

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

5th March 2019

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.30 am*

[The Speaker (Hon. D.J. Mbaya) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members, good morning and welcome to this morning sitting. I wish you all the best. May I mention that I received apologies, as far as this sitting is concerned, from honourable Millicent Muggana. Thank you

PAPERS LAID

THE COUNTY FISCAL STRATEGY PAPER, 2019

Hon. Speaker: Yes the honourable Majority leader.

Hon. Muchiri: Thank you honourable Speaker. I hereby lay on the table of the house the County Fiscal Strategy Paper, 2019.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable Godfrey Murithi, the majority leader. Honourable members the County Fiscal Strategy Paper, 2019 stands committed to the committee Finance, Budget and Appropriations. Thank you.

THE COUNTY DEBTS MANAGEMENT STRATEGY, 2019

Hon. Speaker: Yes the honourable majority leader.

Hon. Muchiri: Honourable Speaker, I hereby lay on the table of the house the County Debts Management Strategy, 2019.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable majority leader. Honourable members the County Debts Management Strategy, 2019 stands committed to the committee Finance, Budget and Appropriations.

REPORT ON THE COUNTY ASSEMBLY
PENDING BILLS FY 2017-2018

Hon. Speaker: Yes honourable member for Mukothima, honourable Mwenda Gataya.

(Laughter)

Hon. Gataya: Thank you honourable Speaker, I hereby lay on the table of the house the Report on the County Assembly Pending Bills for financial year 2017-2018.

(The paper was laid accordingly)

Hon. Speaker: Thank you.

REPORT OF THE COMMITTEE ON WATER, ENVIRONMENT
AND NATURAL RESOURCES ON THE DEPARTMENT
OF WATER AND IRRIGATION FOR FY 2017-2018

Hon. Speaker: Yes honourable member for Chogoria, Margret Gitaari.

Hon. Margret: Thank Mr. Speaker; I hereby lay on the table of the house the report of the committee on water, environment and natural resources on the department of water and irrigation for financial year 2017-2018. Thank you.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable Margret Gitaari

REPORT ON THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES ON THE ANTHRAX
OUTBREAK IN THE COUNTY

Hon. Speaker: Yes honourable member for Ciakariga Njagi Mucee.

Hon. Mucee: Thank you Mr. Speaker sir. I hereby lay on the table of the house the report of the committee on agriculture, livestock and fisheries on the anthrax outbreak in the county.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable Njagi Mucee.

REPORT OF THE COMMITTEE ON FINANCE BUDGET
AND APPROPRIATIONS ON THE THARAKA
NITHI COUNTY FINANCE BILL, 2018

Hon. Speaker: Yes honourable member for Karingani, the majority leader.

Hon. Muchiri: Thank you honourable Speaker. I hereby lay on the table of the house the report of the committee on finance, budget and appropriations on the Tharaka Nithi county finance bill, 2018.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable Godfrey Murithi.

REPORT OF THE COMMITTEE ON TRADE, TOURISM
AND COOPERATIVES ON THE THARAKA NITHI
COUNTY INVESTMENT AND DEVELOPMENT
CORPORATION BILL, 2018

Hon. Speaker: Yes honourable Majority leader.

Hon. Muchiri: Thank you honourable Speaker. I hereby lay on the table of the house the report of the committee on trade, tourism and cooperative on the Tharaka Nithi county investment and development corporation bill, 2018.

(The paper was laid accordingly)

Hon. Speaker: Thank you honourable majority leader.

NOTICES OF MOTION

EXTENSION OF THE TIMELINE FOR CONSIDERATION OF
THE NITHI WATER AND SANITATION COMPANY
AUDITOR GENERAL REPORT FOR FINANCIAL
YEAR ENDED 30TH JUNE 2017 BY PIAC

Hon. Speaker: Yes the member for Muthambi and the honourable minority leader.

Hon. Derebia: Thank you Mr. Speaker. I hereby give notice of the following motion; that the house extends the timelines for consideration of the Nithi water and sanitation company auditor general report for the financial year ended 30th June 2017 by the committee on public investment and accounts by fourteen calendar days from this day.

Hon. Speaker: Thank you honourable Wilson Nyaga.

REPORT ON THE COUNTY ASSEMBLY
PENDING BILLS FY 2017-2018

Hon. Speaker: Yes honourable Mwenda Gataya.

Hon. Gataya: Thank you honourable Speaker. I hereby give the notice of the following motion; that the house adopts the report on the County Assembly pending bills for the financial year 2017-2018.

Hon. Speaker: Thank you honourable member for Mukothima.

REPORT OF THE COMMITTEE ON WATER, ENVIRONMENT
AND NATURAL RESOURCES ON THE DEPARTMENT
OF WATER AND IRRIGATION FOR FY 2017-2018

Hon. Speaker: Yes honourable Kithinji, the member for Magumoni.

Hon. Kithinji. No I just wanted to consult.

Hon. Speaker: That's okay, yes honourable Margaret Gitaari.

Hon. Margaret: Thank you Mr. Speaker. I hereby give notice of the following motion; that the house adopts the report of the committee on water, environment and natural resources on the department of water and irrigation for financial year 2017-2018.

Hon. Speaker: Noted.

REPORT ON THE COMMITTEE ON AGRICULTURE,
LIVESTOCK AND FISHERIES ON THE ANTHRAX
OUTBREAK IN THE COUNTY

Hon. Speaker: Yes honourable John Njagi Mucee.

Hon. Mucee: Thank you Mr. Speaker. I rise to give notice of the following motion; that the house adopts the report of the committee on agriculture, livestock and fisheries on the anthrax outbreak in the county. Thank you.

Hon. Speaker: Noted.

MOTIONS

REPORT ON THE COUNTY ASSEMBLY
PENDING BILLS FY 2017-2018

Hon. Speaker: Yes honourable Mwenda Gataya.

Hon. Gataya: Thank you honourable Speaker. I am happy that we have enough copies of this report. I rise to move that this house approves the report of the County Assembly pending bills for the financial year 2017-2018. Mr. Speaker I want to thank the secretariat for providing enough reports, the list of those who are to be paid. We have a long list as you can see and I don't think, and I stand guided, whether I am supposed to go through this list of the people that are going to be paid. Mr. Speaker I think the list is self explanatory...

(Interjection)

(Hon. Kithinji rose on a point of order)

Hon. Speaker: Yes honourable Justin Kithinji.

Hon. Kithinji: Thank you Mr. Speaker.

Hon. Speaker: You stand on a point of order or a point of information.

Hon. Kithinji: I want to seek directions from the honourable chair. Mr. Speaker the mover of the motion has not sought the leave of this house. I want to know if it is in order for the report to be tabled and the motion to be debated on the same day when the mover has not sought the leave of this house.

Hon. Speaker: Thank you honourable Justine Kithinji. The provisions of standing order number 3 are put in mandatory terms that leave of the house must be sought before we proceed with the motion in such a manner.

Hon. Gataya: You know honourable Speaker our minds are at the devolution conference.

(Laughter)

And in that respect Mr. Speaker I hereby seek the leave of the house.

Hon. Speaker: You can only say thank you to the honourable member for Magumoni for correcting that anomaly.

Hon. Gataya: Honourable Speaker I agree with honourable Kithinji, he has been very keen. I seek the leave of the house so that we can continue the exercise.

Hon. Speaker: Honourable members is there any objection from any member that leave be granted? Yes honourable Justin Kithinji

Hon. Kithinji: Thank you Mr. Speaker sir. I am rising to object the seeking of the leave to such a motion. The motion touches on finances and I feel ambushed in this scenario and I would wish to have been given more time to go through the bills so that at least I know what this that is being paid is and what is it that is not being paid.

Mr. Speaker sir, two months ago, I received a call from the County Assembly clerk and I was informed that I have been nominated by the board to sit in an *ad hoc* committee to look at these pending bills. That was the last time I heard of such a committee so now I am ambushed because I have just come to meet the motion in this house and therefore I feel that something is being hidden. This being a house of honour we cannot just become another house of disorder.

We know the spirit that is in this house is that we shouldn't be tolerant to any form of corruption and I am finding it that corruption is about to find its way into this assembly. That is why I object Mr. Speaker sir.

Hon. Speaker: Kindly, honourable Justin Kithinji, withdraw that statement that corruption is about to get its way in this assembly. You are imputing bad motive on the house without any substantiation.

Hon. Kithinji: Thank you Mr. Speaker sir. I withdraw only on that part.

Hon. Speaker: Thank you.

Hon. Kithinji: On the objection I have not withdrawn.

Hon. Speaker: Thank you honourable Justine Kithinji. Yes honourable Mwenda Gataya.

Hon. Gataya: Thank you honourable Speaker. I think this assembly is an honourable house. The motion before this house is not about an *ad hoc* committee that honourable Kithinji wants to...

(Interjection)

Hon. Speaker: Honourable Gataya the member has just sought the Speakers directions and I am proceeding to communicate my direction to the house.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: That leave of the Assembly is defined under Standing Order number 3 that:

Leave of the Assembly means there being no objection by any Member, either with the sympathy of the Speaker or with the support of at least two other Members.

And now that there is an objection to this by one member, I proceed to direct that this motion be scheduled to appear in the order paper on a day next week.

(Applause)

BILLS

THE THARAKA NITHI COUNTY FINANCE BILL, 2018
SECOND READING

Hon. Speaker: Yes honourable Charles Nyaga.

(Loud consultations)

Hon. Speaker: Yes honourable Majority leader.

Hon. Muchiri: Thank you honourable Speaker. As honourable Gataya was saying, maybe my mind is in the devolution conference but I need honourable Speaker to...

Hon. Speaker: You are yet to catch up after the exiting moment at the coast.

Hon. Muchiri: Yeah honourable Speaker thank you for that. Honourable Speaker, the Finance Bill, having been table in this house, I want to move the motion of the report of the Finance budget and appropriations committee on the Tharaka Nithi County Finance Bill, 2018. According to the Standing Order and other laws the Finance Bill was laid on this house and we did a lot of scrutiny on it. We did enquiry on it as the committee on budget. According to the Standing Orders we are supposed to have the public participation. First I want to thank the honourable members because when we had the public participation most of them attended it, although public participation in our county has become a thorn in the flesh since as much as we want the public to come there is a lot of disparities.

The committees finding in regards to public participation, Standing Order number 152(1) provides that “*A Bill having been read a First Time shall stand committed to the relevant Sectoral Committee without question put.*” This was done.

Standing order 152(3) provides that ‘the Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the Assembly. That is why we had a public participation in all our wards; the 15 of them. The pictures that we have provided in this report show how we did the public participation. Some of the wards did very well especially Gatunga and I think members of the public came in large numbers as compared to other wards. The committee felt that we need to do something so that the public can own most of our projects and also the documents that we are taking to them. There was a ward in which we did not meet anyone and maybe it was because the public was not aware of what was happening and also noting that it is the first Finance Bill since this county was created other than the Finance Bill that was brought to this house back in 2014 and maybe the public was not aware of what is a Finance Bill.

We encountered a lot of challenges when it came to...

(Long pause)

(Loud Consultations)

Hon. Speaker: Honourable majority leader is there anything of concern that is really disturbing you.

Hon. Muchiri: Maybe the member needs to consult silently or honourable Speaker he looks very happy. I think he is saying that this is the second reading I can concur with what I am hearing but still I am in order to just inform him that.

Mr. Speaker we had challenges as a committee on budget and finance and when it came to public participation the majority of the public was not aware of the public participation and thus this resulted to a low turnout and no turnout of public in some areas. This is evidenced by the photos from various wards above. The public did not get timely access to information on the finance bill, 2018 and thus could not give the committee informed views. The finances for smooth running of the public participation such as fuelling of assembly vehicles was a challenge, when it came to hiring of tents and chairs was also a challenge due to financial strains.

Section 95 (1) of the county government Act 2012 provides that 'A County government shall establish mechanisms to facilitate public communication and access to information in the form of media with the widest public outreach in the county, which may include: Television stations, Information communication technology centres, websites, community radio stations, public meetings and traditional media. This was a challenge because during this time, because of short time we never gave that information to the public in full because of challenges of finances and time.

In light of the above the committee recommends the following in respect to public participation:

It is good for the County Assembly develops a functional website as a platform for sharing information with the public. This I think has been done before the report was written. It has been done although it is not functional I believe before the end of this week it will be functional so that we can use it to communicate to the public.

That the county Assembly department of communication and public relations is empowered to carry out their duties in making the information available to the public on a timely basis

and for the department to be vibrant in executing its functions. This assembly has a communication department and we need to use it maximally so that the public can get the information that we want to get to them. We need the public to get information on time. If there is a challenge of equipment there is a need for this assembly to acquire equipments so that the communication department can do that.

That the county assembly ward offices in all the 15 wards, we have PAs, the security and the secretaries, be utilized during public participation so that they can be used to disseminate the information to the wards. But that cannot be done without strengthening that office.

That the County Assembly and its service Board, which is the body that takes care of our resources, needs to adequately facilitate the budget and finance committee so that we can have enough finances to ease the public participation process because the problem of fuelling, getting the chairs, water and everything else can be solved in time.

Mr. Speaker, the committee went through the Finance Bill and when we went to the public they gave us their views, the committee considered them and some of them we have recommended in our report and others we saw that they are not substantiated. That is why when we were scrutinizing the finance bill the public noted that some areas need amendments. For example Mr. Speaker, in the first schedule v R-09 (b) they felt that the changes be reduced from 300 to 200. The committee considered some of the proposals. There is no need of me going through all what was mentioned by the public since we have this report with us.

The committee also observed the following and there is need to go through some of them, with your permission Mr. Speaker I will read.

Hon. Speaker: Kindly proceed.

Hon. Muchiri: Thank you honourable Speaker. The recommended amendments to the Finance Bill, 2018 by the committee on budget and finance and appropriations:

One, that clause 18 sub-clause (3) be amended by deleting the words 'shall enforce' appearing after the word 'section' and before the word 'ensure' and replace therefore with the words 'can cause reinforcement.'

We felt that those who are collecting revenue cannot enforce but they can cause the enforcement.

Two, the committee proposed that clause 17 sub-clause (5) be amended by adding 'or an e-receipt' at the end since the revenue automation will mean there will be less use of physical receipts. In the Finance bill it is proposed that the receipts shall be issued but as we digitize with the automation we cannot use these physical receipts. Therefore we felt the need to include E-receipts in the finance bill so that those who feel they are going to use other methods of payment without the physical receipt that can happen and it can be referred to as a receipt.

The committee observed that two charges had been indicated on the last column of the first schedule R-08 290a and that recommendation of 5500 be amended by deleting '5500.'

There are some areas that had repetitions of the charges and the committee felt that there is need to delete the repetitions so that it can be good for the people of Tharaka Nithi.

The committee felt that when it comes to animals roaming around towns, pigs were not mentioned anywhere and we felt that this is a nuisance also to the community when it comes to these and therefore we felt that some of the areas needed to be included, the animals that were not included in the Finance Bill.

The committee also sought some clarification from the executive committee member in charge of finance. After we met the finance department they gave us their views and they also felt that there are areas that were repeated and we agreed it is important to delete the repetitions. We met with the chief officer in charge of finance who represented the CEC in charge. We wanted him to clarify how they had come to the figures and they used the law to get those figures.

Mr. Speaker the committee recommendations are there and they are so many because I believe we wanted a Finance Bill that can be very helpful to the people of Tharaka Nithi. Considering the importance of the Finance Bill most of the businesses that are being operated in Tharaka Nithi cannot pay for the licenses if there is no Finance Bill in force.

With that honourable Speaker I want to move the motion that the Tharaka Nithi Finance Bill, 2018 now be read a second time and I request honourable Gataya to second the motion.

Thank you honourable Speaker.

Hon. Speaker: Thank you honourable Majority leader. Yes honourable Mwenda Gataya.

Hon. Gataya: Thank you honourable Speaker. I agree with my chair that this is an important document honourable Speaker. We have had hectic time going through the county for public participation. Of course we had very many challenges as highlighted. I think it is the high time, **as the chair has moved,** that I strongly support that the bill be read for a second time. I second.

Hon. Speaker: Thank you honourable member for Mukothima. Honourable members I propose the question that the Tharaka Nithi County Finance Bill, 2018 be now read a second time. The floor is now open for debate. Yes honourable minority leader, honourable Wilson Nyaga.

Hon. Derebia: Thank you Mr. Speaker. I rise to support the motion that the bill be read a second time. Having listened keenly to the chair of budget and appropriations committee, I can say that they did a good job. I want to congratulate the committee for what they did when they were moving out to meet the public. There is a challenge as the chairman said in the committee's report. This is because you can see that in some of the wards there was not even a single person who turned up to contribute to this Finance Bill. The Finance Bill is a very crucial and it will be implemented after we pass it and used until we pass another one. I know that Tharaka Nithi County cannot meet its goal neither perform all its functions without the finance Bill.

I support the amendments that they have proposed and also urge them, as the chair of budget tried to put it, we as the honourable members, the moment this document is within our wards let us make sure we mobilize our own ward staff members so that they can be able to deliver the message to the public. Because you see what has been transpiring in the past is that members of the public were being given a token. But at the moment it is cancelled, and then I recalled and digested what the retired President honourable Kibaki said that we should not work for nothing and that is why they never turned up for the public participation. I would also urge the chair to ensure that advertisements are put in the local media so that people can

know what is happening within the county. I support that so that we can be effective due to the finance state of our county. I support Mr. Speaker.

Hon. Speaker: Thank you honourable Nyaga. Honourable members the floor is still open for debate. Yes honourable member for Magumoni.

Hon. Kithinji: Thank you Mr. Speaker sir. I can see my senior is a bit worried when I raise my hand up so let me start by saying I am rising to support the motion so he should not be scared. I want to start by congratulating the members of this committee. They have done a good job and a noble job for that matter. Looking at the recommendation they have given and also looking at the many clauses that they have looked at you can have no doubts whether they went through the document and we are privileged to have the honourable member who houses the hub of business in this County as the chair to this committee. I know he has really read it and scrutinized it properly. When we speak of taxation most of these things will be touching in his ward. I am very sure that the document is in good shape.

When all is made, nothing is cast on stone and if anything the finance Bills are supposed to last for one year because the executive keeps on repeating them. I have just looked at it and it appears they want to stick to the old charges, which is good, because it is realistic. As I speak when we came here we were able to say that our county was not able to correct Ksh 25 million. So comparing the Ksh 25 million that they were not able to collect, it was not very bad because when you divide Ksh 25 million by 15 wards you just realize that each ward lost about Ksh 1.5 million which was not a very bad scenario. I want to believe with this Finance Bill now they will be able to tax even where they were unable to tax so that we can cover the Ksh 25 million deficit that was realized in our previous collections.

Worth noting is that we are wasting public money in these exercises of public participation. Again it is important to note that public participation is a legal requirement and any document must pass through public participation; of course we know the good courts of this country have already ruled that if not it cannot be a document and it is in the constitution. A lot of emphasis should be done onto how we advertise for these public hearings and I think we should have another session for sensitization; the so called civic education. There is nothing that stops this honourable house from coming up with a law that gives us role in these kinds of civic education so that when we do the advertisement at least we target the right people.

What surprises me most is that when you look at this report most of these public participation meetings were held in markets such as Kibugua and Chuka. The business people there never came to represent themselves. I don't know whether they were not aware or maybe they were aware and assumed that we as their representatives are doing this job well. So for sure I don't really have to keep on emphasizing that we need to do something. When you look at when the committee was at Chuka, I am very sure that the Mwalimu Sacco was paid a lot of money for empty chairs. I want to believe that was the case in other areas. It is not in order to waste a lot of public money conducting public participation meetings for the sake of conducting public participation. When you look at Mitheru there were only four people. It is surprising that when they were at Mukothima it is only the committee that was seated. I don't think if anybody came from Mukothima and challenged the Finance Bill and said there was no public participation what is there for the committee in defence. A lot of emphasis should be done on the issue of public participation.

Also worth noting, as I was starting my contribution I said that law is not cast in stone. Some of these charges if we realize they are not workable there is nothing that could stop us from telling our people not to implement them. The law is there and we can choose whether to implement it or not. I want to give an example of the Harambee law that was enacted by the Kenyan parliament. It has never been implemented yet, it is in shelves because later politicians realized that it will work towards their failing. So even in this particular document whatever we feel that certain charges are not applicable or are not good to our people of course nothing that will stop us from talking to the executive and tell them to close their eyes as we think of doing amendments.

Thank you Mr. Speaker sir, I support.

Hon. Speaker: Thank honourable Justin Kithinji member for Magumoni. Honourable members the floor is still open for debate.

Honourable members regarding being taken to the mood in the house I will now put the question.

(Question put and agreed to)

Second Reading

THE THARAKA NITHI COUNTY
FINANCE BILL, 2018

(Orders for Second Reading read for the Second time and ordered to be referred to the committee of the whole)

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Speaker (Hon. D.J. Mbaya) left the Chair)

IN THE COMMITTEE

(The Chairman (Hon. John Njagi Mucee) took the Chair)

THARAKA NITHI COUNTY FINANCE BILL 2018

Hon. Mucee: Honourable members we are in the committee of the whole house. Order! We are still on record. Clerk.

(Loud consultations)

Clauses 3-16 as printed

Hon. Mucee: I propose the Question that Clause 3-16 be part of the Bill.

(Question put and agreed to)

(Loud consultations)

Clauses 17as printed

Hon. Mucee: I propose the Question that Clause 17 be part of the Bill. The mover.

Hon. Muchiri: Thank you chair. Honourable chair I beg to move that clause 17 sub-clause (5) be amended by adding 'or an e-receipt' at the end. I request honourable Anita to second.

Hon. Mucee: Who seconds?

Hon. Anita: I second.

Hon. Mucee: I propose the Question that clause 17 sub-clause (5) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I propose the question that clause 17 sub-clause (5) as amended be part of the Bill.

(Question put and agreed to)

Hon. Mucee: I propose the question that clause 18 be part of the Bill. The mover.

Hon. Muchiri: Thank you chair, I beg to move that clause 18 sub-clause (3) be amended by deleting the words 'shall enforce' appearing after the word 'section' and before the word 'ensure' and replace therefor with the words 'can cause reinforcement' and I request honourable Margaret to second.

Hon. Margaret: I second.

Hon. Mucee: I propose the Question that clause 18 sub-clause (3) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I propose the question that clause 18 sub-clause (3) as amended be part of the Bill. Clerk

(Question put and agreed to)

Hon. Mucee: I propose the question that the first schedule be part of the Bill. The mover.

Muchiri: Honourable Chair I am still standing so that you can permit me to continue. I beg to move that the First schedule part iv be amended by inserting letter 'a' after 'R07' and before the word 'to' in the narrative above the tables in part iv. I request honourable Gataya to second.

Hon. Gataya: I second honourable chair.

Hon. Mucee: I propose the question that the first schedule part iv be amended as proposed

(Question put and agreed to)

Hon. Muchiri: Thank you chair, I beg to move that the First schedule R-08 290a be amended by deleting '5500'. I request honourable Gataya to second.

Hon. Gataya: Thank you honourable chair, I second.

Hon. Mucee: I propose the question that the first schedule R-08 290a be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that the First schedule R-08 901a be amended by inserting a charge of Ksh 1,000. I request honourable Gataya to second.

Hon. Gataya: Thank you honourable chair, I second.

Hon. Mucee: I propose the Question that the first schedule R-08 901a be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that the first schedule part v R-09 (b) be amended by deleting 'Ksh. 500' in the last column and replacing therefor with 'Ksh 300.' I request honourable Gataya to second.

Hon. Gataya: Thank you honourable chair, I second.

Hon. Mucee: I propose the Question that the first schedule part v R-09 (b) be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that the First schedule R-012 be amended by inserting '(d) pig with a charge of Kshs.300.' I request honourable Wilson Derebia to second.

Hon. Derebia: Thank you chair. I second the amendment.

Hon. Mucee: I propose the Question that the first schedule R-012 be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the First Schedule as amended be part of the Bill.

(Question put and agreed to)

Second schedule as printed.

Hon. Mucee: I propose the question that the second schedule be part of the Bill. The mover.

Hon. Muchiri: Thank you Chair, I beg to move that The second schedule Brim code 196 zone A be amended by deleting '500' and substituting therefor with '1500.' I request honourable Karen to second.

Hon. Karen. I second.

Hon. Mucee: I propose the Question that the Second schedule part I brim code 196 Zone A be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Thank you Chair, I beg to move that the Second schedule part I brim code 195 be amended by deleting '2,500' in the third column and substituting therefor with '2,000', deleting '2000' in the fourth column and substituting therefor with '1,500' and deleting '1700' in the last column and substituting therefor with '1,000'. I request honourable Gataya to second.

Hon. Gataya: I second.

Hon. Mucee: I propose the question that the Second schedule part I brim code 195 be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Thank you chair, I beg to move that the Second schedule Brim code 295 be amended by adding 'i.e. shoe shiners' after the word 'providers'. I request honourable Anita to second.

Hon. Anita: Honourable Chair, I second.

Hon. Mucee: I propose the Question that the Second schedule part I brim code 295 be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Thank you chair, I beg to move that the Second schedule brim code 500 be amended by inserting that ‘the rates in brim code 530 to 534 shall not apply to hostels on own land’. I propose honourable Asumpta to second.

Hon. Asumpta: I second.

Hon. Mucee: I propose the Question that the Second schedule part I brim code 500 be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the second Schedule as amended be part of the Bill.

(Question put and agreed to)

Third schedule as printed.

Hon. Mucee: I propose that the third schedule be part of the Bill.

Hon. Muchiri: Thank you chair, I beg to move that the third schedule brim code 100B e to I be deleted. I request honourable Gataya to second.

Hon. Gataya: I second.

Hon. Mucee: I propose the Question that the third schedule brim code 100B e to I be deleted.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that the Third schedule brim code 500B 530b to 534b be amended by deleting ‘1200’ and replacing therefor with ‘2500’ for zone A, deleting ‘1,000’ and replacing therefor with ‘1500’ in zone b and deleting ‘800’ and replacing therefor with ‘1,000’ in zone c. I request honourable Mutegi to second.

Hon. Mutegi: I second.

Hon. Mucee: I propose the Question that the Third schedule brim code 500B, 530b to 534b be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that the Third schedule R29 (a) be amended by deleting '0.005%' in the last column and replace therefor with 'Ksh 0.05%'. I request honourable Gataya to second.

Hon. Gataya: I Second.

Hon. Mucee: I propose the Question that the Third schedule R29 (a) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the third Schedule as amended be part of the Bill

(Question put and agreed to)

Fourth Schedule as printing be part of the Bill.

Hon. Mucee: I propose that the third schedule as printed be part of the Bill.

Hon. Muchiri: Honourable chair I beg to move that the fourth schedule part 1 R33 be amended by deleting '(f) motorcycle/bodaboda per month 200'. I request honourable Wilson to second.

Hon. Derebia: I second.

Hon. Mucee: I propose the Question that the Fourth schedule part 1 R33 be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair, I beg to move that Fourth schedule part I R36 (d) be amended by deleting '1,000' in the last column and substituting therefor with '500'. I request honourable Asumpta to second.

Hon. Asumpta: I second.

Hon. Mucee: I propose the Question that the Fourth schedule part 1 R36(d) be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair I beg to move that Fourth schedule part I R36 (g) be amended by deleting '10,000' in the last column and substituting therefor with '5000'. I request honourable Gataya to second.

Hon. Gataya: I second.

Hon. Mucee: I propose the Question that the Fourth schedule part 1 R36(g) be amended as proposed

(Question put and agreed to)

Hon. Muchiri: Honourable Speaker I beg to move that Fourth schedule part II R-38 (c) be amended by deleting the word 'Bodabodas' and 'Motorbikes'. I request honourable Karen to second.

Hon. Karen: I second.

Hon. Mucee: I propose the Question that the Fourth schedule part II R-38(c) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the Fourth Schedule as amended be part of the Bill.

(Question put and agreed to)

Fifth Schedule as printed.

Hon. Mucee: I propose the question that the fifth schedule be part of the bill.

Hon. Muchiri: Thank you chair, I beg to move that the Fifth schedule R42 (h) be amended by deleting '40,000' in the last column and substituting therefor with '15,000'. I request honourable Mutegi to second.

Hon. Mutegi: I second.

Hon. Mucee: I propose the Question that the Fifth schedule R42 (h) be amended as proposed

(Question put and agreed to)

Hon. Muchiri: Thank you Chair I beg to move that Fifth schedule R42 be amended by deleting the numbering (a) that follows number (l) and substitute therefor with (m) and deleting the subsequent letter (b) and replace therefor with letter (n) and on the same number deleting the word 'minor' appearing before the word 'renovations' and replace it with the word 'major'. I request honourable Nyaga to second.

Hon. Nyaga: I second.

Hon. Mucee: I propose the Question that the Fifth schedule R42 be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair I beg to move that Fifth schedule part II R57 (e) i be amended by inserting the charge of 'Kshs.2,500' in the last column. I request honourable Anita to second.

Hon. Anita: I second.

Hon. Mucee: I propose the Question that the Fifth schedule part II R57 (e) i be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Chair I beg to move that Fifth schedule part II R57 (e) ii be amended by deleting the word 'annually' in the third column and replace therefor with the word 'monthly' and insert the charge of 'Ksh. 13,000' in the last column. I request honourable Margaret to second.

Hon. Margaret: I second.

Hon. Mucee: I propose the Question that the Fifth schedule part II R57 (e) ii be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair I beg to move that Fifth schedule part II R57 (e) iii be amended by deleting the word ‘annually’ in the third column and replace therefor with the word ‘monthly’ and insert the charge of ‘Ksh. 6,000’ in the last column. I request honourable Karen to second.

Hon. Karen: I second.

Hon. Mucee: I propose the question that the Fifth schedule part II R57 (e) iii be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Thank you honourable chair I beg to move that Fifth schedule part II R57 (e) iv be amended by deleting the word ‘annually’ in the third column and replace therefor with the word ‘monthly’ and insert the charge of ‘Ksh. 5,000 for illuminated and Kshs.2,000 for non-illuminated’ in the last column. I request honourable Wilson to second.

Hon. Derebia: I second.

Hon. Mucee: I propose the question that the Fifth schedule part II R57 (e) iv be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair I beg to move that Fifth schedule part II R58 (a) be amended by deleting the charge of ‘Kshs.10,000’ and replace therefor with ‘Kshs.5,000’. I request honourable Asumpta to second.

Hon. Asumpta: I second.

Hon. Mucee: I propose the question that the Fifth schedule part II R58 (a) be amended as proposed

(Question put and agreed to)

Hon. Muchiri: Honourable Speaker I beg to move that Fifth schedule part II R58 (b) be amended by adding the words ‘Per poster’ in the last column. I request honourable Mutegi to second.

Hon. Mutegi: I second.

Hon. Mucee: I propose the Question that the Fifth schedule part II R58 (b) be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Thank you honourable chair I beg to move that Fifth schedule part II R58 (c) be amended by inserting the words ‘over 100 posters’ in the third column and Kshs.10.00 per poster for any additional poster. I request honourable Anita to second.

Hon. Anita: I second.

Hon. Mucee: I propose the Question that the Fifth schedule part II R58 (c) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the Fifth Schedule as amended be part of the Bill.

(Question put and agreed to)

Sixth schedule as printed

Hon. Mucee: I propose the question that the sixth schedule be part of the Bill.

Hon. Muchiri: Honourable Chair I beg to move that sixth schedule R-78 (a) be amended by deleting ‘50’ and substituting therefor with ‘30’. I request honourable Karen to second.

Hon. Karen: I second.

Hon. Mucee: I propose the Question that the Sixth schedule R78 (a) be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable chair, I beg to move that Sixth schedule R-78 (b) be amended by deleting '100' and substituting therefor with '80'. I beg honourable Nyaga to second.

Hon. Charles Nyaga: I second.

Hon. Mucee: I propose the Question that the Sixth schedule R78 (b) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the sixth Schedule as amended be part of the Bill.

(Question put and agreed to)

Seventh schedule as printed

Hon. Mucee: I now propose the Question that the seventh schedule be part of the Bill.

(Question put and agreed to)

Eighth schedule as printed

Hon. Mucee: I propose the Question that the eighth schedule be part of the Bill.

Hon. Muchiri: Thank you chair, I beg to move that Eighth schedule part II R97 be amended by adding 'the ambulance will be free of charge if one is incapacitated and the medical doctor has made the referral. The ambulance charges shall apply when one requests for the ambulance voluntarily' after the words ambulance fees. I request honourable Asumpta to second.

Hon. Asumpta: I second.

Hon. Mucee: I propose the Question that the Eighth schedule part II R97 be amended as proposed.

(Question put and agreed to)

Hon. Muchiri: Honourable Speaker I beg to move that Eight schedule part II R97 (c) be amended by deleting the word 'free' in the last column and substituting therefor with '2,000'. I beg honourable Karen to second.

Hon. Karen: I second.

Hon. Mucee: I propose the Question that the Eighth schedule part II R97 (c) be amended as proposed.

(Question put and agreed to)

Hon. Mucee: I now Propose the Question that the Eighth Schedule as amended be part of the Bill.

(Question put and agreed to)

Ninth schedule as printed

Hon. Mucee: I now Propose the Question that the ninth Schedule be part of the Bill.

(Question put and agreed to)

Tenth schedule as printed

Hon. Mucee: I now propose the Question that the tenth schedule be part of the Bill.

(Question put and agreed to)

Eleventh schedule as printed

Hon. Mucee: I now propose the Question that the eleventh schedule be part of the Bill.

(Question put and agreed to)

Clause 2 as printed

Hon. Mucee: I Propose the Question that Clause 2 be part of the Bill.

(Question put and agreed to)

The Tharaka Nithi County Finance Bill, 2018

A Bill for

AN ACT of the County Assembly of Tharaka Nithi to provide for the imposition or variation of various fees, charges, licenses, rents or rates for service and for connected purposes

Hon. Mucee: I Propose the Question that the Long Title be part of the Bill.

(Question put and agreed to)

Clause 1 as printed

Hon. Mucee: I Propose the Question that the Clause 1 be part of the Bill

(Question put and agreed to)

Hon. Muchiri: Mr. Chairman, I move that the Committee do report progress on its consideration of Tharaka Nithi county finance bill 2018. I request honourable Margaret to second.

Hon. Margaret: I second honourable Chair.

Hon. Mucee: I now propose the Question, which is that the Committee do report progress on its consideration of Tharaka Nithi county finance bill 2018.

(Question put and agreed to)

Hon. Mucee: Thank you honourable members. We are through with the committee of the whole and thank you for your active participation. The Speaker will take the chair.

(The Chair (Hon. John Njagi Mucee) Left the Chair)

(The Speaker (Hon. D.J. Mbaya) took the Chair)

COMMITTEE OF THE WHOLE REPORT ON THEIR CONSIDERATION
OF THE FINANCE BILL, 2018

Hon. Speaker: Honourable members can the chair of the committee of the whole house report the progress.

Hon Mucee: Thank you Mr. Speaker sir. On behalf of the committee of the whole house I beg to report the progress. The committee of the whole house has considered the Tharaka Nithi County Finance Bill, 2018 and approved it with amendments. Thank you Mr. Speaker sir.

Hon. Speaker: Thank you honourable member for Ciakariga.

Hon. Muchiri: Thank you honourable Speaker. I beg to move that the house do agree with the committee of the whole in the said report. I request honourable Gataya to second.

Hon. Speaker: Yes honourable member for Mukothima.

Hon. Gataya: I agree with the decision of the committee of the whole and I second.

Hon. Speaker: Honourable Members I now propose the question that the assembly do agree with the committee of the whole house in the said report.

(Question put and agreed to)

THE THARAKA NITHI COUNTY INVESTMENT AND
DEVELOPMENT CORPORATION BILL, 2018

Hon. Speaker: Yes honourable Majority leader.

Hon. Muchiri: Thank you honourable Speaker. I beg to move the motion on the report of the committee on trade, tourism and cooperatives on the Tharaka Nithi County Investment and Development Corporation Bill, 2018.

The committee which comprised of five members went through the Bill and also carried out the public participation concurrently with the Finance Bill, 2018 and the members of public felt that this is one of the best Bills that will forever help the County of Tharaka Nithi. The same challenges we had during the public participation for the Finance Bill, 2018 were the same challenges that we encountered during the public participation for the Tharaka Nithi County Investment and Development Corporation Bill, 2018. The areas that we went to, those that came represented their wards well.

This being a money Bill, one of the Bills that will help the people of Tharaka Nithi to get loans to solve the problems of *dengu* and so many other problems, the stakeholders felt that this Bill is very helpful.

When the committee went through this bill, it felt that the Bill had very little to change. It has embraced so many factors. This is one of the Bills that will enhance the financial and economic interests in the county government investments. When the county government feels it need t invest, this Bill explains very well how we are going to present it, how the county will benefit and how our people will benefit. The Bill also proposes that we establish efficient and effective instrument for managing county government investments. The county is entitled to invest but everybody cannot be following up the investments so the Bill has put so many factors when it comes to the Board that will be overseeing the investments of the County.

This Bill will also enhance the revenue collection in the county since some of the money that will be given out as loans by the county or by the corporation will help the county to get some coins although the counties are not supposed to be the **investigating** bodies, I believe this one will help us not lose money to those who will be borrowing.

The Bill will also facilitate the investments by the County Assembly. It has touched a lot when it comes to the County Assembly. It will also undertake partnership and joint ventures in areas that are beneficial to the county.

The committee consulted stakeholders in various forums; we consulted the CECM concerned in the department of trade. The department of trade felt that this Bill will help the trade industry and help our people especially when it comes to the cooperatives.

During the scrutiny of the Tharaka Nithi investment and Development Cooperation Bill, 2018 we proposed some amendments. Those amendments are indicated in our report.

Honourable Speaker, it is the committee's humble submission that the house approves the Tharaka Nithi County Investment and Development Corporation Bill, 2018 with amendments.

I move that the Tharaka Nithi County Investment and Development Corporation Bill, 2018 be now read a Second time. I humbly request honourable Gataya to second.

Hon. Speaker: Thank you honourable majority leader. Yes honourable Mwenda Gataya, member for Mukothima.

Hon. Gataya: Thank you honourable Speaker. I am a proud member of this committee and I second this motion that the Bill be read for a second time, considering that this Bill provides for the establishment of a legal and institutional framework for promotion of investment and development and to enhance economic and financial boldness in our county. It has also the ability to enhance competition in a number of county government's investments. In other areas it will promote local investments and economic development. In this case this is a viable Bill **that will be of great value** so we cannot fail to consider.

So along the way this Bill is also supposed to coordinate and facilitate investment in the county. It has also the ability to enable the county government to undertake partnerships and joint ventures in areas that are beneficial to the county. It will also provide for investments in our society especially in special projects. It will also guide us to start cooperatives; this is a critical area for our county. It will also be able to give directions on the way we are supposed to mobilize in terms of getting our finances and other investments.

It is a viable Bill and I urge this house to put it into consideration. I second Mr. Speaker.

Hon. Speaker: Thank you honourable Mwenda Gataya. Honourable members I propose the question that the Tharaka Nithi County Investment and Development Corporation Bill, 2018 be now read a second time. Honourable members the floor is now open for debate. Yes, honourable Minority leader.

Hon. Derebia: Thank you Mr. Speaker. I rise to support. But I have an observation concerning the public participation in Chogoria ward. The photos show that even the MCA was not present. Even the committee was not present. They have just taken photos of the two vehicles and the drivers. The hall is empty. I wonder who they were doing public participation with.

This Bill will of great importance in our county because it will boost trade in our locality. Having gone through the Bill and seeing how it will help this county totally support Mr. Speaker.

Hon. Speaker: Thank you honourable Wilson Nyaga, member for Muthambi ward. Honourable members the floor is still open for debate. Yes honourable Karen Karimi.

Hon. Karen: Thank you Mr. Speaker. As I support this Bill and look at the challenges that were encountered during public participation by this committee I was of the opinion that maybe, because this is a trade bill, they would have contemplated doing public participation on market days. This would have worked. I support this Bill Mr. Speaker.

Hon. Speaker: Thank you honourable Karen. Yes honourable member for Ciakariga.

Hon. Mucee: Thank you Mr. Speaker sir. I rise to support because this Bill will help us as a county for the mutual benefit with investors who do business wisely. This is because they will get money to start businesses and also our businesses in the county and those with the minds for doing business will get a place where they can get funds so that they can be able to develop their businesses and therefore the economy of our county will grow, thank you Mr. Speaker.

Hon. Speaker: Thank you Honourable John Njagi Mucee, member for Ciakariga. Honourable members the floor is still open for debate. Yes honourable Margaret Gitari, your name was mentioned someone somewhere, do you have something to say?

Hon. Margaret: Thank you Mr. Speaker. There are sometimes when I become shy when my name and my ward name are mentioned because I do not have enough reasons to give to this house. But when I look at the day that the public participation was done in Chogoria, that is, the 21st of December it was during the Christmas season and I want to believe that there is a team that went there to make arrangements that is why you see so many chairs. I want to also believe that the communication officer was there, enough publicity was made; and the work of my office is to make publicity and it is upon the community to attend. In subsequent public participations I will make sure that something like this will not be seen in Chogoria again. I may not take full responsibility because I am not the one who was supposed to go but I want to state on the floor of this house that I am concerned and in future I will make sure that...

(Interjection)

Hon. Speaker: Yes honourable Wilson Nyaga. You stand on what?

Hon. Derebia: On a point of order Mr. Speaker that the honourable member is misleading this house because the Standing Order number...

(Hon. Derebia paused hesitantly)

Hon. Margaret: Mr. Speaker he has to stand on a certain Standing Order.

Hon. Speaker: Honourable Wilson Nyaga if you are not sure of the Standing order you can stand on a point of information. Otherwise the provisions of Standing Order 106 are explicit that you cannot interrupt a member's speech unless you quote the Standing Order you are relying on. Kindly proceed honourable Margaret.

Hon. Margaret: Thank you Mr. Speaker, honourable Muisraeli is my neighbour, and a very good neighbour and I like him as a neighbour. We consult a lot in our wards so he does not have any bad feelings it's only that he cannot quote the Standing Orders and Mr. Speaker I support.

(Laughter)

Hon. Speaker: Thank you honourable Margaret Gitari, member for Chogoria. Honourable Wilson Nyaga that was on a light touch but still it is according to the Standing Orders. Honourable members the floor is still open for debate.

In regard to being taken to the mood of the house, I will now put the question.

(Question put and agreed to)

THE THARAKA NITHI COUNTY INVESTMENT AND
DEVELOPMENT CORPORATION BILL, 2018

*Orders for Second Reading read for the Second
time and ordered to be referred to the committee
of the whole)*

Hon. Speaker: There being no other business the house stands adjourned until the afternoon sitting.

****The house rose at 11.12am****