

REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
2ND ASSEMBLY- 2ND SESSION
OFFICIAL REPORT

Wednesday 2nd May, 2018

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

[Deputy Speaker (Hon. Zachary Njeru) in the Chair]

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(The clerk-at-the-table confirms that there is no quorum)

Speaker: Very well, quorum having not been recognized I now direct that the quorum bell be rung for an initial ten minutes or until such a time within the ten minutes that quorum will have been achieved.

*(Quorum bell rings for two minutes and quorum is achieved
as confirmed by the clerk-at-the-table)*

Very well, quorum having been achieved, we shall get to the business of the day.
First order.

NOTICE OF MOTION

Yes, Member for Gatimu, Hon. John Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker. I wish to give the notice some other time.

Speaker: Very well, Member for Gatimu I do understand that in the order of business today, we do not have any notice of motion. Instead, we have a procedural motion.
Next order.

MOTION(S)

1. PROCEDURAL MOTION

Yes, Member for Gatimu, Hon. John Kieru Wambui.

Hon. Kieru Wambui: Thank you Mr Speaker. I beg to move the following motion;

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Aware that the function and power of electricity and gas reticulation and energy regulation is vested in county governments pursuant to the second part, fourth schedule of the Constitution of Kenya, 2010.

Concerned that a majority of homesteads in Nyandarua County are not connected to the National Electricity Grid due to the high costs charged by the Kenya Power and Lighting Company which is a monopoly in the industry.

Further concerned of the lack of suitable county entity or institution to specifically deal with matters of electricity reticulation including collaborating with the national government in programmes aimed at massive connection such as one-mile programme.

Appreciating that establishing a county entity/agency to deal with matter of electricity reticulation as a function would be a suitable strategy to confront the challenge of low electricity reticulation in the county; Now therefore, this House resolves:

- a. That there be established a county government entity /agency vested with the duty to deal with the function of electricity reticulation and connected purposes; and
- b. That the Committee on Transport, Energy and Public Works does report to the House within sixty days (60), on the most appropriate approach towards the matter.

Mr Speaker, I beg that the said motion be exempted from the requirements and provisions of Article 48(5) b of the Standing Orders that requires that a notice of motion be given at least one day before a motion appears on the order paper.

You will appreciate that the notice for this motion was given in the morning and it is my request, through the House, that the motion be exempted from the requirements and provisions of the aforementioned Standing Order. This bearing in mind that this a very important matter that can save this county from many problems we face in respect of the concerns that have been raised in the motion.

Without belabouring the matter too much because I know that the members would like to contribute to the substantive motion, this is to merely request the House to exempt the motion from the requirements of that specific Standing Order.

With that, I would like to call upon Hon. Ngumo Ngamau to second this procedural motion.

Speaker: Yes, Member for Gathanji.

Hon. Ngumo Ngamau: Thank you Mr Speaker, sir. I raise to second the motion very well aware of the urgency of the matters raised. This is because electricity is a devolved function of the County Government. Many counties are not aware of this fact. Again, we know the urgency of the matters because, currently, we are being fought right left and centre by *Wanjiku* due to the current pathetic status of our roads. Therefore, this motion is very good because it is going to empower the MCAs in Nyandarua so that many more households can access electricity. We also realize that during the last Parliament (National Assembly), they came up with the 'last mile' project whose main aim was to ensure that all Kenyans could enjoy access to this resource. I therefore support this motion very seriously.

(Question proposed)

Speaker: Yes, Member for Gathaara, Hon. Andrew Kamau Kariuki.

Hon. Andrew Kamau: Thank you Mr Speaker for giving me this chance to contribute to this motion. I congratulate Hon. Kieru for coming up with this motion. Most of the households in

our wards are not connected to electricity. Electricity is important for any country to move forward and therefore I would wish to support this motion using four points. First, electricity is essential for a 24-hour economy. If a large percentage of our county...

(Hon. Kieru Wambui rises on a point of order)

Speaker: What is it Member for Gatimu?

Hon. Kieru Wambui: Thank you Mr Speaker. I would like you to give guidance because I moved a procedural motion requiring and requesting members to support that this motion be exempted from the one-day rule on notice. It is on the substantive motion that the actual matters can be debated. What the House requires is to be in agreement with my request to exempt this motion from the requirements and provisions of the Standing Orders. Remember, I gave the notice of motion in the morning and by principle therefore, this motion should be debated tomorrow afternoon. However, since this matter is quite weighty, we requested the Office of the Speaker to allow this motion to be brought in the House so that members can give leave for it to be debated today.

Thank you Mr Speaker.

Speaker: Very well Member for Gatimu. Hon. Member for Gathara, the mover has highlighted the content of the motion. This is a procedural motion and I think that in the substantive motion, you will get some time to give your input. It is in order to highlight some issues lightly so that as we move to the substantive motion, we can exhaust our views then. Proceed Member for Gathara.

Hon. Kamau Kariuki: Thank you Mr Speaker. I support the motion fully.

(Question put and agreed to)

Speaker: Next order.

2. ADOPTION OF THE MOTION ON ESTABLISHMENT OF AN ELECTRICITY AND GAS RETICULATION AUTHORITY.

Yes, Member for Gatimu, Hon. John Kieru Wambui.

Hon. Kieru Wambui: Thank you very much Mr Speaker. I take this opportunity at the earliest moment to address some very important issues but I know that many entities will be uncomfortable knowing what they control in this country. Nevertheless, we have a constitutional mandate to deal with the matters at hand and I believe that if we are able to deal with this matter appropriately, we will have addressed some of the problems we face amicably. For the benefit of doubt and if you allow me, I wish to move the following motion;

Aware that the function and power of electricity and gas reticulation and energy regulation is vested in county governments pursuant to the second part, fourth schedule of the Constitution of Kenya, 2010.

Concerned that a majority of homesteads in Nyandarua County are not connected to the National Electricity Grid due to the high costs charged by the Kenya Power & Lighting Company which is a monopoly in the industry.

Further concerned of the lack of suitable county entity or institution to specifically deal with matters of electricity reticulation including collaborating with the national government in programmes aimed at massive connection such as one-mile programme.

Appreciating that establishing a county entity/agency to deal with matter of electricity reticulation as a function would be a suitable strategy to confront the challenge of low electricity reticulation in the county.

Now therefore, this House resolves:

- a. That there be established a county government entity /agency vested with the duty to deal with the function of electricity reticulation and connected purposes; and
- b. That the Committee on Transport, Energy and Public Works does report to the House within sixty days (60), on the most appropriate approach towards the matter.

Mr Speaker, that is the content of this motion. I wish to give a brief history of this motion. Devolution was anchored in the constitution that we passed in 2010. This is when our hopes were high that services would come closer to the people. This constitution was overwhelmingly voted for and we remember that in 2005, it was rejected. The reason is that it addressed some of the critical issues like energy and thus, the public went ahead and voted for it. The new Constitution brought on board various entities that would help this country deliver itself from the old constitutional dispensation.

When I was a small boy back in the village, I used to hear President Moi and others who knew more than I did talking about *katiba*. I could not understand what it was until I became of age and went to school. I understood that *katiba* was constitution in English or the Law of Kenya. It is upon us to implement it to the letter by understanding and appreciating the power of the constitution. The constitution has specifically devolved the issues of energy to us at the county. In those days, we used to have local governments whose power was vested in the Minister of Local Government. The minister had powers to determine what goes to which county council and what the county council had to do. In fact, the resolutions of a county council were supposed to be approved and ratified by the minister.

We are not a local government anymore– we are a county government that is autonomous and in that autonomy, we have the County Executive as well as the County Assembly. The County Government’s powers are clear in the constitution. The various functions of the County Government are elaborate in the Fourth Schedule of the Constitution, 2010. The roles and functions of both the National Government and the County Government have been set aside. Part B talks about the roles of the County Government. I do not want to talk of Water or Agriculture but would like to talk about one critical component of Gas and Energy Reticulation, which is a function of the County Government.

Before I forget, Mr Speaker, the constitution, 2010 established some authorities. In this case, we had the Constitution Implementation Committee that was led by Mr Charles Nyachae. This committee was supposed to identify some of these gaps to make sure that they were brought on board by the then Transitional Authority (TA) that was headed by Mr Kinuthia Wa Mwangi. Luckily, TA never died and we have today, the Intergovernmental Relations Technical Committee which replaced it. The reason is that some matters in the constitution were not ending with the life of the TA. Intergovernmental Relations Technical Committee was to take up that matter by ensuring that which has not been devolved to the county government is devolved in a formal

structure to ensure that the principles of the constitution that we passed are adhered to and *wanjiku* can enjoy services closer to her doorstep. This is what is enshrined in the constitution.

Mr Speaker, I would like to talk about this motion because Nyandarua County has been marginalised and left behind for many years. When we mention about energy, we are talking about electricity connectivity. We do not want to talk about gas because we have no regulations for gas in this country. It is expected that both the National Government and County Government will come up with a parent law that will help us regulate the matters of gas. However, the law we have in place is energy and in this context, we shall call it electricity. We want it in a language that the *Wanjiku*, who goes to vote after every five years will understand. It is about that person who braces the cold in the morning and long queues to ensure that he or she casts the ballot early in the morning so that services are brought closer to him or her. We are talking about the *Wanjiku* who voted the Constitution, 2010 because of the promise that services will be closer. These people had high expectations that electricity will be connected to their homesteads. However, we have seen our Governor, H.E. Kimemia talking about some statistics very passionately in regard to low connectivity to the National Grid within this county.

Mr Speaker, during the regime of President Moi, we had forty seven districts which today are counties. I remember what districts meant by then and who the District Commissioners were in terms of power. A word of the DCs then was very powerful and was much respected within that jurisdiction. I remember when I was in primary school, we used to sing for a very famous DC known as Mr Machogu. We were very good dancers then. Now, the districts are so many that there are about seven districts in some of those initial districts such as Nyandarua County. By then, there were Nakuru, Laikipia, Nyeri, Murang'a, Kirinyaga and Nyanadarua in Central Province. This is when Nyandarua was left behind. Today, only 43 percent of households in Nyandarua are connected to the National Grid. Other counties such as Embu, Murang'a, Kiambu, Kirinyaga and Nyeri Counties have between 60 and 70 percent connectivity to electricity. They are about 20 percentage points ahead of Nyandarua. This is the reason that we have to say, in one voice, that our county is poorly connected to power.

It is our responsibility to take up this matter and we shall not give this mandate to our Members of Parliament because this is the responsibility of the County Government. If we have an agency that is established and approved by the Governor and the County Assembly respectively, it does not matter whether the agency will work with MPs or the MCAs. Whoever the agency chooses to work with will not be an issue because all we want is to have our people connected to the National Grid. Our misfortunes have been carried forward up to date and we are carrying that burden. This is because people will tell us that Nyandarua is properly connected to the electricity. They will go ahead and give you the example of Nyahururu town because they have always related the town to Nyandarua County, which is not the case. It is only the other day that you saw, Kenya Power, as a monopoly and an entity offered services from Naivasha town, which is in Nakuru County, while other people would seek services from Nakuru town which is also in the same county. Others accessed these services from Nyahururu which is in Laikipia County. It is only recently that they set up an office here.

We are saying that we have been left behind and we need the National Government to collaborate with the County Government to make sure that our people access the services as envisaged in the Constitution and in line with the principles of my motion. These principles illustrate that this County needs to follow the constitutional route. The way to address this matter is to take the constitutional route. It is the responsibility of the County Government of Nyandarua to establish an agency that will deal with these matters by coming up with probable ways of

addressing them. I know that the Committee on Transport, Energy and Public Works are up to the task and that is the reason we are moving this motion so that they sit together with the CECM concerned. It does not matter which office they will need to visit, whether it is the Office of the President or the Deputy President. The aim is to go the relevant office and ensure that our people will not complain about electricity in the next five years.

Mr Speaker, Kenya Power and Lighting Company as well as Kenya Rural Electrification Authority work very closely with the Members of Parliament. You will see them visiting KPLC offices and taking photos and selfies behind very huge transformers. I have no problem with that, it is okay. However, it is the responsibility of the County Government of Nyandarua to work together with other leaders and make sure that energy is devolved. The misconception that this is a function of the National Government should be demystified by doing the right thing, which is establishing a county agency. The County Government has been provided with the Energy Act, 2006 which was revised in 2012. After it was revised, we expected that the said law would capture the principles of the Constitution, 2010 which as you know, the MPs would not like although the Constitution has given the mandate to the County Governments.

It is our responsibility to take up the matter whether it will require the intervention of the Council of Governors or an organization that will be named the Council of MCAs because we don't know what County Assemblies Forum (CAF) is currently doing. These two councils should stand up very fast and take up this issue with the National Government so that a lasting solution can be found for the people of this county as well as country. We are solving a national problem and if we shall be able to do it, we shall have helped the common people. You cannot tell me that people sitting in Nairobi know Nyandarua much more than the people who have been elected locally. The principle of devolution was to take services closer to the people and not to centralize services back to Nairobi. It is our responsibility therefore to uphold the powers and principles of the constitution.

Mr Speaker, we have another problem in Nyandarua. It is among the four counties with the highest electricity tariffs. Just the other day during the Fifth Devolution Conference, our Governor stood very strongly and condemned what KPLC is doing. He said that it is very unfair, unprofessional and unethical that a county where industrialization is very low has one of the highest electricity tariffs in the country. The Cabinet Secretary gave a flimsy reason that Nyandarua has not been properly connected and consequently, highly charged. What is the solution to this problem? The Cabinet Secretary, Hon. Charles Keter said it was not their wish or making that we are charged highly. It is only because Nyandarua is poorly connected, implying that if we were well connected, our tariffs would be low. What is the logic behind that, if at all there is one? They should connect us and let us be in the league of Kiambu County which is above 60 percent in connectivity and Nyeri County which is above 70 percent. The cliché that, '*MP ndio atalinda mambo ya stima*'¹ will come to an end because we shall deal with this problem as leaders of this County.

You remember that during the Fifth Devolution Conference, they said that in the coming days, we shall have new tariffs. These new tariffs will be based on the number of units one uses. We were assured that electricity charges will reduce, which is okay. In as much as the charges will reduce, how many of our people are connected to the electricity? Very few! Additionally, the electricity is not constant. I want to amuse this House by saying that Nyandarua County is very

¹ The MP will safeguard the issues of electricity connectivity

poorly connected and if rain starts, we experience black outs in very few minutes. We are subjected to some of these problems because our power is not constant, reliable and it is very problematic.

You have to install circuit breakers because if you don't have them, either your House will burn or your electronics will be damaged. However, when you go to Nyeri, Nakuru, Murang'a or Kiambu, their electricity is constant. In Nyandarua *'tumerushiwa stima hivyo tu'*². It is the responsibility of Kenya Power to ensure that we are served like other Kenyans – our power should be clean and constant. They say that we don't have many industries and therefore our electricity needs not to be constant. When everything burns in your homestead, you incur all the costs. Let Kenya Power know that we are watching. We should have an entity to regulate these matters and make sure that people are connected to electricity and there be established laws to deal with this issue once and for all.

Mr Speaker, we are aware of what is happening. We have very many high power grids cutting across our county. I know they have touched some parts of Kipipiri and Ol'jororok constituencies. They have come all the way from Ethiopia and I don't know where they are going.

We as the County Government are dealing with matters of land. Compensations for our people is a major issue. If we had a county entity or agency, we would know how to help those people. However, the contractor was only given a contract and started putting up transmission towers with total disregard of compensation. I was in Kipipiri just the other day and a transmission tower has passed through a church in Miharati. I know what the congregants of that church were saying. If they didn't have an informed priest, they could not have been compensated. Our people are short-changed and it is a high time that we leaders do something about it. What are those people who brag that they wield power doing? Our people continue to be misused when their land is getting used by contractors who despite having money to compensate people, they are not. We should hold the bull by the horns and take up the matter for the issues to be properly handled in the county. If we do this, these problems will end because we know, *'muikari muti gitina niwe ui kiria thambo iriaga'*³. We are the people who know the problems befalling our people. Let the National Government through the MPs know that we are more aware of these problems than they are – they sit in Nairobi while we sit in Ol'Kalou. They sleep in Nairobi while we sleep in our villages.

It is the high time that this matter is dealt with by the relevant office. The relevant office in this case is the county government. You heard what Hon. Keter said. He said that he wants to pump Kshs.50 Billion to make sure that power cost goes down. You also remember what the Governor during one of his address said, that the national government needs to distribute resources equitably. Mr Speaker these matters need to be taken violently. We cannot wait for such a long time for the government to give us what belongs to us. We should grab it. We are passing this motion to make sure that what Governor Kimemia was lamenting about is now in his hands, to constitute a professional body to address Hon. Keter in the right forum and believe you me, power shall be equitably distributed in Nyandarua and we shall be of help to other counties.

He said that the new tariffs regime would be necessitated by the government doing away with other unnecessary power incomes and charges imposed. There are many charges and we do not know where they go. We need to examine these matters.

Nyandarua is the one place where conservation is done seriously. If you go to Mirangine, Miharati, Kirima-Ngai, Charagita, Aberdare, Kipipiri and Shamata you will always find a river

² Electricity is connected haphazardly

³ The wearer of the shoe knows where it pinches

flowing. All these rivers flow into Athi and Tana River, the rivers from which energy is generated. We conserve our forests and water sources. What do we get in return, especially when KPLC is doing power connection? Kindaruma dam being in Embu does not mean that Embu people are the greatest conservers of water. We have done that in Malewa, Lake Obolossat, Nyairoko and it ends up there. It is the high time that we take what belongs to Nyandarua by force. I have realized that in this country you never get what is yours when you keep quiet. You have to fight for it. The entities that should give you what belongs to you hold it until you go for it forcefully.

I would also want to appreciate the statement that was sought by Hon. Ngumo. That statement was seeking to address some of these issues. This motion however has gone into depth. It has tried to unveil the mysteries in the energy sector in the country today. With an entity such as this, we can engage anyone in this country to supply energy in Nyandarua. We have only one company that does whatever it pleases.

There is an entity that applied to the Energy Regulation Commission to seek approval of the commission to be allowed to supply energy in this county. That application is under review and I pray that they shall be given that approval because Kenya Power and Lighting Company is a monopoly. They supply power wherever they want and however they want in criteria that you do not understand. The body to be constituted is one that can engage the Energy Regulation Commission to supply power in this county or other part of this country. The Constitution of Kenya has given ERC the mandate to licence entities that would want to supply power. We have entities that supply solar power and wind generated power. They have all been licenced by ERC. What would be the problem if we had ours and seek other power sources because Kenya Power has left us behind.

If these issues are addressed, we shall get a solution such that our people will never lament about power. The 'Last Mile' has helped our schools to be connected to power but go to our homesteads, our people are still being charged Kshs.35,000 to be connected. This is unfair because we have people that live below a dollar a day. Asking such a person to give you that amount of money is not fair. It is the high time we have this board. I beseech governor Kimemia to constitute this board soonest possible and we shall give it the support it requires to make sure our people have power.

Mr Speaker I gave examples of American companies, Power Hive and Vulcan owned by Microsoft co-founder, they are already providing power in this country. They have been licensed by ERC.

We would also want to have an investor think about the so-called controversial Kinangop Windpark. That can be done and be customised for Nyandarua. When those investors said there is power there, they were not mad.

I know they have a case in London because they lost a lot of money. They had invested a lot and did so much research. The former Governor and the former Kinangop MP go there as witnesses. As leaders and people of Kinangop, we can establish where the problem was. If there was no problem, we can get that power for the people. Who can do this? Nyandarua Power Organization? Nyandarua Power Agency? Nyandarua Power Firm? Where can it come from? The governor constitutes the board and we approve it as the assembly. This will solve many problems such as street lighting. We shall no longer depend on the national government on this.

With those many remarks, I beg to move and hope that we shall have this body and forget about all these problems. We are the once facing the challenge and we shall deal with it. We shall not allow other people to solve our problems for us. They have not been able to do so for over fifty years.

I beg to call the Leader of Majority to second the motion. I know he is a victim because his area has no power connection. Among the 43 percent of those on Nyandarua that are connected probably in his area, it is about 4 or 5 percent.

Thank you Mr Speaker.

Speaker: Yes the Leader of Majority.

Hon. Gathungu Kamau: Thank you Mr Speaker, Sir, for giving me an opportunity to second this motion on Establishment of County Electricity and Gas Reticulation Authority. I first want to commend the Member, Hon. Kieru Wambui for coming up with this motion. This is a timely motion. I would also like to commend the member for Gathanji ward Hon. Ngumo Ngamau who had sought a statement on the same. I am sure that the able committee on transport and public works that is also concerned with Energy will look into the matter and ensure that it is conclusively dealt with.

I do not know where the perception that electricity matters should be taken care of by the MPs came from. This is a critical issue and if an issue like health could be devolved, I do not see a big deal with devolving electricity. The MCAs are the ones in the kitchen and the wearer of the shoes knows where it pinches most. They are the most Honourable Members. Hon. Kung'u will tell you that there is no meeting he has held in his ward without having to be asked about electricity. Most of the times we do not have answers for our people because it has been perceived that matters on electricity are under the national government. It is the high time that this matter is taken up by the county governments in the entire republic.

Gatundu ward in Gatundu South constituency, where Hon. Moses Kuria is the MP, there is 100 percent connection to electricity. In our wards, Nyandarua county electricity connection is very low. There are highly populated areas that have no transformers. The Hon. Members here know which areas these transformer should be taken to. They should ensure that our people start enjoying fruits of devolution and electricity is one very important commodity to our people.

Mr Speaker sir security is another issue that is ailing our trading centres. We would wish to see mulika-mwizis in those trading centres so that the economy can run up to late in the night. As it stands today, I will not shy from saying this, 95% of the trading centres in Nyandarua do not have electricity. For those that have electricity and streetlights as promised by the president during the campaign, those lights are just there cosmetically. They are not switched on. I believe that if there were a reticulation authority in this county, those lights would already be serving the purpose.

Mr Speaker sir there is a very emotive issue as mentioned by the mover of the motion Hon. Kieru Wambui. That is KETRACO. It has used our lands to pass electricity all the way from Loyangarani in Turkana county to Ngong or Nairobi so that the power can be put in the national grid. Hon. Maitai can bear me witness that we have not benefited. As Hon. Kieru said, we are going to forcefully stop that electricity from passing through our lands if we shall not be beneficiaries. Those poles have passed through a land that belongs to the IDPs but they have done nothing about it.

People there live in a bad state. As leaders, we should ensure that our people, even if it will be by force, benefit from social corporate responsibility. If we get a board, I am sure that all these things will be of the past and we shall have improved our people's lives. Dairy farmers shall be able to use electrical chaff cutters and save time. This will also give a chance to establishment of so many other cottage industries. I hope that this will be fast trucked and during our term, it shall be remembered that we fought for our people and they got connected to electricity and their lives changed. I second the motion.

(Question proposed)

Speaker: Yes, member for Githabai Hon. Engineer Rimui Kaiyani

Hon. (Eng.) Rimui Kaiyani: Thank you Mr Speaker, Sir, for giving me this opportunity to contribute to this motion. May I begin by making this observation, that the mover of the motion moved the motion passionately. The body language explained it all. You saw how he laboured to deliver that point until he was sweating profusely. I wonder whether there was anyone who was thinking about him as I was. A fan should be provided. The assembly should consider providing an aerial fan or a table fan to mitigate that.

(The Deputy Speaker, Hon. Zachary Njeru, leaves the chair)

(Temporary Speaker Hon. Kenn Mukira, assumes the chair)

Having said that, I support this motion. Looking at the law, the issue of energy specifically gas, oil and electricity is a function that is devolved and also shared by the national government. It is listed as a shared function. I do not know where the borderline is on this in terms of who does what and where. That is a ground to claim some of the functions that have been claimed to belong to the members of the National Assembly. In doing this, they have been denying the people of Nyandarua...

(Hon. Kieru rises on a point of information)

Speaker: Hon. Rimui, do you need information from Hon. Kieru?

Hon. Eng. Rimui Kaiyani: Not now Mr Speaker.

Speaker: You may proceed.

Hon. Eng. Rimui Kaiyani: Honestly, I did not expect that to come from the mover of the motion because I am supporting the motion. I support the point that Nyandarua County is the least connected in the region. I get a little embarrassed because the centre for that connection is Nairobi and the distance between Nairobi and Nyandarua is barely 50 kilometres. I am left wondering why far counties such as Turkana Wajir, Siaya, Garissa, Migori, Homabay to mention just a few are connected. I was involved in the connection of some. This county is just a few kilometres but it is ignored or neglected or both. Any means possible to have this corrected will be a huge benefit for our people. No effort should be spared until such time when the county shall be connected.

Mr Speaker I am looking at section (b) of the resolution of the motion, which is that; the committee on Transport Energy and Public Works does report to the House within 60 days on the most appropriate approach towards the matter. I find this contradictory to the part (a) of the motion. This motion seeks to establish an authority that will ensure that there is power connection. There is already a specific thing that this motion seeks to achieve. For the mover to request that the committee on Transport, Energy and Public Works brings to the House the most appropriate approach, I find that watering down the motion. The motion is complete because it is seeking to have an authority to ensure that there is connectivity to power for our people. That should be clarified as we move on.

It is a shame that our people are not connected to power even now. I wonder what happens when the children from Nyandarua go out and meet children from other places where there is

power connection while they use *koroboi*⁴ to study. Competition in terms of academic performance between the two students, one from Nyandarua who uses *Koroboi* and the one who uses electricity, would be different. I would call that marginalization and that needs to be corrected and very fast.

This is a very timely motion that needs to be dealt with immediately. I know it is going to cause hullabaloo, it is national because it has its basis on the Constitution of Kenya. We have moved it here and I am sure that we are the first among others. I support the motion

Speaker: Yes, the Member for Weru ward.

Hon. Mbogo Mburu: Thank you Mr Speaker, I rise to support the motion. It is timely. The speaker before me said, it is not clear on borderline of this function. In the Fourth Schedule of the Constitution where we have the sub division of the duties of the national government and the county governments, it is clear that the national government should bring policies on energy. The county government is mandated to implement, develop and even finance the distribution of energy. Therefore, the issues of development and connection to power are clearly for the county government according to the Constitution.

I support what the mover of the motion that the county government comes up with a regulating body, and as we share the funds on the roads and the rest of the projects, we also have the funds for transformers for a certain ward. By doing this, we are going to increase the level of connectivity of 43percent to a reasonable level or close to the level of those that are connected to power.

Statistics of 2009 show that Nyandarua in Mt Kenya region is the last in connectivity. We cannot sit here and claim that the county is marginalized while we are not doing what we can. I support the motion. I am a member of the committee that should be looking into that matter. The governor should assist us so that we can have that body to research and go through all the doors of offices in this nation. This county will lead the rest. We keep on saying that we are in a learning mode but the whole country is because we are dealing with a new Constitution.

(Temporary Speaker, Hon. Kenn Mukira, leaves the chair)

(The Deputy Speaker, Hon. Zachary Njeru, takes the chair)

The wearer of the shoe is the one that knows where it pains most. Nyandarua is marginalized but we should start something. I request that as the executive will be sitting to come up with the Annual Development Plan for this year, they should include a number for transformers to go to all wards and the people on the ground will decide where it should go. Using funds from the National Government and from the county government, we are going to increase the level of connectivity to power. I support the motion.

Speaker: Yes, member for Kaimbaga Hon. Gabriel Gathure

Hon. Gathure Wambui: I rise to support the motion Mr Speaker. I was not here when the mover was moving the motion but as a clever child I saw today's business when it was sent to us online. I saw it and thought that this is the best thing that would happen to Nyandarua.

This motion is timely. If the member for Gatimu was to bring motions such as this and not like the one he brought of allocating wards Kshs.50,000,000 for development when we were passing the CIDP, I would support him as the first person.

⁴ Tin lamp

Mr Speaker we are lagging behind in matters to do with connectivity to power. That is why the World Bank and American government, when Obama was the president, brought a program called Light up Africa.

When we visited Statehouse late last year, the president said that among the elected leaders of this country, the President, Governors, Senators, MPs and the MCAs, the most important one is the MCA. This is the only person that *Wanjiku* can reach easily and share with him or her. My mother in Kiganjo cannot be able to meet the president or the governor to speak out on matters of lack of connectivity. However, she can meet the MCA. In our villages, *Wanjiku* keeps on asking for transformers but there is nothing we can do about it.

The mover of the motion is seeking a resolution that the committee on Transport, Energy and Public Works gives a report to this House within 60 days. As a member of that committee, we are going to do that. We shall have an elaborate report on how we are going to do this. As a member of the Budget Committee, we are going to ensure that money is allocated to buy transformers. The member for Gatimu told me that a transformer cost is about Kshs.500,000. If we would have an allocation of about Kshs.5,000,000 per ward, we can buy ten transformers each financial year and reach areas that are dark at night. I support the motion.

Speaker: Yes, member for Charagita, Hon. Catherine Wairimu Njane.

Hon. Wairimu Njane: Thank you Mr Speaker, I rise to support this motion. This will help in many ways. For a long time it has been assumed that the function of electricity and gas is belongs to the national government. It is good that we now understand that we have to do implementation.

It is a shame that fifty years down the line we are still talking about electricity. Some of the primary school kids to date have never seen or used electricity. We know that Nyandarua has so many needs but we should prioritize them. After roads, the next thing we should deal with is electricity connectivity because it will help the students to study better.

We have been taking about empowering the youths. Yesterday was Labour Day and every one was waiting to see wage increase. For those getting Kshs.20,000 it would only be about Kshs.1000. If there was electricity connection, there are so many other things that the youths can do to empower themselves.

I know of a county where the youths are taught online trading. The enlightened youths do that with their smartphones and laptops and earn about Kshs.1000 to Kshs.5000 in a day. Such people will not need to tarmac looking for employment. If we try that in Nyandarua it will sound to them like Greek that people can sit, do online trade and go home with money. We are just reducing the youth to idler. We tell them that all they do is take illicit brews. If we have electricity connection, we might solve the problem of searching for employment.

I commend the mover of this motion; it is well thought and timely. I hope that when this reaches the executive, it shall be taken with the weight it deserves. Thank you Mr Speaker, Sir.

Speaker: Yes county member from Magumu, Hon. Salome Gathoni Kamau.

Hon. Salome Gathoni: Thank you Mr Speaker, for granting me this opportunity. I start by commending Hon. Kieru for this motion. This being one of the agenda of the national government, to connect every homestead with affordable electricity, and knowing how useful it is to our homes and in raising the economy of this country in terms of industrialization, this is important for this county.

Concerning the transformers, our people are getting annoyed by this. We keep on saying that the MPs are responsible for this but it should be devolved so that it is accessible to everyone. Concerning gas, to our people it seems to be for use by those who are well off. It is good that we make it affordable for them. We know what has happened with firewood. Many cannot afford

because of the ban on cutting down of trees yet most were dependent on it. If gas is expensive, it is tough on them. I support the motion. Thank you Mr Speakers

Speaker: Yes member for Central, Hon. David Mwangi Maitai.

Hon. Mwangi Maitai: Thank you Mr Speaker. I rise to support the motion and start by commending Hon. Kieru Wambui for bringing it before the House. It is timely. In economics, monopoly is evil and it leads to exploitation of customers. That Kenya Power is the only company that supplies electricity makes many clients get substandard services. We should therefore establish an electricity and gas reticulation authority. If the Nyandarua County Government does this, people will learn that there is a region called Nyandarua since they are used to hearing of Nyahururu. We are known to vote massively but we are the last to benefit from services of the national government. I remember opposing the motion that Hon. Kieru Wambui moved on the Uhuru-Raila handshake because most of the time we are taken for granted by the national government. It is the high time we joined hands to fight for our political space as a way of soliciting for the best services from the national government. We visited the site where KETRACO electricity line passes through our county. The conclusion that members of this House made is that the electricity line does not serve the people of Nyandarua. KETRACO's vehicles that carry electricity installation equipment damage our roads. As Members, we should organize a peaceful demonstration calling for repairs of these damaged roads and also installation of transformers by the company in our county. Our Governor chairs the committee on Energy and Infrastructure at the Council of Governors and we can request him to ensure implementation of the matter at hand to ensure that our county is well connected with electricity.

Establishment of the authority will enhance electrification in our county and this will help improve security and increase productivity in the agribusiness sector. This will also help in improving the county's education sector since connection of homes with electricity eases many challenges that learners face during studies.

There is a general perception that members of the national parliament control supply of electricity. However, we understand that supply of electricity is a devolved function and therefore we have a part to play in distribution of electricity in the county for the benefit of *Wanjiku*. Finally, I support the motion fully. Thank you.

Speaker: Yes the Member for Karau and the Deputy Leader of the Majority, Hon. Kenn Mukira.

Hon. Kenn Mukira: Thank you Mr Speaker. I rise to support the motion. Devolvement of the function of power supply has really gone a long way in improving the lives of the people. This can simply be equated to the huduma *mashinani*⁵, an initiative that saw many national government services brought closer to the people.

Lack of electricity can be compared to lack of oxygen. While still on this, all health facilities in our county should be connected with electricity. We build health centers and dispensaries in our county and equip them with relevant facilities, yet we fail to connect them to electricity grid.

Supply of electricity in some parts of our county is still a dream. An electricity and gas reticulation authority should be established. This will allow us, the representatives of the people who meet with *Wanjiku* daily, to ensure distribution of electricity throughout the county. The other week three transformers were destroyed and the affected residents were not concerned with who should address the issue; their worry was how the transformers would be repaired for their homes

⁵ Grassroots

to be reconnected to electricity. If we had the said authority in place, challenges of power supply would be a thing of the past.

The big four agenda of enhancing better health care, proper housing, food sustainability, and food processing cannot be accomplished with lack of electricity supply in many parts of the country. How can health facilities, for example, provide good services if they lack power supply? Food processing requires a lot of energy supply. Electricity supply is a key factor in the implementation of the big four programme.

The last 'Mile Project' should be taken up by the county governments. Considering that implementation of this project kicks off in the next two weeks, I think that sixty days that have been proposed for the establishment of the an electricity and gas reticulation authority is a long time. I believe thirty days are enough.

Of the four hundred homes in my ward, not more than two hundred and forty of them are connected to the electricity grid. This is a pointer that we need to address the issue of low electricity distribution in our county and we will always be remembered. I now call the mover to respond. Thank you Mr Speaker.

Speaker: Yes the mover.

Hon. Kieru Wambui: I thank the Members for supporting this noble motion. If the matter at hand is addressed, challenges pertaining to power supply would be overcome. The role of our governor in the Council of Governors is very critical. As the chairperson of the committee on infrastructure and energy at the council is critical and he could exercise his authority in that capacity to help us establish the electricity and gas reticulation authority. When the late governor of Nyeri chaired the committee on agriculture at the council he helped tea and coffee farmers a lot, especially in ensuring that their debts were paid.

On the concerns of Hon. Rimui, I did not contradict myself my saying that the Committee on Energy, Transport and Public Works should find the best approach to the matter at hand. The motion is clear; it seeks establishment of the authority. What the said committee ought to do is to find a way of constituting the said authority because there are no constitutional guidelines on doing the same. This should include developing a policy, and ensuring approval of the authority and appointment of individuals to the authority.

Sub-article 31 of Part I of the Fourth Schedule to the Constitution bestows the national government with the authority of developing the policy. Sub-article 8 (e) of Part II of the Fourth Schedule to the Constitution gives the county governments powers to execute plans and address other matters relating to electricity and gas reticulation. So, the national government should come with the policy; our role is implementation of the same at the county level.

Hon. Ngumo Ngamau talked about installation of transformers. If the authority is established, transformers would no more be distributed as per constituencies as it currently happens. Instead, they will be distributed as per ward. Installation of, for example, ten transformers in every ward per year would go a long way in addressing power supply challenges.

Hon. Gathure Wambui was concerned about incorporating electricity needs in the Annual Development Plan. With the establishment of the authority, that will be attainable.

Hon. Catherine Wanjane's comment what advantages electricity distribution harbours for the youth has been noted.

Hon. Salome Gathoni's observation on the national government plans to connect every homestead to the electricity grid is an item in the big four agenda. Implementation of the agenda would see our villages supplied with power and this will help in, for instance, digitizing farming and improving other sectors of the economy.

I agree with Hon. Maitai that monopoly in electricity distribution is evil. That is the reason Kenya Power charges highly. As an example, I had been paying monthly electricity bills of between nine hundred shillings and one thousand three hundred shillings. Amazingly, I was served a bill of forty seven thousand shillings this month. I wondered what the reason behind this was, yet I have not started operating an industry in my house. But the only problem is the said monopoly. Should Kenya Power has competitors, it would give services at lower prices. If this country had only one girl she would be very proud and only the highest 'bidder' would earn her. The girl called Kenya Power is very proud and arrogant; this is proved by how it mistreats its clients. In view of this, we need to establish an entity that can avert this in our county.

The issue of KETRACO and CSR is a major one. People are losing land. It is our responsibility to ensure that the national government compensates those who have lost land, even if this calls for mass action.

That MPs control electricity distribution should come to an end. It should no longer be MPs but MCAs controlling power distribution. We shall advocate for that from today. The other day we developed the idea of Ward Development Fund in liaison with the right offices. The matter is going to be taken up by the Senate. Equally, we shall politically ensure that, through the Senate, the role of electricity and gas reticulation has been passed over to the county governments.

With those remarks, I beg to move and pray that the motion passes.

(Question put and agreed to)

Speaker: The motion having been adopted, the Committee on Transport, Energy and Public Works should do the needful and ensure that the resolution of the House emanating from the motion is forwarded to the Executive.

Power is a basic need and the matter at hand is of county importance. It is very critical especially in running of micro projects in the wards. The motion is very much timely. County governments must fight to ensure that the role of electricity and gas reticulation is handed down to them.

Next order.

3. CHANGE OF NORMAL SITTING TIME

Yes the Member for Leshau Pondo, Hon. Gathungu Kamau.

Hon. Gathungu Kamau: Mr Speaker, Sir, I beg to move the following motion;

That pursuant to standing order 31 (3) (b), this House does resolve to alter its hours of meeting on Thursday, 3rd May, 2018 such that it sits at 5.30 p.m. instead of 2.30 p.m. as usual.

Mr Speaker, Sir, this is necessitated by the need to have the sitting of the Committee on General Oversight pursuant to Standing Order 193 (c) (v, vi and vii). As I had earlier told the House in the morning, the CEC Member for a Finance and Economic Planning will make submission to the Committee on General Oversight from 2.30 pm tomorrow. There are some documents that need to be tabled in the House and their tabling is long overdue. Among the documents includes the Nyandarua County Second Supplementary Budget Estimates which incorporates money for projects that have not been complete. As an example, some boreholes did

not generate water after sinking and therefore some money should be allocated to the Department of Water, Environment, Tourism and Natural Resources through the supplementary budget. I understand that money is appropriated through a supplementary budget to avoid audit queries. Remember the current financial year is coming to an end. Time is not on our side and we would not want to see a situation where money is returned to the National Treasury for lack of being utilized for the benefit of our people.

The other documents include; the Nyandarua County Annual Development Plan for financial year 2018/19, the Nyandarua County Budget Review and Outlook Paper, and the Nyandarua County Fiscal Strategy Paper. The latter ought to have been tabled as early as February. These documents need to be tabled in this House.

With that, I beg to call the deputy Leader of the Majority to second the motion.

Speaker: Yes the Member for Karau and the deputy Leader of the Majority, Hon. Kenn Mukira.

Hon. Kenn Mukira: Thank you Mr Speaker. I rise to second the motion. There are some things that we cannot wait any longer, considering that projects must be implemented. If projects are not implemented in the wards, people would see no need for having voting us in. We need to work together with the Executive to enhance development in our county.

I second the motion hoping that my fellow Members will find it wise to allow the CEC Member make her submissions following which we shall sit and reason together on the way forward, this is in view of the fact that we are time barred.

Thank you Mr Speaker.

(Question proposed)

Speaker: Yes, the Member for Wanjohi, I rise to oppose that motion with reasons. A County Assembly is a very important institution. With this in mind, we should not be altering our calendar now and then. It is not clear to me what the said CEC Member is coming to do.

(Hon. Kamau Kariuki rises on a point of order)

Speaker: What is it the Member for Gathaara, Hon. Andrew Kamau.

Hon. Andrew Kamau: Mr Speaker, the House is not quorate.

Speaker: Clerk, confirm whether the House is quorate.

(The clerk-at-the-table confirms that there is quorum)

Proceed the Member for Wanjohi.

Hon. Isaac Kung'u: Mr Speaker, I do not understand what the motion that has been moved by my good friend, the Leader of the Majority, is all about. I have heard him say that the CEC Member will come to talk about the supplementary budget estimates, CBROP, the ADP, and the CFSP, documents that are strange to us because they have not been tabled. I thought she would come to report how the Executive has implemented the supplementary budget that we passed. We ought to have been provided with information on what the CEC Member will come to do. But now we are expected to blindly support the motion at hand.

We are giving prominence to the CEC Member that this House is being forced to sit at 5.30 pm so that she can come and address us during the normal time of sitting. Why can't the CEC

Member come to address us at 5.30 pm; we all know they hold County Executive Committee Meetings at night. I do not think there is anything serious that would compel this House to change its normal sitting time. We would be ready to be addressed by her after the end of the sitting. Otherwise we would be setting a very bad precedent where a CEC Member can compel us to change the normal sitting time to give them time to address the House.

In addition, the leadership of the House should give clear information on what the CEC Member is coming to tell us. I do not want to find myself in an awkward situation, whereby the CEC Member is in the House addressing us on matters we are not aware about while the members of fourth estate are present. Remember we will be expected to listen to her in silence. The CEC Member can even decide to give us a serious *msomo*⁶. We want proper guidance and protection of this House assured. We should not allow this precedent to be set. I strongly oppose this motion.

Speaker: Yes, the County Member from Magumu, Hon. Salome Gathoni.

Hon. Salome Gathoni: Thank you Mr Speaker. I rise to support this motion. I remember in the morning the matter at hand was discussed, I do not know whether Hon. Isaac Kung'u was there. The papers were tabled and we talked about the same.

(Hon. Isaac Kung'u rises on a point o order)

Speaker: What is it the Member for Wanjohi?

Hon. Isaac Kung'u: Is it in order for the County Member from Magumu to state that there were papers tabled here this morning? I was present in the House. In the morning the Leader of the Majority read and tabled the notice paper for the businesses of this week. This is the time we are discussing the motion.

Speaker: Let me not say that the County Member from Magumu is out of order. Nonetheless, let me remind the House that in the morning, the Leader of the Majority just highlighted about the four documents but no paper was tabled. The County Member for Magumu, proceed along that line.

Hon. Salome Gathoni: Mr Speaker, Sir, I support the motion and state that in the morning it was explained that the CEC Member for Finance and Economic Planning will be coming tomorrow to talk about the four documents. It is good that we give audience to the CEC Member and then later discuss her submissions.

Speaker: Yes the Member for Gathaara, Hon. Andrew Kamau.

Hon. Andrew Kamau: Thank you Mr Speaker. I rise to oppose the motion. Yesterday you stated that we will hear the CEC Member in silence. In relation to this, I do not think there is need to change the normal sitting time. The House can hear the CEC Member after the plenary. Thank you Mr Speaker.

Speaker: Yes, the Member for Karau and the Leader of the Majority, Hon. Kenn Mukira.

Hon. Kenn Mukira: Thank you Mr Speaker.

(Hon. Kieru Wambui rises on a point of order)

Speaker: Who is out of order Hon. Kieru Wambui?

Hon. Kieru Wambui: Mr Speaker, the Member for Karau is out of order; he seconded the motion and therefore he cannot contribute again to the same motion, unless he is rising on a point

⁶ Tirade

of order. According to the Standing Orders, he has exhausted his time for contributing to the motion.

Speaker: In fact, the concern of the Member for Gatimu is very valid. Therefore, I will give the chance to another Member.

Yes the Member for Weru, Hon. Mbogo Mburu.

Hon. Mbogo Mburu: Than you Mr Speaker. We are in a learning process and I believe the able Deputy Leader of the Majority knew this. I rise to support the motion. It is true that this is an honourable House; but we amended the Standing Orders to include the provision that the Governor or the CEC Member for Finance and Economic Planning can address the Committee on General Oversight on the stated four documents. Tabling of the documents ought to have been done; in fact one of them was supposed to be tabled by 28th of February. However, we know some of the challenges that caused the delay was the repeat of the general elections. Even the National Assembly has not tabled the equivalent documents. As much as we are complaining, we should understand that other Houses have not tabled the documents. We should therefore support the motion at hand. We should give audience to the CEC Member before holding the plenary sitting. I beg to support.

Speaker: Yes the Member for Gatimu, Hon. Kieru Wambui.

Hon. Kieru Wambui: Mr Speaker, I want to start by saying that things have been done in the past and I do not understand why we want to destroy the integrity and the dignity of this House. This is a house of rules and procedures and I do not understand why we should change the normal sitting time to allow somebody time to come and give us mean reasons why they have not done what they are supposed to have done. I know the person will spend two hours telling us why the supplementary budgets estimates, the Annual Development Plan, The County Budget Review and Outlook Paper and the County Fiscal Strategy Paper have not been brought to this House. They would want us to fall into their trap. I have no problem with that. Nevertheless, they have broken the law already and they want to legitimize that by coming here tomorrow to lecture us for us to become party to the mistakes they have done. No Mr Speaker, we cannot...

(Hon. Joseph Kariuki rises on a point of order)

Speaker: What is it the County Member from Rurii?

Hon. Joseph Kariuki: Mr Speaker, I do not think there is quorum.

Speaker: Clerk, confirm whether there is quorum.

(The clerk-at-the-table confirms that there is no quorum)

There being no quorum I invoke the provisions of the Standing Orders and direct that the bell be rang for eight minutes or until such time within the eight minutes that quorum will have been achieved.

*(The bell is rang for eight minutes and quorum is not achieved
as confirmed by the clerk-at-the-table)*

ADJOURNMENT

Hon. Members, from the provisions of Standing Orders No.31 (1) that, unless the Speaker, for the convenience of the House otherwise directs, the House shall resume at the indicated time. So, I now direct that this House shall convene tomorrow at 5.30 p.m. for the plenary, and in the business, there shall be a Committee on General Oversight at 2.30 p.m. This house now stands adjourned till then.

(The House rose at 4.38 p.m.)