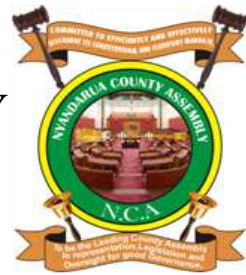




REPUBLIC OF KENYA
NYANDARUA COUNTY ASSEMBLY
1ST ASSEMBLY-4TH SESSION
OFFICIAL REPORT



(The Hansard)

Tuesday 7th June, 2016

The Assembly met at the Assembly Chamber (P.C.E.A Building) at 2.30 p.m.

The Deputy Speaker, Hon. Edinald Wambugu King'ori, in the Chair

Prayer

QUORUM CALL AT THE COMMENCEMENT OF THE SITTING

(There is no quorum as confirmed by the clerk-at-the-table)

Speaker: There being no quorum, I order that the division bell be rang for ten minutes or until such time that quorum shall have been achieved.

(The division bell rings for 1 minute and quorum is achieved as confirmed by the Clerk-at-the-table)

Hon. Members, I welcome you back. First order

PAPER(S) LAID

1. THE NYANDARUA COUNTY SUPPLEMENTARY APPROPRIATIONS BILL

(NYANDARUA COUNTY ASSEMBLY NO. 2 2016)

Yes member for Njabini/ Kiburu Hon. Gachomba

Hon. James Gachomba: Thank you Mr. Speaker, I rise to lay the Nyandarua County Supplementary Appropriations Bill No. 2 2016

Speaker: The paper is duly laid. Time for giving the notice on the same will be allocated.

2. REPORT ON LAND ISSUES IN GATHANJI WARD

Hon. John Githinji Mwaniki, Chairperson Committee on Lands Housing and Physical Planning

Hon. David Ndirangu (County Member): Mr Speaker On behalf of Hon. John Githinji Mwaniki chairperson Committee on Lands Housing and Physical Planning, I rise to table a report by the committee on lands housing and physical planning on the land issues in Gathanji ward from a statement sought by Hon. Samuel Thuita.

Speaker: Thank you Hon. Ndirangu, county member from Weru for having done that on behalf of the chairperson. Next order

3. THE COUNTY SPATIAL PLANNING: MONITORING AND OVERSIGHT GUIDELINES
(NATIONAL LAND COMMISSION)

Yes Hon. Kariuki Muchiri, the Leader of Majority Party

Hon. Kariuki Muchiri: Thank you Mr Speaker, I rise to table the County Spatial Planning: Monitoring and Oversight Guidelines (National Land Commission)

Speaker: Thank you Leader of Majority, that paper is duly laid.

NOTICE(S) OF MOTION

REPORT ON LAND ISSUES IN GATHANJI WARD

Hon. David Ndirangu, county member from Weru

Hon. David Ndirangu: Thank you Mr Speaker, I beg to give notice of the following motion

That this house does adopt the report by the committee on lands housing and physical planning on the land issues in Gathanji ward from a statement sought by Hon. Samuel Thuita and the recommendations therein as resolutions of this house.

Speaker: That notice is duly given, time for moving the motion will be allocated by the House Business Committee. Next order

PROCEDURAL MOTION

EXTENSION OF TIME FOR CONSIDERATION OF THE NYANDARUA COUNTY TRADE
FUNDS REGULATIONS 2016

Hon. Wahome Kamoche, member for Rurii and the chairperson Committee on Delegated County Legislations)

(Hon. Michael Kirumba rises on a point of order)

Speaker: What is Hon. Kirumba?

Hon. Michael Kirumba: Thank you Mr Speaker, I want to draw your attention to the notice of motion given earlier, it is unfortunate that I cannot see the report in the files. The Office of the Clerk knows that it is mandatory for us to have those reports in the files. I do not know whether it is by omission or commission.

(The Clerk-at-the-table consults with the Speaker)

Speaker: I am being informed by the Clerk-at-the-table that those papers are within the chambers with the Sergeant-At-Arms and as members leave the chambers the Sergeant-At-Arms will give them to you.

Hon. Members there was an oversight by the Chair because I did not refer the County Spatial Planning: Monitoring and Oversight Guidelines (National Land Commission) to any house committee and I now refer it to the committee on Lands Housing and Physical Planning. Any member from that committee can tell the house when they will bring back the report on the same to this house.

Speaker: Yes Hon. Anne Kionero county member from North Kinangop

Hon. Anne Kionero: Thank you Mr Speaker, one month will be enough.

Speaker: Very well, one month from today the report will be ready to be laid on the floor of this House.

Hon. Wahome Kamoche, member for Rurii and the chairperson Committee on Delegated County Legislations) proceed

Hon. Wahome Kamoche: Thank you Mr Speaker, I beg to move the following motion:

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That aware that article 187 (4) of the Standing Order provides that the timelines for considering by the County Assembly statutory instrument is 20 days

Further aware that those timelines for considering the Nyandarua County Trade Fund Regulations 2016 lapse today 7th June 2016.

Mr. speaker, I beg to move that, notwithstanding the provisions of this article 187 (4) of the standing orders that this House do resolve to extend the time for consideration of the Nyandarua County Trade Funds Regulations 2016 by fourteen (14) days.

Thank you Mr Speaker

It is unfortunate that we are moving a motion on regulations that we have not seen or considered as a committee. This is an ambush. Last week I wrote a letter on that because the document is not in the files and this is irregular. I beg this house to give this committee a chance so that we can consider this even if it will be within three days.

(Hon. Mwangi Gichuki rises on a point of order)

Speaker: What is member for Engineer ward?

Hon. Mwangi Gichuki: Mr Speaker, I want to know whether the document on regulations has been tabled so that it can be given to the committee chaired by Hon. Kamoche because he says that he has not seen the document.

(The Clerk-at-the-table consults with the Speaker)

Speaker: In response to Hon. Gichuki point of order, these regulations were laid as a paper and today is the 20th day and the last day when the report is supposed to be tabled. This is the last day and if the extension fails the regulations will be adopted automatically. There are only two options, we adopt the motion and the committee goes through the regulations or reject it and the regulations are adopted as they are. Hon. Kamoche proceed

Hon. Wahome Kamoche: As a matter of fact whenever the committee on delegated county legislation does not accede to the statutory instrument, the Committee may recommend to the County Assembly that the County Assembly resolves that all or any part of the statutory instrument be annulled and if a resolution is passed by the County Assembly within twenty days on which it next sits after the instrument laid before it under paragraph (2), that all or part

of the statutory instrument be annulled, the instrument or part thereof shall henceforth stand annulled.

The committee can ask for more time upon the expiry of that time and it is within the law. This needs a serious consideration. The law allows for such an adjustment for the sake of the administration of the county. The document has to be seen by the committee. If you can remember those regulations were here last year and they were taken back to the executive for amendments. That amendment has not been tabled here. This is not the failure of the assembly but of the executive. Communicate to them so that they can bring those regulations. We need extension of time. I call upon Hon. Gachomba to second

Speaker: Yes Hon. Gachomba, member for Njabini/Kiburu

Hon. James Gachomba: Thank you Mr Speaker I second, however I do not understand how the document was tabled in this House and the committee is not aware. We do not have those documents in our file.

Speaker: Order member! The Speaker has communicated that the paper was laid.

Hon. James Gachomba: Thank you Mr Speaker for your guidance but it is not proper for this House to do things unprocedurally. I second Hon. Kamoche because we need to look at these regulations...

(Hon. Michael Kirumba rises on a point of order)

Speaker: What is it Hon. Kirumba?

Hon. Michael Kirumba: Thank you Mr Speaker, it is unfortunate for a seconder to come and challenge what he is seconding. You had rather not second at all and say that you cannot second an illegality. These are sideshows and this cannot be allowed. If he is not seconding he should be directed to withdraw.

Speaker: Hon. Members, the seconder is a very important person because if he declines to second the motion dies. Hon. Gachomba, confine yourself to the motion and declare your stand.

Hon. James Gachomba: Mr Speaker, I second because the committee needs time to go through the regulations.

(Question proposed)

Speaker: Hon. Kirumba, the Deputy Leader of Majority.

Hon. Michael Kirumba: Thank you Mr Speaker, I support this move to add some more time to this committee so that we do not pass this statutory instrument as often referred to by the member for Rurii without looking at it. This is the twentieth day since there was delay in handing in the document to the committee. This house has been going out of its way to ensure that things work for the interests of the public. Even after approving this extension of time, it is good that they are made aware that these delays have consequences. With those few remarks I support.

Speaker: Hon. Dorcas Kihara county member from Githioro

Hon. Dorcas Kihara: Thank you Mr Speaker I rise to support this motion. We want to get everything right bearing in mind that these regulations will guide how these funds will be given to the business people. Correct regulations will enable this government to support the business people in this county. I however have a concern on the delay by the executive to submit documents to this House. This is very unfair to us as the Hon. Members. We are representing Wanjiku.

Our business people are waiting for these funds. These funds will help our people to grow economically since it will be given at lower interest rates and especially the women that sell goods in the market and the youth. We know that women and the youth are the greatest part of the country's and the county's population and most of them are business people. Most of the youths are motorbike operators and if they get these funds they will develop themselves. They can buy more motorbikes or *tuktuks*. I support the motion so that we can have a good document to help our people today and in the future. I call the mover to respond.

Speaker: The mover

Hon. Wahome Kamoche: Thank you Mr Speaker, I thank the House for supporting this motion. These funds are for the people and we need to be careful. Mr Speaker if you remember when we were constructing the ECDE classes, BQs were done and they all went up to Ksh 1.5 million per class. They used ordinary iron sheets yet they were supposed to use gall

sheets. This will make the people to point fingers at us. I promise that we are going to start on it almost immediately. Thank you Mr Speaker, I beg to move.

(Question put and agreed to)

Speaker: The motion has been adopted. Next order

BILL

First reading

THE NYANDARUA COUNTY SUPPLEMENTARY APPROPRIATIONS BILL 2016

(NYANDARUA COUNTY ASSEMBLY NO. 2 2016)

Speaker: When the bill is being read for the first time no question is put but the Clerk-at-the-table will read it for the first time.

(The bill is read for the first time)

The bill is now directed to the Budget and Appropriations Committee. Hon. Members you understand the urgency of this bill. So many matters are pending because of this. Chairperson committee on budget and appropriations tell us when you will bring the report back to the House... the House Business Committee has already slotted time for moving the second reading of that bill tomorrow. Sometimes we are forced to work overnight for things to move on. Hon. Gachomba proceed.

Hon. James Gachomba: Mr Speaker, we are going to work overnight to ensure that the bill is read for a second time tomorrow so that the businesses of this House can go on smoothly.

Speaker: That is how important the Committee on Budget and Appropriations is. We are expecting that report tomorrow.

ADJOURNMENT

Today's business having been exhausted this House now adjourns to Wednesday 8th June 2016 at 9.00 a.m.

The House rises at 3.10 p.m.

