

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday 18th November, 2015

Assembly Building

The House met at 10.00am

[The Speaker (Hon. Susan Kihika) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOME TO KAYAMBA PRIMARY SCHOOL PUPILS

INVITATION TO THE 7TH EDITION OF EALASCA GAMES

The Speaker (Hon. Susan Kihika): We welcome and acknowledge the presence of Kayamba Primary School from Njoro at the Assembly today. I hope they will have an informative session and learn something from it and have something to take back to school. So I am welcoming you and I am hoping that you enjoy the session. Thank you.

Then I am asking for your indulgence, there is something I need to read. Thank you very much, I have in front of me an invitation to attend the 7th Edition of EALASCA Games of Kigali Rwanda from 6th to 12th December 2015.

KICOSCA/CASA Games held the National trials in Machakos from 28th to 31st October 2015 and selected Team Kenya to represent the Country in Kigali Rwanda.

The joint KICOSCA/CASA Executive met on 31st October, 2015 and resolved to invite you to attend the festival together with the following MCAs, games officials and participants.

They have the Clerk of the County, The Speaker, the Chairperson of Sports and Culture.

And then for netball they have Penina Sortum, Simita Munka and Justine Kihumba. Volleyball Men they have David Malel, Joseph Muigai and John Chege. Football they have Peter Palang'a, Leonard Korir, Daniel Ambale, John Macharia, Stephen Kihara. For darts they have Peter Njenga Kang'ethe. For athletics they have Samuel Kamau. For volleyball women they have Hawa Ibrahim, Trebina Gakii and Agnes Wambui. Under the Special category we have honourable Joshua Muriithi. For officials they have Catherine Mathu and Jacob Kisendany who is the Deputy Team Leader, Team Kenya.

So the participants will converge for bonding session in Kisumu Town from Thursday 3rd to 5th December 2015 and thereafter depart for Kigali Rwanda on 5th December 2015 in the evening. The official opening ceremony will be held on Monday 7th December 2015 at Amahoro Stadium

Disclaimer: *The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.*

at 1.00pm and will be preceded by a conference at Lemigo Hotel whose theme is “*Sports for Social Sustainability and Regional Integration*”.

The closing ceremony will be held on 11th December, 2015 at Amahoro Stadium at 1.00 pm.

Hon. Speakers and Clerks to County Assemblies are invited to attend the conference on Monday 7th to 9th at 9.00am.

All Games officials and participants shall be required to be in uniform (Team Kenya) during the opening and closing ceremonies.

The cost of transport (return journey), accommodation and track suits shall be communicated to you before 15th.

The rest is administrative; kindly facilitate the officials and the participants with resources and travel documents in good time to enable the secretariat plan for accommodation and transport.

Yours in Sports Z.M. Kabiri, National Secretary. Thank you.

Then

COMMITTEE OF THE WHOLE HOUSE

(Order for the Committee read)

[The Speaker (Hon. Susan Kihika) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. James Tuei) took the Chair]

NAKURU COUNTY FIRE AND RESCUE SERVICE BILL NO. 19 OF 2014

The Chairperson (Hon. James Tuei): Honourable Members, I want all the Members inside because if there will be no Members we will adjourn. We shall now start and I believe we are together.

Clause 3

(Question proposed that Clause 3 be part of the Bill)

Hon. Peter Muchiri: Mr. Chairperson, before I second, the author of the Bill is not in the House

Chairperson (Hon. Peter Muchiri): The Vice is in so we continue.

(Question that Clause 3 be part of the Bill put and agreed to)

Clause 4

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

(Question that Clause 4 be part of the Bill put and agreed to)

Disclaimer: The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.

Clause 5

Chairperson (Hon. James Tuei): Clause 5 has an amendment. Can you move the amendment?

Hon. John Chege: I would like to move an amendment to Clause 5 (1) (c) by inserting the words “*with the approval of County Assembly*” immediately after the word “*and*”.

(Question on the amendment put and agreed to)

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

Chairperson (Hon. James Tuei): We go to Clause 6 which has an amendment.

Hon. John Chege: I would like to move an amendment to Clause 6 (1) (b) by inserting the words “*and professionally trained*” immediately after the word “*working*” and before the word “*in*”.

2. Amendment to Clause 6 (1) (c) by inserting the word “*either*” immediately after the word “*services*” and further inserting the words “*or private sector within the County*” immediately after the words “*public sector*”.

3. Amendment to Clause 6 (1) (d) by deleting the entire Clause and inserting the following words “*a representative nominated in writing by the Chairperson of an association representing the interests of the Business Community in the County.*”

4. Amendment to Clause 6 (1) (e) by deleting the word “*Secretary General*” and thereat inserting the word “*Nakuru Charter*”.

5. An amendment by inserting new Clause 6 (1) (g) with the following words “*a representative nominated in writing by the Director General, Kenya Forests.*”

6. An amendment to Clause 6 (2) by inserting the words “*with the approval of the County Assembly*” immediately after the word “*Member*” in the last word of the sentence.

Chairperson (Hon. James Tuei): Thank you Vice Chair for moving those amendments

(Question on amendment put and agreed to)

(Question that Clause 6 as amended be part of the Bill put and agreed to)

Clause 7

(Question that Clause 7 be part of the Bill put and agreed to)

Chairperson (Hon. James Tuei): We go to Clause 8 which has an amendment.

Hon. John Chege: I would like to move an amendment to Clause 8 (1), 8 (2) by inserting the words “*with the approval of the County Assembly*” immediately after the word “*from*”.

(Question on amendment put and agreed to)

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

Disclaimer: The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.

Clauses 10, 11, 12, 13 and 14

(Question that Clause 9, 10, 11, 12, 13 and 14 be part of the Bill put and agreed to)

Clause 15

The Chairperson (Hon. James Tuei): Clause 15 has an amendment and I call upon the Vice Chair to move it

Hon. John Chege: I want to move and amendment to Clause 15 as follows.

An amendment to Clause 15(1)(a) by deleting the word “*physical*” appearing immediately after the word “*of*” and before the word “*or*”

(Question on amendment put and agreed to)

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

Clause 16

The Chairperson (Hon. James Tuei): Clause 16 has an amendment and I call upon the Vice Chair to move it

Hon. John Chege: I want to move and amendment to Clause 16 as follows,

Amendment to clause 16 by inserting the following new clauses:

- a) *16 (e) Removed by the appointing authority*
- b) *16 (f) violates the provisions of Chapter Six of the Constitution of Kenya, 2010.*

(Question on amendment put and agreed to)

(Question that Clause 16 as amended be part of the Bill put and agreed to)

Clause 17

(Question that Clause 17 be part of the Bill put and agreed to)

Clause 18

The Chairperson (Hon. James Tuei): Clause 18 has an amendment and I call upon the Vice Chair to move it

Hon. John Chege: I want to move and amendment to Clause 18 as follows,

Amendment to Clause 18(1) by inserting the word “*County Service*” immediately before the word “*Board*”.

(Question on amendment put and agreed to)

(Question that Clause 18 as amended be part of the Bill put and agreed to)

Clause 19

Disclaimer: *The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.*

The Chairperson (Hon. James Tuei): Clause 19 has an amendment and I call upon the Vice Chair to move it

Hon. John Chege: I want to move an amendment to Clause 19 as follows,

- i. Amendment to Clause 19(1) (a) by deleting the word “*physical*” appearing immediately after the word “*of*” and before the word “*or*”
- ii. An amendment to Clause 19(2) (a) by deleting the word “*sufficient*” and inserting thereat instead the words “*three weeks.*”

(Question on amendment put and agreed to)

(Question that Clause 19 as amended be part of the Bill put and agreed to)

Clauses 20 and 21

(Question that Clauses 20 and 21 be part of the Bill put and agreed to)

Clause 22

The Chairperson (Hon James Tuei): Clause 22 has an amendment and I call upon the Vice Chair to move it

Hon. John Chege: I want to move and amendment to Clause 22 as follows,

- i. An amendment to Clause 22(1)(a) by deleting the words “*fire safety*” appearing immediately after the word “*promote*” and thereat inserting the word “*disaster management*” further by deleting the word “*area*” and thereat inserting the word “*Nakuru County*”.
- ii. An amendment to clause 22(1) (a) (i) by inserting the word “*emergency*” before the word “*fire*”.
- iii. An amendment by introducing new Clause 22(1)(a)(vi) “*collapse of a quarry*”

(Question on amendments put and agreed to)

(Question that Clause 22 as amended be part of the Bill put and agreed to)

Clauses 23 and 24

(Question that Clause 23 and 24 be part of the Bill put and agreed to)

Clause 25

Hon. John Chege:

- i. An amendment to Clause 25(1) (a) by deleting the words “*or reasonably believe*” appearing immediately after the word “*informed*”.

Disclaimer: *The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.*

- ii. An amendment to clause 25(1) (b) by deleting the words “*reasonably believes*” appearing immediately after the word “*employee*” and thereat inserting the words “*is informed*”.
- iii. An amendment to Clause 25(1) (c) by deleting the words “*reasonably believes*” appearing immediately after the word “*employee*” and thereat inserting the words “*is informed*”.
- iv. An amendment to clause 25(5) by deleting the word “*five*” appearing immediately after the word “*exceeding*” and thereat inserting the word “*one*”.

(Question on amendment put and agreed to)

(Question that Clause 25 as amended be part of the Bill put and agreed to)

Clauses 26 and 27

(Question that Clause 26 and 27 be part of the Bill put and agreed to)

Clause 28

Hon John Chege:

- i. An amendment to Clause 28(2) by deleting the word “*their*” appearing immediately after the word “*through*” and thereat inserting the word “*his/her*”.

(Question on amendment put and agreed to)

(Question that Clause 28 as amended be part of the Bill put and agreed to)

Clause 29

(Question that clause 29 be part of the Bill put and agreed to)

Clause 30

Hon John Chege:

- i. An amendment to clause 30(1) by deleting the word “*Executive Committee Member*” appearing at the beginning of the sentence “*and*” thereat inserting the word “*board*”
- ii. An amendment to clause 30(2) by deleting the word “*may*” appearing immediately after the word “*member*” and thereat inserting the word “*shall*”.

(Question on amendment put and agreed to)

(Question that clause 30 as amended be part of the Bill put and agreed to)

Clause 31

Hon John Chege:

- ii. An amendment to Clause 31(1) by deleting the word “*Executive Committee Member*” and thereat inserting the word “*board*”.
- iii. An amendment to clause 31(4) by deleting the word “*Executive Committee Member*” and thereat inserting the word “*board*”.

(Question on amendment put and agreed to)

(Question that clause 31 as amended be part of the Bill put and agreed to)

Disclaimer: *The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.*

Clauses 32, 33, 34 and 35

(Question that Clause 32, 33, 34 and 35 be part of the Bill put and agreed to)

Clause 36

Hon John Chege:

An amendment to Clause 36(8) by deleting the word “five” and thereat inserting the word “fifty” further by inserting the words “and or a jail term of not less than three (3) months or both” immediately after the word “shillings”.

(Question on amendment put and agreed to)

(Question that Clause 36 as amended be part of the Bill put and agreed to)

Clause 37

Hon John Chege:

An amendment to Clause 37(a) by deleting the word “assembly” appearing immediately after the word “county” and thereat inserting the word “Government”.

(Question on amendment put and agreed to)

(Question that Clause 37 as amended be part of the Bill put and agreed to)

Clauses 38, 39, 40, 41, 42 and 43

(Question that Clauses 38, 39, 40, 41, 42 and 43 be part of the Bill put and agreed to)

Clause 44

Hon John Chege: An amendment to Clause 44(2) by deleting the words “five hundred” appearing immediately after the word “exceeding” and thereat inserting the word “fifty” further by deleting the word “six” appearing immediately after the word exceeding and thereat inserting the word “three”.

(Question on amendment put and agreed to)

(Question that Clause 44 as amended be part of the Bill put and agreed to)

Clause 45

Hon John Chege: An amendment to Clause 45 by deleting the word “five” appearing immediately after the word exceeding and thereat inserting the word “one”.

(Question on amendments put and agreed to)

(Question that Clause 45 as amended be part of the Bill put and agreed to)

Schedule 14

Chairperson (Hon. James Tuei): Now we proceed to Schedule 14 which has an amendment.

Disclaimer: The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.

Hon John Chege:

- i. An amendment to Clause (1) of Schedule 14 sub section (2) by inserting the word “*at the authority’s premises*” immediately after the words *determine*.
- ii. An amendment to Clause 5 (4) by deleting the word “*five*” appearing immediately after the word exceeding and thereat inserting the word “*one*”
- iii. Amendment to Clause 5 (4) by deleting the word “*seven years*” appearing immediately after the word exceeding and thereat inserting the word “*Six months*”.

(Question on amendments put and agreed to)

(Question that Schedule 14 as amended be part of the Bill put and agreed to)

Clause 2: Interpretation

Chairperson (hon James Tuei): We are now going to interpretation which is contained in Clause 2.

Hon John Chege: An amendment to Clause 2 by introducing new interpretations as follows

“*County government*” means County Government of Nakuru

“*Court*” means a court with competent jurisdiction

“*Governor*” means the governor for Nakuru County Government.

(Question on amendments put and agreed to)

(Question that Clause 2 as amended be part of the Bill put and agreed to)

Title:

(Question that the Title be part of the Bill put and agreed to)

Memorandum and Objects of Reasons:

(Question that Memorandum and Objects of Reasons be part of the Bill put and agreed to)

Chairperson (Hon James Tuei): Thank you very much we are done. We are now going to reporting before the Speaker comes in. Let me call upon the mover to report.

PROGRESS REPORT

NAKURU COUNTY FIRE AND RESCUE SERVICES BILL NO.19 OF 2014

Hon John Chege: I beg to move that the Committee of the Whole House do report to the Assembly its considerations of the Nakuru County Fire and Rescue Service Bill no. 19 of 2014 and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Disclaimer: The electronic version of the Assembly Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, County Assembly of Nakuru.

(The House resumed)

[The Speaker (Hon. Susan Kihika) in the Chair]

REPORT

NAKURU COUNTY AND RESCUE SERVICES BILL NO. 19 OF 2014

The Speaker (Hon Susan Kihika): Chairperson you may proceed

Chairperson (Hon James Tuei) I beg to report that the Committee of the Whole House has considered the Nakuru County Fire and Rescue Service Bill no. 19 of 2014 and its approval thereof with amendments, thank you Madam Speaker

The Speaker (Hon Susan Kihika) thank you, the mover;

Hon John Chege: Madam Speaker, I beg to move that the House do agree with the Committee on the said Report.

(Question proposed)

(Question put and agreed to)

Hon John Chege: I beg to move that the Nakuru County Fire and Rescue Service Bill no. 19 of 2014 be now read a Third time

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read for the Third Time)

The Speaker (Hon. Susan Kihika): Thank you very much, we stand adjourned until 2.30 pm.

The House rose at 10.55 am