



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



OFFICIAL REPORT

(The Hansard)

Wednesday 29th June, 2016

The Assembly met at the Assembly Chambers at 9:00 a.m.

The Speaker, Hon. Ndegwa Wahome, 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 invoke the provisions of the Standing Order No. 35 (1) and direct that the division bell be rang for an initial ten minutes, or until such time, within the ten minutes, that quorum will be achieved.

(The division bell rings for 3 minutes and quorum is attained as confirmed by the Clerk- at -the table)

Quorum having been achieved, the bell may be disengaged, and we can proceed with the business of the morning session. First order

MOTION

NYANDARUA COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2015

Yes county Member from Githioro, Hon. Dorcas Nyambura Kihara

Hon. Dorcas Kihara: Thank you Mr. Speaker Sir, on behalf of the chairperson committee On Justice, Legal Affairs and Public Service, I beg to move the following motion:

That this House does adopt the Report Of The Committee On Justice, Legal Affairs and Public Service on the Nyandarua County Public Participation And Civic Education Bill, 2015 as a report of this House and its recommendations therein as resolutions of this House.

I believe the members have the reports in their files and I will highlight some of the major issues the committee noted during its scrutiny of the bill.

Mr. Speaker, Sir, the Nyandarua County Public Participation, and Civic Education Bill, 2015 was tabled in this House, and subsequently referred to the Justice, Legal Affairs and Public Service Committee. Legislation is one of the core mandate of the County Assembly, and as such the Committee looked at the bill with the following terms of reference: To scrutinize the Nyandarua County Public Participation and Civic Education Bill, 2015, to take the Nyandarua County Public Participation and Civic Education Bill, 2015 for public participation, to propose amendments to the Nyandarua County Public Participation and Civic Education Bill, 2015 and to write a report on Nyandarua County Public Participation and Civic Education Bill, 2015 on the issues in the bill and proposing amendments in the Bill. Mr. Speaker, you will note that there will be amendments moved in this House that will seek to incorporate the views of the public.

The composition of the committee and its secretariat is as indicated. I wish to recognize and appreciate the Honourable Members of this committee for the commitment they showed during the writing of this report. Our gratitude also extends to your office and the office of the Clerk for making the entire public participation and report writing process successful.

Mr. Speaker, Sir, public participation is the process where individuals, governmental and non-governmental groups influence decision making in policy, legislation, service delivery, oversight and development matters. It is a two-way interactive process where the duty bearer communicates information in a transparent and timely manner, engages the public in decision making and is responsive and accountable to their needs. Public participation is so important that some people and entities have been taken to court for not carrying it out.

In *Doctors for Life International v Speaker of the National Assembly and Others* (CCT12/05) Ngocobo, J who delivered the leading majority judgement expressed himself as follows:

“The right to political participation is a fundamental human right, which is set out in a number of international and regional human rights instruments. In most of these instruments, the right consists of at least two elements:

Public participation is both a key promise and provision of the Constitution of Kenya. It is instilled in the national values and principles of governance stipulated in article 10.

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

Speaker: What is it member for Kipipiri, Hon. Michael Kirumba?

Hon. Michael Kirumba: Thank you Mr. Speaker, the mover has read a very important quote from a certain speaker but it is not indicated from which country he hails from so that at our own time we could go back and read more on it.

Speaker: Actually, it has also crossed my mind, and if I am not wrong, the Speaker was from South Africa but what the member is saying is that it is very important for the secretariat to give the full citation of the case; the jurisdiction and the Parliament so that the members can follow. Proceed member from Githioro

Hon. Dorcas Kihara: Thank you Mr. Speaker, as I was saying, the Legislature and Executive at both national and county levels are required to engage the public in the processes of policy making, monitoring and implementation. The Constitution, under article 174(c), provides that one object of devolution is: “to give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them”.

The Constitution assigns the responsibility to ensure, facilitate and build capacity of the public to participate in the governance to the county government through function 14 (Schedule 4 Part 2). I do not intend to go through everything in the report but I wish to highlight some of the benefits of public participation: Strengthens democracy and governance: By engaging in public participation, the public exercise their constitutional right and the decision making process becomes more representative. Openness to the public provides a platform in which they present their concerns. Insufficient public engagement limits the power of the people to participate in democratic governance.

Increases accountability: Participation improves transparency and accountability. The public is able to critically engage in the social, political, cultural, economic, and environmental impacts of policies, laws and development plans. It gives the public a say in deciding how costs and benefits will impact different segments of society. Public participation also ensures that governments are held to account for their actions and are responsive to the interest of citizens. Participation also enhances public confidence and support of the decision making processes.

Improves process quality and results in better decisions: Public participation enables governments to understand and appreciate different opinions and concerns. Before policies are approved, they undergo a comprehensive review and revision thus ensuring that policies, laws and development plans are robust. Participation provides additional skills, knowledge, concerns, and ideas that might have been overlooked had the process been limited to government officials. Overall, this should result in a better decision and greater ownership by all stakeholders.

Manages social conflicts: Public participation helps alleviate social conflicts, by taking care of the interests of different stakeholders and building consensus. Investment in public participation at an early stage minimises the number and magnitude of social conflicts arising over the course of the implementation of policies, laws and development plans.

Enhances process legitimacy: Without significant public participation, citizens may become suspicious and feel manipulated. This would undermine effective dialogue and create distrust. Public participation therefore legitimises implementation processes.

We went across the county collecting views from the public right from Kinangop to Ndaragwa. Some of our recommendations will appear as amendments and so I will only dwell on recommendations from number 20; that there is a need for an extensive civic education programs on educating the citizens on their responsibilities on public participation; that the county secretary shall come up with an elaborate process and system of engaging the non-state actors in public participation and civic education and the role that county government will play and that one that the non-state actors will play...

Speaker: Member from Githioro, I am sorry for the interruption but don't you feel that that recommendation will be in contravention with the Constitution and the County Government's Act because the process of effecting a requirement of the constitution is a mandate of the executive

committee. It cannot therefore delegate to the county secretary to come up with a document that will then be approved by the executive committee. To give that jurisdiction to the county secretary would be contrary to the constitution and the county government's Act. Maybe since your members are here, the seconder could amend that recommendation.

Hon. Dorcas Kihara: Thank you Mr. Speaker. The seconder will move that amendment. The other recommendation is that the County secretary shall conduct an intensive stake holder mapping exercise for purpose of public participation and civic education; that there is great need for civic education especially on public finance and budget implementation. The Governor should ensure that those attending are persons in the management level so that they can respond to issues effectively. The citizens ought to be enlightened on their roles.

(Hon. Nancy Ng'ang'a rises on a point of order)

Speaker: What is it county member from Kipipiri?

Hon. Nancy Ng'ang'a: Thank you Mr. Speaker, I just want to seek your clarification; since you have directed the amendment in recommendation number 21 touching on the county secretary, will we also have to change the recommendation number 22?

Speaker: Actually, that is what we are consulting on with the chairperson and we have agreed to move amendments to both the recommendations. Proceed county member from Githioro.

Hon. Dorcas Kihara: Mr. Speaker, all the other recommendations are captured in the amended clauses which incorporate the views of the people. Thank you Mr. Speaker and I call Hon. Peter Maina to second.

Speaker: Very well, member for Central and the Chairperson Committee on Justice, Legal Affairs and Public Service, Hon. Peter Mwangi Maina

Hon. Peter Mwangi: Thank you Mr. Speaker; I wish, even as I second this motion, to seek your guidance about the amendments.

Speaker: You can second the motion with amendments.

Hon. Peter Mwangi: Thank you Mr. Speaker; I wish to second with amendments to recommendations number 21

That the county secretary shall come up with an elaborate process and system of engaging the non-state actors in public participation and civic education and the role that county government will play and that one that the non-state actors will play, to read:

County executive committee shall come up with an elaborate process and system of engaging the non-state actors in public participation and civic education and the role that county government will play and that one that the non-state actors will play

and 22;

That the County secretary shall conduct an intensive stake holder mapping exercise for purpose of public participation and civic education, to read:

County executive committee shall conduct an intensive stake holder mapping exercise for purpose of public participation and civic education

I call Hon. Nancy Ng'ang'a to second.

Speaker: Yes county member from Kipipiri, Hon. Nancy Ng'ang'a

Hon. Nancy Ng'ang'a: Thank you Mr. Speaker, I second the amendments

(Question on amendments proposed)

(Question on amendments put and agreed to)

Speaker: Proceed Member for Central, Hon. Peter Mwangi Maina

Hon. Peter Mwangi: Thank you Mr. Speaker; the importance of public participation cannot be overemphasized. The constitution of Kenya, as promulgated in August of 2010, gives the sovereign power to the people of Kenya and what we did was to take the power to the people. It would be wrong to say that this bill is late. We have brought it at the right time considering that we came into a government that had no structures. As we traversed the county, we were seized of several concerns from the public especially to the effect of why we are bringing this bill when our time has almost lapsed. Most people were also complaining that they were usually ambushed with bills and are expected to give their views without having sufficiently read and scrutinized the document.

I do not know what we are going to do because information is not getting to our people in time. Members can attest to the fact that during public participation some of the sub counties had less than 10 participants. When we tried to enquire, we learnt that they were not aware and that the Assembly advertises only in the newspapers which are not read by everyone and other times in the radios and most of the families do not get the information. They proposed that we could be making these announcements in the churches, we involve the chief and their assistants and the village elders so that they can pass that information.

The other concern is about those who attend the public participation. They said that it is probably the same people that attend all the public participations. Access to information for the public is paramount. I was talking to the public and told them that as much as they are saying that the government has failed them they have also failed the government. They should ask the questions whenever there are projects that are being done in their wards. All that the public is doing is criticism but they are not playing their part because this is public money. They should know that even if we are their representatives, they have a duty to oversee any project that this being done in the wards.

There was a stakeholder's meeting and they raised an issue that in that bill there was a cadre that was supposed to meet the leadership of the entire county. Members argued that a member for National Assembly was not supposed to sit in a meeting of the county leadership. They gave the reason such as unreasonable competition. There is no way that a member of the National Assembly will agree to bring their fund so that it can develop the county and that it be channelled through one system with the rest of the funds. The leadership of the county was outlined as the governor, his deputy, the speaker of the county Assembly, members of the County Assembly and others working within the county. We felt that in the leadership forum there should also be included the community leaders, business community leaders, professional bodies, teachers and people living with disability so that we can be able to accommodate all those people.

Those were some of the recommendations and observations that were made by the public. They said that even after the bill has passed it is good that it be implemented as soon as possible. I however did not see much money set aside in the budget for public participation.

The public cannot be able to differentiate the roles of the different leaders of this county such as the member of the County Assembly, the Governor. Civic education needs to start soon

because we have heard a member for the County Public Service Board being asked about the development of the county. They think that you know everything and therefore they will ask you when a certain road or dam will be done.

There are some amendments that the committee has done and they will be made in the committee of the whole House. With those few remarks I second.

(Question proposed)

Speaker: Yes, Deputy Speaker, and the Member for North Kinangop Hon. Edinald Wambugu King'ori

Hon. Wambugu King'ori: Thank you Mr Speaker; I support the motion by the Committee on Justice. I am interested in the part where we have the leader's forum. Had this bill been enacted early enough, most of the problems that we have today would not be there.

For the devolved governments there were acts that were passed by the National Assembly such as the County Government Act, the Intergovernmental Relations Act, and the Transitional Authority Act. They have helped us run the county so far but if we had this bill the Nyandarua County Assembly Service Board would not have gone to the Senate without knowing what they would be asked despite the fact that we have a Senator. The governors attended a forum with the President and the Deputy President but they could not present any agenda for this county. This is a very important bill and should be passed to enable the County Government of Nyandarua to forge ahead.

We have been having issues with the roads being done. You find that a road that is supposed to be done by the Kenya Rural Road Authority on behalf of the National Government is being done by the County Government. When you raise the issue with the area Member of National Assembly they decline and dismiss it as competition. If we have leadership forums with the entire leadership within the county, such things would be ironed out. If this bill is enacted, it means that every year there will be two leaders' forum meeting. This will give the public a chance to express themselves, give their opinion and articulate their problems. It will also be mandatory for the area Member of National Assembly to sit with the area member of the County Assembly and discuss issues such as the bursary. You find that we are giving bursaries to the same people because the area Member of National Assembly is engaging the same committee used by the MCA. The

County Women Representative is giving bursaries to the same people given by the area member of National Assembly. In that case there is no fairness. That is what we need to sit and discuss. I am glad that it was enshrined in the Public Participation Bill. With those few remarks I support.

Speaker: Member for Rurii, Hon. Peter Wahome Kamoche

Hon. Wahome Kamoche: Thank you, Mr Speaker, Sir; I support the report. The problems we have, currently, are not brought by the people in the grass roots; they are just ignorant. The members of the National Assembly are allocated CDF but no citizen bothers to ask how that money is used. That is why we really need civic education for the people so that they can be made aware of their roles. This will make our work easier. They keep on asking questions that you have no answers for such as questions on CDF. They should know that there are two governments that are in direct contact with the people, there is an error in this report because they have repeated ‘article 174(c)’ thrice

Speaker: You are saying page 10 where they are quoting article 174 (c) is the same as number 10...

Hon. Wahome Kamoche: Number 12 (1) and (6)

(Hon. Dorcas Kihara rises on a point of information)

Speaker: Member for Rurii, do you require the information from the County Member from Githioro?

Hon. Wahome Kamoche: Yes

Speaker: Yes County Member from Githioro

Hon. Dorcas Kihara: Page 10 is on the back ground and on page 12, we were dealing with the legal and professional back ground of public participation. There is no repetition.

Speaker: Member for Rurii, I think that the most important thing is that the two citations do not contradict one another. It is only that they are explaining the necessity of devolving the decision making process.

Hon. Wahome Kamoche: Thank you Mr Speaker for your guidance. KENHA and KURA are government organizations and so is CDF but because they are working from the wards, people

keep confusing their roles with our role. We need to push the government to implement this bill on public participation as soon as possible. With those few remarks I support.

Speaker: Yes Member for Shamata, and the majority whip Hon. Kinyanjui Gachari

Hon. Kinyanjui Gachari: Thank you Mr Speaker, it is good that this bill has come. It did not come on time but it is not too late Nyandarua will still move on. Public participation is very important because it is going to educate people on the role of Nyandarua County Government.

Hon. Waweru (member of the National Assembly Ndaragwa constituency) was organizing a Harambee for water. It seems like he also does not understand that is a role of the County Government. It is good that we tell our people our area of jurisdiction.

(Hon. Peter Mwangi rises on a point order)

Speaker: What is Member for Central, Hon. Peter Mwangi Maina.

Hon. Peter Mwangi: Mr. Speaker, I do not see the reason the Member for Shamata should say that the Member of National Assembly for Ndaragwa should not address matters of water in Ndaragwa. Ndaragwa is a dry area and if the said member of National Assembly wishes to offer assistance towards provision of water, especially in my ward, he is most welcome. Further, I do not see the reason why the Member for Shamata should discuss a person who is not in this House.

Speaker: I think the extent to which the member for Shamata is out of order is that when you discuss a person who is not in this House, the same should be introduced through a substantive motion. Therefore you should change course of your contribution. Proceed Member for Shamata

Hon. Kinyanjui Gachari: Thank you Mr. Speaker. Every leader or politician should understand their areas of jurisdiction. They should not fight, but rather, support the County Government in matters of provision of water.

People should be educated on issues of land. The national government issues title deeds yet the County Government tackles critical matters pertaining to land ownership. The County Government should play its role and let the National Government play its part. There were people who were allocated land in our County yet they were not given titles; they come to ask for titles deeds from the County Government. They should be advised that the titles could be acquired from the National Government.

People should also know that there are roads that are managed by the County Government and there are those that are managed by the National Government.

Further, they should be made aware that the role of the Members of this House is centred on oversight, legislation and representation. Bursaries, for example, are issued by the County Executive and ours is to ensure that the same has been executed. It is only through sensitization that the members of the public will know which authority to question.

Conflict of roles is already evident in counties. Chiefs and ward administrators, for example, do not understand their roles fully because they have not been sensitized on the same. People must be educated on the roles of a chief, ward administrator, sub county administrator, DOs and other leaders within the County. In addition, people should be educated on the role of an MCA. The Executive must set a fund for the same.

I now call upon the mover to respond

Speaker: Yes mover Hon. Dorcas Kihara

Hon. Dorcas Kihara: Thank you Mr. Speaker. I thank my fellow Members for contributing to the motion. The Bill at hand is not only for this House but also for posterity. In passing the Bill we are exercising our legislative duty.

In 2005 in “*Doctors for Life International vs. Speaker of the National Assembly and Others*”, Justice Ngcobo, J is the one who ruled that:

The right to political participation is a fundamental human right, which is set out in a number of international and regional human rights instruments. In most of these instruments, the right consists of at least two elements...

With those remarks, I beg to move.

Thank you Mr. Speaker.

(Question put and agreed to)

Speaker: The motion is passed and the report is now part of the records of this House.

Next order

BILL

NYANDARUA COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2016

Speaker: Yes Chairperson of the Committee on Justice, Legal Affairs and Public Service,
Hon. Peter Mwangi Maina

Hon. Peter Mwangi: Mr. Speaker, I beg to move that the Nyandarua County Public Participation and Civic Education Bill, 2016 be now read a second time.

Speaker: Actually it is not mandatory that a motion on second reading of a Bill be seconded. The motion on the second reading of the Nyandarua County Public Participation and Civic Education Bill, 2016 having been moved, let the Bill be now read a second time; it is so ordered.

(Bill was read a second time and committed to a Committee of the Whole Assembly by leave of the House)

COMMITTEE OF THE WHOLE ASSEMBLY

(Order for Committee read)

(The Speaker, Hon. Ndegwa Wahome leaves the Chair)

IN THE COMMITTEE

(The Chairperson, Hon. Wambugu King'ori, takes the chair)

Chairperson: Hon. Members, we are now in the Committee of the Whole Assembly to discuss the Nyandarua County Public Participation and Civic Education Bill, 2016.

First I wish the Committee of the Whole House to allow that Clauses without amendments be adopted globally.

(Question on adopting Clauses without amendments globally proposed)

(Question on adopting Clauses without amendments globally put and agreed to)

Clauses without Amendments

Clauses 4, 6, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27 and 28

(Question on Clauses 4, 6, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27 and 28 to be part of the Bill proposed)

(Question on Clauses 4, 6, 7, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27 and 28 to be part of the Bill put and agreed to)

Chairperson: Let us now move over to Clauses with amendments

Clauses with Amendments

Clause 3

(Question on Clause 3 to be part of the Bill proposed)

Chairperson: Yes Chairperson of the Committee on Justice, Legal Affairs and Public Service, Hon. Peter Maina

Hon. Peter Mwangi: Mr. Chair, I beg to move an amendment to delete the number “196” immediately after the number “69” and to insert the number “196” immediately after the number “184”

I call upon Hon. Monica Wamuyu to second

Chairperson: Yes, Hon. Monica Wamuyu

Hon. Monica Wamuyu: Mr. Chair, I second the amendment.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 3 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 5

(Question on Clause 5 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Mwangi

Hon. Peter Mwangi: Mr. Chair, I beg to move that Clause 5(3) be amended by deleting the words “County Secretary” immediately after the word “the” and before the word “shall” and replacing them by inserting therein the words “County Public Service Board” and further deleting the words “County Public Service Board” immediately before the word “establish” and inserting therein the words “County Secretary”, and inserting the words “civic education” immediately after the word “participation” and immediately after the word “programmes”.

I call upon Hon. Miriam Wahura to second

Chairperson: Yes, Hon. Miriam Wahura

Hon. Miriam Wahura: Mr. Chair, I do second.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 5 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 8

(Question on Clause 8 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Mwangi

Hon. Peter Mwangi: Mr. Chair, I beg to move that Clause 8 be amended by inserting the words “civic education” immediately after the word “participation” and immediately after the word “activities.”

I call upon Hon. Nancy Ng’ang’a to second

Chairperson: Yes Hon. Nancy Ng’ang’a

Hon. Nancy Ng’ang’a: Mr. Chair, I second.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 8 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 9

(Question on Clause 9 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Mwangi

Hon. Peter Mwangi: Mr. Chair, I beg to move that Clause 9 be amended by inserting the words “civic education” immediately after the word “participation” and immediately after the word “activities.”

I call upon Hon. Joyce Ng’ang’a to second

Chairperson: Yes Hon. Joyce Ng’ang’a

Hon. Joyce Ng’ang’a: Mr. Chair, I second.

(Question on the amendment proposed)

(Question on the amendment put and agreed to)

(Question on Clause 9 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 11

(Question on Clause 11 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Maina Mwangi

Hon. Peter Mwangi: Mr. Chair I beg to move that Sub-clause (1) of Clause 11 be amended by deleting the word “fourteen” and inserting the word “seven” immediately after the word “at least” and immediately before the word “days,” and that Clause 11 of the Bill be amended by wholly deleting Sub-clause (2), and further that Sub-clause (3)(b) of Clause 11 be amended by inserting the words “ and the prevalent local language” immediately after the word “Kiswahili” and immediately before the word “and”.

I call upon Hon. Nancy Ng’ang’a to second

Chairperson: Yes, Hon. Joyce Ng’ang’a

Hon. Joyce Ng'ang'a: Mr. Chair, I second.

(Question on the amendments proposed)

(Question on the amendments put and agreed to)

(Question on Clause 11 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 15

(Question on Clause 15 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Maina

Hon. Peter Mwangi: Mr. Chair, I beg to move that Clause 15 of the Bill be amended by deleting “giving instructions” and inserting therein the words “moderating the forum” immediately after the words “limited to”.

I call upon Hon. Miriam Wahura to second

Chairperson: Yes Hon. Miriam Wahura

Hon. Miriam Wahura: Mr. Chair, I second.

(Question on the amendments proposed)

(Question on the amendments put and agreed to)

(Question on Clause 15 as amended to be part of the Bill put and agreed to)

Chairperson: Next

Clause 24

(Question on Clause 24 to be part of the Bill proposed)

Chairperson: Yes Hon. Peter Mwangi

Hon. Peter Mwangi: Mr. Chair, I beg to move that Clause 24 be amended by inserting the following Sub-clauses immediately after Sub-clause (2):

(g) All Members of the County Assembly;

- (h) One representative of the National Council of Churches in Kenya (NCCCK);
- (i) One representative of the registered business community organization;
- (j) One representative of the civil society;
- (k) One representative of the National Chambers of Commerce in the County;
- (l) One representative of the Kenya National Union of Teachers;
- (m) One representative of the Parents Association;
- (n) One youth representative from the registered youth organization; and
- (o) One person from registered organization representing persons living with disabilities.

Chairperson: Yes, County Member from Nyakio, Hon. Monica Wamuyu.

Hon. Monica Wamuyu: Thank you Mr. Chairperson, I second the amendment.

(Question of the amendment proposed)

(Question of the amendment proposed)

(Question on Clause 24(2) as amended put and agreed to)

Chairperson: Next.

Clause 24(4), 24(6)

Hon. Peter Mwangi: Thank you Mr. Chairperson. I propose that:

1. That the clause 24(4) be amended by deleting (1) and (2) and place thereof inserting (a) and (b) respectively.
2. That clause 24(6) be amended by inserting the words “in the County website” immediately after the word “publicized” and inserting the words “within thirty days” immediately after the word “public”.

I call upon Hon. Joyce Ng’ang’a to second.

Chairperson: Hon. Joyce Ng’ang’a

Hon. Joyce Ng’ang’a: I second.

(Question on Clause 24 as amended proposed)

(Question on Clause 24 as amended put and agreed to)

Chairperson: Next.

Clause 25

(Question on Clause 25 proposed)

Hon. Peter Mwangi: Thank you Mr. Chairperson. I propose:

1. That that clause 25(5) of the Bill be amended by deleting the word “thirty” and inserting the word” fourteen” immediately after the word “Within”.
2. That clause 25(6) of the Bill be amended by deleting the word “ninety” and inserting the word” sixty” immediately after the word “within”
3. That clause 25(7) of the bill be amended by wholly deleting it.

I call upon Hon. Miriam Wahura to second.

Hon. Miriam Wahura: I second.

(Question on Clause 25 as amended proposed)

(Question on Clause 25 as amended put and agreed to)

Chairperson: Next.

Clause 29

(Question on Clause 29 proposed)

Hon. Peter Mwangi: Thank you Mr. Chairperson. I propose that clause 29 of the Bill be amended by deleting the serialization of the Clause “29” and in place thereof inserting serialization of the Clause “30” I now call Hon. Tiziana Mwangi to second.

Hon. Tiziana Mwangi: I second.

(Question on Clause 29 as amended proposed)

(Question on Clause 29 as amended put and agreed to)

Chairperson: Next.

Clause 30

(Question on Clause 30 proposed)

Hon. Peter Mwangi: Thank you Mr. Chairperson. I propose that clause 30 of the Bill is amended by deleting the word “regulations” and inserting the words “statutory instruments” immediately after the word “make” and appearing before the words “to operationalize this Act”. I now call Hon. Moses Mwachigi to second.

Hon. Moses Mwachigi: I second.

(Question on Clause 30 as amended proposed)

(Question on Clause 30 as amended put and agreed to)

Chairperson: Next.

New Clause

(Question that the New Clause be read a Second Time, proposed)

Hon. Peter Mwangi: Thank you Mr. Chairperson. I beg to move that clause 29 be added to the Bill. I call Hon. Miriam to second.

Hon. Miriam Wahura: I second.

(Question that Clause 29 be added to the Bill proposed)

(Question that Clause 29 be added to the Bill put and agreed to)

Chairperson: Next.

SHORT TITLE

[Chairperson (Hon. Wambugu King'ori) leaves the chair]

[Temporary Chairperson (Hon. Joyce Ng'ang'a) assumes the chair]

(Question on SHORT TITLE proposed)

(Question on SHORT TITLE put and agreed to)

Temporary Chairperson: Next.

LONG TITLE

(Question on LONG TITLE proposed)

Hon. Peter Mwangi: Thank you Madam Chairperson. I propose that the long title be amended by inserting the words “civic education” immediately after the word “participation” and before the words “and for connected purposes”. I call upon Hon. Nancy Ng'ang'a to second.

Hon. Nancy Ng'ang'a: I second.

(Question on LONG TITLE as amended proposed)

(Question on LONG TITLE as amended put and agreed to)

Temporary Chairperson: Next.

Clause 1 (CITATION)

(Question on Clause 1 proposed)

(Question on Clause 1 put and agreed to)

Clause 2

(Question on Clause 2 proposed)

Hon. Peter Mwangi: Thank you Madam Chairperson. I propose that Clause 2 on interpretation be amended as follows:

- i. The meaning of County Executive Committee be amended by inserting the word “Nyandarua” immediately after the word “means” and immediately before the

words “County Executive”, and further be deleting the articles “176” and replacing them with “179” immediately after the “article”.

- ii. The interpretation of the meaning of the word “department” be amended by wholly deleting it.
- iii. Inserting the words “County Public Service Board means the Nyandarua County Public Service Board established under section 57 of the County Government Act”. Immediately after the interpretation of ‘county Government”.
- iv. Inserting the words “County Secretary means a person appointed as a County Secretary of Nyandarua County according the section 44 of County Government Act” after the words “County Public Service Board established under section 57 of the County Government Act.”

I call upon Hon. Miriam Wahura to second.

Hon. Miriam Wahura: I second.

(Question on Clause 2 as amended proposed)

(Question on Clause 2 as amended put and agreed to)

Temporary Chairperson: Next.

SCHEDULE – MEMORANDUM OF OBJECTS AND REASONS

(Question on MEMORANDUM OF

OBJECTS AND REASONS proposed)

Hon. Peter Mwangi: Thank you Madam Chairperson. I propose an Amendment that the memorandum of objects and reasons be amended by deleting the words “NDERI NDIANI” and inserting thereof the words “Hon. Peter Maina Mwangi”. I call upon Hon. Nancy Ng’ang’a to second.

Hon. Nancy Ng’ang’a: I second.

(Question on MEMORANDUM OF

OBJECTS AND REASONS as amended proposed)

(Question on MEMORANDUM OF

OBJECTS AND REASONS as amended put and agreed to)

Temporary Chairperson: Next.

REPORT OF THE COMMITTEE OF THE WHOLE ASSEMBLY

Hon. Peter Mwangi: Madam Chairperson, I beg to move that the Committee do report to the House its consideration of the Nyandarua County Public Participation and Civic Education Bill, 2015. I call upon Hon. Moses Mwachigi to second.

Hon. Moses Mwachigi: Thank you madam chair, I second.

(Question proposed)

(Question put and agreed to)

(The House resumes)

[The Speaker (Wahome Ndegwa) in the Chair]

REPORT AND THE THIRD READING

NYANDARUA COUNTY PUBLIC PARTICIPATION

AND CIVIC EDUCATION BILL, 2015.

Speaker: Yes, County Member from Engineer and the Temporary Chairperson, Committee of the Whole Assembly, Hon. Joyce Ng'ang'a.

Hon. Joyce Ng'ang'a: Mr. Speaker, Sir, I beg to report that the Committee of the Whole Assembly has considered the Nyandarua County Public Participation and Civic Education Bill, 2015 and approved the same with amendments. Thank you Mr. Speaker.

Hon. Peter Mwangi: Mr. Speaker, Sir, I beg to move that the House does agree with the Committee in the said report.

(Question proposed)

(Question put and agreed to)

Speaker: Yes, Member for Ndaragwa Central and Chairperson, Legal Justice and Public Service Committee, Hon. Peter Mwangi.

Hon. Peter Mwangi: Mr. Speaker, Sir, I beg to move that the Nyandarua County Public Participation and Civic Education Bill, 2015 as amended be now read a third time. Thank you.

(Question proposed)

(Question put and agreed to)

(The Bill is accordingly read the

Third Time and passed)

Speaker: Hon. Members, the County Assembly of Nyandarua has just enacted a new law for the county - Nyandarua County Public Participation and Civic Education Bill, 2015 which shall

be taken to H.E. the Governor for the requisite assenting so that the same can be published as per the law.

I take this opportunity to thank the committee on Legal, Justice and Public Service for this effort towards creating a legal framework within which the County of Nyandarua will be operating. There are issues that you still need to look at because there are some financial implications and therefore, there are steps that you need to take so that it does not raise issues on implementation.

Next order.

ADJOURNMENT

Speaker: Very well Hon. Members, having concluded the business of this session, this House shall now adjourn to today, Wednesday, the 29th day of June 2016 at 2.30 p.m.

(The House rose at 11.55 a.m.)