

MURANG'A COUNTY ASSEMBLY THE HANSARD

Tuesday, 28th April 2015
The House met at 2.38 p.m.
(The Speaker *Hon. Nduati Kariuki* in the Chair)

PRAYERS

STATEMENTS

YOUTH POLYTECHNIC IN ITHANGA WARD

Hon. Esther Nyakio: Thank you Mr. Speaker sir, pursuant to the provisions of standing order 45 (2) (c) and part 2 of the fourth schedule of the Constitution of Kenya 2010, that states that ECDE and polytechnics are functions of the County Government, I hereby request for a statement from the Chairperson of Education and Child Welfare, Research, Information Technology and E-Government on the following:-

1. Is the chairperson aware that Ithanga ward have no single polytechnic in the entire eight sub- locations of the ward although it's among the priorities in the County Integrated Development Plan?
2. Why has the County Government taken so long before the project commences?
3. How much money has been allocated for the project?
4. When will the project commence?

Hon. John Mburu: I would request the house to give me seven working days.

BILLS

MURANG'A COUNTY SYMBOLS BILL (COUNTY ASSEMBLY BILL NO. 13 OF 2014)

(The Speaker left the chair)

(Hon. Gachui Mungai Chairing)

(Committee of the Whole House)

CLAUSE TWO

Hon. Jesse Mburu: Mr. Chairman, I propose that the Bill be amended by deleting clause two.

(Question that Clause Two be deleted put and Agreed To)

(Members said they do not have the Bill)

The Chair: Hon. members I am informed that the Bill was sent to you and the amended copy is the one that you do not have. Hon. members we may continue, it is the same Bill that we are amending and I want ...

(Members insisted that they did not have the Bill)

It is the bill that was put in your files before the second reading. Hon. members I understand this Bill was supplied through your emails and hard copies before second reading. That is the position and let us continue and I want to start from where we started.

CLAUSE FOUR

Hon. Jesse Mburu: Mr. Chairman I move that the Bill be amended by deleting clause four.

(Question that clause four be deleted put and Agreed To)

CLAUSE FIVE

Hon. Jesse Mburu: Mr. Chairman I move that the Bill be amended by deleting clause five.

(Question that clause five be deleted put and Agreed to)

CLAUSE SIX

Hon. Jesse Mburu: Mr. Chairman I move that the Bill be amended by deleting clause six.

(Question that clause six be deleted put and Agreed to)

CLAUSE SEVEN

Hon. Jesse Mburu: Mr. Chairman I propose that the Bill be amended by deleting sub-clause one.

Sub-clause two of the Bill be amended by inserting the word 'member' immediately after the word 'executive'.

Sub-clause three to be deleted and replaced by a paragraph reading as follows "Any person who shows disrespect in speech, manner or writing, to or with reference to any symbol of the county, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and shall be liable to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding six months or to both."

(d) by deleting the sub-clause 10 of the Bill

(Question proposed that the Bill be amended as proposed)

(Question put and Agreed to)

CLAUSE EIGHT

Hon. Jesse Mburu: Mr. Chairman, I propose that Clause Eight be part of the Bill

(Question that Clause Eight be part of the Bill put and Agreed to)

CLAUSE NINE

Hon. Jesse Mburu: Mr. Chairman I propose that clause nine be amended by deleting the words 'or to both such fines and such imprisonment' immediately after the word 'months.'

(Question that clause nine be amended as proposed put and Agreed to)

CLAUSE TEN

Hon. Jesse Mburu: Mr. Chairman I propose that clause ten of the Bill be deleted and replaced with the following new clause 'The County Executive Member may by the notice in the Gazette and with approval of the County Assembly, amend the Schedule to this Act.'

(Question proposed that clause ten be amended as proposed)
(Question put and Agreed to)

NEW CLAUSE 11

The Chair: Members, we are now in a new Clause which is guided by standing order number 129 (11). We are inserting a new Clause.

Hon. Jesse Mburu: I propose that a new Clause 11 be inserted to the Bill as follows:-
 'The County Executive Member may make regulations with approval of the County Assembly;

1. Prescribing the conditions upon which, the persons by whom and the manner in which the County flag may be flown and displayed as the case may be.
2. Prohibiting, controlling, or restricting the use of any specified emblem, specified likeness or specified name.
3. Regulating the manner in which any application may be made to the County Executive Member for permission under the Act prescribing the form of any license by which such permission may be given and fixing any fee for such application and license.

The Chair: Hon. Members, we are being guided by the standing order number 129 (11).

(Question, that the New Clause 11 be read a second time proposed)
(Question, that, the New Clause 11 be read a second time put and agreed to)
(Question, that Clause 11 be added to the Bill proposed)

Hon. Jesse Mburu: I propose that the Schedule 1 be amended by deleting the Schedule and replacing it with the following new Schedule.

The Chair: Order! Order! Order, Hon. Member

Hon. Jesse Mburu: Sorry, we are all learning.

The Chair: It is okay.

Hon. Jesse Mburu: I beg that a New Clause 11 be added to the Bill as follows: 'The County Executive Member may make regulations with approval of the County Assembly;

1. Prescribing the conditions upon which the persons by whom and the manner in which the County flag may be flown and displayed as the case may be.
2. Prohibiting, controlling, or stating the use of any specified emblem, specified likeness or specified name
3. Regulating the manner in which any application may be made to the County Executive Member for permission under the Act prescribing the form of any license by which such permission may be given and fixing any fee for such application and license.

(Question, that the New Clause 11 be added to the Bill proposed)
(Question, that the New Clause 11 be added to the Bill put)
(New Clause 11 agreed to)

SCHEDULE

Hon. Jesse Mburu: I propose that the Schedule be amended by deleting the Schedule and replacing it with the following new Schedule attached.

The Chair: Members, as you understand, the Schedule has been attached but members do not have that can access it in the file for the Order Papers. The attached Schedule is there.

(Question proposed that the Schedule be amended as proposed)

Is there any debate on that? Yes Hon. Bernard?

Hon. Bernard Kariuki: Thank you Hon. Chair, I wish to, very strongly, support that amendment because it has captured the aspirations of the people of Murang'a as guided by the Act itself. Hon. Chair, the proposed legislation was initially before the Education Committee and the amendment is part of what this committee has done.

I think they have done a marvellous job, especially on the symbol. Most of the people were very concerned with the prominence of the cow in front whereas in Murang'a County, with your permission Hon. Chair, we talk of *kamuingi koyaga ndiri*. That aspirations of the people has been strongly captured in the Schedule and I congratulate the committee for that. Thank you, Hon. Chair.

The Chair: Hon. Muhoro.

Hon. David Muhoro: Thank you Chairman, actually, I may also concur with the proposed amendment. We still have a concern with the head of the cow. If we go by what we have gone through and the far that Murang'a County has gone, I think that this County will live to remember the cow project which is not working very well for the County. However, I may congratulate the committee because they have really tried. Given time or in future, we may be forced to amend on that part with the head of a cow. Thank you, Mr. Chairman.

The Chair: Yes Hon. Kirigwi.

Hon. Charles Kirigwi: Thank you Mr. Chairman, I think what is lacking on the Schedule is the meaning of the new symbol. If you look on page 10 of the Bill, they had gone ahead and given the meaning. For instance, the blue means the water, green means cash crops, food crops, and animals. However I need your guidance on the new Schedule. I cannot trace the meaning of the new symbols because I am seeing some hands at the middle. I was trying to look at where the meanings are but I could not.

(Hon. Anderson Muchemi rose on a point of information)

The Chair: Yes Hon. Anderson.

Hon. Anderson Muchemi: Mr. Speaker, I just want to inform Hon. Kirigwi that today we are in the Committee of the Whole House and we are doing the amendments. What is not being amended will still remain in the other original Bill. Today, we are only dealing with the amendments. That is why you cannot see the definitions there.

The Chair: I think the Hon. Member for Kinyona is very right. It is good for us to give him time and listen to his views. Hon. Member for Kinyona.

Hon. Charles Kirigwi: Thank you Chairman for that information, but even with that information, if we assume whatever Hon. Anderson has said from the meaning that we have here in page 11 is true, where can we trace the hands? It is not there. So, I think the

Chairman may need to clarify where the definitions are because if we amend as he has proposed, we need to have a corresponding meaning on this page. That is what is lacking.

The Chair: I think Hon. Member you are referring to---

Hon. Charles Kirigwi: The picture and page 10.

The Chair: The picture and page 10?

Hon. Charles Kirigwi: Yes.

The Chair: The issue here is very simple because I am being informed that it was the person who was binding this who actually forgot to put in this, but according to what I have here, I think it is according to what you have. Page 10 has described the blue, food crops, cash crops, animal, green, white and black. In fact, it has given the meaning. What was the issue?

Hon. Charles Kirigwi: If you look at the meaning, let me just take two minutes to go through. We can see the blue in the new logo, but go to the food crops, Mr. Chairman, are we all there? We have a food crop called avocado. My teacher showed me how an avocado looks like. I cannot trace it on the logo.

(Hon. Bernard Kariuki rose on a point of information)

Hon. Bernard Kariuki: With due respect Hon. Chair, the motion before the House is to amend the Schedule by deleting the Schedule and replacing it with a new Schedule which is before us. Therefore, if we are deleting the whole Schedule, we do not need the rest of the narrative that is in the old Bill because before us is a new Schedule. Thank you, Chair.

The Chair: I think the Hon. Member has been guided. Hon. Member, if you go to your file, you said what is lacking in the new Schedule before you were interrupted?

Hon. Charles Kirigwi: Mr. Chairman, from that point of information from the Hon. Member for Gaichanjiru, if we are to delete the whole Schedule and insert this, what you lack in this new Schedule is the meaning of the colours and the images.

The Chair: Hon. Member, I know this is a very hot issue because it is just a matter of just passing it now and it will be a point of reference in future, but again, I agree with you that it was supposed to be brought together with the flag. However, we are going to treat that like an omission.

I am sure the Office of the Clerk was meaning well even if the members of staff who were doing this actually omitted that. But if you remember, it was there in the report and it was well covered. Am I right, Chair? It was well covered. That is a very good observation.

(Hon. Hon. Duncan Njuguna rose)

Yes, Hon. Duncan

Hon. Duncan Njuguna: Mr. Chair, we need your guidance. Is it in order for us to adopt omissions? If something is not there because maybe whoever was typing or printing the Schedule forgot, we cannot just assume that he or she forgot and we adopt the same.

The Chair: Hon. Members, I think it is not an external force. It was our staff who did this. It was covered in the report that was tabled and debated in this Assembly. I think, Hon. Members, you have the report.

(Hon. David Muhoro rose)

What is it Hon. Muhoro?

Hon. David Muhoro: Mr. Chairman why are we in a hurry?..... *(off record)*.....

(Laughter)

The Chair: Order! Order! Order! Hon. Member

(Hon. David Muhoro was given a microphone)

Hon. David Muhoro: Sorry, Mr. Chairman, I apologise. I am saying that we only need to give ourselves time so that we adopt something which is comprehensive. There is no deadline for this Mr. Chair.

The Chair: Yes Hon. Bernard.

Hon. Bernard Kariuki: Mr. Chairman, with due respect, the motion is very clear that we are amending the Schedule and replacing that with a Schedule that we have. I think we can move on with this Bill. Thank you.

The Chair: Hon members, we shall continue with this, however the Chair when reporting to the Speaker, you will note that. Any other issue, in fact there is nothing else that will change because it is already in the report and that report was adopted by this assembly. We may continue Chairman

SCHEDULE

(Question that the Schedule be part of the Bill proposed)

(Question put and Agreed to)

CLAUSE THREE

(Question that Clause Three be part of the Bill Proposed)

(Question put and Agreed to)

TITLE

(Question that the Title be part of the Bill Proposed)

(Question put and Agreed to)

CLAUSE ONE

Hon. Jesse Mburu: That clause one is amended by deleting the word 'Bill' immediately after the word 'This' and replacing with the word 'Act' and deleting the words "and shall come into operation on the fourteenth day after publication in the Gazette" immediately after 2014.

(Question on amendment Proposed)

(Question put and Agreed to)

Hon. Jesse Mburu: Hon Chairman, I move that the Committee of the Whole House reports to the Assembly it's consideration of the Murang'a County Symbols Bill (County Assembly Bill No. 13 of 2014) and it's approval thereof with amendments

(Question Proposed)

(Question put and agreed to)

(House Resumed)

(Deputy Speaker Hon. Gachui Mungai in the Chair)

Hon Jesse Mburu: Mr Speaker, I move that the Assembly agrees with the committee on the said report

Hon. Deputy Speaker: Continue reporting, there is no vacuum, the Speaker is on the seat

(Deputy Speaker Hon. Gachui Mungai left the Chair)

(The Speaker Hon. Nduati Kariuki in the Chair)

Hon. Jesse Mburu: This is a complicated matter, I beg to be excused. I wish to report that the Committee of the Whole Assembly has considered the Murang'a County Symbols Bill (County Assembly Bill No. 13 of 2014) and its approval thereof with amendments; I move that the Assembly agrees with the committee on the said report

Hon. Gachui Mungai: Hon Speaker, there was a hiccup because the chairman had to leave the Chair and sit on the Speaker's Chair to avoid vacuum, and that is why the committee Chair had taken over the reporting work of the Committee of the Whole House Chair, I beg we repeat the exercise from where the Chairman was reporting.

The Speaker: Order! Since the Deputy Speaker had already started this business before I came in, I request the Deputy Speaker chairs and continues from where the business had reached

(The Speaker Hon. Nduati Kariuki left the Chair)

(Deputy Speaker Hon. Gachui Mungai in the Chair)

Hon. Deputy Speaker: Hon Members you are not supposed to stand when the Chair is leaving, there is no vacuum as the Chair leaves the other Chair comes in, but we are all learning how to do Bills, you may continue

Hon Jesse Mburu: I beg to report that the Committee of the Whole Assembly has considered the Murang'a County Symbols Bill (County Assembly Bill No. 13 of 2014) and its approval thereof with amendments; I move that the assembly agrees with the committee on the said report

Hon. Anderson Muchemi: I stand to second the report and the amendment

(Question Proposed)

(Question put and agreed to)

MURANG'A COUNTY SYMBOLS BILL (COUNTY ASSEMBLY BILL NO. 13 OF 2014) -
THIRD READING

Hon Jesse Mburu: That the Murang'a County Symbols Bill, (County Assembly Bill No. 13 of 2014) be now read a Third time

Hon Anderson Muchemi: I second that the Murang'a County Symbols Bill (County Assembly Bill No. 13 of 2014) be now read a Third time

(Question Proposed)

(Question put and agreed to)

Hon. Deputy Speaker: Members before we adjourn it is good for us to get properly acquainted with the standing orders because we have noted that even the Serjeant –At-

Arms and the team were opening the door for the Speaker to get in when the mace was raised. Passing a Bill takes a long time, so members need to get acquainted with how a Committee of the Whole Assembly is done, from the lowest to the highest office. We need to do a lot of practice to avoid such hiccups; it is upon the Chairpersons and the members of the committee preparing Bills to rehearsing so that we will avoid the hiccups we have seen.

ADJOURNMENT

The House stands adjourned until tomorrow 2:30 p.m.

The House rose at 3:21p.m