

# MURANG'A COUNTY ASSEMBLY

## THE HANSARD

Wednesday, 13<sup>th</sup> April 2016

The House met at 2:49 p.m.

[The Speaker (Hon. Nduati Kariuki) in the Chair]

## PRAYERS

## BILLS

**The Speaker (Hon. Nduati Kariuki):** Hon. Members, before the Majority Leader comes to move the Memorandum, I note that we have three Memoranda from the Governor and because of logistical reasons and the realities of our physical facilities here, I will change the rule a bit; we shall allow all the four memoranda to be moved before we retire to the Committee of the Whole House. Therefore, when the Committee assembles, it will consider all the memoranda and, thereafter, they will all be reported to the Assembly.

## COMMITTEE OF THE WHOLE

*(Order for the Committee read)*

*(Hon. Speaker Left the Chair)*

## IN THE COMMITTEE

[The Temporary Speaker (Hon. Bernard Kariuki) took the Chair]

CONSIDERATION OF THE GOVERNOR'S MEMORANDUM ON THE MURANG'A  
COUNTY REVENUE ADMINISTRATION BILL

**The Chairman (Hon. Bernard Kariuki):** Order Members, we are now in the Committee of the Whole House to consider the Memorandum on the Murang'a County Revenue Administration Bill. We will consider each Memorandum at a time but we will report all of them together. We will dispense off each Memorandum at a time. We will start with the Murang'a County Revenue Administration Bill, 2015. Yes, Majority Leader?

*CLAUSE 4*

**Hon. Peter Kihungi:** Thank you Mr. Chairman, I propose that Clause 4 of the Bill that provides for the establishment of the revenue unit be amended by deleting the entire Clause.

*(The Chairman consulted the Clerk)*

**The Chairman (Hon. Bernard Kariuki):** Sorry Members, I did an oversight; I was supposed to propose the question first.

*(Question, that Clause 4 be part of the Bill, proposed)*

The Majority Leader can now move.

**Hon. Peter Kihungi:** Thank you Mr. Chairman, I propose that Clause 4 of the Bill that provides for the establishment of the revenue unit be amended by deleting the entire Clause. The provision, in the Governor's considered opinion, is unconstitutional, illegal, and irregular because the County Assembly does not have the mandate to create offices in the County Public Service. The Power is donated to the County Public Service Board under Section 59 (1) and Section 62 of the County Government Act No. 17 of 2012. I call Hon. Njoroge to second the Motion.

**Hon. Joseph Njoroge:** I second.

**Hon. James Kagoni:** ... [*Not audible*] that has been made by majority leader.

**The Chairman [Hon. Bernard Wanyoike]:** Of course I am doing the consultations but the floor is open for debate.

**The Chairman [Hon. Bernard Wanyoike]:** Honourable members I propose the question that clause four as amended be part of the bill. The floor is open for debate.

**Hon. James Kagoni:** I thank you Chair in fact I have learnt that the majority leader is reading from the memorandum. Just to inform the house basically what the memorandum is objecting and what the memorandum is actually suggesting is exactly what the bill says and that mandate need to be carried by the county public service board. And the bill also suggests the same that the mandate will be done by the county public service board not the assembly.

I find a little bit of confusion chair because it appears like there is wrong perception here, it is not the county assembly. And I want to take you to clause four when you read sub-section five actually it reads 'the executive member shall in accordance with article 157 of Public Finance Management Act 2012 appoint such revenue officers under the revenue unit provided that such officers shall be public officers appointed by the county public service board'

That is what the memorandum is suggesting and that is what the bill is suggesting. I do not see any contradiction. Therefore unless we say we are also deleting even what the memorandum is suggesting I find it to be a contradiction Chair. I thank you.

**Hon. Gachui Mungai:** I want to move a motion of reporting the progress to the Speaker and I want to put the standing order that I am using, standing order number 130 which says report of progress 'if any member before the conclusion of proceedings on a Bill in the Committee of the whole Assembly moves to report progress and such motion is carried, the chairperson

shall leave the chair and the chairperson or if the chairperson has taken the Speaker's Chair, the member in charge of the bill, shall report progress to the Assembly and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by House Business Committee in consultation with the member in charge of the bill.'

Chair I am moving we report progress to the Speaker and I request Honourable Member for Kinyona to second my motion.

**Hon. Charles Kirigwi:** I second.

*[Question put and agreed to]*

*[The Speaker resumed the Chair]*

*[Mace was raised]*

**Hon Peter Kihungi:** I beg to move that the committee reports to the Assembly, it's Consideration of the Governor's Memorandum.

**Hon Bernard Kariuki:** I beg to report that the committee of the whole assembly has Considered the Memorandum from his excellency the Governor on the three Bills, When the Assembly assumed to the Committee of the whole house, the committee has looked into the Bills but pursuant to Standing Order number 130, which for the benefit of the members who were not there, I may quote with your leave, Standing Order 130 says that If any Member before the conclusion of proceedings on a Bill in a Committee of the whole Assembly moves to report progress and such Motion is carried, the Chairperson shall leave the Chair and the Chairperson, or, if the Chairperson has taken the Speaker's Chair, the Member in charge of the Bill, shall report progress to the Assembly and shall seek leave to sit again, and a day for the resumption of the proceedings shall be determined by the House Business Committee in consultation with the Member in charge of the Bill.

Mr. Speaker, when the committee sat here are issues that arose from the 3 three memorandum concerning the 3 Bills, the members felt that it was prudent for the relevant Sectorial committees to pursue further consultations so the Assembly can make informed resolutions Containing the 3 Memorandums. With your leave and the leave of the House Business Committee the Committee of the Whole Assembly requests for another time to sit again so that the three Memorandums can be looked at length by this assembly. We seek that leave so that we can conclusively look at those 3 Memorandums and make an informed decision. Thank you.

**The Speaker:** Hon. Members, after hearing what the committee of the whole house has decided, I will concur that the matter be put on hold until time is reallocated by the House Business Committee, However, I note that this is one of the several times that this matter has been postponed. There will come a time when I will not allow it to be postponed anymore. So next time we have to dispense of the business. I will allow for this time but let the necessary committees understand that this is matter that cannot be forever put on hold. It is either discussed and done away with, or withdrawn.

The house adjourns until tomorrow 2:30PM

*The house rose at 3:09PM*

