

18th September 2013

Nyandarua County Assembly

Assembly Debates (First Assembly, First Session)

The House met at 2.30 pm

Hon. Speaker in the Chair

PRAYERS

**Procedural Motion on Report on Physical Planning of Mikaro Trading Centre by
Hon. Kariuki Muchiri**

Speaker: Yes Member for Murungaru

Hon. Kariuki : Thank you Mr. Speaker Sir, Mr. Speaker I rise to seek guidance from the Chair because the order in which my reports were supposed to be tabled in this Assembly has been interchanged.

Mr. Speaker you remember vividly that the first assignment my committee was given by this House was Mirangine. Some investigation was done at Mirangine, which was my first responsibility.

My second responsibility was on matters pertaining to public land in private possession. Mr. Speaker Sir, the third responsibility was physical planning for Mikaro and all other trading centres in the County.

Mr. Speaker Sir, you can now see there is a mixture of issues because actually on the physical planning aspect, I had requested for seven months. Mr. Speaker, I was expecting the report that I was supposed to table, the first one was supposed to be that of Mirangine market kiosks.

Mr. Speaker, that notwithstanding I would still seek leave for the extension of time on that one because as we were doing our investigations and harmonization of defunct county council minutes, one of our key officers was then a draughtsman Mr. Wahiu got sick. One of his legs got burnt in an accident in his House and has been out of duty for the last two to three weeks.

Mr. Speaker, it was only yesterday that he was able to resume duties Mr. Speaker and because of that, I am seeking leave for an extension of time.

Mr. Speaker because of the seriousness of land Mr. Speaker I would request two months because I would not want to be given two weeks for the sake of it. So Mr. Speaker Sir, I do request that you grant my committee two months so that we can table a comprehensive report. Thank you Mr. Speaker Sir.

Speaker: I honourable members, I think the member for Murungaru was not here in the morning and the issue of delaying reports was comprehensively discussed and we admitted our challenges and the way forward was given and I believe he shall be briefed on the same. As you have likely put it I remember that the judicial report that was to be tabled was of Mirangine plots and actually that should be the report that should have been tabled now.

As I have now put it, I remember that the next report was on public land in private hands and the issue of physical planning which have come together. So honourable members without much ado, and for reasons advanced by the Member for Murungaru, who is the Chairman for Lands, Transport and physical Planning we would accord him the two months he requires to bring a comprehensive and conclusive report on this issues and subject to the

convenience of your committee , I would direct that you table the report on 21st November, 2013 at 2.30 Pm. Would that be sufficient?

Hon. Kariuki: Yes Mr. Speaker Sir.

Speaker: Another thing Member for Murungaru is that in this Assembly the issue of land is very critical in this county and if your committee is able to deliver those reports in pieces when you conclude on a certain area of land in private lands. For Example, if you complete Ndaragwa and the move to Ol joorok Etc so that by the end of the day your recommendations can be implemented. WE can go for seven months and find that there is nothing to be implanted. It is people we know who hold public lands and they can do anything. So we have given you two months but also you can deliver those reports in clusters. Maybe starting from Ndaragwa, Kinangop whichever you find is appropriate so that we are able to move on. I think that is Okay.

Hon. Kariuki: That is in order Mr. Speaker.

Speaker: Thank you Member for Murungaru

Next Order

Procedural Motion on water supply on Sasumua dam by the leader of Majority of Majority Hon. Mwangi Gichuki.

Hon. Gichuki: Thank you Mr. Speaker. As you remember Hon. Member gave notice of the Motion but there was no indication as to when this matter would be discussed in the Assembly as it came at a time when we were going for our recess. So, we are requesting Mr. Speaker that you give a date so that the mover present it in the Assembly for debate. Thank you Mr. Speaker.

Mr. Speaker: Honourable members I do agree with the leader of majority that actually I had not allocated time for this particular whose notice was given by the Member of Njabiini/ Kiburu Hon. James Gachomba and therefore because we cannot speculate on anything I would wish to defer the matter to TUESDAY, 24th September 2013 at 2.30 PM, if that will be okay with Hon. Member.

Hon. Gachomba: That is Okay Mr. Speaker.

NEXT ORDER:

Procedural Motion on Establishing by Hon. Peter Wahome Kamoche

Speaker: Hon. Peter Wahome Kamoche, Member for Rurii

Hon Kamoche: Thank Mr. Speaker Sir. As we were supposed to bring a comprehensive report on the issue of Licensing and Betting Control we request to defer the matter since there was hiccup here and there as the Assembly was adjourned, we had a very difficult time.

Mr. Speaker the Legal Minister, the Executive and after a series of joint consultative meetings between the two joint committees of Social and Delegated,

We have even met the Executive and the legal Minister who promised us they are crafting a bill and they have been promising to bring the bill so that (we can debate it) but all in all they would like us to go and establish (and) because we cannot establish the number of bars without first visiting the stakeholders.

We are asking for more time we, together with the Executive to go to all sub-counties, we hear the views their views and we give our inputs so that we can be able to bring a report in this assembly Mr. Speaker Sir.

This morning I talked to the legal minister and he promised me he is preparing this (Draft) next week on Tuesday he will bring the draft they have prepared.

M. Speaker I beg to borrow an extension of time so that we can go round and establish the number of bars..

Mr. Speaker: what is it member for Central

Hon. Kagwe: Thank you Mr. Speaker Sir, is it in order for a honourable member to tell us to wait for a bill so that he can table a report in this House Mr. Speaker.

Mr. Speaker: Member for Central I am not aware of any law that the Member for Rurii has contravened.

I am privy to the information we might deal with the report here when already a bill is in the working.

So after consultations it was felt that it was prudent for both this Assembly and the Executive we work on that issue together. We have the Minister draft the bill, I know hon. Kamoche has also acquired some materials and a bill of liquor licensing from a bill from kiambu and another bill from Nakuru and with bill that will be done by the Executive and after collecting and collating materials from kinangop and the other sub-counties, then together they can bring the bill here which also we have agreed will be discussed by honourable members of this Assembly.

It will make it easy for everybody because honourable members the reason we were asking the report to be tabled here is because we felt the Executive was slow to legislate on the issue of liquor licensing and therefore we put it upon ourselves as an assembly to initiate that process and the Executive is agreeable that we give the member for Rurii and his team sufficient time to be able to act on that issue.

Member for Gatimu:

Hon. Kieru: Thank you Mr. Speaker, With your guidance does that one now inform the committee that matters relating to that re[port should now cease and actually what should take the centre stage is the bill.

Mr. Speaker: Hon. Members you will appreciate that the report is merely a collection and collation of raw materials from various bills, that they are going to build the bill together.

The report may not be necessary. Obviously members what is important is that these two committees that they engage the Executive and honourable member for Rurii have had serious engagements with the Executive and the office of the Governor on this issue. And therefore I believe that if we give them two months they will be able to have the bill here and if possible processed. Is it agreeable member for Rurii.

Hon. Kamoche: Mr. Speaker because the bill is agreeable and we have the raw materials to have prepared from those counties we will sit down with the committee on Delegation and Social and the Executive Minister, I think we need three weeks. A month is enough for us. Mr. Speaker.

Speaker: So member for Rurii is committing himself that this bill will be in the hands of honourable members within the next four weeks. As we have agreed honourable members, we don't want to pile bills in this Assembly and then walls are created around them.

When we have a bill, we create a small retreat for the members so that it is discussed, then come to the House and do what is necessary. So the bill will be in the hands of the members in the next four weeks.

So then we can have that matter deferred to Tuesday, 22nd October 2013 at 2.30 PM.

NEXT ORDER

Procedural Motion on the Reports of Potato Packaging and Compliance with the law by Hon. Peter Wahome Kamoche.

Speaker: Yes hon. Member for Rurii.

Hon. Kamoche: Mr. Speaker Sir, all you know we cannot craft a bill that is not corresponding with the one in Nakuru and other counties that grow potatoes. We are borrowing a leaf and almost immediately. If you allow us Thursday and Friday, we wanted together with the committee including you Mr.

Because you are a bit conversant with the law because there is a bill placed in the senate, there is another one in Nakuru, I have a copy and another one in Meru.

So, I would borrow a leave for you to give us time from Friday where we can go and look for all these materials and get time to go and put our inputs and now we can come with a concrete bill because this matter must involve other eleven (11) counties. If we make it Nyandarua, Nakuru make a different bill and Meru another one it seems that we are doing the right thing in the wrong direction.

Mr. Speaker. It is my humble request that you give us allowance from Friday we can move on to look for this documents and you and the members concerned. We get that bill from the senate, which was crafted , produce and crop that was made up, it was just working for two years from the year 2005, so we don't have that bill at hand.

Now, we are relying on one that is in place because it is very against if we put a bill and the Senate brings a bill that will override ourselves. That was my request.

Engineer Kariki Karue was the crafter of the bill, he is in the Senate, if you join us Mr. Speaker and other members who have that idea, I think we can have a good bill that will be the best of the best Mr. Speaker. That is my humble request.

Mr. Speaker: In a few words you are saying there is no report.

(Laughter)

What is it Member for Gatimu

Hon. Kieru: Thank you Mr. Speaker, I rise on the same matter. Thank you Hon. Member for your wise deliberation on this issue. Mr. Speaker the I have come from a meeting, the committee on Inter-Governmental Relations and Coordination Committee and It is with the knowledge of the committee that this committee Mr. Speaker there is a direction you gave even before this committee was formed.

That it should work with the committee on Agriculture, Committee on Delegated legislation, and Committee on Cooperatives that is also of Hon. Kibebo.

Mr. speaker the committee on inter-governmental relations committee has come up with the way in which it can acquire the information that grow potatoes have and it has come up in a way that the legal documents have in relationship with to this potatoes packing and the rest.

So, it is within the knowledge and wisdom of this committee that it is not the committee on Delegated Affairs that it could actually source for this information because this matters require a committee to transact from one county to another. The committee that is within that is the committee on inter-governmental relations.

So Mr. Speaker I wish to inform this House that this committee has tentatively arranged that it will have its report ready. Reports that will involve potatoes packing by 21st of December 2013. That report Mr. speaker, the committee on delegated Affairs can take the report with its recommendation and what it has found there.

Then with what the committee has found, the committee on agriculture , the committee on cooperatives will then come with reports that will involve counties and then the report on cooperatives, Agriculture and Inter-Governmental will be handed over to the Committee on Delegated Affairs such that they will come up with a law.

So, Mr. Speaker the committee on Inter-Governmental will have its report ready, it will visit the committees (counties) which grow potatoes, sorry the counties that grow potatoes and the counties that consume potatoes. Mr. Speaker after visiting those counties, the committee will finally write a report that will be ready by 21st of December. Thank you Mr.Speaker.

Mr. Speaker: Honourable members, I have listened to the Hon. Kamoche Member for Rurii and also listened the Hon. Member for Gatimu. I think we had agreed that this must be a joint effort by all of the four committees and already a bill has been made on that one and no reversal has been sought.

Secondly, the committee on Inter-Governmental Relations cannot sit down decided to allocate duties to other committees, the most prudent and rational thing is for the four committees to sit down and agree the way forward.

Again honourable members, I know for a fact that there is a bill in the Senate on the potato bill, packaging and related matters. The bill that has been drafted by our Senator Hon. Muriuki Karue. I am aware Hon. Muriuki Karue has promised Hon. Kieru that bill, the bill was to be brought here I don't know what happened Hon. Kamoche is aware of that.

I think honourable members the best way forward for this matter let the four committees, even if you visit Narok and Bomet and draft a bill here and there is a bill in the Senate, this one will be rendered of no consequence that is the law. So the first is that thing the four committees sit down, engage our Senator and see the input that you can make to the bill that is being done by the Senator and we can come here and adopt that bill as a law of this county and also push other counties that is where the committee of Hon. Kieru will come in so that we push the other counties to adopt that bill by the Senate which will even if they fail to adopt it will still be the law to guide them.

Therefore that is food for thought but that is my counsel that the four committees meet, sit down and deliberate, consult the Senator, the office of the Speaker will be around to go and consult the Senator, then look at his bill, see the inputs we can put into it. When it passes then everybody in this country will be safe.

Unless there is a honourable Member with a contrary opinion, that is my wise counsel and I think that is how the law should apply.

Honourable members, there being no other business the House adjourns to tomorrow 19th Day of September 2013 at 2.30 PM

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