

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday, 6th April, 2016

Assembly Building

The House met at 2.40pm

[The Temporary Speaker (Hon. Stephen Kiarie) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

-REPLACEMENT OF HON. WAITHAKA IN SPECIAL ADHOC COMMITTEE

-MANDATE OF CULTURE, SPORTS AND COMMUNITY SERVICES AND WELFARE COMMITTEE

The Temporary Speaker (Hon. Stephen Kiarie): Honourable Members, Communication from the Honourable Speaker dated 6th April.

This is further to the Communication to the House during the Morning Session.

Whilst the appointment of the Special Adhoc Committee stands, I have replaced honourable Joseph Waithaka with honourable Stephen Chege.

The Committee is expected to commence its sittings with immediate effect.

Further Communication, again from the Honourable Speaker dated 6th April; it reads:-

Honourable Members, you are aware of our continued participation in County Assembly sporting activities spearheaded by County Assemblies Sports Association (CASA).

In the recent months, I have noted with concern the tug of war on representation between two Committees of this House; Culture, Sports and Community Services and Members of the Welfare and Catering Committee.

I wish now to make or give the following clarification or direction:-

- i) The mandate of Culture, Sports and Community Services does not cover the internal Sporting activities of the Assembly. For clarity, the Committee is expected to focus on the wider County activities involving the relevant County departments and the public
- ii) The County Assembly Sporting activities are internal in nature and are basically geared towards Members' fitness, welfare promotion, cohesion and group dynamics among Members and staff of the Assembly.

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In view of the above position, I direct that all internal sporting activities of the Assembly will now be handled by the Welfare and Catering Committee as envisaged by Standing Order 194 of the Assembly's Standing Orders.

(Then)

THE COMMITTEE OF THE WHOLE

(Order of the Committee read)

[The Temporary Speaker (Hon. Stephen Kiarie) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Eunice Muriithi) took the Chair]

NAKURU COUNTY WATER AND SANITATION SERVICES BILL, 2014

The Chairperson (Hon. Eunice Muriithi): Honourable Members we have before the House, The Nakuru County Water and Sanitation Service Bill, 2014. And we shall go straight to the amendments.

We go to the title which has an amendment and I call upon the mover, the Deputy Speaker honourable James Tuei to move the amendment.

The Deputy Speaker (Hon. James Tuei): Thank you Madam Chair, I beg to move an amendment to the title.

Title

Amendment to the Title by adding the word "irrigation" so that it reads "Nakuru County Water, Irrigation and Sanitation Services Bill, 2014"

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

The Chairperson (Hon. Eunice Muriithi): Thank you, we go to Clause 1 which has an amendment. Honourable Tuei.

The Deputy Speaker (Hon. James Tuei): Thank you Madam Chair, I beg to move an amendment to Clause 1.

Clause 1

Amendment to Clause 1 by deleting the words "on such date as the Executive Committee Member may, by notice in the Gazette, appoint and different days may be appointed for the coming into operation of different provisions" and substituting thereof with the words "upon assent by the Governor"

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(Question that Clause 1 as amended be part of the Bill put and agreed to)

The Chairperson (Hon. Eunice Muriithi): Thank you, we go to Clause 2 which has an amendment. Honourable Tuei.

The Deputy Speaker (Hon. James Tuei): Thank you Madam Chair, I beg to move an amendment to Clause 2.

Clause 2

- i. Amendment to Clause 2 by deleting definition of the words “Board of Governors” as the board is neither established nor are its powers provided for in the Bill.
- ii. Amendment to Clause 2 by introducing the definition of “License” to mean “a license issued under this Act”
- iii. Amendment to Clause 2 under the definition of the words “limits of supply” by deleting the word “is” appearing immediately after the words “for the time being”
- iv. Amendment to Clause 2 by deleting the definition of the word “inspector” in entirety and substituting thereof with the following definition. “Inspector means a person appointed by the County Public Service Board under section 8 of this Act.”
- v. Amendment to Clause 2 by deleting the definition of the words “Chief Officer” and defining the said words as “the person responsible for the Department of Water, Irrigation and Sanitation”
- vi. Amendment to Clause 2 by introducing and defining the words “inspectorate unit” as “Technical Water Inspectorate unit”

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

Clause 4

The Chairperson (Hon. Eunice Muriithi): We go to Clause 4, it has an amendment

The Deputy Speaker (Hon. James Tuei): Amendment to Clause 4 by deleting Clauses 4(b) and (c) as they place an onerous responsibility on the County Government.

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

Clause 5

The Chairperson (Hon. Eunice Muriithi): We go to Clause five it has an amendment

The Deputy Speaker (Hon. James Tuei): Amendment to Clauses 5(1) (a) (e) and 5(2) by adding the word “irrigation” after the word “water”

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

Clause 6

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The Chairperson (Hon. Eunice Muriithi): We go to Clause six it has an amendment

The Deputy (Hon. James Tuei): Amendment to Clause 6(2) by deleting the word “Department” and substituting thereof with the word “Directorate”

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

Clause 8

The Chairperson (Hon. Eunice Muriithi): We go to Clause eight it has an amendment

The Deputy Speaker (Hon. James Tuei): Amendment to Clause 8 by deleting the word “appoint” and substituting thereof with the word “deploy”

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

Clause 9

The Chairperson (Hon. Eunice Muriithi): we go to Clause nine it has an amendment

The Deputy Speaker (Hon. James Tuei):

- i. Amendment to Clause 9(1) by deleting the words “appointed by the Executive Committee Member” and substituting thereof with the words “deployed by the Chief Officer in consultation with the Executive Committee Member”
- ii. Amendment to clause 9 by numbering it properly as two sub-clauses have been numbered as 9(3).

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

Clause 10, 11 and 13

The Chairperson (Hon. Eunice Muriithi): We go to Clauses 10, 11, and 13 it has an amendment

The Deputy Speaker (Hon. James Tuei):

- i. Amendment to Clauses 10(2), 11(1) and 13(1) by adding the word “County” immediately before the word “Government”
- ii. Amendment to Clause 13(1) by adding the word “provider” immediately after the words “water service”

(Question that Clauses 10, 11 and 13 as amended be part of the Bill and agreed to)

The Chairperson (Hon. Eunice Muriithi): We go to Clause 15

The Deputy Speaker (Hon. James Tuei): Amendment to Clause 15 in the marginal note section by inserting the word “to” between the words “respect” and “unviable”

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

Clauses 16(4), 17(4), 22(3) and 26(3)

The Chairperson (Hon. Eunice Muriithi): We go to Clauses 16(4), 17(4), 22(3) and 26(3)

The Deputy Speaker (Hon. James Tuei): Amendment to above Clauses by clearly defining the court being referred to.

(Question that Clauses 16, 17, 22 and 26 as amended be part of the Bill put and agreed to)

Clause 18

The Deputy Speaker (Hon. James Tuei):

Amendment to Clause 18(3) (a) by deleting the word “the” appearing before the word “indemnify”

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

Clause 19

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

Clause 20

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

Clause 21

The Deputy Speaker (Hon. James Tuei):

- i. Amendment to Clause 21(1) by adding the words “contained in the attached schedule” immediately after the words “in the prescribed form”
- ii. Amendment to Clause 21(h) by adding the word “and County Government” after the word “agency”

(Question that Clause 21 as amended be part of the Bill put and agreed to)

Clause 22

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

Clause 23

The Deputy Speaker (Hon. James Tuei):

Amendment to Clause 23(2) by adding the word “of” before the word “being”

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

Clause 24

The Deputy Speaker (Hon. James Tuei):

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- i. Amendment to Clause 24(1) by adding the word “County” immediately before the word “Government”
- ii. Amendment to Clause 24(1) and (2) by providing a clear guideline on the fees chargeable.
(Question that Clause 24 as amended be part of the Bill put and agreed to)

Clause 25

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

Clause 26

The Deputy Speaker (Hon. James Tuei):

Amendment to Clause 26(2) by clearly defining the term “special regime” to avoid ambiguity.

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

Clause 27

The Deputy Speaker (Hon. James Tuei):

Amendment to clause 27(2) by deleting the word “by the” because it has been repeated twice.

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

Clause 28

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

Clause 29

The Deputy Speaker (Hon. James Tuei):

Amendment to Clause 29(1) by deleting the comma (,) appearing immediately after the word “may” and inserting a comma (,) immediately after the word “threatened”

Clause 30

(Question that Clause 30 be part of the Bill put and agreed to)

Clause 31

(Question that Clause 31 be part of the Bill put and agreed to)

Clause 32

(Question that Clause 32 be part of the Bill put and agreed to)

Clause 33

(Question that Clause 33 be part of the Bill put and agreed to)

Clause 34

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The Deputy Speaker (Hon. James Tuei):

- i. Amendment to Clause 34(1) by deleting the word “shall” appearing immediately after the word “institutions”
- ii. Amendment to Clause 34(2)(c) by replacing the word “or” with the word “of”
- iii. Amendment to Clause 34(2) by deleting the word “may” and substituting thereof with the word “shall”

(Question that Clause 34 as amended be part of the Bill put and agreed to)

Part VII

Amendment to the title of this part by inserting the word “Water” between the words “Public” and “Works”

(Question that Part VII as amended be part of the Bill put and agreed to)

Clause 35

The Deputy Speaker (Hon James Tuei): An amendment to Clause 35(b) by adding the word “with” after word “collaboration”

(Question that Clause 35 (b) as amended be part of the Bill put and agreed to)

Clause 37

The Deputy Speaker (Hon James Tuei): An amendment to Clause 37 (c) by merging the words “in” and “to” so that they read “into”

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

Clause 39

The Deputy Speaker (Hon James Tuei): Amendment to Clause 39(d) by deleting the words “commits and offence” and “exceeding fifty thousand shillings” and substituting thereof with words “commits an offence” and the words “not exceeding one hundred thousand shillings only” respectively.

(Question that Clause 39 as amended be part of the Bill put and agreed to)

Chairperson (Hon Eunice Muriithi) See how easy it was Members, it was a short Bill; we now go to reporting; the mover, hon Tuei.

PROGRESS REPORT

NAKURU COUNTY WATER AND SANITATION SERVICE BILL, 2014

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The Deputy Speaker (Hon James Tuei): I beg to move that the committee do report to the Assembly its consideration of the Governor's Memorandum on the Nakuru County Water and Sanitation Service Bill, 2014 and its approval thereof with amendments. I beg to move

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Temporary Speaker (Hon Stephen Kiarie) in the Chair]

REPORT

NAKURU COUNTY WATER AND SANITATION SERVICES BILL, 2014

Chairperson (Hon Eunice Muriithi): Thank you Mr. Temporary Speaker; I wish to report that the Committee of the Whole House has done a good job and also that they were patient and liked this Bill. I want to report that the Committee of the Whole House has considered the Governor's Memorandum on the Nakuru County Water and Sanitation Service Bill, 2014 and its approval thereof with amendments. I beg to move

The Temporary Speaker (Hon Stephen Kiarie): Thank you chair; mover

The Deputy Speaker (Hon James Tuei): I beg to move that the House do agree with the Committee on the said Report.

(Question proposed)

(Question put and agreed to)

The Deputy Speaker (Hon James Tuei): I beg to move that the Nakuru County Water and Sanitation Service Bill, 2014 be now read a Third Time

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read for a Third Time and passed)

The Temporary Speaker (Hon Stephen Kiarie): The Bill has been passed and is going to be forwarded to the Governor for his assent. Thank you Honorable Members for your patience, the House stands adjourned until tomorrow at 2.30 pm

(The House rose at 3.15 pm)