



UASIN GISHU COUNTY ASSEMBLY
SECOND ASSEMBLY – THIRD SESSION
TUESDAY 3RD SEPTEMBER, 2019 AT 2:30 P.M.
SUPPLIMENTARY ORDERS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of the motion
7. Statements
8. **MOTION: HON. PATRICK BUNDOTICH –(M.C.A- TARAKWA WARD)**

Aware that the County Assembly of Uasin Gishu received a communication from the Independent Electoral and Boundaries Commission, a Constitutional Amendment Bill fronted by the Third Way Alliance Party by way of popular initiative, popularly known as the” Punguza Mizigo (Constitutional Amendment) Bill, 2019” Pursuant to Article 257 of the Constitution of Kenya 2010 which provides:

- 1) An amendment to this Constitution may be proposed by a popular initiative signed by at least one million registered voters.
- 2) A popular initiative for an amendment to this Constitution may be in the form of a general suggestion or a formulated draft Bill.
- 3) If a popular initiative is in the form of a general suggestion, the promoters of that popular initiative shall formulate it into a draft Bill.
- 4) The promoters of a popular initiative shall deliver the draft Bill and the supporting signatures to the Independent Electoral and Boundaries Commission, which shall verify that the initiative is supported by at least one million registered voters.

- 5) ***If the Independent Electoral and Boundaries Commission is satisfied that the initiative meets the requirements of this Article, the Commission shall submit the draft Bill to each County Assembly for consideration within three months after the date it was submitted by the Commission.***
- 6) If a County Assembly approves the draft Bill within three months after the date it was submitted by the Commission, the Speaker of the County Assembly shall deliver a copy of the draft Bill jointly to the Speakers of the two Houses of Parliament, with a certificate that the County Assembly has approved it.
- 7) If a draft Bill has been approved by a majority of the County Assemblies, it shall be introduced in Parliament without delay.
- 8) A Bill under this Article is passed by Parliament if supported by a majority of the members of each House.
- 9) If Parliament passes the Bill, it shall be submitted to the President for assent, in accordance with Article 256(4) and (5).
- 10) If either House of Parliament fails to pass the Bill, or the Bill relates to a matter specified in Article 255(1), the proposed amendment shall be submitted to the people in a referendum.
- 11) Article 255(2) applies, with any necessary modifications, to a referendum under clause (10)."

The Constitutional Amendment Bill was received on the 22nd of July 2019, and committed to the Committee on Delegated County Legislation on the same day;

Further Aware that the County Assembly has three months to either approve or reject the Bill and forwards a certificate of approval or rejection to the two Speakers of Parliament. The Committee having scrutinized the draft Constitutional amendment Bill noted that there are proposed amendments on the structure of governance (Change in the presidential term), Devolution (Abolition of the position of the Deputy Governor and an increase in the allocation of revenue to Counties) and the functions of Parliament which requires participation of the People pursuant to Article 255 of the Constitution of Kenya, 2010. Therefore the draft Bill was subjected to public participation. This was conducted on 27th August, 2019 in all the Wards within the County;

Whereas the Constitutional Amendment Bill is not a Bill for introduction to the County Assembly, will not be subjected to the various stages of passing a Bill in the House and will not be assented to by the Governor as an Act of the County Assembly of Uasin Gishu;

Further, the Constitutional Amendment Bill has no room for introducing amendments;

Whereas the draft Constitutional amendment Bill proposes sixteen amendments to the constitution of Kenya 2010 as listed below;

- 1) Abolishing the 290 Constituencies and adopting the 47 Counties as single Constituencies.
- 2) Elevate the Senate to be an upper House with veto powers.
- 3) Use each of the 47 Counties, as a single Constituency unit for purposes of Parliamentary elections to Senate and National Assembly.
- 4) Increasing Counties revenue share allocation to atleast 35% from the current 15%.
- 5) Abolishing CDF and creating the Ward Development Fund by using each of the 1450 wards as primary unit of accelerated development.
- 6) End gender inequality by electing one man and one woman from each of the 47 Counties to the National Assembly. This abolishes the women representative position.
- 7) Introduce a one 7- year term presidency.
- 8) Abolish nominations in the National Assembly (except the 6-special interest Groups), County Assemblies and Senate.
- 9) Cap salaries of the President and Members of Parliament to a consolidated pay and abolish all allowances for elected leaders.
- 10) Abolish the position of the Deputy Governor.
- 11) To amend the composition of the Constitutional Commissions from the current not less than 3 and not more than 9 to not less than 3 to not more than 5 members who are to work on part time basis.
- 12) Adopt recommendation of public inquiry and audit reports and bar all adversely mentioned individuals from holding any public or state office.
- 13) Corruption and theft of public resources cases to be tried within 30 days and all appeals to be exhaustively concluded in 15 days.
- 14) Impose a life sentence for suspects convicted of corruption and theft of public funds. No presidential pardon and amnesty will be applicable in those cases.
- 15) Every Kenyan who has a National Identity card shall be deemed to be a fully registered voter for purposes of elections and referenda.
- 16) Reduce the cost of running parliament from current KES 36.8 Billion to less than KES 5 Billion per year.

Noting that during the public participation exercise, the public largely admitted that the cost of living has become impossible, the wage bill is excessive and continues to grow, there is over representation in Parliament, more resources are required to be devolved to the Counties, there is need to punish corruption punitively and reduce the membership to the Constitutional Commissions.

Cognizant of the views from the public who received the Punguza Mizigo (Constitutional Amendment) Bill, 2019 well, echoed the need to address the high cost of living, reduce the financial burden of running Government and over representation, drastically reduce the staggering wage bill and the desire to bring services closer to the people at the Ward level, the Committee approved the Punguza Mizigo (Constitutional Amendment) Bill 2019.

Pursuant to Article 257 (5) and (6) of the Constitution of Kenya, 2010, the Committee of Delegated County Legislation hereby urges this Honourable House to approve this motion and thereafter have the Honorable Speaker deliver the Certificate of approval to the two Honorable Speakers of Parliament.

9. MOTION: HON. JOSPHAT LOWOI - (M.C.A- KARUNA/MEIBEKI)

Pursuant to Standing Order No.25 (3) and its adopted calendar, this hon. House do adjourn its sittings for a period of 2 days starting from Wednesday 4th September to Thursday 5th September, 2019 both days inclusive as indicated in the Uasin Gishu County Assembly Calendar in order to allow Hon. Members to receive status reports on project implementation for FY 2018/2019 and 2019/2020 from all the C.E.C's at Queens Garden.