REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 15th September, 2021

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

REINSTATEMENT OF MEMBERS INTO HOUSE LEADERSHIP

Speaker: Just a brief communication, I also want to take this chance to congratulate the newly elected leadership. I know I left the House before I could have done so towards the end, but I wish to congratulate them for being reinstated. Most importantly as Members said, it will be important for the new leaders to break the wall of division that may have existed for quite a period of time.

You remember there is a time we had two teams in the House, one was popularly known as team red. We came to a point where some Members felt they were not really treated the way they should have been treated. I think it is important for us now to build that unity among the Members. Therefore, we have a great task as leadership to make sure that we move as a united front. We believe with the new Members having been reinstated, it is important for them to really work hard to ensure that there is that unity.

The Deputy Leader of Majority really talked on that, it is time that we all in one way or the other forgive each other and those who have trespassed against you. We take chance to forgive them. You may also have trespassed against others and you are also forgiven. It will be important for this House, to have unity because when we have unity we will be able to do things and achieve much in life than when we are not united.

I want to end by saying, there is a biblical portion of scripture that says, there were four Lepers' who stayed at the gate of Samaria. What made those four Lepers' to win is that the fact they walked in unity. When they started listening together one of them said let us go back to the city, though we have been rejected because where we are, there is no food.

Another one said when we go back to the city, there is famine in the city so we cannot survive. Another suggested in front of us there is the camp of Syrians, and if we go to them they can allow us to live, so there are fifty per cent chances of survival. Because they were walking together in unity, they all agreed to go to the Syrians they can make us live or they can choose to kill us.

After all, we are going to die if we go back to where we came from but if we go forward there is a fifty per cent chance of life. When they walk forward they found there was nobody in the camp of Syrians. Therefore they lived and saved the entire nation. It is important that we all walk in that unity and we embrace that unity.

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What we have come to realize is that it is not even the leaders who have a problem of unity, it is those who support the leaders who continue to bring divisions. Let us all embrace unity so that we can be able to move this House as a united front. Otherwise, I wish again to congratulate Hon. Leader of Majority, and his Deputy.

Hon. Leader of Majority, I see as if you want to say something. If you wish to do so, I can give you that chance because I had given the Deputy Leader of Majority. Maybe I can give you a chance to say a word.

Hon. Peter Thomi: Thank you, Mr. Speaker, Sir, for giving me this opportunity and I have nothing much to say because truly what is there is that we want to run this Assembly according to the Standing Orders and to do our work perfectly. As I stand here, it is not that I am better than these other Members, it is only that each position cannot be served by two people.

In fact, all positions that we have here including yours, you are there for some time. Even the Clerk of this Assembly is there for some time including all Members. Life continues and so today I am grateful. I thank the Jubilee Party because this matter had not come into a conclusion and I tend to believe that now it has come to a conclusion.

That is why I am in this position and I know clearly that all these Members are fit to hold these positions. I know them very well but for now, I would just beg and request Members, let us work together, respect each other and win for our people. Furthermore, let us have a good name for this Assembly and as well the County.

I have been here for quite some time and in this Assembly we respect one another and do things accordingly. I can remember the Speaker, who was here in the first Assembly, today he is an M.P, and he came from this House. I can mention here today that Hon. Matunge, has been a Member of this House and today he is a Minister.

I can tell this House today that if the Governor has somebody he respects and somebody he knows understands his work is Hon. Matunge who came from this House. Mr. Speaker, the Women Representative was a nominated Member and came from this House and she is known by the whole country because she is also clever and she plays her politics smart.

Mr. Speaker, today I can be a Majority Leader and anybody else a Majority Leader tomorrow but what is important is maintaining a good name for the sake of other duties that we shall be after. I just want to assure the Members that for the time God will allow me to be here, we shall be together with the Members and am not ready at all to divide them. The truth is that the role of the Majority Leader is there to represent the party and represent the government as simple as that.

The Members are aware of that and as a result I believe if we follow the law and the party has a constitution, we are going to do and work as guided and we are going to win for our people. I thank his Excellency the Governor because he is the Governor of this County and he came in to ensure that this Assembly and the County runs properly. I cannot oppose the government business as the Majority Leader. The Standing Order clearly states that it cannot happen.

Mr. Speaker, it does not mean I have to agree to whatever the Governor is saying but there is room and time to go consult and understand to agree. I want to thank the Members, and my

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deputy who have really assisted me to assure the Jubilee Members here and the whole House, that there is a lot ahead of us, we are in the 11th hour.

I can be the Majority Leader, but most of the time you may find the Deputy Majority Leader in this House because we have to ensure our party is strong than the other parties that are there. So we are going to work together and I believe by so doing we will be busy and we will win for Laikipia and Kenya and we shall have a name. God bless you and I wish you all the best. Thank you.

Hon. Speaker: Thank you, Hon. Majority Leader, I was to emphasize on some advice that was given by a Member in the morning but now that you have mentioned it. I may not dwell on it much. A Member said that one of the things that you must do as a Majority Leader is to support government business and he said that at times you may feel like not doing so but it may affect the people in your Ward.

You might be having other forces from the people that you represent but because you have accepted that position at times you will give in and decide that as much as I may not vote for it, I have to support it in one way or the other. That is one of the many duties of any Majority Leader. My advice is that, support government business and be loyal to the party that brought you to the Assembly.

BILL

Third Reading

LAIKIPIA COUNTY CLIMATE CHANGE, 2021

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairperson (Hon. Chris Mark) took the Chair]

LAIKIPIA COUNTY CLIMATE CHANGE, 2021

Chairperson: Members, we are now in the Committee of the Whole House and we are introducing the Laikipia County Climate Bill 2021 and the clerk will guide us.

[Clauses without amendments]

Clause 3,6,9,12,14,15,19,20,21,22,23,24,25,26,27,28,30,31 and 32

(Question proposed)

(Clause 3,6,9,12,14,15,19,20,21,22,23,24,25,26,27,28,30,31 and 32 agreed to)

[Schedules without amendments]

Schedule 1 and 2

(Question of the schedule proposed)

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(Schedule 1 and 2 agreed to)

[Clauses with amendments]

Clause 4(3)

(Question proposed)

Chairperson: Mover to move the amendments.

Hon. Simon Kanyutu: Thank you, Chair. I beg to move;

THAT Clause 4(3) be amended as follows; Section 4(3) be amended by adding the words "and in compliance with the public finance management act, 2012" immediately after the word "committee".

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. George Meshami: I support.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Thank you, Chair. The committee have gone through the bill and have approved it to be amended as stated.

(Question of the amendment put and agreed to)

(Clause 4(3) as amended agreed to)

Clause 5(a)

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: Chair. I beg to move;

THAT Clause 5(a) be amended as follows; "adding the words being 2% of the annual development budget" after the word Assembly"

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Patricia Muthoni: I support.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Thank you, Chair. The committee agreed that the percentage be approved as 2% of the annual development budget as the whole committee has agreed. So we propose that amendment.

(Question of the amendment put and agreed to)

(Clause 5(a) as amended agreed to)

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Clause 8

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: I beg to move;

THAT Clause 8 be amended as follows; Section 8 be amended by adding a new sub-section (n) to read as follows; prepare climate change awareness and advocacy strategy for the county based on fund activities.

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Salma Zamzam: Mr. Chair, I support the amendment.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Having consulted the members, they all agreed with the amendment. I am very happy and I seek them to approve.

(Question of the amendment put and agreed to)

(Clause 8 as amended agreed to)

Clause 10 (3) (a)

(Question proposed)

Chairperson: Mover to move amendments.

Hon. Simon Kanyutu: I beg to move;

THAT Clause 10(3) (a) be amended as follows; Section 10(3) (a) be amended by adding the words "must be in good standing with the satisfied public accounts of Kenya ISPAC" immediately after the word "university".

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Patricia Muthoni: Mr. Chairman, I support the amendment.

Hon. Robert Maina: Mr. Chairman, I support the amendment.

Chairperson: Mover.

Hon. Simon Kanyutu: Thank you, Chair. We agreed that not only being a degree but should be specifically ISPAC.

(Question of the amendment put and agreed to)

(Clause 10(3) (a) as amended agreed to)

Clause 10(4)

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(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: I beg to move;

THAT Clause 10(4) be amended as follows; Section 10(4) be amended by adding by adding the words "subject to good work performance" immediately after the word "years"

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Wilson Wakahiu: Thank you, Chair. I support the amendment as moved by the mover.

Chairperson: Mover.

Hon. Simon Kanyutu: Thank you, Chair. That is what the committee had resolved.

(Question of the amendment put and agreed to)

(Clause 10(4) as amended agreed to)

Clause 11

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: I beg to move;

THAT Clause 11 be amended as follows; Section 11 be amended by adding a new sub-section (o) to read as follows; manage the administrative cost of the fund including the cost of the meetings and sittings of the steering committee and the ward planning committee.

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Lochimidi Essokon: Chair, I support the amendment.

Hon. Judy Lukio: Mr. Chair, I support the adding of the new subsection.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Thank you, Chair, as per the committee deliberation, that was our resolution.

(Question of the amendment put and agreed to)

(Clause 11 as amended agreed to)

Clause 13(2)

(Question proposed)

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Chairperson: Mover.

Hon. Simon Kanyutu: Chair, I beg to move;

THAT Clause 13(2) be amended as follows; Section 13(2) be amended by properly numbering the subsections which follows subsection b to read as c, d, d, e and f.

(Question of the amendment proposed)

Chairperson: You may debate.

Patricia Muthoni: Thank you, Mr. Chair, I support the amendment.

Chairperson: Mover.

Hon. Simon Kanyutu: As per the committee's resolution, that was what we agreed.

(Question of the amendment put and agreed to)

(Clause 13(2) as amended agreed to)

Clause 13(3)

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: I beg to move;

THAT Clause 13(3) be amended as follows; Section 13(3) be amended adding the words and "the composition of this committee will ensure that not more than two thirds of the members are of the same gender" after the word "members".

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Wilson Wakahiu: Thank you, Chair. I support the amendment.

Salma Zamzam: Asante, Mwenyekiti, naunga mkono.

Chairperson: Mover.

Hon. Simon Kanyutu: Thank you, Chair. That is the resolution of the committee

(Question of the amendment put and agreed to)

(Clause 13(3) as amended agreed to)

Clause 13

(Question proposed)

Chairperson: Mover to move the amendment.

Hon. Simon Kanyutu: Chair, I beg to move;

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THAT Clause 13 be amended as follows; Section 13 be amended by adding a sub-section 4 with the words the members of the ward planning committee shall serve for a period of three years renewable once only.

(Question of the amendment proposed)

Chairperson: You may debate.

Hon. George Meshami: Chair, I support the amendment.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Thank you, Chair. Being the resolution of the committee, I am sure that the members are ready to support.

(Question of the amendment put and agreed to)

(Clause 13 as amended agreed to)

Clause 16

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: Thank you, Chair, I beg to move;

THAT Clause 16 be amended as follows; Section 16 be amended by deleting the word "secretariat' in the subheading and replacing it with the word "staff"

(Question of the amendment proposed)

Chairperson: You may debate.

Patricia Muthoni: Thank you, Mr. Chair. I support the amendment.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Chair, that being the resolution of the committee, I beg the members to approve.

(Question of the amendment put and agreed to)

(Clause 16 as amended agreed to)

Clause 16

(Question proposed)

Chairperson: Mover.

Hon. Simon Kanyutu: Chair, I beg to move;

THAT Clause 16 be amended as follows; Section 16 also be amended by deleting the words "competitively recruit which appear after the word "may" and replace these words with the word "second".

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(Question of the amendment proposed)

Chairperson: You may debate.

Hon. Lochimidi Essokon: Thank you, Mr**.** Chair, I support the amendment.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Being the resolution of the committee, I am sure that all the Members agree with it.

(Question of the amendment put and agreed to)

(Clause 16 as amended agreed to)

Clause 17(1) (d)

(Question proposed)

Hon. Simon Kanyutu: I beg to move that Clause 17 (1) (d) be amended as follows;

Section 17 (1) (d) be amended by deleting the word "public" which appears after the words "in charge of"

(Question of the amendments proposed)

Hon. Patricia Muthoni: Thank you, Mr. Chair. I support the amendments.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: After the committee sitting we resolved on the same to make amendments. I beg the members to approve.

(Question of the amendment put and agreed to)

(Clause 17(1) (d) as amended agreed to)

Clause 18

(Question proposed)

Hon. Simon Kanyutu: Mr. Chair I beg to move that Clause 18 be amended as follows;

Section 18 be amended by deleting subsection (f) and subsection (j) thereafter, the numbering in section 18 be amended to rectify the numbers after deleting subsection (f) and (j)

(Question of the amendments proposed)

Hon. Salma Zamzam: Mr. Chair, I support the amendments.

Hon. Patricia Muthoni: Thank you, Mr. Chair. I support the amendments.

Chairperson: The mover to reply.

Hon. Simon Kanyutu: Thank you, Mr. Chair. Our committee did a proper investigation on the same that we upgrade that amendments.

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(Question of the amendment put and agreed to)

(Clause 18 as amended agreed to)

Clause 29(2)

(Question proposed)

Hon. Simon Kanyutu: Thank you, Chair. I beg to move that Clause 29(2) be amended as follows;

Section 29(2) be amended by adding the words "shall then" between the words "who" and "submit"

(Question of the amendments proposed)

Hon. Wilson Wakahiu: Thank you, Chair. I support the amendments as proposed by the Chair.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Being a resolution from the committee, I am sure the other Members will agree on it.

(Question of the amendment put and agreed to)

(Clause 29(2) as amended agreed to)

Page 23

(Question proposed0

Chairperson: Mover to move the amendments.

Hon. Simon Kanyutu: Mr. Chair, I beg to move that "the memorandum of objects and reasons" be amended as follows;

On page 23, "the memorandum of objects and reasons" be amended by deleting it entirely and replacing it with the following provisions;

Memorandum of objects and reasons

The principal object of this bill is to provide for a regulatory framework for enhanced response to climate change; to provide for mechanism and measures to achieve low carbon climate development; financial mechanism for implementation of climate change mitigation and adaptation activities and connected purposes.

The structure of the bill is as follows;

Part I of the bill provides for preliminary matters. It provides for the short title and commencement date, interpretation, objects and purpose of the Act.

Part II of the bill provides for establishment and administration of the funds. The fund will be known as the Laikipia County Climate Change Fund. Sources of funds, climate finance framework, establishment of the county climate change planning committee, functions of the

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county climate change planning committee, functions of the fund administrator, removal of the fund administrator, functions of the ward planning committee and secretariat of the fund.

Part III provides for oversight, functions of the steering committee and conduct affairs of the steering committee.

Part IV provides for disbursement of funds, allocation of funds to the wards, community consultation forums, development of projects proposals, validation of project proposals, disbursement of funds for projects, procurement and the complaints mechanism.

Part V contains the financial provisions. These include the bank account of the fund, administrative expenditure and accounts of the steering committee.

Part VI contains the miscellaneous provisions. These include the regulations and protection from Liability.

The enactment of this bill shall occasion additional expenditure of public funds which shall be provided for in the County Government of Laikipia estimates.

(Question of the amendments proposed)

Hon. Patricia Muthoni: Thank you, Mr. Chair. I support the memorandum.

Chairperson: Mover to reply.

Hon. Simon Kanyutu: Thank you, Chair. The committee sat and deliberated on the same. I am sure other members will agree on the same.

(Question of the amendment put and agreed to)

(Clause the memorandum of objects and reasons as amended agreed to)

INTERPRETATION

Clause 2

(Question Proposed)

(Clause 2 agreed to)

[Long Title]

(Question proposed)

(Long title agreed to)

[Short Title]

(Question proposed)

(Short title agreed to)

REPORT

Hon. Simon Kanyutu: Thank you, Chair. I beg to move;

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THAT, the Committee of the Whole do report to the Assembly its consideration of the County Climate Bill 2021, Laikipia County Bills No. 6 and its approval thereof with amendments.

(Question put and agreed to)

[The Chairperson (Hon. Chris Mark) left the Chair]

[The House resumed]

[Temporary Speaker (Hon. Mutahi Muritu) in the Chair]

CONSIDERATION OF REPORT AND THIRD READING

Temporary Speaker (Hon. Mutahi Muritu): I now call upon the Chair to report.

Hon. Chris Mark: Thank you, Hon. Speaker. Hon. Speaker, I beg to report;

THAT, the Committee of the Whole House has considered the Laikipia County Climate Change Bill 2021, that is, the Laikipia County Bills No. 6 and its approval thereof with amendments.

Thank you.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I beg to move;

THAT, the House do agree with the Committee on the said report.

Temporary Speaker (Hon. Mutahi Muritu): Thank you.

(Question proposed)

(Question put and agreed to)

Hon. Simon Kanyutu: Mr. Speaker, Sir, pursuant to Standing Orders 131 (2), I beg to move;

THAT, the County Climate Change Bill, 2021 Laikipia County Bills No. 6 be now read a third time.

I beg to request Hon. Patricia to second.

Hon. Patricia Muthoni: Thank you, Mr. Speaker. I second.

(Question proposed)

Hon. Wilson Wakahiu: Thank you, Mr. Speaker. I support that Bill No. 6 of the Laikipia County Bills on Climate Change, 2021 be read a third time. I support.

(Question put and agreed to)

(The bill was accordingly read the third time and passed)

ADJOURNMENT

Temporary Speaker (Hon. Mutahi Muritu): The sittings of this House now stand adjourned until tomorrow, Thursday 16th September, 2021 at 2.30 p.m.

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The House rose at 3.14 p.m.

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