

**Hon. Speaker:** Member for Kitutu Chache North, you have the Floor.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Thank you, Hon. Speaker for giving me a chance to contribute to this important Bill. There is nothing that can be prepared by human beings to be perfect. There is nothing that can be perfect. Therefore, we should weigh the positive and negative sides of the Bill. According to me, the positive side is much higher than the negative side. For instance, as one of the architects of the NG-CDF, the fact that NG-CDF has been anchored in the Constitution, that is supposed to be development. We are having the Ward Development Fund that is going to help our people to realise some of the developments that we cannot achieve with the NG-CDF alone. The issue of giving our youths time off to pay whatever bursaries and loans they have taken from the Government while they are in school is also a positive development. The other positive development is that from now on, once this Bill has gone through and is enacted as law, we will be sending to the counties a substantial amount of money; 35 per cent of the national cake. That means we will be sending money to the grass roots. The county level is the grass root level. With our NG-CDF, which has been anchored in the Constitution, we will mobilise resources to develop our local areas. I would urge the Members of this House that we support this Bill. We support it. If you have an issue that you think has not been well addressed, you can bring a Bill. We are allowed to bring Bills to Parliament to address such issues. In the meantime, let us support this Bill. Let us allow each one of us to contribute.

With those remarks, I beg to support.

**Hon. Speaker:** Thank you very much. Three minutes is good. Next is the Member for Homa Bay Town.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Speaker. We are transacting very important business. An Hon. Member wanted to request that we remember where

we are coming from. The truth is that after the last elections, some of us even proposed a split of Kenya into two States or nations. I remember I was one of those people. I want to thank His Excellency the President and Prime Minister Raila Odinga for the handshake and where we are today. Virtually, all Members have spoken to the good things about this Bill. All Kenyans can easily read them. Therefore, because of scarcity of time, allow me to only address those issues in respect of which I see some small misunderstandings.

These are the proposed clauses 42, 43, 44, 61, 66, and 67 dealing with the National Police Service Commission. I am one Member of Justice and Legal Affairs Committee who initially thought and agreed that there could be a problem with these clauses. However, I have had occasion to look at them. If I were to address Clauses 42 and Clause 44, on the matter of the Judiciary ombudsman and on giving power to the Judicial Service Commission to suspend... Hon. Speaker I am being...

*(Loud consultations)*

Hon. Speaker, I will appreciate if the consultations could go down a bit. Some of us never focus when consultations are very loud.

Hon. Speaker, I am an advocate. I still go to our courts. I am one Member of Parliament who believes that I will retire in the Judiciary. Therefore, I will not support anything that undermines the independence of the Judiciary any day. In fact, let me confirm that I am possibly the only Member of Parliament sitting here today who has written a book on judicial independence. Clause 42 says that:

“The judiciary ombudsman will be a member of the Judicial Service Commission in ex-officio capacity.”

How does that undermine the independence of the Judicial Service Commission? The work of a judicial ombudsman is to investigate and receive complaints and prosecute those complaints before the Judicial Service Commission. How will he perform the functions that we are giving him if we do not make him an ex-officio member of the Commission? It has been said that the judiciary ombudsman will not vote. However, that is what we have put in the legislation at Clause 44.

I want to be heard on Clause 44. My own spouse is in the Judiciary. I will be joining that Judiciary. In Clause 44, we are saying that the President will nominate the judiciary ombudsman and upon vetting or approval by the Senate, he will appoint him. What is the problem with that? Towards the end, Clause 44 says that Parliament will enact legislation to give better effect to the provision establishing the judiciary ombudsman.

What does that provision avail to us as Members? It means that Parliament will make prescriptions in terms of how the President will reach the number of people to nominate from. Therefore, it will be in order in that legislation for Parliament to say that neither the Judicial Service Commission nor whichever body will invite applications, will shortlist, will interview and will present to the President a prescribed number from whom he can nominate. How can that be unconstitutional? It is not. Moreover, let me tell you Members, the problem we have in Kenya is trust-deficit. Go to the United States of America (USA), the United Kingdom (UK) and the Scandinavian countries, and to all developed democracies. Is it not true that if you go to the USA, all judges are appointed by the President having been initially nominated by him and then approved by the Senate? There is nothing like that. We still have Article 160 on the independence of the Judiciary.

Hon. Speaker, some lie has been told on the proposed Clause 44. Hon. Members, I beg to address you on this one. It is being said that it is suggested in Clause 43 that upon launching a complaint against a judge, the judge can be suspended by the Judicial Service Commission. Does the law not say - and have we not said as lawyers - that the Constitution cannot be read in bits and pieces? Are we amending Article 47, which says that if there is a decision which can be adverse to you, you will be heard expeditiously and there will be reasonableness - there will be procedural fairness, fair administrative action, and you will be given written reasons? In a nutshell, I am saying that if there will be a problem in the disciplinary procedure of a judge, then that judge has recourse to the courts under Article 47. Remember, Hon. Members, we are also not proposing amendments to Article 160 and 168 of the Constitution. Article 160 is on judicial independence. So, you cannot remove a judge from office. You can look at Article 160 (5), on anything he has done in good faith in the discharge of his functions.

Hon. Speaker, the procedure for removing a judge from office is in Article 168. I am saying that these are falsehoods we are purveying for no reason. I do not know whether my minutes skipped. However, I wanted to speak on the Salaries and Remuneration Commission and the National Police Service Commission. More so, on the National Police Service Commission, I am in charge of legislation I would request that I conclude it.

Hon. Speaker, when we moved with Hon. Koinange across the country, the police were saying that they have a problem with promotions because they are being promoted by people who do not know their performance on the ground. The police want the Officer Commanding Standing Station (OCS) and their commandants down there to be the ones to promote them. These are the people who know how they are serving the country. How do we have that power in Nairobi with people who are not in the service called a Commission?

Hon. Speaker, the police has hardship and soft areas.

**Hon. Speaker:** I will give you an extra three minutes.

*(Applause)*

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, the Constitution under Article 165 says thus:

“The Inspector-General exercises independent command over the Service.”

How does he exercise that command if he says: "Kaluma, we need your services in Mandera." At that time, Kaluma is working in Molongo! Kaluma then petitions the National Police Service Commission, and so, that service cannot be given to Kenyans and the matter stays for eternity.

Hon. Speaker, this power of exercising disciplinary control on suspensions... Members listen to me. We went to some counties where some county commanders literally cried because they have made a decision to remove a member of the police service, a corporal or a constable, but all they can do is forward the file to the NPSC. We had a county where upon sending that file, six months later the police officer already recommended for removal by the boss is still within, accessing fire arms and ammunition. The commander said his life was in danger. That is why we are saying there is no discipline. But to the extent of suspension, before the NPSC removes, allow them to have their way. You have been reading in the media and seeing cases where police constables and corporals who face disciplinary action are shooting their bosses. That is the situation. So, we are saying that the Commission will continue to remove, but they can suspend

immediately they make an adverse decision for their safety. It is something the police have requested.

Hon. Speaker, let me say something on the Salaries and Remunerations Commission. Which Member of Parliament has talked about remuneration and benefits of MPs in the history of this Parliament more than Hon. Oloo Aringo? When we send Hon. Oloo Aringo to the SRC, did we hear him again? He instead presided over the reduction of the status of this Parliament. In the last Parliament, Hon. Dalmas Otieno used to sit where Hon. Tong'i is seated now. There was no articulate Member on matters of our pay and benefits more than Hon. Dalmas Otieno. When we put him to the SRC, did he not sit and laugh when the youngest MP was being donated for a car by His Excellency the President? What have they done about it? We had to go to court through the intervention of this body. What happened to Amb. Amina Abdalla here? What I am saying is that you may be thinking it is good if these bodies nominate. In substance, the independence of these bodies is not about them nominating. It has not helped anybody. So, we can talk the politics of the BBI but we are saying today the line has been crossed. We want to finish this business and meet people on the ground. There is no single provision which is unconstitutional here. On vetting, we cannot vet our own.

**Hon. Speaker:** Member for Nakuru Town East.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Speaker for giving me this opportunity. I come from a county that has suffered the worst political violence. It is sad I heard a few of our colleagues here saying that this is poison and also a bullet.

Just like a Tanzanian musician once said that he was ready to take a bullet for the girlfriend, I am ready to take a bullet and that poison for the people of Nakuru Town East Constituency and Nakuru County at large as I support this Bill. People should stop selling fear and lying all the time about a document. However, Kenyans have learnt. We were being told that by the time lies go round the world ten times, the truth has not even woken up to dress in the morning. But finally, the truth must come out. We know 43 out of 47 counties agreed with the document. Whether it was the erroneous or the correct one, that is the document that was given by the institution that has been given that responsibility in the Constitution. So, it is up to Kenyans to make a decision.

Some were saying that they talk as nationalists. I will talk as one who comes from Nakuru County and the benefits that our county is going to get from this very noble idea. My children and grandchildren will be sitting somewhere discussing this matter and perhaps, praising and thanking President Uhuru Muigai Kenyatta and Hon. Raila Amollo Odinga for that very important handshake that gave birth to the Bill before us. Whether it was the two of them or a popular initiative, as is alleged, we support the document in totality.

I sincerely thank you Hon. Speaker. To be sincere, I voted for you the first time in 2013. I, again, voted for you in 2017. If you pick another seat, of course, in exception of Nakuru Town East Constituency, I will vote for you because of being a leader in this House. For the many years that you have been around, you have rendered rulings that are effective and complete. You are a lawyer and so, you can deal with so many questions. We wasted a whole afternoon when you gave every Member an opportunity to raise constitutional concerns that they had. You then gave us a ruling that was one of the longest.

Hon. Speaker, our people will continue supporting this matter. Having five extra constituencies is not something for me as David Gikaria. I stand here because my people told me to come here on their behalf and support this document so that they can get peace first and foremost.



Since 1992, Nakuru has always been at the fore front. It has been the epicentre of fights and violence, but for the first time, we will vote and wake up in the morning without bothering our neighbors or wondering about what is happening next door. We will wake up and our children will go back to school a day after elections. If you look at the number of internally displaced persons (IDP's) who were in Nakuru and more so in my constituency, you will be shocked. There is a place called Canaan, the first Canaan that I ever saw. It is Canaan because there is still hope that one day they will go back to their respective parcels of land and businesses. So many of their children are just hopeless hawkers in town because they never had an opportunity to go to school.

I do not want to go into many issues, but Nakuru County is going to get an extra Kshs10 billion. It is only a fool who will not want that kind of money to come to us. I want to see services being rendered by the county government and members of the county assembly (MCAs). Most of the governors have taken advantage that they have the money and so they can punish MCAs just because they are not on their side.

When an MCA gets his or her Ward Development Fund, that place will grow. That is the place where I stay and come from. It is unfortunate that most of the people who are going round and opposing this document are the very same people who brought us the Motion. As the Government, we supported every Motion that was brought here. So, it is wrong for you now, just because you are on the other side, to start dancing differently.

It was very unfortunate that when Hon. Kimunya, the Leader of the Majority Party, was moving a Procedural Motion, others were quarrelling him. For what? We are the ones who are supposed to make decisions.

The people of Nakuru County have sent me and said that they want us to vote this evening so that this document can go to them tomorrow. They do not want too many days, but to be given the shortest period so that they can use their voice and vote yes. I support the document in totality and as you have said, we cannot do anything about the few errors and I concur with you.

Hon. Speaker, I support.

**Hon. Speaker:** Let us now have Hon. Amin, the Member for Wajir East.

**Hon. Rashid Kassim** (Wajir East, WDM-K): Thank you, Hon. Speaker for giving me an opportunity to give my input into this constitution making process. From the outset, I want to confirm my support for the Constitution of Kenya (Amendment) Bill which is on the Floor of the House. I tend to ask myself a question: Is there any improvement on the gains of the Constitution 2010 which was passed earlier? I can confirm yes.

Another thing which I need to confirm to those who are very young, Kenya has come a very long way. We had a session where we repealed Section 2A for us to increase the democratic space of this country. But the Constitution of Kenya 2010 has given us more democratic space in this country so that we can live in peace and tranquility. As far as devolution is concerned, this Constitution provides an increment of 35 per cent and equal increase of ward funds which will be dispersed to various wards, which are over 1,500. This is a clear testimony of our commitment as a country to develop *mashinani*. This Constitution provides for the same.

All MPs in this House can attest to the contributions of the NG-CDF. They have always known there have been whims from other people to profligate NG-CDF. Today, I can say that through the NG-CDF, for the last three years, I have done tremendous development in my constituency including the construction of five girls' secondary schools. So, I can be assured of the continuity of the NG-CDF in respective constituencies to develop various needs and this is enshrined and anchored in this Constitution of Kenya (Amendment) Bill. What more are we looking for?

Before the handshake, you can remember there was tremendous violence in this country. The economy was coming to its knees. The growth we had done in earlier years was negated through demonstrations. To some extent, there was *ultra vires* swearing in of another counterpart in Uhuru Park. Today, those men have agreed to sit down together and see how we can support inclusivity in the country.

There is an expanded Executive, and about 108 Members from pastoral communities, which is sizeable. But in the current Constitution, we cannot see ourselves being the presidents of this country or deputy president. This Constitution provides us as pastoralists to see a reflection of ourselves in the expanded Executive. You can see we can be the prime minister of this country through the Leader of the Majority in the House. We can become the deputy prime minister of this country and get any position we think about in this expanded Executive and we need to see ourselves in it.

Today, we have a country whose Executive has always been taken by two communities, one from the Rift Valley and another from Central Province. When will the rest of Kenya see themselves in the Executive? It is only through the BBI that we can see ourselves in it. In as far as all these things are concerned in terms of the budget making for those of us who worked in the Government, the budget making process before 2010 was being done by the Executive at the National Treasury. Today, Members of Parliament participate through their respective committees of the House, give priority and have their input in the budget making process. The budget process can still be put to public participation and the general public can see their future in the budget making process, their involvement and what they need to get.

Through the Constitution of Kenya, 2010 and the improvement through the BBI, we can see meaningful development in our respective counties. Furthermore, there were certain issues that have spoiled the constitution making process. The arrogant and rogue county administrators and governors have spoiled the good image of devolution. I want to advice that various commissions should take their Executive role so that they can discipline various governors who are misusing public funds. The Ethics and Anti-Corruption Commission (EACC) should play its mandate and interrogate the misuse of public funds through their organisation and bring anybody who uses corruption to amass money for their own interest to book. These should not be attributed to the BBI.

Further to this, we have seen the strength of the Judiciary. They were able to solve the disputed elections and annul the elections of 2017. This was only done through the independence of the Judiciary. I do not see anywhere there is negation of the judicial system of this country through the BBI, other than the gains we have seen.

Hon. Speaker, with those few remarks, I support.

**Hon. Speaker:** I am happy Members are removing their cards. The one on top is the Member for Matug. Have you removed your card? Hon. Members I am following what is...

**Hon. Kassim Tandaza** (Matuga, ANC): Asante sana, Mhe. Spika. Kwa kawaida nikisimama kwa Mswada kama huu huwa naunga mkono. Lakini kulingana na umuhimu wa Mswada huu wa leo, sitaunga mkono peke yake lakini nitaongeza na kuunga na miguu yangu yote miwili. Hii ni kwa sababu huu Mswada ukishapita na naomba tuweze kuupitisha ili uweze kutekelezwa ndio uondoe ndonda sugu sana kwa Kenya nzima na haswa watu wa Matuga na Kwale County kwa jumla.

Kutoka tuanze mchakato wa vyama vingi, kila kura huwa na machafuko na kwa bahati mbaya machafuko yote huanzia sehemu za Pwani, Kwale na hususwa katika eneo bunge langu. Tukikumbuka mara ya kwanza tulipokuwa na vile vita vya Likoni ambayo imeshikana na Matuga

*Constituency* pale Mwambeni na Kitenge na watu wengi walioumia walikuwa wa Eneo Bunge la Matuga. Kisha baadaye kukakuja machafuko ambayo yalijulikana ulimwengu mzima ya Mbombo ambayo iko kama kilomita sita peke yake kutoka pale naishi ikiwa katikati ya maeneo ya eneo Bunge la Matuga.

Kwa hivyo, ikiwa kutakuwa na hali iname yoyote ambayo itaweza kuondoa machafuko baada ya kura, basi hili ni jambo ambalo kama nilivyo tanguliza sio la kuunga mkono peke yake lakini linastahili kuongezewa na miguu. Tunajua kwamba fujo hutokea kwa sababu ya vile kura zinavyopigwa katika nchi hii. Tunapiga kura zetu kikabila na ukilinganisha yale makabila makubwa na yale madogo ambayo mara nyingi huwa mirengo tofauti, kura zao huwa zinakaribiana. Hali ni tofauti katika nchi jirani hapa ambapo watu hupiga kura kwa kufuata maadili na mienendo ya vyama. Kwa hivyo, kule huwa hakuna matatizo lakini hapa kwetu sioni kwamba itabadilika hivi karibuni kwa sababu bado, kwa bahati mbaya maana sio bahati nzuri na sio jambo la kujivunia, tunapiga kura zetu kikabila na lazima tuwe na njia mbadala ya kuona kwamba hata ikiwa tutapiga kiukabila lakini hakutakuwa na machafuko.

Katiba hii ambayo tunaizungumzia saa hii kuibadilisha ni Katiba ambayo wale wanaopinga mabadiliko haya ni wale wale ambao walipinga hata hii Katiba ambayo saa hii tuko nayo. Nashangaa kwa sababu kule Pwani huwa na watu ambao tunawaita vishipa. Mtu kishipa ni yule ambaye hupinga jambo bila sababu ya maana. Kwa hivyo, ikiwa ni mpwani huwa ni kama ambaye tumemzoea lakini kwa mchakato huu, naona mpaka wenzetu wa bara wamejiunga na wale vishipa wanaopinga jambo lakini ukiwauliza sababu na maana, ukweli ni kwamba hakuna. Huwezi kupinga pesa zisiende mashinani ilhali unasema unataka yule mwananchi wa kawaida aweze kunufaika na unapinga pesa ambazo zinaongezwa kwenda mashinani. Ni jambo la kushangaza kwamba baadhi yao hata wanawania viti vya ugavana tunapoenda 2022. Wamesema kwamba wanawania viti hivyo lakini kwa hivi sasa wanapinga pesa zisiende na hali wao wenyewe wanataka kwenda kusimamia viti hivi. Pengine wamejua kwamba hawatapita ndio maana wanapinga lakini ukweli sisi watu wa Pwani kuanzia wanasisia wetu wakongwe wakati wa marehemu Ronald Ngala tulikuwa tunataka majimbo. Majimbo ni kuletewa fedha ili tuweze kujisimamia kwa sababu tunajua moja kwa moja zile zinazobaki kule juu huwa hazitufikii. Njia moja peke yake ambayo inaweza kutusaidia ni kwamba pesa ziende kule kwa sababu hatuna namna nyingine. Hatudhani. Hata tukiwa na mawaziri wakuu watano na manaibu wao sio ukweli kwamba mmoja wao atatoka katika zile sehemu ambazo sisi tumetengwa kwa muda mrefu. Kwa hivyo, matumaini yetu ni zile pesa ambazo zitafika.

Tuna matatizo ya kijadi na katika hii BBI tunajua kwamba zile pesa za *Equalisation Fund* zitaweza kurejeshwa na kudumishwa. Tuna matatizo ya kijadi ya mashamba hasa sisi watu wa Pwani tunajua hilo. Katika BBI, imeweza tena kupeana fursa ya matatizo haya yaangaliwe upya. Kwa hivyo, itakuwa ni jambo la kushangaza na kuhuzunisha hususan kiongozi wa Pwani ikiwa atapinga ambapo anajua matatizo yeye mwenyewe ameyazungumzia na suluhisho likitaka kupatikana anarudi kupinga lile suluhisho ambalo lingepatikana. Hakuna matatizo ambayo tumesema eti kuna BBI tofauti tofauti. Niliposikia mara ya kwanza kwamba kaunti zingine zilipata BBI tofuati, nilidhani labda kuna moja inasema badala ya maeneo bunge 70 ambayo yaongezwe, moja inasema labda ni maeneo bunge 66 au 71. Nikifikiria kwamba katika pesa ambazo ziende kwa kaunti moja inasema asilimia 35 na nyingine inasema asilimia 40 lakini zote zinasema mambo ya kimsingi ambayo naamini wale walioweka sahihi ikiwemo mimi tuliweka tukijua kwamba tunataka pesa ziende mashinani na zote ambazo zinasemekana zinatofautiana bado zinazungumzia mambo ya asilimia 35, maeneo bunge 70 na mambo ya *Equalisation Fund* kama vile ambavyo tulikubaliana. Kwa hivyo, ikiwa mtu atapinga, pengine apinge na sababu zake lakini ukweli ni

kwamba wakati umefika watu waweze kubadilisha mkondo ili tuweze kunufaika tena, tuwe na usalama na wale ambao wametengwa kwa muda nao waweze kupata afueni. Kwa hayo machache, naunga mkono na naunga na miguu yangu yote miwili.

**Hon. Speaker:** What is your point of order, Hon. Rasso?

**Hon. Ali Rasso (Saku, JP):** Hon. Speaker, many of us have been sitting here long hours waiting to contribute. There is something that is going on in this House which is not acceptable. If anybody wants to manipulate the legislative process in this country, I think they should not do that under your watch. We should have our views on the BBI. It is about Kenya. It is not about individuals. It is not about us politicians. The names of some of us were appearing first on the list only to disappear or to be logged out.

**Hon. Speaker:** Hon. Rasso, just resume your seat. Fortunately, Hon. Rasso, I have explained to you and not just you alone, but with several of you who were here. As Hon. Osman was here checking whether his name is there, he noticed the name of Hon. Hire as being around number four or thereabouts on the queue. At that point, before I gave the Member who spoke there, the person whose name had suddenly appeared as number one was the Member for Murang'a County. Suddenly, the name also disappeared. So there is a problem. I believe it has to do with the IT Department and not somebody here. There is nobody here because the staff here have not done anything. At that point, the list had up to 90 Members. Hon. Osman was with me here. The names dropped up to 66. We were just wondering what is happening. Do not insinuate that there is somebody who is trying to manipulate. It is certainly not here. If we do not use this system, we will go to the system that used to obtain in the old days, which was the one that rises and catches Speaker's eye. If we do that way, again people are going to suffer. Unfortunately, when you tell me you were here at 9.00 a.m., I have no way of verifying it. I have no reason to doubt, but I also have no way of verifying. In fact, a Member just pointed out that the name of Hon. Sankok appears, but I know Hon. Sankok has already contributed. You see when your name is here, it shows that you are among the people who desire to contribute. I have no way of knowing who was here first. Next is the Member for Borabu.

**Hon. Ben Momanyi (Borabu, WDM-K):** Thank you, Hon. Speaker, for giving me this chance to also air my views as far as this Bill is concerned. I want from the word go to confirm that I fully support the contents of the BBI Bill. This is a process which has been going on for the last three or so years. We have all participated at every stage of this process. This is the moment that we have been waiting for. On behalf of the people of Nyamira and Borabu in particular, I want to confirm that we support this Bill fully and we are ready and prepared, when the time comes, to vote yes all of us in Nyamira.

We have heard people raising very many issues about this Bill. Some of them say the wage bill will go very high if this Bill is passed. It is clear that the Cabinet Secretaries are going to come from this House. If the Cabinet Secretaries will come from this House, they will be Members of Parliament. That in itself is a reduction of the wage bill. Currently we have Members of Parliament here and the Cabinet Secretaries are outside there and are earning salaries. When Cabinet Secretaries come from the House, they will only be entitled to some allowances and not salaries. That in itself is a reduction in the wage bill.

We have been asking questions to the Chairmen to get answers from Cabinet Secretaries who do not come to the House. It is going to be a neater and a good thing when Cabinet Secretaries are in the House, they are asked questions and they answer directly on the Floor of the House. We have heard some people telling us that we will have Prime Minister, Deputy Prime Minister and the Deputy President. The House as constituted currently has the Leader of the Majority Party,

who is a *de facto* Prime Minister. Therefore, there is nothing fundamental that we are going to change. Let us all agree that this is a good process and pass it. The people who have been making noise opposing this Bill are the same people who were opposing the 2010 Constitution. They have been given an opportunity now to correct what they felt was not right in the Constitution 2010, instead of correcting, they are the same people opposing this Bill. These are not serious people; they are just opposing for the sake of it. Therefore, it is important that we pass this Bill once and for all, so that we can move forward as a country.

We now have the Ward Development Fund in this Bill. A governor in a county is not going to be a god to the MCAs. The MCAs will be able to develop their wards whether they support the sitting governor or not. This is a good development so that our people can get development right to the ward level. Some people are saying there are constitutional issues with this Bill. I want to agree with Hon. Kaluma that there is nothing unconstitutional about this Bill. Let us pass this Bill, whoever feels aggrieved should go to court but we should pass it as a team.

As Nyamira people, we are happy because of the constituencies which are going to be created. We have Kitutu Masaba in Nyamira County which will now get an additional constituency. So let us look at the bigger picture and not be driven by our narrow and selfish egos. Let us pass the Bill the way it is. We are ready as one of the Members has said, some of us are willing to support this Bill even with our legs and ensure it passes in the morning so that we can develop this country and move forward.

People have been fighting in every election year simply because leadership goes to one or two people. After elections, only about two communities go with everything. With an expanded team, we will have most of the communities involved in forming government which at the end of the day will reduce the tension that we have been going through in every election.

Once again, I want to reiterate that I support this Bill. We are waiting for your communication so that we can vote on this Bill before the end of the day.

**Hon. Speaker:** Member for Migori.

**Hon. (Ms.) Pamela Ochieng'** (Migori CWR, ODM): Thank you very much Hon. Speaker for the opportunity to also add my voice to the strongest support of this Bill. So many things especially pertaining to legal issues have been well articulated by our legal friends in the House. So, I will not belabor on them. However, allow me to also take this opportunity to congratulate my leader, His Excellency Raila Amolo Odinga and the President of Kenya Uhuru Kenyatta for the bold step they took to show Kenyans true statesmanship, attitude and spirit when they decided to end the chaotic scenario that we had in 2017 and vouch for peace. I am talking as the Women Representative for Migori County, where this violence that followed the 2017 election left me with at least 20 young men and women dead. I buried them. I know each one of them by name. Many others were injured and maimed. If there is no other reason that would make me support this amendment Bill, I will only support it for peace in this country. As mothers of this country, our hearts bleed whenever we see our young people shot like birds following every other election year.

Allow me to reiterate another reason why I am supporting this Bill. If you look at the responsibilities of a citizen that are introduced in the proposed amendment, the national ethos that has been elusive in this country is assured in this Bill. We are looking and talking of a future Kenya where each one of us can have a common understanding of what is right, what is good and acceptable to all versus what is wrong and not acceptable. From Turkana in the north to the south in the Maasailand, from the east in Rendileland all the way to Luo and Luhyaland, we want to have a common understanding of what is wrong and right as Kenyans, so that we do not hail stealing in one side of the country and condemn it in another side of the country. This is the reason we have

always had difficulties in determining even serious glaring cases of corruption, stealing and looting of public funds at the expense of doing the development that I hear some of my colleagues are purporting to stop, claiming that Kenya is suffering due to BBI and the pandemic. Allow me to bring it to the attention of this House, that as far as I can remember I know Kenya's economy has been bleeding since 2013 all the way up to now. There was no pandemic or BBI. Those who claim that BBI is an expensive process that takes a lot of money at the expense of the development that is supposed to go to the people, never raised their voices when we were crying about the billions that were lost in Arror and Kimwarer dams.

As a born again Christian in this House, allow me to bring to the attention of this House that when we are talking about this Bill, we are looking at cultivating national unity, promoting the wellbeing of the family and promoting the respect for parents and elders. Allow me at this juncture to quote my good book the Bible in Ephesians 6:1- 4. God is talking to us and saying, honour your father and mother in the Lord, for this is the first commandment with a promise, that you may live long. In our country much as we are religious; Christians, Muslims or Hindus, we have seen moral decadence among our youth, where there is disrespect even for the family virtues. We have seen young people lose their lives even when they were supposed to live. So, I want to declare that I support this Bill, so that we can restore order, morality and holiness in our homes and obedience of our young people to the elderly. We believe that the older one becomes, the wiser they become and they make better leaders for our youth. That was exemplified the other day when you gave us such a long beautiful ruling that made me settle and say, yes, we have a Speaker who is a legal expert in the House. Thank you for doing that.

Hon. Speaker, I cannot over-emphasize the question of electoral violence. I have heard my colleagues wondering how the violence is addressed. It has been fully addressed by the creation of space for all the capable men and women of this country. They are capable of leadership at the national level and so we need to accommodate their ideas and good development agenda on the governance table of this nation. That way, we will not render them useless. I can go on and on but allow me not to stop before I say something about these great men of Kenya who championed this amendment, especially Hon. Raila Amollo Odinga. In 1995 when Hon. Raila spoke, Kenyans got freedom. Later on, in 2010, when he spoke, we got a new Constitution. Now that Hon. Raila has spoken, we are getting more resources to the ward level. With all my might, ability and capacity, on behalf of Migori County, I support this amendment.

**Hon. Speaker:** Member for Nyeri Town.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): Thank you, Hon. Speaker. I rise to support this Bill. First and foremost, I appreciate your ruling on how a popular initiative is supposed to run and the fact that you indicated the need for us to respect the history and the process of this particular Bill.

I urge my colleagues to remember why we are here. I remember when we got into this House, in 2017, my friend Hon. John Mbadi and I could not even share a cup of coffee. Recently, when we were in a retreat in Naivasha, the President told us that one of the problems we have as a country is that we forget very quickly. This Bill is a result of a process; it is not an event. It has taken over two years to get to where we are. I remember when the Orange Democratic Movement (ODM) used to boycott coming to the House. I remember when we used to have running battles in the streets. I remember tear gas Mondays. I remember that we could not open businesses in Nairobi. When I see us taking what we are discussing for granted or trying to play politics with it, I get disappointed. I do not think I am the only one who is disappointed. As a nation, those who

put us in this House are disappointed with us when we are unable to look at the global good of our nation and get stuck in our personal ambitions.

Hon. Speaker, when His Excellency the President and Former Prime Minister Raila Odinga shook hands, I was shocked. I never saw that coming. I know I speak for many in this House. What I remember is that the country calmed down immediately. We are not always going to have the President and the Former Prime Minister as leaders of this nation as much as we might love them. Because of that, they initiated a process that was going to ensure that we were not going to depend on individuals for our country to be politically stable. They set up a committee that went around the country asking people to tell them why they think we keep going there every election. I find it extremely interesting when I listen to some of my colleagues talk about the problems they have with this particular Bill. I remember that they did not turn up to the forums that were organized by the BBI secretariat to raise their concerns.

I come from Nyeri County. Nyeri County was looking at losing three constituencies that had been protected 10 years ago. The BBI protects those constituencies and ensures that the people of Nyeri have a representation of at least six Members of Parliament in this House. Recently, I heard a colleague talking about the reason why we should have got another constituency because we have a big constituency called Kieni that is 52 per cent of our county. This particular process of how constituencies have been produced is not a political process. It is a scientific process. It is a mathematical process. When you do the maths of our county, we are supposed to have 5.9 constituencies, or six. Internally, we are going to do our maths and figure out how to rearrange our boundaries, but we were not going to get another constituency as Nyeri County, not with the numbers we have.

However, we nearly lost at least two constituencies. That is why I would be very concerned when I hear any leader from Nyeri County saying that they do not support this particular Bill. When we come to this House, we come to represent the people who sent us to this House. I have walked around Nyeri Town Constituency, I have listened to the people of Nyeri Town Constituency. They sent me to this House to say that they support this Bill 100 per cent. I know I speak on behalf of many people from many constituencies in Nyeri County.

Hon. Speaker, I have also heard concerns raised here about certain areas that are not perfect. We are human beings: Every single thing that we do cannot be perfect. Wise people said that perfect is the enemy of good. As we strive for perfection, we risk throwing away solutions that are good for us. Which solutions are these? For example, I have heard that there is a political refrain called bottoms up. If you come from a constituency, if you come from a ward, you cannot be any more bottom than that.

This BBI provides a solution for that bottom in two ways. First, it reduces the amount of money that is left at national Government and takes 35 per cent to the county government. I have heard people arguing that we do not have enough money. It does take 35 per cent to the county government. That is taking money to the bottom. That 35 per cent, if for no other reason, I ask Members, the county government takes care of healthcare up to Level 5, the county government takes care of agriculture, if you want to improve those, put money in the county government. Number two, let us be honest with ourselves. What is the alternative to this proposal that we are saying we should not take? So, I urge my colleagues: let us join hands and support this Bill. Let us take it to Kenyans because they will prove that we are doing the right thing.

I thank you.

**Hon. Speaker:** Hon. Wafula Wamunyinyi.

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD – K): Thank you, Hon. Speaker, for the opportunity to express myself on this important Bill before the House. I have sat here patiently from when the debate on this Bill started. I was interested to express myself because, in this House, I am the only leader of a party and a luminary who appended the signature at the Kenya International Convention Centre (KICC). I would like, at the outset, to restate that I support BBI. My position has not changed. I also want to state that the position of my party, FORD-K, has not changed. The right FORD-K I lead supports the BBI unreservedly and unwaveringly. We will continue to support BBI until we pass it.

As my friend Hon. Ngunjiri said, we forget very fast. I would like us to remember where we were in March 2018 when His Excellency President Uhuru Kenyatta and Prime Minister Raila Odinga shook hands. This country was going down. We were having running battles. The economy was crumbling. We had reached a level where we could easily be declared a failed state. The handshake brought life back to our country. The obvious intention was to restore peace in our country, unite Kenyans and build a prosperous Kenya for the future. As a result of this, the BBI was set in motion and a task-force was established. It went round the country and sought views from Kenyans who made contributions and proposals which culminated in the current process. The people that were reached include Nekesa and Wanjiku. They made proposals which culminated in the current process.

I would not like to repeat what other colleagues have said because I want to save time to allow others to speak. However, I want to stress a few points. One important point that is captured in this amendment Bill is to strengthen devolution in our country. We appreciate how much devolution has impacted on the development in our areas, from the counties, constituencies and wards. By increasing the amount of money allocated to the counties, you strengthen devolution and, therefore, enhance development in our areas.

I have heard Hon. Kimani Ichung’wah talk about reducing the amount of the National Government – Constituencies Development Fund (NG-CDF). It would be illegal to reduce the amount of the NG-CDF going to constituencies. In fact, we are entrenching the NG-CDF in the Constitution. We will then undertake the legislative bit to enable the performance of the NG-CDF. During that time, we will increase the percentage from the current 2.5 per cent to maybe 5, 7 or even 10 per cent, so that we have more money in the NG-CDF. I would like to appeal to colleagues not to peddle untruths. Let us speak the truth. This is a very important moment for our country. We should not allow colleagues to use deceitful language when in the House.

Currently, some members of the so-called civil society have gone to court again. We have been served and I am sure papers are on your desk. They are trying to block the Cabinet Secretary (CS) for the National Treasury from releasing more money to the constituencies. We have sought legal support. The litigation team in Parliament is helping us to respond to what has been filed by some members of the civil society. For us to cure these problems and threats that we receive every now and then, let us pass the constitutional amendment Bill. For us to cure the challenges we are facing with regard to the NG-CDF, we must pass the constitutional amendment Bill.

One other important thing I wanted to stress is the establishment of a ward fund entrenching the NG-CDF under Article 207(a) and also establishing a ward fund under Article 206(a). Having the ward fund working as the NG-CDF will ensure that money is spent on development and not on any other activities. This is very important.

Finally, there is also the fact that we are creating new constituencies. I know that some areas would have wished to also get new constituencies, which they have not. It is important that we note that we can enhance equity and representation. That will be enhanced and each part of the



country will get its fair share. Some of us represent huge constituencies. It is now the chance for the people of Kanduyi to get an additional constituency. I appeal to my colleagues to support this amendment Bill.

**Hon. Speaker:** Let us have Hon. Rasso.

**Hon. Ali Rasso** (Saku, JP): Thank you very much, Hon. Speaker. I thank you for your kindness. I rise to oppose this constitutional amendment Bill. The reason why I oppose it is because my background is of a soldier. The bullet never travels in a zigzag manner. It travels straight. As Members of this House, we must stand firm. We must be patriotic and stand for the truth.

On 18<sup>th</sup> December 2014, ODM and Jubilee fought on the Floor of this House. We threw out the ODM guys led by Hon. Mbadi, Hon. Junet and many others, because we were contesting a Bill that would seriously undermine the rule of law and the independence of institutions. The Bill was about security. The magnanimity of the moment led the courts at that time to sever that Bill in several areas because we wanted a unified and stable country that is able to address many of its issues by looking internally.

It is not lost on us that those who moved this very important Bill were not Members of the Departmental Committee on Justice and Legal Affairs. It was moved by the Leader of the Majority Party and Leader of the Minority Party. That clearly showed that those promoters had very little faith in the Committee although it gave us a sterling report. I thank the Committee for that reason.

Kenyans celebrated the handshake. The handshake brought stability, a lot of sense and tranquility to this country. I thank the two leaders, the President and the former Prime Minister. However, what started as the handshake and what arrived on our tables as the BBI are very different things. They are completely different things. Anyone who says that the BBI will bring Kenya together is getting it wrong. It will divide this country down the middle.

As far as sharing of resources is concerned, Article 203 of the Constitution shows that in allocating resources, there is a need to ensure that the highest allocation in terms of the average amount of money allocated per person to a county does not exceed three times that of the next county. We are going back to 1965 when Sessional Paper No.10 that laid the foundation for development in this country was put in front of us. That is the inequality we face today.

Hon. Speaker, Kenya Constitution 2010 was ground breaking. Not only did Kenya celebrate about it but also the world. When I look at the way the Constitution of Kenya (Amendment) Bill, 2020, was canvassed, they attempted to push it. We, as Kenyans, must ask ourselves the reason. I know that many of us in this august House do not walk on the streets. When you do it, you will see that businesses have closed. People have lost jobs. People are asking for vaccines. Many of us are supposed to get the second round of vaccines but they are not there. Are we not worried as a country? There are serious issues that are before us.

A Member talked about the National Police Service. I was a soldier in the Kenya Defence Forces (KDF). It has a political Defence Council, although the leadership of the military sits there. It gives the Generals assertive policing and command of the forces. We do not have such a facility in the police service. We give all the responsibilities to the Inspector-General. We might be clawing back on the roles of the National Police Service. There are certain things that we must deeply reflect on, whether they are good for our country.

Finally, there is a clause in this Bill that says that the Cabinet Minister for the National Treasury can stop money from going to the counties. If that is made into law, you must show us why it is in the Bill. Parliament has that responsibility. No one should take it away from this august House. I am a bit antsy on this particular issue.

Hon. Speaker, I thank you for giving me the opportunity to contribute. I oppose the Bill.

*(An Hon. Member spoke off-record)*

**Hon. Speaker:** Hon. Mbeyu, Member for Kilifi. There will be very many people here at 9.00 p.m. So, just relax.

**Hon. (Ms.) Gertrude Mwanjanje** (Kilifi CWR, ODM): Asante, Mhe. Spika kwa heshima and taadhima. Nimesimama wima kuunga mkono Mswada huu. Yamezungumzwa mengi. Yale manufaa ambayo yanagusa mwananchi wa kawaida ndani ya Mswada huu ni mengi sana.

Zile pesa za kaunti ambazo zimeandikwa zitatoka asilimia 15 mpaka asilimia 35 ni nyingi sana zikifika kwa mwananchi. Zitasaidia sana. Tumeona sana ule usaidizi asilimia 15 umetekeleza, na hasa pale kwetu Jimbo la Kilifi. Mambo mengi yamebadilika. Mfano ni mambo ya afya, ukulima na elimu. Kwa niaba ya watu wa Kilifi, nimesimama kuunga mkono Mswada huu, kwa sababu pesa ikiongezwa katika Jimbo hili kutoka asilimia 15 mpaka 35, sisi tutanufaika.

Magavana wengi wamefikisha vipindi vyao vya pili. Wangeomba waongezewe muda ili waendeleze ile kazi wamefanya kwa miaka minane saa hizi. Kwa sababu lazima wapishe uongozi, najua wengi wataendeleza hatma zao za kazi ili wananchi wapate faida zaidi.

Nataka kuzungumzia kuhusu vijana wakike na wakiume kuweza kupata riba na kufanya kazi. Umri wa kijana wa darasa la tatu ni miaka saba. Mswada huu utaleta manufaa makubwa sana kwa vijana. Hata tukirudi mashinani, natumaini kuwa Mswada huu utapita. Tutaungwa mkono na Wakenya wengi, kwa sababu wao wanafaida ndani ya Mswada huu.

Kama viongozi wa kike, kile kiti cha uwakilishi wa kike ndani ya Bunge kimetolewa lakini kimeenda pale Bunge la Seneti. Wamama 47 wakichaguliwa kwa kura ndani ya Seneti ni manufaa. Wataweza kupiga kura ndani ya Bunge la Seneti mbali na wale wa kuteuliwa. Hii ni manufaa kwetu. Nitazungumzia kuhusu maeneo Bunge 70 ambayo itaongezwa. Nataka kukuhakikishia ya kwamba sisi ambao hatutaweza kuendelea na uwakilishi wa kike ndani ya Bunge hili, tutarudi hapa tukiwa wawakilishi wa maeneo Bunge. Maeneo Bunge 70 yataleta uongozi na pesa mashinani kwa wananchi wetu.

Tukipitisha Mswada huu, nakuhakikishia ya kwamba wanawake zaidi ya 40 kati ya zile nafasi 70 zimeongezwa, wataingia ndani ya Bunge hili. Hii itaondoa tashwishi ile tumepigana nayo ya Mswada wa kila wakati wa thuluthi mbili ambayo haitoshi ndani ya Bunge. Watu wa kutoka Pwani wanaunga mkono Mswada huu. Kama kuna Mbunge wa Pwani anapinga Mswada huu, ni kwa manufaa yake na pengine, njama fiche ambayo Wabunge wa Pwani hatuijui. Mambo ya ardhi yametajwa ndani ya Mswada huu. Dhuluma za mashamba kule kwetu zimetajwa pale ndani zipate suluhisho. Mambo ya uchumi wa samawati kule Pwani ina faida kubwa.

Pesa ambazo zitapelekewa Wakilishi wa Wadi zitasaidia sana. Kuna Wakilishi wa Wadi ndani ya majimbo mengine ambao hawana pesa za maendeleo. Wakipata hizi pesa, gavana atakuwa na nyingi zaidi na wabunge wataongezeka. Hizi ni pesa za kusaidia mwananchi wa kawaida. Tuna hakika, tukifika kule mashinani, tutawambia watu wetu kuwa Mswada huu umekuja kwa ushirikiano wa kuungana mkono kwa Mhe. wetu Baba, Raila Amolo Odinga na mhe. Uhuru Kenyatta. Walizalisha mtoto huyu - BBI. Tuna imani ya kwamba tukipata zaidi maeneno Bunge 70, pesa za kusomesha watoto wetu na kujenga shule zetu zitaongezeka na Kenya itaendelea. Miradi mingi itafanywa. Tutapata faida zaidi, na hasa vizazi vyetu vijavyo.

Kwa heshima ya watu wa Jimbo la Kilifi na Pwani nzima, tunaunga mkono Mswada huu kwa sababu tutapata faida. Mswada huu utaongeza maeneo Bunge manne katika Jimbo la Kilifi. Utaleta faida kwetu. Yale maeneo Bunge yote ambayo yameongezwa yataleta faida kwa Wakenya. Tunaomba zaidi kwa viti vikuu, gavana akiwa mwanamke, mdogo wake awe mwanaume. Rais akiwa mwanaume, mdogo wake awe mwanamke. Sisi tutakuwa na furaha kama viongozi

wamama. Tutafanyia Mswada huu kazi tuhakikishe pale mashinani watu wetu wameelewa faida Mswada huu unaleta kwa wananchi wetu.

Asante, Mhe. Spika.

**Hon. Speaker:** Member for Murang'a.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): Thank you, Hon. Speaker. I take this opportunity to thank you for giving me this opportunity to express myself that I support the Bill.

It has been a lengthy journey and as my colleagues, it has been a long process. For the doubting Thomases who are opposing, it is because they ignored the process from the beginning. I would like to remind ourselves that we are in this House to represent people who sent us here. When the BBI process started, the power was given to the people, Wanjiku. I participated in my county when the team came for the first time and I gave my views. Not all were taken, but a few of them were.

We have been suffering in the counties especially the counties that do not enjoy the Equalisation Fund and other funds that are given to counties that are purported to be poor. My county is one of the leading in coffee and tea production and we have been contributing a lot to the national cake but when it comes to the time of giving back to the communities, we are referred to as a rich county and sometimes we do not benefit from the taxes we pay. Therefore, why I support the BBI is because for the first time we will enjoy one vote one shilling. With that, I support the additional money to the counties. We know this country is rich. For the people who purport that this money will not be available, we have set a minimum of 35 per cent, I wish they can stand and tell Kenyans that if they will get into power, they will give them 50 per cent. This money will benefit the people on the ground. We know the Ward Development Fund will go straight to *mashinani*. My county as an example, the MCAs have never enjoyed this fund. It has been the prerogative of the governor and his team to decide the area to benefit and the one not to. If by bad luck you get a governor who feels that one side did not support him, he can even have one part of the county being left out. But for now, every MCA will have a fund. If I give the example of my county, each ward is supposed to benefit by about Ksh20 million whereas as a County Woman Representative, I receive from this House Ksh7 million per year. It has been the biggest undoing. When we talk about gender and the things we have, one of the reasons only eight County Women Representatives made it back is because we sit in the same House with Members of Parliament. While they take Ksh140 million per year to their constituencies, the County Women Representatives take only Ksh7 million. So sometimes we are seen as jokers or branded flower girls. People cannot understand how we sit in the same House but are not given the same privilege to develop our constituencies. Therefore, I would rather lose my Ksh7 million and a constituency that has five wards will gain about Ksh40 million.

Gender has been a thorn in the flesh. We had the Duale One Bill up to four. We did the dances and dinners but we never managed to convince the House to vote for the gender Bill. It is a shame. All the other Houses from the county assemblies to the Senate managed to get a solution, but this House that makes laws was unable to make a law for ourselves. Therefore, I support a 50/50 gender equality at the Senate. I urge the women here to go the same position or for the single constituency position. Hon. Nyamai has done her second term through God's Grace. So, it is possible. Some of us will go for gubernatorial positions because with the speech of President Suluhu yesterday, we saw that women can do better.

On the issue of the Independent Electoral and Boundaries Commission (IEBC), the Committee said it was contentious because of the constituencies. I thank God that Murang'a County has one additional constituency, but we would have loved to get four because Murang'a

South from Gatanga, Kandara, Kigumo to Maragua constituencies, we are almost at 200,000 mark. Therefore, we deserve to get more constituencies. Kangema and Mathioya are some of the two constituencies which would have been merged if the BBI was not there.

As I support the Bill, I want to remind the House that people are the creators of the IEBC. It should be in charge of elections and boundaries. We have the power given by the people. The people have the sovereign power to say where they want an additional constituency. Therefore, our role in the House is to agree with the people who have the sovereign power. The IEBC is not superior to the power of the people.

As I support the Bill, I pray that one day I will sit in this House when we have Cabinet Secretaries coming from this House because the management of the ministries has been difficult when we have Cabinet Secretaries who are not voted by the people and therefore have no feelings on the priorities of the people.

I support and congratulate His Excellency the President and the former Prime Minister for giving the people a chance to say what they deserve. For Kieni and Kinangop constituencies, I know they have a chance. This is just the beginning of the process. Very soon we will look at the errors. There is always a ....

**Hon. Speaker:** Hon. Hire. You are one of the people whose names disappeared when the machine misbehaved.

**Hon. Mohamed Hire** (Lagdera, KANU): Thank you, Hon. Speaker. Sometimes technology is very frustrating. I was at the top of the list but it disappeared. That is why we are having the Chinese rocket which is out of control, and could land on earth anytime. I rise to support this Bill.

We need to see where we have come from. Before we arrived at the BBI arrangement, this country was on the brink of collapsing. Through the handshake by the President and the Right Hon. Raila Odinga this country was made stable. We have realised stability and realised that the handshake is what we really needed. Kenyans have spoken. This process has lasted for almost two years. Through stakeholder engagement, through public participation, through various visits to the villages and counties, Kenyans were able to identify nine thematic areas that they wanted something done, areas that they thought required serious attention. That is how BBI was born.

One attractive thing about the BBI Bill is the strengthening of devolution. The allocation of 35 per cent to counties is something very attractive. I confess that courtesy of devolution, counties like Wajir and Mandera have tarmac roads in their municipalities. Those regions which were considered marginalised, thank God through devolution, are able to get better health facilities, better health services and better road network. That needs to be supported by anybody who cares about that region. Through Clause 51, the last part of the Equalisation Fund meant to bring the marginalized areas at par with the rest of the country has been given a 10-year extension because the 20-year period provided is not sufficient. Therefore, the extension of the 10 years is a welcome move by the BBI Bill.

Politics is about competition. What has been happening is that when a gubernatorial candidate ascends to power he deprives of development the region that did not vote for him. Through the Ward Development Fund, which is anchored in the Constitution, such areas will get funds for development, their political lineage notwithstanding. That is a wonderful thing.

Anchoring the NG-CDF in the Constitution is a welcome move. The issue of people going to court and claiming that the NG-CDF is unconstitutional will be a thing of the past.

This country needs an independent Inspector-General of Police. That one can only be attested to by the Members of Parliament who come from areas that have some serious security

issues. We may have a junior police officer and Officer Commanding Station (OCS) who is ineffective but the Inspector-General of Police cannot do anything about it because the process of the National Police Service takes very long before action is taken. Security is a very serious issue that requires quick response.

In every constitution-making process, of course, there are those parts which might not be favouring certain areas of a country. The problem I have with the BBI Bill is the emphasis on population in resource allocation. We come from areas that are vast. I do not understand why important parameters like geographical size have not been put into consideration when allocating resources through the additional 70 constituencies or the amendment of Article 203, which emphasises on capitation of resource sharing. Those parts of the BBI Bill are detriment to our region. The Executive will probably come up with some policy measures, including some affirmative action, to compensate for what we lost through the capitation method of sharing resources.

The BBI Bill has more good things than those few reservations and, therefore, I support.

**Hon. Speaker:** Member for Mandera North.

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Speaker, for giving me an opportunity to speak. First and foremost, I register my support for this Bill.

*(An Hon. Member spoke off record)*

**Hon. Speaker:** Do not rise on a point of order because you have not spoken. You are going to speak. Let Hon. Abdullaih Sheikh proceed.

**Hon. Major (Rtd.) Bashir S. Abdullaih** (Mandera North, JP): Thank you, Hon. Speaker. First and foremost, I register my support for this Bill. This is a historic moment in the country. I want to take back fellow Members and Kenyans at large to certain key milestones in Kenya. The first milestone was during Independence. The second milestone is the repeal of Section 2A that ushered in multiparty democracy. The third milestone was the 2010 Constitution. The fourth milestone is the BBI Bill, which seeks to amend certain Articles of the 2010 Constitution.

We know that the BBI emanated from the “Handshake”. It later on morphed into BBI, and now we have the Bill itself to make amendments to the 2010 Constitution. There are certain salient features that are very good for this country. This Bill might not be 100 per cent perfect but almost 80 per cent is quite in order. In the northern Kenya region – in Mandera in particular, where I come from – devolution is actually the first semblance of governance or development that that part of the country has seen. Before devolution, the number of indigenous persons from the North-Eastern region employed by the national Government was merely 900. With the coming of devolution, we are talking of about 12,000 locals having been employed. That tells you that devolution is God-sent to the people of the North-Eastern region, and particularly Mandera.

We are talking about 35 per cent of the national revenue now going to the counties. This in itself is quite in order. The semblance of development that we have seen so far is because of devolution. In some of our counties’ headquarters, for the first time, we have seen tarmac roads whereas in other parts of the country tarmac roads exist in villages, wards and locations. In our region, tarmac roads are something we have seen courtesy of devolution. So, with 35 per cent of national revenue going to the counties, we will see more developments in our areas.

There is also the issue of Ward Development Fund. Right now, Members of County Assemblies representing the wards are at the mercy of the governors. Since the Ward Development Fund is being entrenched in the Constitution, even if a Member of County Assembly is not in good

terms with his governor or is of a different political orientation from that of his governor, the Ward Development Fund will be there for him to ensure that development in the wards is perfectly taken care of.

Another aspect is the NG-CDF. We all know that NG-CDF is the only development tool at the grassroots that is visible, equitably shared and 100 per cent taking care of the people on the ground. The NG-CDF has been under threat from people who go to court to challenge its constitutionality because it is not in the Constitution. The BBI Bill proposes that the NG-CDF is entrenched in the Constitution. I know all of us support the NG-CDF. We have been saying: “No NG-CDF, no Motion. No NG-CDF, no business.” Now the NG-CDF is being entrenched in the Constitution. So, that is the best thing to support.

There is the issue of inclusivity. If the Bill goes through at the referendum, we will have the positions of President, Deputy President, Prime Minister and Deputy Prime Ministers. It is our hope that this inclusivity will be shared at the top level. We are going to have a situation where people from different regions will occupy those top positions so that inclusivity is seen to be at its best.

The BBI came into effect because of the handshake. Remember, after the swearing-in of President Uhuru Kenyatta, we had the people’s president who was also sworn-in. We were staring at a situation where we had two Republics in the same country. So, the handshake has come at a good time. It helped us to ease the tension that prevailed then and enable people to go about their businesses.

Above all, beyond the BBI of now, we are looking at 2022 and beyond. Elections will come and go. That one we know but for sure, we look forward to a situation where Kenyans will vote for their parties and after the elections, they shake hands and move on.

Hon. Speaker, I am fully aware that the additional 70 constituencies are contentious. We would have loved that each of the counties get one position. That has not come. However, remember if this BBI did not safeguard certain constituencies in certain parts of the country, we would be looking at a situation whereby certain constituencies would have been wiped out in parts of North Eastern such as Mandera County. But these ones are now protected. So, that itself says what we already have. We might not have got more but whatever we have is quite protected.

So, I stand here to second this Bill. Let us go to the referendum and ensure Kenyans vote for this Bill for posterity and for the benefit and peace of this country.

Thank you, Hon. Speaker. I support.

**Hon. Speaker:** Hon. Ibrahim Sahal. Hon. Members, put your cards in.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Thank you, Hon. Speaker, for giving me this opportunity to add my voice to this important Bill, the Constitution of Kenya (Amendment) Bill, 2020. I am sad and my heart is bleeding because we are losing our loved ones due to COVID-19. Hundreds are buried at the Lang’ata Cemetery every day and we are here discussing about the BBI rather than addressing the issue of COVID-19. I am sad. I am not happy. As legislators we have also talked about COVID-19 and how people are dying.

The other concern I have is for the people of Wajir South Constituency and Ijara Constituency. They have been sidelined. They were supposed to get extra constituencies. This is pure discrimination. The people of Wajir South and Ijara have the largest areas in Kenya. Wajir South is the second largest and Ijara is the fifth with populations of 350,000 and 300,000 people respectively. They have been discriminated. For that reason, I have my concern but I support the BBI.

**Hon. Speaker:** Hon. Joyce Korir, Member for Bomet.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Speaker. I must sincerely thank you for giving me this chance. I have really been waiting since morning. I have been here since 9.00 a.m., waiting to contribute to this very important amendment Bill which I know the entire country is waiting for.

This is an amendment that has come at a time when the entire country is struggling with a very serious pandemic that has taken the economy down. It has also taken the lives of many Kenyans. We also face a serious challenge. A number of youth have missed employment in various sectors, but today, as politicians, we are discussing the BBI instead of looking at ways and means of assisting the youths of this country in order for them to, at least, be able to move on with life.

Hon. Speaker, I also want to say this: I have stood to state categorically that I will not be a conveyor belt in this House. It is for the women who have been here before me, those who struggled to an extent of having the affirmative action. They struggled to an extent of having the 47 Women Representatives in this House. Today we are here, as women, celebrating the BBI which is removing women in the National Assembly where they are supposed to oversee the budget-making process. This is where Government money is shared. Today, as women in this House, we are celebrating the BBI and women being taken to the Senate yet a judge of the High Court ruled that this House is not constitutionally constituted.

Hon. Speaker, I would want to be informed why the 47 Women Representatives are being moved to the Senate and not remain in this House. Then, you find some funny women here telling us that the women are going to be nominated. I want to say this: we do not fear going to the single constituencies; that is not a problem for us as women. We are also capable of doing the same. You should remove the notion of telling us that we are going to be nominated. We are equal to the task. Removing us from the budget-making process to just go and oversee the county governments, checking on the governors, I think there must be something wrong with the ladies. This is something that our people have been fighting for.

Not only that, they are talking about 35 per cent being taken to the counties. That is not a challenge because the Constitution of Kenya, 2010 states clearly that we can give to the counties at least 15 per cent, meaning we can go up to 100 per cent. Right now the 15 per cent that we are talking about that is supposed to go to the county governments is not there. The Government is borrowing daily to run the Government. This is the same Government that is being run by *akina* Junet and the rest. I want to say this, *Mhe.* Junet, I applaud *Mhe.* Orenge and *Mhe.* Otiende Amolo, not because he is from the other divide, but because he saw the sense that it is not a must for this Constitution to be amended. It is so weird to be in a house of debate and you tell me that I should not bring any amendment to this House. But, because the Speaker ruled that way, all I will want to say, and I will repeat, is that I will never be a conveyor belt in this House. We must debate in this House. We must tell Kenyans the truth. We have lawyers and we have politicians who are always interested with their lives. They are never interested with what is going to the common *mwananchi*. It is shocking!

Right now you are talking about the new virus, the Indian variant, yet the same Government allows their flights to come in. You are now giving us the problems and not how to solve them. As politicians, we are just here discussing the BBI using the same money that was supposed to assist Kenyans to get the vaccines and what have you. The women are still here. The top seats have been discussed. Men have put themselves inside there. There is no single woman there. They have been given the position of a Deputy Governor in case of a Governor being a man. That is “may”. It is not a must and you are here as women celebrating nothing. I am shocked. I want to say this, Hon. Speaker: unless the current sitting women come out clearly and tell us what is in the BBI, I will

say that we are moving in the wrong direction. The seat that brought a number of women here is that of a Woman Representative. We want to see those *mama mbogas* coming to this House using the same seat. Not because you are going for the Governor's seat or you have been promised a ministerial position then you want to block other women from coming to this House. We cannot. I know a number of us cannot compete with men. Some of us can compete with men. We have a number of ladies who cannot compete with men.

The thing that is going to make me not to vote for this BBI is the issue of women. That is why I will repeat to say, and let it remain in records, that I will not be part of the women who are going to remove or kill the vision of the women who made it possible for the 47 women to be in this House...

**Hon. Speaker:** Sit down!

*(Loud consultations)*

This is the National Assembly. Once the microphone is off, the rest of what you are saying is to yourself. It is not a content anywhere. Hon. Joyce Korir, now that you have spoken, please relax.

Hon. Members, before we proceed, as I stated earlier, our IT system appears to have some serious problems. I have directed that the IT team starts working on this because you will need to make certain decisions and we will still be using the same system. They need to up their game. Before we move on, I will allow the Leader of the Majority Party to move a particular Motion.

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, aware that the Constitution of Kenya (Amendment) Bill, 2020 is scheduled to proceed to a roll call vote at the Second and Third Reading during today's Afternoon Sitting, further aware that the House is expected to rise at 6.30 p.m. and commence the Evening Sitting at 7.00 p.m.; cognizant of the provisions of Standing Order No. 30(5) providing that the House ought not to adjourn while a Division is in progress, this House resolves:

- 1) THAT, pursuant to provisions of Standing Order No. 30(3) Paragraph (a), the Afternoon Sitting of today Thursday, 6<sup>th</sup> May 2021 shall stand extended until the conclusion of business listed as Orders No. 8,9 and 10 in the Order Paper.
- 2) Not to hold the Evening Sitting of today, Thursday, 6<sup>th</sup> May 2021.

Hon. Speaker, the import of this is that we are scheduled to go on a short break at 6.30 p.m. and then start the Evening Session for two hours from 7.00 p.m. to 9.00 p.m. If we pass this Motion, we will suspend the Evening Sitting and continue with this session until we conclude the business today. It means that there will be more time for some Members to speak and we have seamless voting. We are taking into account that we have people waiting to vote virtually and also those who are fasting and need to do their *Iftar*. We want to accommodate everyone and before we vote, the Speaker will guide us on the specifics. Let us first pass the Motion. We will still need this Motion even if we are voting now because we are voting by roll call meaning that everyone will

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be called by name, and you will have to say “Yes, or No”. That can take some time and we cannot interrupt it once it starts. We do not want implications that come with stopping midway. Let us agree that we extend this session for the convenience of the House to ensure that we have few contributions, vote properly and the links for virtual voting are sent because there is a specific time that people are linked in.

I beg to move and ask the Leader of the Minority Party to second.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I second this Motion because we will have three votes. We will vote at the Second Reading, the Committee of the whole House and at the Third Reading and all require a specific number of Members present and voting. The time is 5.26 p.m. and I want to plead that after this you make a communication that by 6.00 p.m. we are taking a vote. We can then just have a few Members to contribute and then call the other Members to take a vote so that we can end this Sitting. Today is Thursday and we do not want to keep them in Nairobi forever. I want to request you to ask Members to take a vote at 6.00 p.m. Let us just allow a few Members to contribute.

Thank you, Hon. Speaker.

**Hon. Speaker:** Order, Hon. Osman.

This is a Procedural Motion for extension of sitting time and cancellation of the Evening Sitting of today, and I proceed to propose the Question.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, before I put the Question, it is up to you to decide. The point that was raised by the Leader of the Minority Party is a matter that the House can resolve using Standing Order No. 95. We need to dispense of with this Motion and perhaps, Hon. Mbadi can organise on that.

*(Question put and agreed to)*

Hon. Members, I am not able to rely on my screen here. There are some of you who have come up with entreaties that you have been here since 8, 9, and 10 a.m. and have not contributed. So, this Motion allows so many of you who want to have their voices captured in the *Hansard* a chance to do so. Do not bother coming to check with the Clerks-at-the Table or even my screen. You will allow me to revert to the old system, which I am familiar with, which is Members catching my eye. I have the capacity to identify many of you. Hon. Members, I know so many of you have come to see me here. Some of you have even sent emissaries to talk to me. Let me not rely on the machine. I will allow you to speak.

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Junet, what is your point of order?

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I want to seek your indulgence. This afternoon, many Members who have spoken have come with a mind-set that they are going to vote. Now that the adjournment of this sitting has been altered, I do not know whether I am in a position to propose reduction of the speaking time? It is like a new beginning. Under this new Motion, can we reduce the speaking time to three minutes so that every Member can speak then by 7.00 O'clock we vote?

**Hon. Members:** Vote!

**Hon. Speaker:** Hon. Oyoo.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Thank you, Hon. Speaker. I am rising under Standing Order No.95 that you call upon the Mover to reply.

**Hon. Members:** Yes!

**Hon. Speaker:** Order, Members! Take your seats. Order, Member for Wajir East. The Member for Muhoroni stood in his place and claimed to rise on a point of order under Standing Order No. 95, calling upon the Mover to be called upon to reply.

**Hon. Members:** Yes!

**Hon. Speaker:** It is not the function of the Speaker to decide on that. It is for the House to decide. Therefore, I will put the Question.

*(Question, that the Mover be called upon to reply, put and agreed to)*

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Speaker. I will not take a lot of time. I want to thank all the Members who have made their contributions to this historic debate. I want to recognise that as expected, the opinions were as divided as the Members. Some represented their people, some themselves and others the political factions that they represent. The bottom line is that we are all rich in terms of opinions. I also want to thank you, Hon. Speaker, for your patience and thorough research on all the issues that were raised on the Floor of this House and for guiding this House and the country in terms of what will happen when we have a similar Motion and process going to the future.

I wish to respond on the key issues that arose. They are not many because you covered most of them. The main one is to underscore that the exercise of the sovereign power and will of the people is fundamental and it cannot be derailed by anybody or any organ. What has also been underscored is that the BBI initiative is a popular initiative supported by three million people who put their signatures in 44 out of the 47 counties. Members will have an opportunity to demonstrate their love for their country in the next few minutes. Members will vote for the country or for themselves. Those who love this country and this great republic will join the three million people in voting yes.

I beg to reply.

**Hon. Speaker:** Order Members! Order, Hon. Wamunyinyi! Hon. Members, it is good to listen to this. As guided in my Communication of Tuesday, at the conclusion of the Second Reading I must put the Question but before putting the Question, I must allow for the Division Bell to be rung. So, I direct that the Division Bell be rung for 10 minutes.

*(Loud consultations)*

Hon. Members, you must use your Standing Orders. You are the ones who are going to create them. However, let the Division Bell be rung.

*(The Division Bell was rung)*

Order Members! Order! Order Members! Order Members! Take your seats. Now, Hon. Members, ordinarily the procedure would have been for the Speaker to order that the doors be closed, the Bar be drawn and that thereafter no Member is allowed to walk in or walk out. However, we are living

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in extraordinary circumstances due to the COVID-19 Pandemic. Therefore, looking around the Chamber, I can see we are certainly more than the 112 that is permitted. It is also an indication of the interest that this Motion has. Therefore, Serjeant-at-Arms you will not draw the Bars because Members... I also directed that there will be the tents and other areas like the Members' Lounge designated as part of the Chamber. Therefore, because a Member can claim that they are sitting at the tent when their names are called out, we cannot close the door or draw the Bar. Additionally, we should not be here when we are this many for that long when the entire place is locked up and closed.

Hon. Members you will allow that we proceed without closing the doors or drawing the Bar. The next thing is I have to ascertain, given the provisions of Article 257(7), the voting threshold as guided in my Communication of Tuesday. I must ascertain that we have in the Chamber or at least people who have recorded their presence, a number that is not below 175.

*(Hon. Omboko Milemba spoke off record)*

Member for Emuhaya says that we are certainly more. Yes, I agree but this being a constitutional amendment Bill, it is not one where you can use decibels. It is not a voice votes. Therefore, we must - for posterity and record - ascertain the number of Members present and voting, both here and those who are going to vote virtually, so that the record is clear for anybody to see. I will require that those of you here and those who are able to, to log in.

*(Loud consultations)*

Do we do a physical count?

**Members:** Yes.

*(Hon. John Mbadi spoke off record)*

**The Speaker:** The Hon. John Mbadi says he has already counted this side.

*(An Hon. Member spoke off record)*

No. We cannot allow the grandfather of the House to be the one counting. The easiest way of counting would be by calling out the names, is it not?

**Members:** Yes!

**Hon. Speaker:** However, first before we vote we must ascertain the numbers to be exact.

I am informed that since the system was reconfigured, it can only count up to 112 but, I think since we have enough officers, let us just get a physical count please. Clerk and your staff, please count and give us the numbers.

*(Hon. (Dr.) Pukose spoke off record)*

Please Hon. (Dr.) Pukose... Hon. Sankok you are going to be mistaken. You may not be counted. Those counting might mistake you for the Serjeant-at-Arms.

*(Clerks counted the Hon. Members present in the Chamber)*

Hon. Members, the physical count has found that inside the Chamber we have 247 Members and those that have registered to do virtual voting are 55. This brings the number to 302. Like I told you, this procedure is guided by the provisions of Standing Order No.73. For the convenience of everyone present, we will use the list of Members as the names appear alphabetically, and not seniority.

Every Member will be called out. You will indicate which way you are voting. For those voting virtually, when their names are called out their images will appear on the screen and we will hear how each votes. For our brothers and sisters who are Muslims, I have been informed that at 6.30 p.m. there will be *Iftar* in the Small Dining Room. If it gets to that time you will be at liberty to leave the Chamber and come back later. You will not lose your chance to vote.

Hon. Members, now we are clear. This is the Second Reading of this Bill. The law requires that I read out the Question.

Please Hon. Nyamai, you always want to listen to the villagers even as ...

*(Laughter)*

I know these days you have too many gadgets out there and they are always telling you how they are doing.

Let us just do this one for the country.

*(Question read)*

The Clerk will read out the names of each and every Member alphabetically. Let us proceed.

**Hon. Yusuf Hassan** (Kamukunji, JP): I vote Yes.

**Hon. Major (Rtd.) Bashir S. Abdullahi** (Mandera North, JP): I vote Yes

**Hon. Paul Abuor** (Rongo, ODM): I vote Yes.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): I vote Yes.

**Hon. (Ms.) Safia Sheikh** (Marsabit CWR, JP): I vote Yes.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): ... *(Inaudible)*

**Hon. Speaker:** Hon. Members, how did the Member for Kisumu West vote?

**Hon. Members:** Yes! Yes!

*(Loud consultations)*

**Hon. Speaker:** You see, there are some Members who did not hear.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Hon. Speaker, I vote Yes.

*(Roll call voting in progress)*

*(Loud Consultations)*

**Hon. Speaker:** Hon. Members, please maintain silence a bit so that we can hear him. Can you read about five or 10 names in a row because some Members are at the back, so that people do not... Can we get the first one, please?

**Hon. Alfah Ondieki** (Bomachoge Chache, KNC): I vote yes.

**Hon. Ali Adan** (Mandera South, JP): I vote yes.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): For the sake of the Hansard and Kenyan women, I vote yes.

**Hon. Speaker:** Member for Laikipia East, you registered as voting virtually. Hon. Amin Deddy, write on a piece of paper and display. They are only three letters for yes and if no, they are two. The staff who are hosting, can you direct Members so that they are at liberty to write their answers either no or yes and show on the screen because we are having a challenge and it is taking too much of our time. Some of them could be driving, but we can proceed with the Members present. Can you read another set of five names in a row quickly?

**Hon. Olago Aluoch** (Kisumu West, FORD-K): On behalf of the people of Kisumu West Constituency, I vote yes.

**Hon. Rashid Kassim** (Wajir East, WDM-K): I vote yes.

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Having once been the Vice-Chair of the Joint Committee and in accordance with Article 257(10) of the Constitution, I vote yes.

**Hon. Ayub Angatia** (Lugari, ANC): I am the first second term MP for Lugari Constituency, and I vote yes. *Tangatanga kufa!*

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): I, *baba wa* Parliament, say yes.

**Hon. Samuel Arama** (Nakuru Town West, JP): I vote yes.

**Hon. Marselino Arbelle** (Laisamis, JP): I vote yes.

**Hon. Speaker:** Hon. Shakeel Shabbir, we could not hear you. You must have been using your phone.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Yes, I was.

**Hon. Speaker:** Can you vote now that you have come?

**Hon. Shakeel Shabbir** (Kisumu East, Independent): Verbally?

**Hon. Speaker:** Yes, of course.

**Hon. Shakeel Shabbir** (Kisumu East, Independent): On behalf of the Kisumu East residents and voters, I vote yes.

**Hon. Speaker:** A plea has been made to me and I have acceded to it. It is that our colleagues who are variously abled, some of them may be about to leave on account of not feeling well. We could give them a chance to vote. I will start with Hon. Teyiaa, Hon. Dennitah Ghati, if she is in, and Hon. Wanyonyi. Not Hon. Sankok. Hon. Sankok, just hold on.

**Hon. (Ms.) Janet Teyiaa** (Kajiado CWR, JP): I vote yes.

**Hon. Speaker:** If Hon. Dennitah Ghati comes in, she will be given priority.

**Hon. David ole Sankok** (Nominated, JP): I vote yes

**Hon. (Ms.) Dennitah Ghati** (Nominated, ODM): I vote yes.

**Hon. Speaker:** Is Hon. Wanyonyi in the Chamber? He will vote virtually. Read the names. Hon. Members, one of the names that was read out is that of Hon. Simba Arati who is out of the country in the People's Republic of China. He has indicated that he wants to vote virtually. Staff, are you able to get him on the screen?

**Hon. Simba Arati** (Dagoretti North, ODM): I vote yes for my people.

**Hon. Speaker:** Staff, are you able to locate Hon. Wanyonyi? It is indicated that he was also to vote virtually. If you are able, bring him on the screen. Hon. Members, remember also that

those we have given a special chance will also be voting in Committee of the whole House and more significantly during the Third Reading of the Bill. Proceed.

**Hon. Samuel Atandi** (Alego Usonga, ODM): I vote yes.

**Hon. Babu Owino** (Embakasi East, ODM): On behalf of the people of Embakasi East Constituency, my wife and my children, I vote yes with all my body parts and organs.

**Hon. Bady Twalib** (Jomvu, ODM): On behalf of the people of Jomvu, I vote yes.

**Owen Baya** (Kilifi North, ODM): Because Kilifi is getting four new constituencies, I vote yes.

**Hon. (Ms.) Florence C. K. Bore** (Kericho CWR, JP): I vote no.

**Hon. Sakwa Bunyasi** (Nambale, ANC): I vote yes.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): I vote yes.

**Hon. Speaker:** Hon. Members, let us just vote. Mention your name and constituency and not those other things that you use. Just vote.

**Hon. (Ms.) Liza Chelule** (Nakuru CWR, JP): I vote no

**Hon Moses Cheboi** (Kuresoi North, JP): Hon. Speaker, you have given me the opportunity to do the Committee of the whole House on this particular Bill. So, I abstain.

**Hon. (Ms.) Sabina Chege** (Murang'a CWR, JP): I, Hon. Maitu, Sabina Wanjiru Chege, on behalf of Murang'a County people including Kiharu and Kandara constituencies, I vote yes.

**Hon. (Ms.) Gladwell Cheruiyot** (Baringo CWR, KANU): I, Hon. Gladwell Cheruiyot Tungo from Baringo County, on behalf of Baringo County and for the sake of Mogotio Constituency, I vote yes.

**Hon. (Ms.) Charity Kathambi** (Njoro, JP): Thank you very much, Hon. Speaker. I am Hon. Charity Kathambi Chepkwony and for the interest of my people in Njoro Constituency who are going to get another constituency, I vote yes.

*(Applause)*

**Hon. Speaker:** Hon. Kamuren you have been called out. Order Members! Hon. Chepkut you have also been called out.

**Hon. Charles Kamuren** (Baringo South, JP): I, Hon. Charles Kamuren, Member for Baringo South, I vote no.

**Hon. Kassait Kamket** (Tiatty, KANU): I, Hon. Kassait Kamket, representing mighty Tiatty, I vote yes.

**Hon. William Chepkut** (Ainabkoi, Independent): I, Hon. William Chirchir Chepkut, Member of Parliament for Ainabkoi Constituency, Uasin Gishu County, since we have been given additional three constituencies, I vote a big yes.

**Hon. Rahim Dawood** (North Imenti, JP): My name is Abdul Rahim Dawood, Member of Parliament for North Imenti Constituency, Meru County. I vote a big yes.

**Hon. Samuel Moroto** (Kapenguria, JP): I am Samuel Moroto Chumel, Member of Parliament for Kapenguria, I vote no.

**Hon. Mohamed Duale** (Dadaab, KANU): I, Dr. Mohamed Dahir Duale, Member of Parliament for Dadaab, I vote yes.

**Hon. Speaker:** Hon. Chumel Moroto, you had been indicated as voting virtually. We got your vote. Hon. Duale, Member for Garissa Township, Hon. Chesebe Kapondi Member for Mount Elgon.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, for the people of Garissa, Ijara and Wajir South constituencies, I vote no.

**Hon. Speaker:** You can only vote for one constituency.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, can I vote?

**Hon. Speaker:** You have voted for the people of Garissa Township. We are not able to connect to Joyce Emanikor.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Hon. Speaker, I am present. I, Hon. Joyce Akai Emanikor, on behalf of the great county of Turkana and the people of Turkana, I vote no.

**Hon. Speaker:** There was an indication that Ekomwa James Lomenen, Member for Turkana South, was to vote virtually. Hon. Lomenen, remember you are not connected.

**Hon. Chachu Ganya** (North Horr, FAP): Hon. Speaker, I, Hon. Francis Chachu Ganya, Member of Parliament for North Horr in Marsabit County and on behalf of the people of Marsabit, I vote yes.

**Hon. Rigathi Gachagwa** (Mathira, JP): Hon. Speaker, I, Rigathi Gachagwa, under firm and clear instructions from the great people of Mathira Constituency, I vote no.

**Hon. Kinuthia Gachobe** (Subukia, JP): I, Hon. Samuel Kinuthia Gachobe, Member of Parliament for Subukia Constituency, I vote yes.

**Hon. (Ms.) Mercy Wanjiku** (Kasarani, JP): I, Hon. Mercy Wanjiku Gakuya from the most populated constituency in Kenya, Kasarani, I vote yes.

**Hon. David Gikaria** (Nakuru Town East, JP): I, Hon. Gikaria David, I have instructions from my people of Nakuru Town East Constituency to come and vote a big yes.

**Hon. Speaker:** (*Technical hitch*). Hon. Members, I know a number of Muslims have gone out for *Iftar*.

**Hon. (Ms.) Faith Gitau** (Nyandarua (CWR), JP): I vote no.

**Hon. Ali Guyo** (Garsen, JP): I vote yes.

**Hon. Charles Gimose** (Hamisi, FORD-K): I vote no.

**Hon. Gichimu Githinji** (Gichugu, JP): I, recognising that the role of this Parliament is merely transitional, I pass this Bill to the next level for the people to decide. Let the people decide. I vote yes.

**Hon. George Kariuki** (Ndia, JP): I, on behalf of the people of Ndia, I vote no.

**Hon. Speaker:** Is that Hon. George Kariuki?

**Hon. George Kariuki** (Ndia, JP): Yes. I vote no.

**Hon. (Dr.) Lilian Gogo** (Rangwe, ODM): I, in memory of Michael Okiro Abiga of Rangwe Constituency, who lost his life to electoral violence, I vote yes.

**Hon. Speaker:** Hon. Members, there is a Member who voted virtually; Hon. George Kariuki, the Member for Ndia. Yeah, he has voted. He asked. My business is to ensure. We have Hon. Omar Mohammed who is to vote virtually. I do not know whether he is available.

**Hon. Kulow Maalim** (Banissa, EFP): I vote yes.

**Hon. Speaker:** Just a minute. Hon. Members, I am told the Member for Laikipia East, Hon. Ali Amin, who was not audible is now available. Can you call him out and let him vote?

**Hon. Ali Amin** (Laikipia East, JP): I, for the people of Laikipia East, vote yes.

**Hon. Said Hiribae** (Galole, FORD-K): I vote yes.

**Hon. (Ms.) Rehema Hassan** (Tana River CWR, MCCC): I vote no because I am losing.

**Hon. Moses Injendi** (Malava, JP): I, because of the constituency and the National Government Constituency Development Fund (NG-CDF) entrenchment, I vote yes.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Mimi napiga kura ndio.

**Hon. Speaker:** Hon. Kimani Ichung'wah was to vote virtually. Yes.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): I vote yes.

**Hon. Omar Mohamed** (Mandera East, EFP): I vote yes.

**Hon. Speaker:** Hon. Tim Wanyonyi, please, go ahead.

**Hon. Tim Wanyonyi** (Westlands, ODM): I vote yes.

**Hon. Speaker:** Hon. Tim Wanyonyi, you will still wait for the next vote. Hon. Kimani Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I, on behalf of the people of Kikuyu and to protect the 2010 Constitution, I vote no.

**Hon. Kubai Iringo** (Igembe Central, JP): I, on behalf of Igembe Central and for the benefits, I vote yes.

**Hon. Wainaina Jungle** (Thika Town, Independent): I, on behalf of the people of Thika Town, I vote a big yes.

**Hon. Maina Kamanda** (Nominated, JP): I, on behalf of Nairobi people, I vote yes.

**Hon. T.J. Kajwang'** (Ruaraka, ODM): I, the people's chief justice and the incoming Vice-Chairman of the Justice and Legal Affairs Committee (JLAC), on behalf of the people of Ruaraka, I vote yes.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo (CWR), JP): I, on behalf of the people of Isiolo who are losing Ksh1.6 million, I vote no.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Speaker, I, Peter Opondo Kaluma, on my own behalf, that of my uncle, the late Dr. Odhiambo Mbai, who died fighting for devolution, and that of the people of Homa Bay Town Constituency, I vote yes.

**Hon. Memusi ole Kanchory** (Kajiado Central, ODM): Hon. Speaker, I, Elijah Memusi Kanchory, Member of Parliament for Kajiado Central, I vote yes.

**Hon. (Ms.) Joyce Kamene** (Machakos CWR, WDM-K): Hon. Speaker, I, Joyce Karimi Kasimbi, the Machakos County Member of Parliament, on behalf of the people of Machakos County and for the prosperity of this country, I vote a big yes.

*(Loud consultations)*

**Hon. Ahmed Gaal** (Tarbaj, PDR): I, Ahmed Bashane Gaal, on behalf of Tarbaj Constituency, I vote yes.

**Hon. Charles Njagua** (Starehe, JP): I, Charles Njagua Kanyi, Member of Parliament for Starehe, I vote yes.

**Hon. Alfred Keter** (Nandi Hills, JP): I, Alfred Kiptoo Keter, Member of Parliament for Nandi Hills, I vote yes.

**Hon. Mohamed Hire** (Lagdera, KANU): I, Mohamed Hire Garane, Member of Parliament for Lagdera Constituency, I vote yes.

**Hon. Oku Kaunya** (Teso North, ANC): Hon. Speaker, I, Oku Kaunya, Member for Parliament for Teso North, I vote a big yes.

**Hon. Ibrahim Abdi** (Lafey, EFP): I, Hon. Abdi Mude Ibrahim, Member of Parliament for Lafey Constituency, I vote yes.

**Hon. Paul Katana** (Kaloleni, ODM): I, Paul Kahindi Katana, Member of Parliament for Kaloleni, I vote yes.



**Hon. Kanini Kega** (Kieni, JP): I, Kanini Kega James Mathenge, Member of Parliament for Kieni, and also on behalf of my neighbouring constituency, Mathira, I vote yes.

*(Loud consultations)*

**Hon. Speaker:** That must be Hon. Aisha Jumwa Katana. She will be voting virtually.

**Hon. (Ms.) Aisha Jumwa** (Malindi, ODM): I can hear you, Hon. Speaker.

**Hon. Speaker:** Please proceed.

**Hon. (Ms.) Aisha Jumwa** (Malindi, ODM): Hon. Speaker, can you hear me?

**Hon. Speaker:** Yes. The entire House can hear you.

**Hon. (Ms.) Aisha Jumwa** (Malindi, ODM): I am Aisha Jumwa, the Member of Parliament for Malindi. On behalf of the Malindi people and the hustler nation at large, I refuse a bloated Parliament, and I vote a big no.

*(Loud consultations)*

Hon. Speaker, can you hear me?

**Hon. Speaker:** We have heard you. Can we get Dr. Kasalu Irene Muthoni? She is voting virtually.

*(Loud consultations)*

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): Hon. Speaker, can you hear me?

**Hon. Speaker:** Yes.

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): On behalf of the people of Kitui, I vote yes.

**Hon. Speaker:** Very well.

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): Hon. Speaker, if you can hear me, I vote yes.

**Hon. Speaker:** Yes, Hon. Kasalu. We have heard you. Hon. Kandie was to vote virtually. We are through with that now. We are only voting. The other stories are for the wicked.

*(Laughter)*

Please, let us proceed. How far did we go? I can see some Members carrying their bags as if we have finished. Some of them do not understand parliamentary procedures.

**Hon. Adan Keynan** (Eldas, JP): I, Hon. Adan Keynan Wehliye, representing the people of Eldas Constituency, I vote yes.

**Hon. Anthony Kiai** (Mukurweini, JP): Thank you, Hon. Speaker. On behalf of the great people of Mukurweini, my name is Anthony Kiai. The Building Bridges Initiative (BBI) is saving Mukurweini from being scrapped. I vote yes.

**Hon. Clement Kigano** (Kangema, JP): I, Muturi Kigano, Member of Parliament for Kangema, I vote yes on behalf of Kangema.

**Hon. David Kiaraho** (Ol Kalou, JP): I, David Njuguna Kiaraho, on behalf of the great people of Ol Kalou Constituency, I vote yes.

**Hon. Peter Kimaru** (Mathioya, JP): Hon. Speaker, I am Peter Kimaru Kihara, the Member of Parliament for Mathioya. On behalf of the great people of Mathioya, I vote yes.

**Hon. Kuria Kimani** (Molo, JP): Mheshimiwa Spika, mimi ni Kimani Francis Kuria Mbunge wa Eneo Bunge la Molo, Nakuru County. Napiga kura ya ndio.

**Charles Kilonzo** (Yatta, Independent): Hon. Speaker, my name is Charles Kilonzo. On behalf of the people of Yatta, I vote yes.

**Hon. Speaker:** Just a minute, Hon. Members. I am being requested to remind Members that there will be a crucial Third Reading of this Bill. Therefore, you may have voted, but it is not over yet. It is not over until it is over. That will be after the Third Reading. Unless you are going out to do something, remain within. The Member for Lamu East is shown here to be voting virtually. He was in the House earlier in the day. He is indicated as voting virtually.

Let us proceed. Read the names. Hon. Jayne Kihara, Member for Naivasha, is voting virtually. Are you able to get her? We will proceed until we get her.

**Hon. Amos Kimunya** (Kipipiri, JP): On behalf of the people of Kipipiri Constituency and Nyandarua County, I vote yes.

**Hon. Patrick Makau** (Mavoko, WDM-K): I vote, yes.

**Hon. Kipyegon Ngeno** (Emurua Dikirr, KANU): On behalf of the people of Emurua Dikirr Constituency, I vote no.

**Hon. Simon King'ara** (Ruiru, JP): On behalf of 600,000 people of Ruiru Constituency, I vote, yes.

**Hon. Jeremiah Kioni** (Ndaragwa, JP): On behalf of the good people of Ndaragwa Constituency, I vote yes.

**Hon. Michael Kingi** (Magarini, ODM): On behalf of the people of Magarini Constituency, I vote yes.

**Hon. Julius Melly** (Tinderet, JP): I vote no.

**Hon. William Cheptumo** (Baringo North, JP): On behalf of the great people of Baringo North, I vote no.

**Hon. Joseph Kipkosgei** (Kuresoi South, JP): On behalf of the great people of Kuresoi South who are concerned about the bottom-up economy, I vote no.

**Hon. Speaker:** Please, Hon. Members, there is a Member who wants to vote virtually. Who is this?

**Hon. George Sunkuyia** (Kajiado West, JP): Hon. Speaker, on behalf of the people of Kajiado West Constituency, I vote yes.

*(Loud consultations)*

*(Laughter)*

**Hon. Speaker:** Very well. Next.

**Hon. Ernest Kivai** (Vihiga, ANC): I vote yes.

**Hon. Gideon ole Konchela** (Kilgoris, JP): Kenyans have spoken through the Building Bridges Initiative (BBI). I vote yes.

**Hon. Wilson Kogo** (Chesumei, JP): On behalf of the great people of Chesumei Constituency, I vote no.

**Hon. Nelson Koech** (Belgut, JP): On behalf of the people of Belgut Constituency, I vote no.

**Hon. (Ms.) Beatrice Kones** (Bomet East, JP): I vote no.

**Hon. Speaker:** Can you put through Hon. Jayne Kihara, Hon. Joshua Kivinda and Hon. Kirima Moses Nguchine? Hon. Ken Chonga, please go on.

**Hon. Ken Chonga** (Kilifi South, ODM): Hon. Speaker, on behalf of the people of Kilifi South Constituency and Kilifi County, I vote yes.

**Hon. Speaker:** Hon. Gideon Keter, I have been told that you have come. You had registered that you would be online.

**Hon. Gideon Keter** (Nominated, JP): I vote no.

*(Loud consultations)*

**Hon. Speaker:** Please, Hon. Members, pay attention to the names when they are being called out by the Clerks-at-the-Table. Hon. Members, please proceed and vote.

**Hon. (Ms.) Sara Korere** (Laikipia North, JP): Napiga ndio.

**Hon. Nixon Korir** (Lang'ata, JP): I vote No.

**Hon. Kipserenget Koros** (Sigowet/Soin, Independent): I vote No.

**Hon. Hilary Kosgei** (Kipkelion West, JP): I vote no.

**Hon. Caleb Kositany** (Soy, JP): I vote no.

**Hon. Gideon Koske** (Chepalungu, CCM): I vote yes.

**Hon. Dominic Koskei** (Sotik, JP): I vote no.

**Hon. John Waluke** (Sirisia, JP): I vote no.

**Hon. Speaker:** Any other? Proceed. Call others.

*(Loud consultations)*

Hon. Members. We will not wait for those who are dragging themselves. Let us proceed.

**Hon. Jackson Lekumontare** (Samburu East, KANU): I vote yes.

**Hon. (Ms) Maison Leshoomo** (Samburu CWR, KANU): I vote yes.

**Hon. (Ms.) Naisula Lesuuda** (Samburu West, KANU): I vote yes.

**Hon. Alois Lentoimaga** (Samburu North, JP): I vote yes.

**Hon. Peter Lokachapong** (Sigor, JP): I vote yes.

**Hon. (Ms.) Liza Chelule** (Nakuru CWR, JP): I vote no.

**Hon. Jeremiah Lomurukai** (Loima, ODM): I vote yes.

**Hon. Moses Lessonet** (Eldama Ravine, JP): I vote no.

**Hon. Speaker:** Proceed in that order.

**Hon. Mark Lomunokol** (Kacheliba, PDR): I vote yes.

**Hon. Daniel Maanzo** (Makueni, WDM-K): I vote yes.

**Hon. Maoka Maore** (Igembe North, JP): I vote yes.

**Hon. Justus Kizito** (Shinyalu, ODM): I vote yes.

**Hon. Joseph Manje** (Kajiado North, JP): I vote yes.

**Hon. Sylvanus Maritim** (Ainamoi, JP): I vote no.

**Hon Speaker:** Next. Hon. Members, I am told the following persons are available virtually. Can we hear them? Hon. Passaris Muthoni Rosana.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): I vote yes.

**Hon. Speaker:** Hon. Kimilu. Some of the Members voting online, if you have some of those *mulika mwizi*, they cannot ...

**Hon. James Murgor** (Keiyo North, JP): I vote no.

**Hon. Speaker:** Can I get Hon. Joshua Kimilu? Who is this now? Is it Serem Cornelly?

**Hon. Cornelly Serem** (Aldai, JP): I vote no.

**Hon. Speaker:** Hon. Didmus Barasa.

**Hon. Didmus Barasa** (Kimilili, JP): I vote no.

**Hon. Speaker:** Next. Hon. Kimilu, please vote

**Hon. Joshua Kivinda** (Kaiti, WDM-K): Hon. Speaker, I vote yes.

**Hon. Speaker:** Who was that?

*(An Hon. Member spoke off record)*

Hon. Kimilu? Can you just show your name? Tell them to introduce their partners.

*(Laughter)*

Next is Hon. Fred Ouda, Member for Kisumu Central.

**Hon. Fred Ouda** (Kisumu Central, ODM): Hon. Speaker, on behalf of Kisumu Central Constituency and the great city of Kisumu, I vote yes.

**Hon. Speaker:** Hon. Joseph Limo, Member for Kipkelion East.

**Hon. Joseph Limo** (Kipkelion East, JP): I, Hon. Joseph Limo, on behalf of the people of Kipkelion East in Kericho County, I vote no.

**Hon. Speaker:** Hon. Lomenen, Member for Turkana South.

We cannot get that one. Hon. (Ms.) Jayne Kihara, please, vote.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): On behalf of the great people of Naivasha, I vote no.

**Hon. Speaker:** Very well. Hon. Momoima Onyonka.

**Hon. Richard Onyonka** (Kitutu Chache South, FORD - K): On behalf of myself and the great people of Kitutu Chache South Constituency, I would like to vote yes.

**Hon. Speaker:** Very well. Hon. Patrick Munene.

**Hon. James Lomenen** (Turkana South, JP): Hon. Speaker, I am Hon. James Lomenen.

**Hon. Speaker:** Yes. Pleasey, vote.

**Hon. James Lomenen** (Turkana South, JP): I, Hon. James Lomenen, Member for Turkana South, I vote no.

**Hon. Speaker:** Very well.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Hon. Speaker, can I vote?

**Hon. Speaker:** Who are you?

*(Laughter)*

**Hon. Silvanus Onyiego** (South Mugirango, KNC): I am Hon. Osoro. Can I vote, Hon. Speaker?

**Hon. Speaker:** You should identify yourself and then vote. Do not just appear on the screen.

Let us proceed. *Hawa watu wako na uzembe fulani*. Can we do the physical voting for these Members who are there?

*(The Clerk-at-the-Table called out the names of some Members)*

These names should be in addition to these other Members who may not have... Please, it is good that the names be read out. Put Hon. Moses Kuria Kiarie and Hon. Josphat Kabeabea, Member for Tigania East, in the same list.

*(The Clerk-at-the-Table called out the names of other Members)*

Let these ones vote. Please, say your name and your constituency then you vote.

**Leonard Yego** (Konoin, JP): Hon. Speaker, my name is Brighton Yegon, Member for Konoin Constituency. On behalf of the people of Konoin, I vote no.

**Hon. Alfred Masadia** (Sabatia, ANC): Hon. Speaker, my name is Alfred Agoi Masadia, Member for Sabatia Constituency, Vihiga County. On behalf of the people of Sabatia and Vihiga County, I vote yes.

**Hon. Julius Mawathe** (Embakasi South, WDM - K): I, Julius Musili Mawathe, on behalf of the great people of Embakasi South Constituency, I vote yes.

**Hon. (Ms.) Jessica Mbalu** (Kibwezi East, WDM - K): Hon. Speaker, I, Jessica Mbalu, Member for Kibwezi East, on behalf of the people of Kibwezi East, I vote yes.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Hon. Speaker, I, Hon. Mishi Mboko, Member for Likoni Constituency in County 001, I vote yes. One more constituency for Likoni.

**Hon. Kareke Mbiuki** (Maara, JP): I, Hon. Kareke Mbiuki, on behalf of Maara Constituency, Tharaka Nithi County I vote yes.

*(Applause)*

**Hon. Mbogo Ali** (Kisauni, WDM-K): Hon. Speaker, I am Hon. Mbogo Ali Menza, the Member of Parliament (MP) of Kisauni. On behalf of the great people of Kisauni Constituency, I vote yes.

**Hon. Peter Masara** (Suna West, Independent): I, Hon. Peter Francis Masara, MP of Suna West, on behalf of the great people of Suna West Constituency and my neighbour Kuria West, I vote yes.

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): I, Hon. Cecily Mbarire, nominated MP, on behalf of the people of Embu, I vote no.

**Hon. Josphat Kabeabea** (Tigania East, PNU): I, Josphat Gichunge Kabeabea, MP for Tigania East, I stand for what I believe in. Therefore, I vote no.

**Hon. David Mboni** (Kitui Rural, CCU): I, David Mwalika Mboni, MP of Kitui Rural Constituency, I vote yes.

**Hon. Robert Mbui** (Kathiani, WDM-K): I, Robert Mbui, MP for Kathiani Constituency, I vote yes.

**Hon. Swarup Mishra** (Kesses, JP): I, Dr. Swarup Ranjan Mishra Kiprop arap Chelule, on behalf of the great and good people of Kesses, I say a big yes. Thank you.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, I Mwalimu Omboko Milemba, on behalf of the people of Emuhaya, I vote yes.

**Hon. Ahmed Kolosh** (Wajir West, JP): Bwana Spika, tumekuwa na Rais Suluhu jana. Kwa hivyo, wacha nijaribu Kiswahili. Mimi, Ahmed Kolosh Mohamed, Mjumbe wa Wajir Magharibi, kwa niaba ya watu wangu, napiga ndio.

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(Applause)

**Hon. Mohamed Ali** (Nyali, Independent): Mimi, Mohamed Ali Mohamed, kwa niaba ya wakaazi wa Eneo Bunge la Nyali na taifa nzima kwa ujumla, napiga kura ya la.

**Hon. Mohamed Abdikhaim** (Fafi, KANU): On behalf of the people of Garissa County and Fafi Constituency and being a beneficiary of World Bank projects and the national Government, on behalf of our President, Uhuru Muigai Kenyatta, and on behalf of my party stand and my party leader, Gideon Moi, I vote yes.

**Hon. Speaker:** Okay, Hon. Members. Let them introduce themselves and vote, those on the screen. Quickly. You can vote, but say your name.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): My name is Ahmed Abdisalan Ibrahim, MP Wajir North Constituency. On behalf of the great people of Wajir North Constituency, I vote yes.

**Hon. Lokiru Ali** (Turkana East, ODM): I am Hon. Mohamed Ali, MP Turkana East. I vote no.

**Hon. Ali Sharif** (Lamu East, JP): Hon. Sharif Athman Ali, MP for Lamu East. On my behalf and my people, I vote no.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Thank you, Hon. Speaker. This is Hon. Silvanus Osoro. On behalf of the great people of South Mugirango and on behalf of the Kisii people and Kisii nation, I refuse dictatorship and vote no.

**Hon. Speaker:** Hon. Member, if you are not going to vote alone, if you are going to tag along villagers, it will not be counted.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): I am in the constituency.

**Hon. Speaker:** The rules are very clear if you decide to go and be surrounded.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): Okay, Hon. Speaker. I hear you. Let me step aside.

**Hon. Speaker:** Let us go on with the serious people. Let us go on with the people who are here. These ones in the village will come later. Can you call names of people who are in the chamber?

**Hon. Kipruto Moi** (Rongai, KANU): Hon. Kipruto Moi, representing the people of Rongai Constituency, I vote yes.

**Hon. Ben Momanyi** (Borabu, WDM-K): I Ben Momanyi, MP for Borabu and the BBI coordinator in Nyamira, Kisii and Kuria, I vote yes.

**Hon. (Ms.) Jerusha Momanyi** (Nyamira CWR, JP): I, Jerusha Momanyi, Member of Parliament for Nyamira, representing the people of Nyamira, I vote yes.

**Hon. Shadrack Mose** (Kitutu Masaba, JP): I, Hon. Shadrack Mose, MP for the great people of Kitutu Masaba in Nyamira County, getting a new constituency, I vote yes.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Thank you, Hon. Speaker. My name is Halima Mucheke a nominated Member. I vote yes.

**Hon. Mohamed Mohamud** (Wajir South, JP): Thank you, Hon. Speaker. My name is Professor Mohamud Sheikh, MP for Wajir South Constituency that comprises a population of 300,000 with a landmass of nearly 23,000 square kilometres. I could not get a constituency on this. However, for the love of my country and the President, I vote yes.

**Hon. Michael Muchira** (Ol Jorok, JP): I vote yes.

**Hon. Mugambi Gichuki** (Othaya, JP): I vote a big yes.

**Hon. Speaker:** Hon. Khamala.

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**Hon. Titus Khamala** (Lurambi, ANC): In correcting the injustice of the boundaries between Navakholo and Lurambi, I vote yes.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): I vote yes.

**Hon. Speaker:** Hon. Kalasinga, we have already recorded your vote. Who is that appearing?

Member for Githunguri.

**Hon. Gabriel Kago** (Githunguri, JP): I vote yes.

**Hon. Makali Mulu** (Kitui Central, WDM-K): Despite not agreeing with the Second Schedule, I vote yes.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I vote yes.

**Hon. (Dr.) Victor Munyaka** (Machakos Town, JP): I vote no.

**Hon. Mugambi Rindikiri** (Buuri, JP): I vote no.

**Hon. Speaker:** Very well. It is noted.

**Hon. Lemanken Aramat** (Narok East, JP): I vote no.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Have you got my vote?

**Hon. Speaker:** Yes. Let us have the other Members.

**Hon. Aduma Oduor** (Nyakach, ODM): Can I vote, Hon. Speaker?

**Hon. Speaker:** Identify yourself before asking. Introduce yourself and the constituency you represent.

**Hon. Aduma Oduor** (Nyakach, ODM): I vote yes.

**Hon. Speaker:** It is recorded.

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Mheshimiwa Spika.

**Hon. Speaker:** That sounds like Hon. Namshi Naomi Shaban.

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Ninapiga kura ya ndio.

**Hon. Speaker:** It is recorded.

**Hon. Mark Nyamita** (Uriri, ODM): On behalf of the people of Uriri, I vote yes.

**Hon. Speaker:** Who is this?

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): I vote No. Have you got me?

**Hon. Speaker:** Loud and clear.

**Hon. Lemanken Aramat** (Narok East, JP): Hon. Speaker...

**Hon. Speaker:** Hon. Aramat, you have already voted.

**Hon. George Gitonga** (Tharaka, DP): I vote no.

**Hon. Kathuri Murungi** (South Imenti, Independent): Napiga kura ya ndio.

**Hon. Patrick Musimba** (Kibwezi West, Independent): I vote yes.

**Hon. Stanley Muthama** (Lamu West, MCCC): I vote yes.

**Hon. Japheth Mutai** (Bureti, JP): I vote no.

**Hon. Geoffrey Muturi** (Mbeere South, JP): I vote no.

**Hon. John Mutunga** (Tigania West, JP): I vote No.

**Hon. (Ms.) Florence Mutua** (Busia, ODM): I vote yes.

**Hon. Speaker:** Proceed. Call more names.

**Hon. Andrew Mwadime** (Mwatate, ODM): I vote yes.

**Hon. Jonah Mwangi** (Lari, JP): I vote yes.

**Hon. Teddy Mwambire** (Ganze, ODM): I vote yes.

**Hon. William Mwamkale** (Rabai, ODM): I vote yes.

**Hon. Benjamin Mwangi** (Embakasi Central, JP): I vote yes.

**Hon. James Gichuhi** (Tetu, JP): I vote yes.

**Hon. (Ms.) Kawira Mwangaza** (Meru CWR, Independent): I vote yes.

**Hon. Speaker:** Hon. Kirima. Can you put Hon. Kirima Moses on?

**Hon. Moses Kirima** (Central Imenti, JP): Hon. Speaker, I can hear you.

**Hon. Speaker:** Yes, can you vote?

**Hon. Moses Kirima** (Central Imenti, JP): Hon. Speaker, can you get me now?

**Hon. Speaker:** Everybody can hear you in the chamber.

**Hon. Moses Kirima** (Central Imenti, JP): I want to vote.

**Hon. Speaker:** Please, go ahead.

**Hon. Moses Kirima** (Central Imenti, JP): I vote no.

**Hon. Speaker:** Very well. I think the people are giving instructions properly. Proceed

**Hon. Speaker:** Proceed, Hon Members. Member for Kigumo.

**Hon. (Ms.) Wangari Mwaniki** (Kigumo, JP): I vote yes.

**Hon. Khatib Mwashetani** (Lungalunga, JP): Napiga kura ya ndio.

**Hon. Peter Mwathi** (Limuru, JP): I vote yes.

**Hon. John Paul Mwirigi** (Igembe South, Independent): I vote no

**Hon. Lodepe Nakara** (Turkana Central, ODM): I vote no.

**Ms. Gertrude Mwanyanje** (Kilifi CWR, ODM): I vote yes.

**Hon. Abdullswamad Nassir** (Mvita, ODM): Napiga kura ya ndio.

**Hon. Johnson Naicca** (Mumias West, ODM): I vote yes.

*(Loud consultation)*

**Hon. Speaker:** Who is that? Please, state your name and constituency, then vote.

**Hon. Caleb Luyai** (Saboti, ODM): I vote yes.

**Hon. Speaker:** Very well. Noted.

**Hon. Member:** Hon. Speaker can I vote?

**Hon. Speaker:** Yes.

**Hon. Danson Mwashako** (Wundanyi, WDM – K): I vote yes.

**Hon. Speaker:** Noted.

**Hon. Daniel Nanok** (Turkana West, JP): I vote no.

**Hon. Member:** Hon. Speaker, did you capture my yes vote?

**Hon. Speaker:** Yes, we did. Can I get Hon. Patrick Munene and Hon. Vincent Tuwei Member for Mosop? They are attending virtually.

**Hon. Member:** Hon. Speaker, can I vote?

**Hon. Speaker:** Yes, but that one has already voted.

**Hon. Member:** Hon. Speaker, can I vote?

**Hon. Speaker:** You have already voted.

**Hon. Patrick Ntwiga** (Chuka/ Igambang'ombe, JP): I vote no.

**Hon. Isaac Ndirangu** (Roysambu, JP): Ninapiga kura ya ndiyo.

**Hon. John Mbadi** (Suba South, ODM): I vote yes.

**Hon. Charles Nguna** (Mwingi West, WDM-K): I vote yes.

**Hon. Kimani Ngunjiri** (Bahati, JP): I vote yes.

*(Applause)*



**Hon. Charles Njagagua** (Mbeere North, JP): On behalf of the people of Mbeere North, I vote yes.

**Hon. Eric Njiru** (Runyenjes, JP): I vote no.

**Hon. Moses Kuria** (Gatundu South, JP): To avoid a bloated Parliament, and to withhold independence of the Judiciary, I vote no.

**Hon. Joseph Nduati** (Gatanga, JP): I vote yes.

**Hon. Jane Njiru** (Embu CWR, JP): I vote yes.

**Hon. Jude Njomo** (Kiambu, JP): I vote yes.

**Hon. (Ms.) Purity Ngirici** (Kiringaga CWR, JP): I vote no.

**Hon. Joash Nyamoko** (North Mugirango, JP): I vote yes.

**Hon. Junet Nuh** (Suna East, ODM): Ninapiga kura ya ndiyo.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka-Nithi, JP): I say no.

**Hon. (Ms.) Mary Njoroge** (Maragwa, JP): I vote yes.

**Hon. Sophia Noor** (Ijara, PDR): On behalf of the late Mzee Ahmed Yusuf Haji who was the Chair of BBI, the people of Garissa and Ijara people who were left out and were not appreciated, I say yes.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): I vote yes.

**Hon. (Ms.) Amina Hassan** (Mandera CWR, EFP): I vote yes.

**Hon. (Ms.) Edith Nyenze** (Kitui West, WDM-K): I vote yes.

**Hon. Paul Nzengu** (Mwingi North, WDM-K): Even though Kitui North did not get any constituency, for the prosperity of this country, I vote yes.

**Hon. Thuddeus Nzambia** (Kilome, WDM-K): I vote yes.

**Hon. Ndindi Nyoro** (Kiharu, JP): On behalf of the people of Kiharu, Murang'a and the entire hustler nation, I say no. It is no to deception and conmanship. Those making noise, there is nothing you can do to me. You are cowards, traitors and sell outs.

**Hon. Erastus Nzioka** (Mbooni, Independent): I vote yes.

**Hon. Joshua Mwaylo** (Masinga, WDM-K): I vote yes.

**Hon. (Dr.) James Nyikal** (Seme, ODM): I vote yes.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): I vote yes.

**Hon. (Ms.) Pamela Awuor** (Migori (CWR), ODM): I vote a big yes.

**Hon. Tom Odege** (Nyatike, ODM): I vote yes.

**Hon. David Ouma** (Ugenya, MDG): I vote yes.

**Hon. Elisha Odhiambo** (Gem, ODM): I vote a big yes.

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Kwa majina naitwa Captain Ruweida Mohamed, Mbunge wa Kike was Kaunti ya Lamu. Kwa sababu tunaongezwa milioni 400 hizo pia ni pesa. Kwa niaba ya watu wangu wa Lamu, Rais wetu mpendwa Uhuru Muigai Kenyatta na Gideon Moi, napiga kura ya ndio.

**Hon. (Prof.) Jacqueline Oduol** (Nominated, ODM): I vote yes.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): I vote a gigantic yes.

**Hon. Onyango Oyoo** (Muhoroni, ODM): Bwana Spika, nilitumwa na watu wa Muhoroni kuja kumpigia Bwana Raila Odinga na Uhuru Kenyatta kura.

Kwa hivyo napiga ndio.

**Hon. Odanga Geoffrey** (Matayos, ODM): Mheshimiwa Spika, kwa niaba ya watu wa eneo Bunge la Matayos, kura yangu ni ya ndio.

**Hon. (Ms.) Odhiambo-Mabona** (Suba North, ODM): On behalf of the people of Suba North and the women of Kenya, I vote yes.

**Hon. Gideon Ochanda** (Bondo, ODM): On behalf of the Bondo constituents, I vote yes.

**Hon. (Prof.) Zadoc Ogutu** (Bomachoge Borabu, Independent): On behalf of my voters and the people of the Gusii nation, I vote yes.

**Hon. Bernard Otieno** (Kibra, ODM): I vote yes.

**Hon. Speaker:** Hon. Vincent Tuwei, can you vote? We can hear you.

**Hon. Vincent Tuwei** (Mosop, JP): Asante sana, Mheshimiwa Spika.

**Hon. Speaker:** Piga kura sasa.

**Hon. Vincent Tuwei** (Mosop, JP): Asante sana, Mheshimiwa Spika. Kwa niaba ya wananchi na wapiga kura wote wa Mosop wamenia...

**Hon. Speaker:** Wamekuamrisha na ukapotea.

**Hon. Vincent Tuwei** (Mosop, JP): Bwana Spika, umenipata?

**Hon. Speaker:** Hatukupata vile umeamrisha.

**Hon. Vincent Tuwei** (Mosop, JP): Amri ya wananchi ni amri ya Mungu.

**Hon. Speaker:** Wamesemaje?

**Hon. Vincent Tuwei** (Mosop, JP): Napiga la.

**Hon. Speaker:** La. Tuweze kumsikia naye Mheshimiwa Asha Mohamed.

**Hon. Vincent Tuwei** (Mosop, JP): Mmesikia?

**Hon. Speaker:** Tumepata yako Mheshimiwa Tuwei. We cannot get Hon. Asha Mohamed. Can we get Hon. Soipan Tuya?

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Yes, Hon. Speaker. Can you hear me?

**Hon. Speaker:** Yes, vote, please.

**Hon. (Ms.) Soipan Tuya** (Narok CWR, JP): Hon. Speaker, I am prompted by the apparent erosion of the gains made by the women of Kenya and the misplaced priority nature of this exercise to vote no.

**Hon. Speaker:** Let me get this other member, Hon. Asha Mohamed. Are you online Asha Mohamed? If she is not online, can we move on?

Hon. Sankok voted. You voted and you cannot vote again.

*(Hon. Sankok spoke off record)*

**Hon. Speaker:** Proceed.

**Hon. (Ms.) Nasri Ibrahim** (Nominated, FORD-K): Hon. Speaker, the people of Wajir South need another constituency. I vote yes.

**Hon. (Ms.) Anab Gure** (Garissa CWR, JP): I vote no.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Hon. Speaker given that this Bill was introduced through popular initiative, and given the limited role of the National Assembly so that my people can get opportunity to vote on it, I vote yes.

**Hon. Richard ole Kenta** (Narok North, ODM): I vote yes.

**Hon. Adipo Okuome** (Karachuonyo, ODM): I vote yes.

**Hon. Ezekiel Ombaki** (Nyaribari Masaba, NAPK): I vote yes.

**Hon. George Aladwa** (Makadara, ODM): I vote yes.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Speaker, on behalf of the entire Nairobi County and Mathare Constituency, I vote yes.

**Hon. Christopher Omulele** (Luanda, ODM): Hon. Speaker, on behalf of the people of Luanda, I vote yes.

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, on behalf of the people of Kajiado South and Kajiado County, I vote yes.

**Hon. Korei ole Lemein** (Narok South, JP): Hon. Speaker, on behalf of the people of Narok South, I vote yes.

**Hon. Jared Okelo** (Nyando, ODM): Hon. Speaker, on behalf of the great and highly valued people of Nyando Constituency, I vote yes.

**Hon. Geoffrey Omuse** (Teso South, ODM): Hon. Speaker, on behalf of the people of Teso South and Busia County at large, and on behalf of Baba, I vote yes.

**Hon. Benard Shinali** (Ikolomani, JP): Hon. Speaker, on behalf of the people of Ikolomani, I vote yes. I beg to withdraw from the Chamber because I have heard a calamity in my area. A mine has collapsed on people. I beg to go and attend to that matter. I thank you.

**Hon. Speaker:** Proceed.

**Hon. Benard Shinali** (Ikolomani, JP): Hon. Speaker, I also wish to vote yes in the next stage.

**Hon. Speaker:** It will be noted. The Member has to go.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Hon. Speaker, on behalf of the people of Kisii County and being one of the promoters of this amendment Bill, I vote yes.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, I am a nominated Member of Parliament, recognising, appreciating and reaffirming that no one can stop reggae, I vote yes.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Speaker, on behalf of the people of Funyula, I vote yes.

**Hon. John Owino** (Awendo, ODM): Hon. Speaker, on behalf of the people of Awendo, I vote yes.

**Hon. Joseph Oyula** (Butula, ODM): Hon. Speaker, on behalf of the people of Butula and on my own behalf, I vote yes.

**Hon. Martin Owino** (Ndhiwa, ODM): Hon. Speaker, on behalf of the great people of Ndhiwa. I vote yes.

**Hon. David Pkosing** (Pokot South, JP): Hon. Speaker, on behalf of the people of Pokot South and BBI coordinator West Pokot, I vote yes.

**Hon. Faisal Badir** (Msambweni, ODM): Mhe. Spika mimi Faisal Badir Salim Mbunge wa Msambweni, kwa niaba ya watu wangwana wa Msambweni, napiga kura ya ndio.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, on behalf of the Sabaot Community who presented their views demanding a county and they were denied and having been marginalised by both the colonialists and the post-colonial Government, I vote no.

**Hon. Ali Rasso** (Saku, JP): Hon. Speaker, on behalf of the people of Saku, I vote no.

**Hon. Speaker:** Hon. Rono, proceed.

**Hon. Daniel Rono** (Keiyo South, JP): Hon. Speaker, on behalf of the people of Keiyo South, I wish to pronounce myself clearly that may BBI die. I vote no.

**Hon. Joshua Kutuny** (Cherangany, JP): Mhe. Spika, nashukuru kwa nafasi hii. Ni furaha mpwitompwito, kama mtu aliyepata mwana, kwa fursa hii kusimama hapa mbele kwa niaba ya wakaaji ninaowaakilisha wa Bunge la Cherangany. Kama Naibu Mkuu wa chama tawala cha Jubilee na mkereketwa ambaye amepata manufaa kupata maeneo Bunge mawili, kaskazini na kusini Cherangany, napiga kura ya ndio bila kulalamika.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Hon. Speaker, I represent Special Interests groups and I vote yes.

**Hon. Abdi Shurie** (Balambala, JP): Kwa niaba ya watu wa Balambala, napiga kura yangu ya ndio.

**Hon. Wilson Sossion** (Nominated, ODM): I, nominated Member representing the interest of all the workers in the Republic of Kenya, I vote yes.

**Hon. (Ms.) Gladys Boss** (Uasin Gishu CWR, JP): Hon. Speaker, on behalf of the people of Uasin Gishu County, I vote no.

**Hon. Sammy Seroney** (Nominated, WDM-K): Thank you, Hon. Speaker. On behalf of the good people of the WDM-K, His Excellency the former Vice-President, Kalonzo Musyoka, the marginalised and minority groups in Kenya, I vote yes.

**Hon. Eseli Simiyu** (Tongaren, FORD-K): Mhe. Spika ningependa kupiga kura ya ndio.

**Hon. Daniel Wanyama** (Webuye West, JP): Hon. Speaker, on behalf of the good people of Webuye, I vote no.

**Hon. (Ms.) Janet Sitienei** (Turbo, Independent): I come from the hustler's bedroom and on behalf of the entire hustler nation, I vote no.

**Hon. Speaker:** Next.

**Hon. Kassim Tandaza** (Matuga, ANC): Mimi kama *Engineer* na *coordinator* wa BBI Kwale County, kwa niamba yangu, watu wa Matuga na Kwale kwa jumla, ninapiga kura ya ndio.

**Hon. Benjamin Tayari** (Kinango, ODM): Kwa niamba ya watu wa Kinango na Kwale kwa jumla, napiga kura ya ndio.

**Hon. George Theuri** (Embakasi West, JP): On behalf of the people of Embakasi West, I vote no.

**Hon. Abdi Tepo** (Isiolo South, KPP): I vote yes.

**Hon. Richard Tong'i** (Nyaribari Chache, JP): In honour of the late Simeon Nyachae and for the love of the President Uhuru Muigai Kenyatta, even if we did not get a constituency in Kisii County, I vote yes.

**Hon. Ronald Tonui** (Bomet Central, JP): On behalf of the people of Bomet Central, I vote no.

**Hon. Zachary Thuku** (Kinangop, JP): On behalf of the great people of Kinangop, I vote yes.

**Hon. Gabriel Tongoyo** (Narok West, CCM): On behalf of Narok West Constituency and the great people of Narok County whose views and aspirations were ignored at Ole Ntimama Stadium, I vote a big no.

**Hon. Silas Tiren** (Moiben, JP): On behalf of the great people of Moiben, I vote yes.

**Hon. (Ms.) Peris Tobiko** (Kajiado East, JP): I representing Kajiado East Constituency and the entire Kajiado County, I vote yes.

**Hon. Daniel Tuitoek** (Mogotio, JP): On behalf of the people of Mogotio and all the hustlers, I vote no.

**Hon. Josphat Kabinga** (Mwea, JP): On behalf of the great people of Mwea, who feed this nation with rice, I vote yes.

**Hon. Speaker:** Next, let us move fast.

**Hon. (Dr.) Chris Wamalwa** (Kimini, FORD-K): On behalf of the great people of Kimini Constituency and FORD-K party, I vote yes.

**Hon. (Ms.) Rahab Mukami** (Nyeri CWR, JP): On behalf of Nyeri County, I vote no.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): On my own behalf, Kandara, Murang'a, the entire Republic of Kenya and in defence and promotion of the Constitution of Kenya, 2010, I vote no.

**Hon. James Wamacukuru** (Kabete, JP): I representing the great people of Kabete, I vote yes.

**Hon. Munene Wambugu** (Kirinyaga Central, JP): On behalf of the great people of Kirinyaga Central, I vote yes.

**Hon. (Ms.) Martha Wangari** (Gilgil, JP): On behalf of those people watching who are Gilgil constituents, I vote yes.

**Hon. Ngunjiri Wambugu** (Nyeri Town, JP): On behalf of the great people of Nyeri Town Constituency and Nyeri County, I vote yes. *Kimeeleweka*.

**Hon. Christopher Wangaya** (Khwisero, ANC): On my own behalf and on behalf of residents of Khwisero, I vote yes.

**Hon. (Ms.) Gathoni Wamuchomba** (Kiambu (CWR), JP): I represent the greatest county in Kenya in terms of population, a rural county and the home to His Excellency the President of Kenya, Uhuru Muigai Kenyatta, I vote yes. *Kimeeleweka kabisa*.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): I vote yes.

**Hon. Opiyo Wandayi** (Ugunja, ODM): I vote yes

**Hon. Raphael Wanjala** (Budalangi, ODM): I vote yes

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): I vote yes.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): I vote yes. Just to mention, people who have tantrums on the Floor of the House, intimidating Members and telling them you can shout and there is nowhere we will take you, please, *kamata dawa yako pole pole*. *Kimeumana*. Hon. Ngunjiri *ako ndani ya* yes. There is nothing you can do, Hon. Ndindi Nyoro.

**Hon. Emmanuel Wangwe** (Navakholo, JP): I vote yes.

**Hon. Mathias Robi** (Kuria West, JP): I vote no.

**Hon. (Ms.) Elsie Muhanda** (Kakamega CWR, ODM): I vote yes.

**Hon. Speaker:** I heard Hon. Mathias Robi, MP for Kuria West, as having voted no. I heard Hon. Elsie Muhanda, Member for Kakamega County, as having voted yes. Is there any other?

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I vote yes.

**Hon. Benjamin Washiali** (Mumias East, JP): I vote no.

**Hon. Qalicha Wario** (Moyale, JP): On behalf of the great people of Moyale and because of the reason they know one of which is insecurity in Moyale and Marsabit County, I abstain.

**Hon. Charles Ong'ondo** (Kasipul, ODM): I vote yes

**Hon. John Kiarie** (Dagoretti South, JP): Hon. Speaker, on behalf of the people of Dagoretti South Constituency, who expressly expressed their will when the signing of the signatures was being done for the BBI and emerged the last in signature collection, I conscientiously vote no.

**Hon. Yussuf Adan** (Mandera West, EFP): I vote yes.

**Hon. Speaker:** Order, Hon. Members! Before we go to any that may be online, if any Member who is in the Chamber has not heard their name called out or has not voted and desires so to do either way, please, step forward. Hon. Joyce Korir.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): I vote no.

**Hon. Speaker:** Hon. Members, I have these other online Members, Hon. Kangogo Bowen and Hon. Asha Mohamed.

**Hon. Kangogo Bowen** (Marakwet East, JP): I vote no.

**Hon. Speaker:** Hon. Kangogo, we have taken your vote. Next is Hon. Asha Mohamed Hussein, the Woman Representative for Mombasa County. The Member must be heard to say in her own words. I could go through this list of all those Members who had registered to vote

virtually. That is Hon. Mohamed Asha Hussein. The ones remaining are Hon. Owour Joshua Aduma. Hon. Aduma has voted, is it not?

**Hon. Members:** Yes.

**Hon. Speaker:** Hon. Robi Mathias has voted. He is the Member for Kuria West. Hon. Salim Veso has voted physically. Hon. Cornelly Serem had indicated that he was to vote virtually. Did he vote virtually?

**Hon. Members:** Yes.

**Hon. Speaker:** Hon. Tomitom Lilian Cheptoo, Member for West Pokot, Hon. Wanyama Janet Nangabo and Hon. Wario have not voted. We have those three Members. Are they available?

*(Votes counted)*

The host, can you log in Hon. (Ms.) Catherine Wambilianga. Facilitate her to vote.

**Hon. (Ms.) Asha Hussein** (Mombasa CWR, ODM): Hon. Speaker, I vote Yes for the BBI.

**Hon. Speaker:** Who is this? Is it Hon. (Ms.) Asha Hussein?

**Hon. (Ms.) Asha Hussein** (Mombasa CWR, ODM): Yes, Hon. Speaker.

**Hon. Speaker:** Thank you. It is noted. Can you get in touch also with Hon. (Ms.) Catherine Wambilianga, Women Representative for Bungoma.

**Hon. (Ms.) Catherine Wambilianga** (Bungoma CWR, FORD-K): I am online.

**Hon. Speaker:** Yes, please. Hon. Wambilianga, we can see you.

**Hon. (Ms.) Catherine Wambilianga** (Bungoma (CWR), FORD-K): I vote Yes.

**Hon. Speaker:** Thank you, *Mheshimiwa*. It has been noted.

*(Tallying in progress)*

**Hon. Speaker:** Order Members! You can take your seats now. We have the results now.

## DIVISION

*(Question carried by 234 to 81)*

**AYES:** Hon. Yussuf Hassan, Major (Rtd) Bashir.S. Abdullahi, Hon. Paul Abuor, Ms. Beatrice Adagala, Ms. Safia Sheikh, Hon. Shakeel Shabbir, Alfah Ondieki, Ali Adan, Ali Amin Ms. Fatuma Gedi, Hon. Olago Aluoch, Rashid Kassim, Dr. Otiende Amollo, Hon. Ayub Angatia, Jimmy Angwenyi, Samuel Arama, Simba Arati, Marselino Arbelle, Samuel Atandi, Babu Owino, Bady Twalib, Owen Baya, Sakwa Bunyasi, Ms. Rozaah Buyu, Ms. Sabina Chege, Hon. William Chepkut, Ms. Charity Chepkwony, Ms. Gladwell Cheruiyot, Hon. Rahim Dawood, Mohamed Duale, Ahmed Gaal, Kinuthia Gachobe, Ms. Mercy Wanjiku, Hon. Chachu Ganya, Mohamed Hire, Ms. Dennitah Ghati, Hon. David Gikaria, Gichimu Githinji, Dr. Lilian Gogo, Hon. Ibrahim Ahmed, Ali Guyo, Ms. Amina Hassan, Hon. Kulow Maalim, Omar Mohamed, Ms. Zuleikha Hassan, Hon. Said Hiribae, Hassan Hulufu, Ibrahim Abdi, Nasri Ibrahim, Moses Injendi, Kubai Iringo, Wainina Jungle, T.J. Kajwang', Peter Kaluma, Maina Kamanda, Ms. Joyce Kamene, Hon. Kassait Kamket, Memusi ole Kanchory, Charles Njagua, Dr. Irene Kasalu, Hon. Paul Katana, Oku Kaunya, Kanini Kega, Alfred Keter, Adan Keynan, Anthony Kiai, David Kiaraho, Clement Kigano, Peter Kimaru, Charles Kilonzo, Kuria Kimani, Joshua Kavinda, Amos Kimunya, Simon King'ara, Michael Kingi, Patrick Makau, Jeremiah Kioni, Ken Chonga,

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Ernest Kivai, Gideon Konchela, Ms. Sarah Korere, Hon. Gideon Koske, Jackson Lekumontare, Alois Lentoimaga, Ms. Maison Leshoomo, Ms. Naisula Lesuuda, Hon. Peter Lochakapong, Jeremiah Lomorukai, Mark Lomunokol, Caleb Luyai, Justus Kizito, Daniel Maanzo, Joseph Manje, Maoka Maore, Alfred Agoi, Peter Masara, Julius Mawathe, Ms. Jessica Mbalu, Hon. Kareke Mbiuki, Mbogo Ali, Ms. Mishi Mboko, Hon. David Mboni, Robert Mbui, Omboko Milemba, Swarup Mishra, Mohamed Abdikhaim, Ahmed Kolosh, Mohammed Mohamud, Kipruto Moi, Ben Momanyi, Ms. Jerusha Momanyi, Hon. John Mose, Ms. Halima Mucheke, Hon. Michael Muchira, Gichuki Mugambi, Ms. Elsie Muhanda, Hon. Titus Khamala, Gabriel Kago, Majimbo Kalasinga, Stephen Mule, Gideon Mulyungi, Kathuri Murungi, Dr. Patrick Musimba, Hon. Stanley Muthama, Ms. Florence Mutua, Hon. Andrew Mwadime, Danson Mwashako, Joshua Mwalyo, Teddy Mwambire, William Mwamkale, Ms. Kawira Mwangaza, Hon. Benjamin Mwangi, James Gichuhi, Jonah Mwangi, Ms. Wangari Mwaniki, Ms. Gertrude Mwanyanje, Hon. Khatib Mwashetani, Peter Mwathi, Johnson Naicca, Abdullswamad Nassir, Isaac Ndirangu, John Mbadi, Joseph Nduati, Charles Nguna, Kimani Ngunjiri, Charles Njagagua, Ms. Jane Njiru, Hon. Jude Njomo, Ms. Mary Njoroge, Ms. Sophia Noor, Hon. Junet Nuh, Ms. Rachael Nyamai, Hon. Mark Nyamita, Joash Nyamoko, Ms. Edith Nyenze, Dr. James Nyikal, Hon. Thuddeus Nzambia, Paul Nzengu, Erastus Nzioka, Ms. Eve Obara, Ms. Ruweida Obo, Hon. David Ochieng, Ms. Pamela Ochieng', Hon. Geoffrey Odanga, Tom Odege, Elisha Odhiambo, Ms. Odhiambo-Mabona, Prof. Jacqueline Oduol, Dr. Christine Ombaka, Hon. Gideon Ochanda, Prof. Zadoc Ogutu, Hon. Jared Okelo, Ken Okoth, Adipo Okuome, Richard ole Kenta, Korei ole Lemein, Katoo ole Metito, David ole Sankok, Anthony Oluoch, Ezekiel Ombaki, Christopher Omulele, Geoffrey Omuse, George Aladwa, Ms. Janet Ongera, Hon. Richard Onyonka, Godfrey Osotsi, Fred Ouda, Dr. Wilberforce Oundo, Hon. John Owino, Martin Owino, Aduma Owuor, Onyango Oyoo, Joseph Oyula, Ms. Esther Passaris, Hon. David Pkosing, Feisal Abdallah Bader, Rindikiri Mugambi Murwithania Joshua Kutuny, Sammy Seroney, Dr. Naomi Shaban, Ms. Shamalla Jennifer, Hon. Benard Shinali, Abdi Shurie, Dr. Eseli Simiyu, Hon. Wilson Sossion, Oscar Sudi, George Sunkuyia, Kassim Tandaza, Benjamin Tayari, Abdi Tepo, Ms. Janet Teyiaa, Hon. Zachary Thuku, Silas Tiren, Ms. Peris Tobiko, Hon. Richard Tong'i, Josphat Kabinga, Dr. Chris Wamalwa, Hon. James Wamacukuru, Ms. Catherine Wambilianga, Munene Wambugu, Ngunjiri Wambugu, Ms. Gathoni Wamuchomba, Hon. Wafula Wamunyinyi, Opiyo Wandayi, Ms. Gladys Wanga, Hon. Christopher Wangaya, Emmanuel Wangwe, Raphael Wanjala, Ms. Martha Wangari, Ferdinand Wanyonyi, Ms. Catherine Waruguru, Hon. Charles Ong'ondo, Tim Wanyonyi and Yussuf Adan.

**NOES:** Hon. Ali Sharif, Lemanken Aramat, Ms. Florence C.K. Bore, Hon. Kangogo Bowen, Ms. Jane Chebaibai, Ms. Joyce Korir, Hon. Samwel Moroto, Aden Duale, James Lomenen, Ms. Joyce Emanikor, Hon. Rigathi Gachagua, Charles Gimose, Ms. Faith Gitau, George Kariuki, Ms. Anab Gure, Ms. Rehema Hassan, Hon. Kimani Ichung'wah, Ms. Rehema Jaldesa, Hon. Josphat Kabeabea, Charles Kamuren, Ms. Aisha Jumwa, Hon. Gideon Keter, Ms. Jayne Kihara, Hon. Julius Melly, William Cheptumo, Joseph Kipkosgei, Kipyegon Ng'eno, Moses Kirima, Nelson Koech, Wilson Kogo, Ms. Beatrice Kones, Hon. Nixon Korir, Kipsengeret Koros, Hilary Kosgei, Caleb Kositany, Dominic Koskei, John Waluke, Moses Kuria, Leonard Yegon, Moses Lessonet, Joseph Limo, Ms. Liza Chelule, Sylvanus Maritim, Ms. Cecily Mbarire, Hon. Mohamed Mohamed Ali, Mohamed Lokiru Ali, Dr. Victor Munyaka, Hon. James Murgor, George Gitonga, Japhet Mutai, Didmus Barasa, John Mutunga, Geoffrey Muturi, John Paul Mwirigi, Lodepe Nakara, Daniel Nanok, Ms. Purity Ngirici, Hon. Eric Njiru, Patrick Ntwiga Ms. Beatrice Nyaga, Hon. Ndindi Nyoro, Silvanus Onyiego, Dr. Robert Pukose, Hon. Mugambi Rindikiri, Mathias Robi, Daniel Rono, Cornelly Serem, Ms. Gladys Boss Shollei, Hon. Daniel Wanyama,

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Ms. Janet Sitienei, Hon. George Theuri, Gabriel Tongoyo, Ronald Tonui, Hon. Daniel Tuitoek, Dr. Tecla Tum, Hon. Vincent Tuwei, Ms. Soipan Tuya, Ms. Rahab Mukami, Ms. Alice Wahome, Hon. Benjamin Washiali and John Kiarie.

**ABSTENTIONS:** Hon. Moses Cheboi and Hon. Joshua Kandie.

**Hon. Speaker:** Hon. Members, having met the threshold necessary under Article 257(7) of the Constitution and keeping with our Standing Orders and as guided by my Communication of Tuesday, 4<sup>th</sup> May 2021, we will move to Committee of the whole House after the Clerk-at-the-Table reads the Bill for a Second time.

*(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)*

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Justin Muturi) left the Chair]*

### IN THE COMMITTEE

*[The Chairman (Hon. Moses Cheboi) took the Chair]*

### THE CONSTITUTION OF KENYA (AMENDMENT) BILL

**Hon. Chairman:** Order, Hon. Members. We are in the Committee of the whole House for the Constitution of Kenya (Amendment) Bill, 2020.

*(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Chairman:** Let us have the Hon. Leader of the Majority Party to move reporting.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Chairman, I beg to move that the Committee do report to the House its consideration of the Constitution of Kenya (Amendment) Bill, 2020 and its approval thereof without amendments.

*(Question proposed)*



*(Question put and agreed to)*

*(The House resumed)*

*[The Speaker (Hon. Justin Muturi) in the Chair]*

## REPORT

### THE CONSTITUTION OF KENYA (AMENDMENT) BILL

**Hon. Speaker:** The Chairman.

**Hon. Moses Cheboi** (Kuresoi North, JP): Hon. Speaker, I beg to report that a Committee of the whole House has considered the Constitution of Kenya (Amendment) Bill, 2020 and approved the same without amendments.

**Hon. Speaker:** Mover.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

I also request Hon. Mbadi, the Leader of the Minority Party, to second the Motion for agreement with the Report of the Committee of the whole House.

Let me also at this point record my profound thanks to the Members of this House for standing with the people of Kenya.

*(Applause)*

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I second.

I also just want to say that, for the first time in a very long time, we have realised more than two-thirds majority in this House.

Thank you, Hon. Members.

I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Is it the desire of the House that I put the Question.

**Hon. Members:** Yes!

*(Question put and agreed to)*

*(Applause)*

## THIRD READING

### THE CONSTITUTION OF KENYA (AMENDMENT) BILL

**Hon. Speaker:** Mover.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the Constitution of Kenya (Amendment) Bill, 2020 be now read a Third Time.

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I also request Hon. John Mbadi to second.

**Hon. Speaker:** Hon. John Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Hon. Speaker, I second.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, I appreciate that Members may be in a hurry. However, Hon. Members, even as I put the Question, this being a constitutional amendment Bill, at this stage I do not expect the voice vote. For the convenience of the House, I have decided that once I put the Question, those in favour of the Bill, that is, the Ayes; will move to the right of the Speaker while those who are not in favour, that is, the naysayers; will move to the left of the Hon. Speaker.

*(Applause)*

Hon. Members, having confirmed as I am required by the Constitution that we have the quorum to now vote for the Bill a Third Time, I proceed to put the Question.

*(Question put and agreed)*

Hon. Members, even if it is for two or three minutes to organize ourselves, in keeping with our tradition and parties, I ask the Serjeant-at-Arms to ring the Division Bell for five minutes so that Members can find space where to be.

Hon. Members, give us tellers.

*(The Division Bell was rung)*

Order, Hon. Members. If you could now go back to your respective positions. I wish to report as follows: those who are voting virtually will do so after we have finished - for a smooth operation. So, the staff, tell the people they can still continue holding on. They will vote after we finish the physical voting. So, Hon. Members, we need to be organised and move this thing faster.

*(Loud consultations)*

Members who are standing, take your seats. *Hawana viti?* Okay. Hon. Members, order! Let us have some silence. Why is it that you cannot sit? I wish to make the following announcement: for the Ayes, the tellers are Hon. Joshua Kutuny and Hon. Athanas Misiko Wafula Wamunyinyi. For the Noes, they are led by Hon. Caleb Kositany and Hon. John Paul Mwirigi. So, Hon. Members, for smooth operation, so that all of you do not crowd here, could I propose four people at ago? So, Hon. Kimunya and the team here, let us do this: let us have this portion here. Get this one, go to the other one and the other. When we finish, we start from there coming this way. That way we will move faster. Please, let us start that way. Likewise, to avoid unnecessary crowding, do the same.

*(Hon. Members crowded in the aisle)*

Hon. Members, I think this does not respect the protocols on health. This is risky. Hon. Members, what you are doing is not right. Do not crowd there. Be seated. This is risky for you. There is coronavirus and if you are crowding like this, how do you even advise your people?

*(Voting in progress)*

Hon. Members, I hope everybody who is physically present has now voted one way or another. Staff can you bring those ones who are in other parts of the world. Those people who are voting virtually, please. Hon. Ali Deddy Mohamed, Member for Laikipia East.

**Hon. Aden Duale** (Garissa Township): I vote No.

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): I vote Yes.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I vote No.

**Hon. Joshua Kivinda** (Kaiti, WDM-K): I vote Yes.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): I vote (*inaudible*)

**Hon. Charles Ong'ondo** (Kasipul, ODM): I vote Yes.

**Hon. Opiyo Wandayi** (Ugunja, ODM): I vote Yes.

**Hon. Tim Wanyonyi** (Westlands, ODM): I vote Yes.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): I vote Yes.

**Hon. Silvanus Onyiego** (South Mugirango, KNC): I vote No.

**Hon. Didmus Barasa** (Kimilili, JP) I vote No.

**Hon. Speaker:** This is just noise. Those who have voted, you should just mute them or throw them off-board.

**Hon. Joseph Limo** (Kipkelion East, JP): On behalf of the people of Kipkelion and the hustler nation, I vote No.

**Hon. Speaker:** Now, it is a bit late. Please say the name of your constituency because we know on whose behalf you are voting. Spare us. Hon. Kangogo Bowen, you have voted and it was recorded.

**Hon. Ali Amin** (Laikipia East, JP): I vote Yes.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): I vote Yes.

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): I vote Yes.

**Hon. Ali Sharif** (Lamu East, JP): I vote No.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): I vote No.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): I vote No.

**Hon. Daniel Nanok** (Turkana West, JP): I vote No.

**Hon. Omar Mohamed** (Mandera East, EFP): I vote Yes.

**Hon. Vincent Tuwei** (Mosop, JP): I vote No

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Napiga kura ya ndio.

**Hon. Opiyo Wandayi** (Ugunja, ODM): I vote Yes.

**Hon. Patrick Ntwiga** (Chuka/Igambang'ombe, JP): My constituency really needed to be divided into two and it did not get it. I vote No.

**Hon. Speaker:** Here in the Chamber there was no opportunity for those kinds of many words. Just say yes, no or abstention.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, why do you not confirm the ones that have gone through?

**Hon. Speaker:** Yours has gone through, Hon. Ichung'wah.

**Hon. Mark Nyamita** (Uriri, ODM): I vote Yes.

**Hon. Caleb Amis** (Saboti, ODM): I vote Yes.

**Hon. Danson Mwashako** (Wundanyi, WDM-K): I vote Yes.

**Hon. Joshua Kandie** (Baringo Central, MCCC): I am abstaining.

**Hon. Speaker:** Is there any other? Hon. Speaker, I could actually read out the names of those who voted earlier. I do not know how they voted but I have some list here.

**Hon. Kulow Maalim** (Banissa, EFP): I vote Yes.

**Hon. Speaker:** Maybe the staff could help us get Hon. Arati Simba; Hon. Ekomwa James Lomenen; Hon. Emanikor Joyce Akai; Hon. George Macharia Kariuki, Member for Ndia; Hon. Hassan Omar Mohamed Maalim, Member for Mandera East; Hon. Ibrahim Ahmed...

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, WDM-K): I vote No.

**Hon. Speaker:** Has Member for Kitui, Hon. Kasalu Irene Muthoni, voted? She was to vote virtually. She voted last time. Has she voted this time?

**Hon. Mathias Robi** (Kuria West, JP): Hon. Speaker, I have not voted.

**Hon. Speaker:** Vote.

**Hon. Mathias Robi** (Kuria West, JP): I vote No.

**Hon. Speaker:** Very well. It is noted. Hon. Kimilu Joshua has already voted. Hon. Kirima Moses Nguchine from Central Imenti has not voted this time round. Hon. Mugambi Rindikiri Member for Buuri and Hon. Kiti Richard Ken Chonga, Member for Kilifi South have not voted. Hon. Joseph Limo, Member for Kipkelion East has voted, Hon. Caleb Luyai, Member for Saboti has voted. Mombasa Woman Representative, Hon. Mohamed Asha Hussein has not voted. Hon. Mohamed Lokiru Ali, Member for Turkana East has voted. Hon. Murgor James Kipkosgei, Member for Keiyo North. Hon. Mutua Barasa Didmus has voted. I believe Hon. Danson Mwashako has voted.

**Hon. Danson Mwashako** (Wundanyi, WDM-K): I voted yes, Hon. Speaker. Danson Mwashako.

**Hon. Speaker:** Hon. Danson Mwashako voted yes. I remember. Hon. Nanok Daniel, Member for Turkana west has voted. Hon. Patrick Ntwiga Munene has voted. Hon. Mark Nyamita, Member for Uriri has voted. Hon. Silvanus Onyiego has voted. Hon. Onyonka Richard has not voted this time round. These are the people who had registered virtually.

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): Can I vote, Hon. Speaker?

**Hon. Speaker:** Proceed ma'am

**Hon. (Dr.) Irene Kasalu** (Kitui CWR, WDM-K): This is Hon. Irene Kasalu Member for Kitui County and I vote Yes.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Speaker

**Hon. Speaker:** I thought Tecla voted. Hon. Tecla Tum you have already voted. Hon. Tecla Tum, you voted and it has been noted. *Lala salama.*

Hon. Serem Cornelly, Member for Aldai has not voted this time. Hon. Sunkuyia George, Member for Kajiado West has not voted.

**Hon. Tim Wanyonyi** (Westlands, ODM): Hon. Speaker, have I voted?

**Hon. Speaker:** Who is this?

**Hon. Tim Wanyonyi** (Westlands, ODM): This is Hon. Tim Wanyonyi.

**Hon. Speaker:** Hon. Tim Wanyonyi you voted yes. That is what has been recorded. Is that correct?

**Hon. Tim Wanyonyi** (Westlands, ODM): Yes, Hon. Speaker.

**Hon. Speaker:** Very well, it has been recorded. Hon. Soipan Rosalinda Member for Narok County. It is alleged that Hon. Sunkuyia has taken an early nap. Did you get Hon. Owour Joshua Aduma? I think he has voted this time round. Hon. Rindikiri Mugambi Murwithania.

**Hon. Ken Chonga** (Kilifi South, ODM): Hon. Speaker, I am Hon. Richard Ken Chonga. Nobody can stop reggae on this one. I vote yes.

**Hon. Speaker:** Even past 11. 00p.m?

*(Laughter)*

**Hon. Ken Chonga** (Kilifi South, ODM): Unfortunately, I had some problems with my network, at least I am back now. Thank you, Hon. Speaker.

**Hon. Speaker:** These others who had indicated they are going to vote are not available. Hon. Ali Wario, Hon. Janet Nangabo and Hon. Tomitom.

Can you wake up Sunkuyia? Or he needs to visit Hon. Ken Chonga to get some sound bit. Is any Member trying to...

**Hon. Mathias Robi** (Kuria West, JP): Hon. Speaker confirm if I have voted.

**Hon. Speaker:** Yes, your vote has been recorded. It has been noted from Kuria West.

**Hon. Mathias Robi** (Kuria West, JP): Thank you.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Mhe. Spika.

**Hon. Speaker:** That is the Member for Taveta.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Mhe. Spika, wakati unang'ang'ana kumuamsha Mhe. Sunkuyia, labda uangalie watu wote kama wamepiga kura haswa wale wamekua macho, kabla hawajalala.

**Hon. Speaker:** Wamekuwa macho?

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Tuko macho na hatujalala.

**Hon. Speaker:** We have noted your vote. Goodnight. I am sure Hon. Simba Arati is either doing that dance or he slept.

Hon. Gideon Keter has voted.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Hon. Sunkuyia ameshaamka. *Yuko macho.*

**Hon. Speaker:** Tell him to log in.

**Hon. (Ms.) Haika Mizighi** (Taita Taveta CWR, JP): Mhe. Sunkuyia anajaribu kuongea lakini nafikiri sauti yake imezimwa.

**Hon. Speaker:** Hon. Sunkuyia.

**Hon. George Sunkuyia** (Kajiado West, JP): I am Hon. Sunkuyia the Member for Kajiado West and on behalf of the people of Kajiado West Constituency, I vote yes.

**Hon. Speaker:** You must thank Hon. David ole Sankok who has woken him up.

Very well, Hon. Sunkuyia. Good night. You can go back to bed. Can I get confirmation that there are no others?

Member for Banissa, I thought you voted. Do you want to repeat? We noted your vote. Hon. (Ms.) Catherine Wambilianga, who is said to be unwell, the Member for Bungoma County.

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Hon. Speaker, can I confirm whether I have voted?

**Hon. Speaker:** Who is this?

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Member of Parliament for Wajir North, Hon. Ibrahim Ahmed.

**Hon. Speaker:** How did you vote?

**Hon. Ibrahim Ahmed** (Wajir North, ODM): I have voted yes. My vote was recognized, right?

**Hon. Speaker:** It was recorded. It is Hon. Ibrahim Ahmed, is it not? The Vice Chair, Public Investments Committee (PIC).

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Yes.

**Hon. (Ms.) Catherine Wambilianga** (Bungoma CWR, FORD - K): I wish to vote Yes.

**Hon. Speaker:** Very well. We are through. Staff you can confirm that that is all.

Hon. Members, those who are awake, some of whom are outside the jurisdiction maybe they are about to wake up. Can we get the portals please, quickly.

*(Tallying in progress)*

**Hon. Wafula Wamunyinyi** (Kanduyi, FORD-K): Hon. Speaker, on behalf of the Tellers, I wish to report the results of the Division which are as follows:

AYES: 224

NOES: 63

ABSENTIONS: 2.

The total number of votes is 289.

**Hon. Speaker:** Hon. Members, I wish to confirm, for purpose of the record, as has been presented the following:

AYES: 224

NOES: 63

ABSTENTIONS: 2

TOTAL: 289

The net effect is, as you know Hon. Members, this being a Bill that does not require voice votes the Question is carried by 224 to 63.

## DIVISION

*(Question carried by 224 to 63)*

**AYES:** Hon. Yussuf Hassan, Major (Rtd) Bashir. S. Abdullahi, Paul Abuor, Ms. Beatrice Adagala, Ms. Safia Sheikh, Hon. Alfah Ondieki, Ali Adan, Ms. Fatuma Gedi, Hon. Rashid Kassim, Ayub Angatia, Jimmy Angwenyi, Samuel Arama, Marselino Arbelle, Samuel Atandi, Babu Owino, Owen Baya, Sakwa Bunyasi, Ms. Rozaah Buyu, Ms. Sabina Chege, Hon. William Chepkut, Ms. Charity Chepkwony, Ms. Gladwell Cheruiyot, Hon. Rahim Dawood, Mohamed Duale, Ahmed Gaal, Kinuthia Gachobe, Ms. Mercy Wanjiku, Hon. Chachu Ganya, Mohamed Hire, Ms. Dennitah Ghati, Hon. David Gikaria, Gichimu Githinji, Dr. Lilian Gogo, Hon. Ali Guyo, Ms. Amina Hassan, Ms. Zuleikha Hassan, Hon. Said Hiribae, Hassan Hulufu, Ibrahim Abdi, Nasri Ibrahim, Moses Injendi, Wainina Jungle, T.J. Kajwang', Peter Kaluma, Maina Kamanda, Ms. Joyce Kamene, Hon. Kassait Kamket, Memusi ole Kanchory, Charles Njagua, Paul Katana, Oku Kaunya, Kanini Kega, Alfred Keter, Adan Keynan, Anthony Kiai, David Kiaraho, Clement Kigano, Peter Kimaru, Charles Kilonzo, Kuria Kimani, Amos Kimunya, Simon King'ara, Michael Kingi, Patrick Makau, Jeremiah Kioni, Ernest Kivai, Gideon Konchela, Ms. Sarah Korere, Hon. Gideon Koske, Jackson Lekumontare, Alois Lentoimaga, Ms. Maison Leshoomo, Ms.

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Naisula Lesuuda, Hon. Peter Lochakapong, Jeremiah Lomorukai, Mark Lomunokol, Justus Kizito, Daniel Maanzo, Joseph Manje, Maoka Maore, Alfred Agoi, Peter Masara, Julius Mawathe, Ms. Jessica Mbalu, Hon. Kareke Mbiuki, Mbogo Ali, Ms. Mishi Mboko, Hon. David Mboni, Robert Mbui, Omboko Milemba, Swarup Mishra, Mohamed Abdikhaim, Ahmed Kolosh, Mohammed Mohamud, Kipruto Moi, Ben Momanyi, Ms. Jerusha Momanyi, Hon. John Mose, Ms. Halima Mucheke, Hon. Michael Muchira, Gichuki Mugambi, Ms. Elsie Muhanda, Hon. Titus Khamala, Gabriel Kago, Makali Mulu, Gideon Mulyungi, Kathuri Murungi, Dr. Patrick Musimba, Hon. Stanley Muthama, Ms. Florence Mutua, Hon. Andrew Mwadime, Joshua Mwalyo, Teddy Mwambire, William Mwamkale, Ms. Kawira Mwangaza, Hon. Benjamin Mwangi, James Gichuhi, Jonah Mwangi, Ms. Wangari Mwaniki, Ms. Gertrude Mwanyanje, Hon. Khatib Mwashetani, Peter Mwathi, Johnson Naicca, Abdullswamad Nassir, Isaac Ndirangu, John Mbadi, Joseph Nduati, Charles Nguna, Kimani Ngunjiri, Charles Njagagua, Ms. Jane Njiru, Hon. Jude Njomo, Ms. Mary Njoroge, Ms. Sophia Noor, Hon. Junet Nuh, Ms. Rachael Nyamai, Hon. Joash Nyamoko, Ms. Edith Nyenze, Dr. James Nyikal, Hon. Thuddeus Nzambia, Paul Nzengu, Erastus Nzioka, Ms. Eve Obara, Ms. Ruweida Obo, Hon. David Ochieng, Ms. Pamela Ochieng', Hon. Geoffrey Odanga, Tom Odege, Elisha Odhiambo, Ms. Odhiambo-Mabona, Prof. Jacqueline Oduol, Dr. Christine Ombaka, Hon. Gideon Ochanda, Prof. Zadoc Ogutu, Hon. Jared Okelo, Ken Okoth, Adipo Okuome, Richard ole Kenta, Korei ole Lemein, Katoo ole Metito, David ole Sankok, Anthony Oluoch, Ezekiel Ombaki, Geoffrey Omuse, George Aladwa, Ms. Janet Ongera, Hon. Godfrey Osotsi, Fred Ouda, Dr. Wilberforce Oundo, Hon. John Owino, Martin Owino, Onyango Oyoo, Joseph Oyula, David Pkosing, Feisal Abdallah Bader, Joshua Kutuny, Sammy Seroney, Ms. Shamalla, Jennifer, Hon. Benard Shinali, Abdi Shurie, Dr. Eseli Simiyu, Hon. Wilson Sossion, Kassim Tandaza, Benjamin Tayari, Abdi Tepo, Ms. Janet Teyiaa, Hon. Zachary Thuku, Silas Tiren, Ms. Peris Tobiko, Hon. Richard Tong'i, Josphat Kabinga, Dr. Chris Wamalwa, Hon. James Wamacukuru, Munene Wambugu, Ngunjiri Wambugu, Ms. Gathoni Wamuchomba, Hon. Wafula Wamunyinyi, Ms. Gladys Wanga, Hon. Christopher Wangaya, Emmanuel Wangwe, Raphael Wanjala, Ms. Martha Wangari, Hon. Ferdinand Wanyonyi, Ms. Catherine Waruguru, Hon. Charles Ong'ondo and Yussuf Adan.

**VIRTUAL VOTING:** Hon. Ali Amin, Kulow Maalim, Omar Mohamed, Ibrahim Ahmed, Dr. Irene Kasalu, Hon. Joshua Kavinda, Ken Chonga, Caleb Luyai, Danson Mwashako, Mark Nyamita, Aduma Owuor, Ms. Esther Passaris, Dr. Naomi Shaban, Hon. Majimbo Kalasinga, George Sunkuyia, Ms. Catherine Wambilianga, Hon. Opiyo Wandayi and Tim Wanyonyi.

Tellers of the Ayes: Hon. Joshua Kutuny and Hon. Athanas Misiko Wafula Wamunyinyi.

**NOES:** Ms. Florence C.K. Bore, Ms. Jane Chebaibai, Ms. Joyce Korir, Hon. Samwel Moroto, Charles Gimose, Ms. Faith Gitau, Ms. Anab Gure, Ms. Rehema Hassan, Ms. Rehema Jaldesa, Hon. Charles Kamuren, Gideon Keter, William Cheptumo, Joseph Kipkosgei, Kipyegon Ng'eno, Nelson Koech, Ms. Beatrice Kones, Hon. Nixon Korir, Kipsengeret Koros, Caleb Kositany, Dominic Koskei, John Waluke, Moses Kuria, Leonard Yegon, Moses Lessonet, Ms. Liza Chelule, Hon. Sylvanus Maritim, Ms. Cecily Mbarire, Dr. Victor Munyaka, Hon. George Gitonga, John Mutunga, Geoffrey Muturi, John Paul Mwirigi, Lodepe Nakara, Ms. Purity Ngirici, Hon. Eric Njiru, Ms. Beatrice Nyaga, Hon. Ndindi Nyoro, Dr. Robert Pukose, Hon. Ali Rasso, Daniel Rono, Ms. Gladys Boss Shollei, Hon. Daniel Wanyama, Ms. Janet Sitienei, Hon. George Theuri, Daniel Tuitoek, Ms. Rahab Mukami, Ms. Alice Wahome, Hon. Benjamin Washiali and John Kiarie

**VIRTUAL VOTING:** Hon. Ali Sharif, Kangogo Bowen, Aden Duale, Ms. Joyce Emanikor, Hon. Kimani Ichung'wah, Ms. Jayne Kihara, Hon. Joseph Limo, Didmus Barasa,

Daniel Nanok, Patrick Ntwiga, Silvanus Onyiego, Mathias Robi, Dr. Tecla Tum, and Hon. Vincent Tuwei.

Tellers of the Noes: Hon. Caleb Kositany and Hon. John Paul Mwirigi.

**ABSTENTIONS:** Hon. Moses Cheboi

**VIRTUAL VOTING:** Hon. Joshua Kandie

*(Applause)*

**Hon. Speaker:** I, therefore, order that the Bill be read the Third Time.

*(The Bill was accordingly read the Third Time and passed)*

### ADJOURNMENT

**Hon. Speaker:** Hon. Members, the time being 11.53 p.m., the House stands adjourned until Tuesday, 11<sup>th</sup> May 2021 at 2.30 p.m.

The House rose at 11.53 p.m.