

Second Assembly

(O.P 048)



Fifth Session

(143)

THE COUNTY ASSEMBLY OF THARAKA NITHI

SECOND ASSEMBLY – (FOURTH SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, 15TH DECEMBER, 2021 AT 9.30 A.M

1. The House (County Assembly) assembled at thirty minutes past nine O'clock.
2. The proceedings were opened with Prayer said by the Hon. Speaker
3. **COMMUNICATION FROM THE CHAIR**

Honourable Members,

As it is the custom of this assembly to recognise guests seated in the gallery, I take this opportunity to recognize the presence of Teachers and students from Nguruki Mixed day secondary school and welcome them to follow the proceedings and debates in today's plenary. Hopefully the students will learn something on the roles of county assemblies as envisioned in the constitution of Kenya 2010.

Honourable Members,

As you are aware Section 30(2)(k) of the County Government Act 2012 provides that the County Governor shall among others deliver annual state of the County address containing such matters as may be specified in County legislation. Further, the Tharaka Nithi County Assembly Standing Order 31(1) provides that

the Governor shall address a special sitting of the Assembly once every year and may address the Assembly at any other time.

Honorable Members,

I wish to inform the house that am in receipt of a message by way of a letter to the County Assembly referenced **Ref: TNC/GEN/2021/27** dated **11th November, 2021**, expressing the desire of H.E The Governor to address the County Assembly on Wednesday 15th December, 2021 in line with Standing Order 31 of our Standing Orders and Section 30(2)(k) of the County Government Act, 2012.

Honorable Members,

As you are aware, on Tuesday 30th November 2021 this House altered the Assembly Calendar for the Fifth Session and the House is set to adjourn for the long recess on Wednesday 15th December, 2021 until Tuesday 8th February 2021 pursuant to the provisions of Standing Order 38(1) of the County Assembly of Tharaka Nithi Standing Orders. This brings us to the close of the Fifth Session sittings.

Honorable Members,

I wish to thank all the Honorable Members for their commitment in execution of their mandate of Oversight, Legislation and Representation.

In the Fifth Session, pursuant to Article 185 of the Constitution, the House was able to pass the following Bills:

- i. The Tharaka Nithi County Alcoholic Drinks Control Bill, 2020;
- ii. The Tharaka Nithi County Water services Bill, 2020;
- iii. The Tharaka Nithi County Public Nuisance Bill, 2020;
- iv. The Tharaka Nithi County E-waste management Bill, 2020;

- v. The Tharaka Nithi County laws inspectorate, Compliance and Enforcement Bill, 2020;
- vi. The Tharaka Nithi County Disaster Management Bill, 2020;
- vii. The Tharaka Nithi County Supplementary Appropriation Bill, 2021;
- viii. The Tharaka Nithi County Appropriation Bill, 2021;
- ix. The Tharaka Nithi County Health Services and Sanitation Bill, 2021;
- x. The Tharaka Nithi County Finance Bill, 2021;
- xi. The Tharaka Nithi County Road Asset Management Bill, 2021;
- xii. The Tharaka Nithi County Supplementary Appropriation Bill, 2021.

The House has also adopted several Committee Reports and approved several Motions.

Honorable Members,

I wish to also thank the County Assembly Service Board and the Tharaka Nithi County Assembly staff for their dedication and devotion to the County Assembly Service and its smooth running.

Honorable Members,

I urge that all the Committee activities be concluded by Friday 17th December, 2021 and resume on Monday 10th January, 2022 to allow for the Members of the County Assembly to interact with their electorate, enjoy the festive season and allow the County Assembly staff to take their annual leave.

I thank you.

4. **PAPERS LAID**

The following papers were laid on the Table of the House (The County Assembly).

- a. Report of the Committee on Finance, Budget and Appropriations on the County Budget Review and Outlook Paper, 2021.

(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)

- b. Report of the Committee on Education, Science and Technology on the Tharaka Nithi County pre-primary Education Bill, 2020;

(Hon. Mwenda Gataya, MCA- Chairperson Committee on Education Science and Technology)

5. **NOTICES OF MOTION**

The following notices of motion were given;

I. **ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS ON THE COUNTY BUDGET REVIEW AND OUTLOOK PAPER, 2021**

(Hon. Muchiri Godfrey Murithi, MCA – Chairperson Committee on Finance, Budget and Appropriations)

THAT this House adopts the report of the Select Committee on Finance, Budget and Appropriations on the County Budget Review and outlook Paper, 2021.

II. **MOTION ON SITTING OF THE COUNTY ASSEMBLY OUTSIDE THE COUNTY ASSEMBLY BUILDINGS**

(Hon. Kathenya Peterson Mwirigi, MCA)

AWARE THAT Article 176 of the Constitution of Kenya 2010 provides for the establishment of the County Assembly, while Article 185 of the Constitution of Kenya, 2010 provides that the legislative authority of a County is vested in, and exercised by, its County Assembly and the County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.

FURTHER AWARE that Article 126(1) of the Constitution of Kenya, 2010 that states that a sitting of either House may be held at any place within Kenya and may commence at any time that the House appoints.

NOTING that the County Assembly in its role of representation plays a critical role in the linkage of the devolved government and the people;

COGNIZANT of the need to enhance the interaction between the County Assembly and County residents as a means of bringing the County Assembly closer to the general public;

APPRECIATING that the Sitting of the County Assembly away from the traditional premises in County Assembly Buildings will promote the role and work of the County and develop and strengthen partnerships at the County level and enhance public awareness regarding the Business of the County Assembly

NOW THEREFORE, pursuant to provisions of Article 126 (1) of the Constitution of Kenya 2010 this County Assembly

resolves that the Wednesday 15th December, 2021 afternoon plenary sitting on state of the County address be held at the Kathwana Municipality pavilion.

6. **ADOPTION OF THE REPORT OF THE SELECT COMMITTEE ON FINANCE BUDGET AND APPROPRIATIONS ON THE THARAKA NITHI COUNTY EXECUTIVE AND COUNTY ASSEMBLY SUPPLEMENTARY BUDGET(I) FOR THE FINANCIAL YEAR 2021/2022**

(Hon. Muchiri Godfrey Murithi – Chairperson Select Committee on Finance, Budget and Appropriations)

Order read;

Motion made and question proposed;

THAT; this House adopts the report of the Select Committee on Finance, Budget and Appropriations on the County Budget Review and outlook Paper, 2021.

Debate arising;

There being no other member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, this House adopts the report of the Select Committee on Finance, Budget and Appropriations on the County Budget Review and outlook Paper, 2021.

7. **MOTION ON SITTING OF THE COUNTY ASSEMBLY OUTSIDE THE COUNTY ASSEMBLY BUILDINGS**

(Hon. Kathenya Peterson Mwirigi, MCA)

Order read;

Motion made and question proposed;

AWARE THAT Article 176 of the Constitution of Kenya 2010 provides for the establishment of the County Assembly, while Article 185 of the Constitution of Kenya, 2010 provides that the legislative authority of a County is vested in, and exercised by, its County Assembly and the County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule.

FURTHER AWARE that Article 126(1) of the Constitution of Kenya,2010 that states that a sitting of either House may be held at any place within Kenya and may commence at any time that the House appoints.

NOTING that the County Assembly in its role of representation plays a critical role in the linkage of the devolved government and the people;

COGNIZANT of the need to enhance the interaction between the County Assembly and County residents as a means of bringing the County Assembly closer to the general public;

APPRECIATING that the Sitting of the County Assembly away from the traditional premises in County Assembly Buildings will promote the role and work of the County and develop and strengthen partnerships at the County level and enhance public awareness regarding the Business of the County Assembly.

NOW THEREFORE, pursuant to provisions of Article 126 (1) of the Constitution of Kenya 2010 this County Assembly resolves that Wednesday 15th December, 2021 afternoon plenary sitting on State of the County address be held at the Kathwana Municipality pavilion.

Debate arising;

There being no other member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, pursuant to provisions of Article 126 (1) of the Constitution of Kenya 2010 this County Assembly resolves that Wednesday 15th December, 2021 afternoon plenary sitting on State of the County address be held at the Kathwana Municipality pavilion.

8. **THE THARAKA NITHI COUNTY PRE-PRIMARY EDUCATION BILL, 2020**

(Hon. Mwenda Gataya, MCA- Chairperson Committee on Education Science and Technology)

(Second Reading)

THAT, The Tharaka Nithi County Pre-primary Education Bill, 2020 be now be read a Second Time.

Order read;

Motion made and question proposed;

THAT, The Tharaka Nithi County Pre-primary Education Bill, 2020 now be read a Second Time.

Debate arising;

There being no other member wishing to contribute;

Mover replied;

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, The Tharaka Nithi County Pre-primary Education Bill, 2020, be now read a Second Time.

The Tharaka Nithi County Pre-primary Education Bill, 2020 having been read a Second Time was committed to the Committee of the Whole with the leave of the House.

9. **COMMITTEE OF THE WHOLE**

Order for Committee read;

IN THE COMMITTEE

(Hon. John Mucee-the Chairperson of Committees in the Chair)

The Tharaka Nithi County Pre-primary Education Bill, 2020

Clauses 3 & 35

Motion made and question proposed;

THAT, Clauses 1 & 35 be part of the Bill

Question put and agreed to.

Clause 1

Motion made and question proposed;

THAT, Clause 1 be part of the bill;

Question put and agreed to.

Title

THAT, the title be part of the Bill

Motion made and question proposed

Question put and agreed to.

CLAUSE 2

Motion made and Question proposed;

THAT, Clause 2 be part of the Bill;

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, the Committee do report on its consideration of the Supplementary Appropriation Bill (Tharaka Nithi County Bills of 2021) and its approval thereof without amendments.

10. **HOUSE RESUMED** -Speaker in the Chair.

11. **The Tharaka Nithi County Pre-primary Education Bill, 2020**

Progress reported;

Motion made and question proposed;

THAT, the County Assembly do agree with the Committee in the Said report.

(Chairperson of Committees-Hon Njagi Mucee)

There being no other Member wishing to contribute;

Question put and agreed to.

Motion made and question proposed;

THAT, The Tharaka Nithi County Pre-primary Education Bill, 2020 be now read a Third Time and passed.

Question put and agreed to.

RESOLVED ACCORDINGLY;

THAT, The Tharaka Nithi County Pre-primary Education Bill, 2020 be now read a Third Time.

The Bill read a Third Time and passed.

12. COUNTY ASSEMBLY ROSE - at ten minutes past twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday 15th December, 2021 at 2.30 p.m.*

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