

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

9th February 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.58am
[The Speaker (Hon. DJ Mbaya) in the Chair]*

PRAYERS

Hon. Speaker: Honourable members, let's get seated. Next Order.

COMMUNICATION FROM THE CHAIR

COMMENCEMENT OF THE 5TH SESSION OF THE SECOND ASSEMBLY
AND PENDING BUSINESS FROM PREVIOUS SESSION

Hon. Speaker: Honourable Members, as you are aware, Standing Order 38(1) provides that the regular session of the Assembly shall commence on the second Tuesday of February. I take this opportunity to welcome you for the fifth session of the Second Assembly and urge you to fully discharge your mandates as stipulated under Article 185 and 220 of the Constitution of Kenya, 2010.

As we resume sittings, let us all be aware that there is business still pending before the House as the following Bills are at Second Reading stage;

- i. Tharaka Nithi County Public Nuisance Bill, 2019;
- ii. Tharaka Nithi County Alcoholic Drinks Control (Amendment) Bill, 2020;
- iii. Tharaka Nithi County E-Waste Management Bill, 2020;
- iv. Tharaka Nithi County Equitable Development Bill, 2019;
- v. Tharaka Nithi County Livestock Sales Yard Bill, 2020;
- vi. Tharaka Nithi County Pre-Primary Education Bill, 2020;
- vii. Tharaka Nithi County Laws Inspectorate Compliance and Enforcement Bill, 2020;
- viii. Tharaka Nithi County Disaster Management Bill, 2020.

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Further, the Tharaka Nithi County Assembly Standing Order 61(2) provides that a Statement in respect of which a response has not been given in the Assembly shall lapse at the end of a Session but may be sought again in the next Session in the same or a different form in accordance with this Part. In light of this the Assembly proceeded for the long recess with eleven pending statements in the fourth session. I therefore request the members who had sought the statements to seek the statements afresh during this Fifth Session.

Honourable Members, it is my sincere hope that the same zeal and dedication that you have shown in handling business before the Assembly will be exhibited as we seek to fully exercise the County Assembly role of oversight, representation and legislation.

MESSAGES

BUILDING BRIDGES INITIATIVE (CONSTITUTIONAL AMENDMENT) BILL, 2020 FROM IEBC

Hon. Speaker: Honourable Members, on 27th January, 2021 vide the letter REF: IEBC/VREO/2/12/BB I received the Building Bridges Initiative (Constitutional Amendment) Bill, 2020 pursuant to provisions of Article 257(5) of the Constitution of Kenya, 2010 and with this communication it is deemed to have been laid on the Table of the House.

(The Proposed Bill was Laid on the Table)

COMMUNICATION FROM THE CHAIR

COMMITTAL OF BUILDING BRIDGES INITIATIVE (CONSTITUTIONAL AMENDMENT) BILL, 2020

Hon. Speaker: Honourable members, as you are aware from the provisions of Standing Order 215 a Committee shall be limited to its mandate as provided for in any, Law, these Standing Order or a resolution of the Assembly. Honourable members, currently the Assembly has no Justice and legal affairs committee that would be the best suited Committee to deal with matters of constitutional amendment. However, in reference to Standing Order 226(1) the Assembly may establish an *ad hoc* committee for purposes of enquiring into a matter provided that the matter does not fall within the mandate of another committee. I therefore direct that the liaison

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committee establish an *ad hoc* committee to consider the Building Bridges Initiative (Constitutional Amendment) Bill 2020.

COVID-19 GUIDELINES

Hon. Speaker: Honourable Members, as you are also aware the second wave of the Covid-19 pandemic is with us and it is the duty of every Citizen to comply with and follow the guidelines and measures issued by the National Government as it puts measures to protect the lives of its citizens from this Covid-19.

In my previous communication on 21st April, 2020, 5th May, 2020 and 21st July 2020 I issued guidelines to be observed by the Members of the County Assembly and staff during the Covid-19 pandemic Period that still remain in force until further guidelines are issued.

As you are aware the Covid-19 pandemic has presented unique challenges on how the Assembly conducts its legislative mandate as set out under the Constitution of Kenya. The County Assembly in an effort to digitize its operations and in discharging its legislative mandate as stipulated under Article 185 of the constitution of Kenya, 2010 and contain the spread of the Covid-19, developed a policy framework on holding virtual committee and Assembly sittings.

In light of the above, I urge the honourable Members to continue transacting business remotely where possible as we await further guidelines from the National Emergency Response Committee.

Honourable Members, I urge you and members of staff to continue observing the Ministry of Health guidelines on social distancing, usage of masks and other hygiene measures since we are in unprecedented times, and have to be ready to conduct ourselves in new ways.

Honourable Members, in keeping up with the guidelines issued by the National Emergency Response Committee (NERC) on minimizing the time spent in one place/meeting, I direct that the Assembly do conduct its morning and afternoon sitting consecutively.

Honourable members I wish you all the best as you continue to fulfil your mandate.

I thank you.

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NOTICE OF MOTION

APPROVAL OF BUSINESS ASSEMBLY COMMITTEE

Hon. Speaker: Yes, honourable Kathenya Peterson Mwirigi, Leader of Majority party.

Hon. Kathenya: Thank you honourable Speaker sir. I give the notice of Motion of the approval of Business Assembly Committee. That pursuant to Standing Order 216, the County Assembly approves the following members of the County Assembly Business Committee:

1. Hon. David John Mbaya- Speaker of the County Assembly- Chairperson
2. Hon. Mucee Njagi John –Deputy Speaker
3. Hon. Kathenya Peterson Mwirigi- Leader of Majority Party
4. Hon. Derebia Wilson Nyaga- Leader of Minority Party
5. Hon. Kigwari Bonifacia Njeri- Majority Party Whip
6. Hon. Erastus Kinyua- Minority Party Whip
7. Hon. Karangi Samuel Muthini
8. Hon. Gitonga Karen Karimi
9. Hon. Rugia Bernard Mutegi

Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Peterson Mwirigi Kathenya. Honourable members Pursuant Standing Order 67(1) the notice of Motion on the approval of the Assembly Business Committee is hereby acknowledged. Next Order.

MOTION

APPROVAL OF BUSINESS ASSEMBLY COMMITTEE

Hon. Speaker: Yes, honourable Kathenya Peterson Mwirigi.

Hon. Kathenya: Thank you Mr. Speaker. I rise to move a Motion on the approval of Assembly business committee. That pursuant to Standing Order 216, the County Assembly approves the following members of the...

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Hon. Speaker: Honourable Peterson Mwirigi kindly seek the leave of the Assembly then proceed.

Hon. Kathenya: Thank you Mr. Speaker. I seek the leave of the House and I request honourable Derebia and honourable Bonifacia Njeri to support.

Hon. Speaker: Yes, honourable minority leader.

(Hon. Derebia and hon. Bonifacia stood in their place and bowed to support)

Hon. Speaker: Honourable member's Pursuant to Standing Order 3 the leave of the Assembly is hereby granted. Kindly proceed honourable Peterson.

Hon. Kathenya: Thank you hon. Speaker. I move that pursuant to Standing Order 216, the County Assembly approves the following members of the County Assembly Business Committee:

1. Hon. David John Mbaya- Speaker of the County Assembly- Chairperson
2. Hon. Mucee Njagi John –Deputy Speaker
3. Hon. Kathenya Peterson Mwirigi- Leader of Majority Party
4. Hon. Derebia Wilson Nyaga- Leader of Minority Party
5. Hon. Kigwari Bonifacia Njeri- Majority Party Whip
6. Hon. Erastus Kinyua- Minority Party Whip
7. Hon. Karangi Samuel Muthini
8. Hon. Gitonga Karen Karimi
9. Hon. Rugia Bernard Mutegi

I request honourable Millicent to second the Motion. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Peterson Mwirigi Kathenya

Hon. Speaker: Thank you honourable Peterson Mwirigi. Yes, honourable Millicent.

(Hon. Muggana Stood in her place and bowed to second)

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Hon. Speaker: Honourable members, allow me now to propose the question that pursuant to Standing Order 216, the County Assembly approves the following members of the County Assembly Business Committee:

1. Hon. David John Mbaya- Speaker of the County Assembly- Chairperson
2. Hon. Mucee Njagi John –Deputy Speaker
3. Hon. Kathenya Peterson Mwirigi- Leader of Majority Party
4. Hon. Derebia Wilson Nyaga- Leader of Minority Party
5. Hon. Kigwari Bonifacia Njeri- Majority Party Whip
6. Hon. Erastus Kinyua- Minority Party Whip
7. Hon. Karangi Samuel Muthini
8. Hon. Gitonga Karen Karimi
9. Hon. Rugia Bernard Mutegi

Honourable members the floor is now open for debate. Yes, honourable Mucee Njagi John.

Hon. Mucee: Thank you Mr. Speaker sir for granting this opportunity to debate in this House. First of all, I understand that no transaction can happen in this House if the House Business Committee is not there. So for that reason then I support the Motion be approved so that we are able to do the activities of this House so that we can be progressive and the work of the Assembly members to be well. Thank you Mr. Speaker.

Hon. Speaker: Thank you, honourable Mucee Njagi John, member for Ciakariga and the honourable Deputy Speaker. Honourable members the floor is still open for debate.

Honourable members, regards being taken to the mood of the House and the nature of Motion before the House allow me now to put the question.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: Honourable members there being no other business on the Order Paper the House stands adjourned until the next seating. Thank you

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****The House Rose at 10.15am****