

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

9th February 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 11.40am
[The Speaker (Hon. DJ Mbaya) in the Chair]*

PRAYERS

Hon. Speaker: Honourable members, get seated. Next Order.

PAPERS LAID

Hon. Speaker: Yes, honourable Peterson Mwirigi, the Majority leader.

Hon. Kathenya: Thank you I lay on the table of the House the Annual State of the County Address by his Excellency the Governor honourable Muthomi Njuki. Thank you.

(The paper was accordingly laid on the table)

Hon. Speaker: Thank you. Honourable members the Annual State of the County Address 2020 by H.E. the Governor stands laid before the House. Yes, honourable Muchiri Godfrey Murithi.

REPORT OF THE COMMITTEE ON FINANCE, BUDGET AND APPROPRIATIONS
ON THE COUNTY GOVERNMENTS BUDGET IMPLEMENTATION
REVIEW REPORT FY 2019/2020 AND COUNTY BUDGET
REVIEW AND OUTLOOK PAPER 2020

Hon. Muchiri: Thank you honourable Speaker. I lay on the table of the House the report of the select committee on Finance, Budget and Appropriations on the County government budget implementation review report financial year 2019/2020 and county Budget review and outlook paper 2020. Thank you honourable Speaker.

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(The paper was accordingly laid on the table)

Hon. Speaker: Thank you. Honourable members the report of the select committee on Finance, Budget and Appropriations on the County government budget implementation review report financial year 2019/2020 and county Budget review and Outlook Paper 2020 stands laid before the House.

NOTICES OF MOTIONS

MOTION ON ESTABLISHMENT OF AN AD HOC COMMITTEE
TO CONSIDER THE (BUILDING BRIDGES INITIATIVE)
CONSTITUTIONAL AMENDMENT BILL, 2020

Hon. Speaker: Yes, honourable John Njagi Mucee, chairperson of the liaison committee.

Hon. Mucee: Thank you Mr. Speaker sir, I rise to give notice of motion on establishment of an Ad hoc committee to consider the (Building Bridges Initiative) Constitutional Amendment Bill, 2020;

Aware that the (Building Bridges Initiative) Constitutional Amendment Bill, 2020 was submitted to the County Assembly by the Independent, Electoral and Boundaries Commission (IEBC) pursuant to Article 257(5) of the Constitution of Kenya, 2010 on 26th January, 2021 and laid on the Table of the House.

Further aware that Standing Order 226 (1) of the Tharaka Nithi County Assembly Standing Orders provides that the Assembly may, by a resolution establish an Ad hoc Committee for purposes of enquiring into a matter or matters specified in the resolution.

Noting that an Ad hoc Committee established under standing order 226(4)(a) may not deal with a matter that falls within the mandate of another Committee; and currently there is no County Assembly Committee within which the mandate of constitutional amendment or legal affairs falls;

Acknowledging that this is an exceptional circumstance and the motion is accompanied by a recommendation by the Liaison Committee and certified by the Speaker as required by the provisions of Standing Order 226(3);

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Now therefore the County Assembly of Tharaka Nithi resolves as follows:

- i. To establish an Ad hoc committee comprising of all the Members of the County Assembly;
- ii. The mandate of the Committee shall be to consider all matters related to (Building Bridges Initiative) Constitutional Amendment Bill, 2020;
- iii. The Ad hoc Committee shall submit its report to the Assembly within thirty days and shall upon submission of the report stand dissolved.

Thank you Mr. Speaker.

Hon. Speaker: Than you. Honourable members the notice of Motion on establishment of an Ad hoc committee to consider the (Building Bridges Initiative) Constitutional Amendment Bill, 2020 is hereby acknowledged pursuant to Standing Order 67(1)

BILLS

FIRST READING

THE THARAKA NITHI COUNTY WATER SERVICES BILL, 2020

(Orders for the first reading read for the first time and committed to the committee on Water, Environment and Natural Resources)

Hon. Speaker: Honourable member, the Tharaka Nithi County Water Services Bill, 2020 having been read a first time stands committed to the committee on Water, Environment and Natural Resources.

(Hon. Margret Gitari the chairperson committee on water, environment and natural resources stood and bowed in her place)

Thank you honourable Margret Gitari.

FIRST READING

THE THARAKA NITHI COUNTY ALCOHOLIC DRINKS CONTROL BILL, 2020

(Orders for the first reading read for the first time and committed to the committee on the committee on Trade, Tourism and Cooperatives)

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Hon. Speaker: Honourable members, the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 having been read for the first time stands committed to the committee on Trade, Tourism and Cooperatives. Where is the chairperson?

(Hon. Erastus Kinyua the chairperson committee on Trade, Tourism and Cooperatives stood and bowed in his place)

Thank you. Next order.

MOTIONS

ESTABLISHMENT OF AN AD HOC COMMITTEE TO CONSIDER
THE (BUILDING BRIDGES INITIATIVE) CONSTITUTIONAL
AMENDMENT BILL, 2020

Hon. Speaker: Yes, honourable John Njagi Mucee, chairperson of the liaison committee.

Hon. Mucee: Thank you Mr. Speaker sir, I seek the leave of the House to move the motion on establishment of an Ad hoc committee to consider the (Building Bridges Initiative) Constitutional Amendment Bill, 2020. I request honourable Gitonga and honourable Peterson Mwirigi to support.

(Hon. Gitonga Leonard and Hon. Kathenya stood in their place and bowed to indicate support)

Hon. Speaker: Thank you honourable Peterson Mwirigi and thank you honourable Gitonga Leonard. Honourable members pursuant to Standing order number 3 the leave of the Assembly is hereby granted. Kindly proceed honourable John Njagi.

Hon. Mucee: Thank you Mr. Speake sir, I rise to move a motion on establishment of an Ad hoc committee to consider the (Building Bridges Initiative) Constitutional Amendment Bill, 2020;

Aware that the (Building Bridges Initiative) Constitutional Amendment Bill, 2020 was submitted to the County Assembly by the Independent, Electoral and Boundaries Commission (IEBC) pursuant to Article 257(5) of the Constitution of Kenya, 2010 on 26th January, 2021 and laid on the Table of the House.

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Noting that an Ad hoc Committee established under standing order 226(4)(a) may not deal with a matter that falls within the mandate of another Committee; and currently there is no County Assembly Committee within which the mandate of constitutional amendment or legal affairs falls;

Acknowledging that this is an exceptional circumstance and the motion is accompanied by a recommendation by the Liaison Committee and certified by the Speaker as required by the provisions of Standing Order 226(3);

Now therefore the County Assembly of Tharaka Nithi resolves as follows:

- i. To establish an Ad hoc committee comprising of all the Members of the County Assembly;
- ii. The mandate of the Committee shall be to consider all matters related to (Building Bridges Initiative) Constitutional Amendment Bill, 2020;
- iii. The Ad hoc Committee shall submit its report to the Assembly within thirty days and shall upon submission of the report stand dissolved.

Thank you Mr. Speaker. I move. I request honourable Peterson Mwirigi to second.

(Hon. Kathenya stood in his place and bowed to second)

Hon. Speaker: Thank you honourable Mucee Njagi John. Honourable members, I now propose the question that the County Assembly of Tharaka Nithi resolves as follows:

- i. To establish an Ad hoc committee comprising of all the Members of the County Assembly;
- ii. The mandate of the Committee shall be to consider all matters related to (Building Bridges Initiative) Constitutional Amendment Bill, 2020;
- iii. The Ad hoc Committee shall submit its report to the Assembly within thirty days and shall upon submission of the report stand dissolved.

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Honourable members the floor is now open for debate. Yes, honourable Godfrey Murithi the member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. I rise to support the motion on the issue of formation of an Ad hoc committee to deal with BBI. This is a process to amend the Constitution of Kenya. All the members of this Assembly are involved especially when it comes to our wards. The committee will have a lot of work when it comes to public participation because we are here as the representatives of the people and we are supposed to get views from the people.

We also need a lot of copies because probably the things we are saying are in the BBI Bill are not there and we need the people to read and understand the Bill themselves so that when we go to collect the views of the people they will be already aware what is in the Bill.

I think that the 30 days are enough for this Assembly because we are only 15 wards and we will have time to write a report which we will bring to this House what the Bill entails to the members and the public. Thank you.

I support the motion for the formation of the Ad hoc committee Mr. Speaker, thank you.

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

Hon. Gataya: Honourable Speaker I think I am away from the Microphone.

Hon. Speaker: For the purpose of Hansard kindly move close to one.

(Honourable Gataya was handed a microphone)

Hon. Gataya: Honourable Speaker the Hansard officer are quick enough. Honourable Speaker I stand to support. This is a political process and this House consists of very sharp politicians. It is important that every member is involved in this vital process that going to be historic in this country. That is why I strongly support the idea that we form a committee to undertake this process which is being undertaken by politicians. We are politicians and it is important we participate in every aspect of this Bill and the process so that we are not left behind and we know exactly what is happening in this BBI process.

I strongly support.

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Hon. Speaker: Thank you honourable Mwenda Gataya. Yes, honourable Millicent.

Hon. Muggana: Thank you honourable Speaker. I rise to support the motion on the formation of an Ad hoc committee. We are all aware of the political temperatures in our county and because every ward is represented in the Assembly I support the involvement of all members in the Ad hoc committee so that we will be able to reach all the resident of the county through public participation. Us being the representatives of the people we will be able to listen to them and be able to take them through the Bill and come back to engage ourselves as a House and do a report.

I support the formation of the Ad hoc committee and the time it has been allocated. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Millicent. The floor is still open for debate. Yes, honourable Margret Gitari, member for Chogoria.

Hon. Margret: Thank you Mr. Speaker, I rise to support the motion on the formation of an Ad hoc committee. This is a very important committee especially when it goes to the ground. Because we are all important members of the county Assembly and when we go to the members of the public to educate them on what in the BBI Bill the public is going to gauge it and make an informed decision.

I support the formation of this committee and the timeline it has been given. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Margret. Yes, honourable Wilson Nyaga, the minority leader.

Hon. Derebia: Thank you Mr. Speaker, I rise to support the motion on the formation of the Ad hoc committee. As we know, the people have been heard speaking whatever they want to speak about the BBI Bill but it has become a reality. This is the time to take the document to our electorate to understand its contents. I support so that at least every member of the public will distinguish between the truth and lies because we will be having the document.

I support that we carry on with these activities Mr. Speaker.

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Hon. Speaker: Thank you honourable Wilson Nyaga. Yes, honourable Justine Kithinji, member for Magumoni.

Hon. Kithinji: Thank you Mr. Speaker. I rise to support the formation of the Ad hoc committee and especially on the issue of time. We have allocated ourselves enough time, i.e. 30 days, and based on the ruling that was made yesterday in the high court. They gave a very strict warning that we must follow the law and the court was categorical that people should not hasten this process. It is an advantage to our people because I am very sure that the Ad hoc committee shall be well facilitated to ensure that the communication to the residents is done properly and in good time so that they all have a good chance to participate and air their view concerning the BBI Bill. And therefore when we make as this House diligently consider their views.

Public participation is paramount. Let the Ad hoc committee, and there was a proposal on who becomes the chair, make sure that we get enough time to focus. Let the public be educated and I am sur we will listen to them before we make our decision. Otherwise we may hasten the process and one single county may make a mistake and we have the courts invalidate the whole process and of course a lot of money will have gone to waste. That is my contribution Mr. Speaker, thank you.

Hon. Speaker: Thank you honourable Justine Kithinji. Honourable Gitonga before I come back to you let me allow honourable Karen Karimi to contribute to the debate.

Hon. Karen: Thank you Mr. Speaker. I stand to support the formation of the Ad hoc committee. A constitution amendment is a process. I believe the committee will start that process.

Hon. Speaker: Thank you honourable Karen Karimi. Yes, honourable Gitonga Leonard, member for Nkondi.

Hon. Gitonga Leonard: Thank you Mr. Speaker I also rise to support the motion on the formation of this Ad hoc committee. Secondly I support the proposed timelines. It is time we start the BBI Bill process which was initiated a while ago. This is the time we as honourable members have ample time to look at the document keenly and at the same time go out there to our constituents, consult them and hear their views. As we come back with a report, I

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believe we shall come back with a report that is all inclusive and carries the views of the members of the public because ultimately they are the stakeholders in this process. We want that process to be all inclusive.

I support Mr. Speaker.

Hon. Speaker: Thank you honourable Gitonga. Yes, honourable Anita Karimi.

Hon. Anita: Thank Mr. Speaker. I rise to support. According to what I know Ad hoc committee are given a time of 60 days but I have the Motion propose 30 days. I believe we are not going through the BBI process for us only but for our children and our great grandchildren. It is not a one-day process. Constitutionally the role of the county Assembly is representation, legislation and oversight. In the he days that have been proposed what we will be bringing here is not our views but the views of the people that we represent so that we can legislate on their behalf. I believe every ward should be allocated ample time we do not need to rush. If we rush because we want to finish quickly and then it is invalidated, then the country will suffer. This is not a menu but it is a constitutional amendment and we need to look into it very carefully and minding what is ahead.

As one honourable member has said, we know what is in the ground but you know if somebody doesn't know something they can say anything. So, the community need to be taken through the BBI Bill very softly and slowly so that they can understand what is contained in there so that they can either reject or accept it when they know it.

I support the motion and I support that this document be taken to every ward so that the community can give their views. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Anita. Yes, honourable Mutegi Rugia, member for Gatunga.

Hon. Rugia: Thank you honourable Speaker. I rise to support the motion before the House. I was requesting that when we go to the wards, to conduct public participation, that we give people enough copies of the BBI Bill. We cannot just go to the people we have BBI Bill when we don't have copies. I request the office to make arrangements so that we can have many copies to give people. Thank you.

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Hon. Speaker: I assure you that it will be done because that is constitutional requirement under article 196 of the constitution read with section 87 of the County Government Act. Thank you. Yes, honourable Asumpta Gabriel.

Hon. Asumpta: Thank you Mr. Speaker sir. I rise to support the establishment of the Ad hoc committee which will oversee the BBI Bill process being carried on. We know that BBI Bill is a constitutional process which we will all benefit from in the country. I beg all the members to participate in the public participation so that we can explain to our people what is the BBI because they have been hearing about it. It is not personal but for the people in the country. I support.

Hon. Speaker: Thank you honourable Asumpta. Yes, honourable Samuel Muthini.

Hon. Karangi: Thank you Mr. Speaker. I rise to support the motion. This is an historic moment for our country. God is good because he has remembered the county assemblies of Kenya and reminded the people of Kenya that we are very important in this process. Without the county assemblies there is no BBI. For that matter I beg that we do not move with a lot of speed like our counterparts in Siaya so that it does not come back to haunt us. I will request that through the Office and through you as a person and the leader of the majority that we move with a speed that is similar to our peers and colleagues in other regions. Let us not be the first ones to support or oppose. Let us move at the pace that our other colleagues are moving with in other counties including the Mount Kenya region.

I support and say that the road is hard for us but we must bite the bullet because we are leaders and we must show leadership. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable Samuel Muthini. The floor is still open for debate. Pursuant to Standing Order number 106 (4) I will call upon the mover to reply. Honourable John Njagi Mucee.

Hon. Mucee: Thank you Mr. Speaker sir. Allow me to thank the following actors: the House business committee for slotting the Motion on the order paper; the Speaker for granting the Motion enough time to be debated; the members for accepting to be opted as members in the proposed Ad hoc committee and also for supporting the timelines; finally I thank the media because they will make it clear that it is today that the Tharaka Nithi county Assembly has

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received the BBI Bill and that the Tharaka Nithi County Assembly has set 30 days to move the process, they will also say that a committee was formed to look at the Bill and they will involve the public because public participation is a fundamental pillar in the Constitution of Kenya 2010. Thank you Mr. Speaker.

Hon. Speaker: Thank you honourable John Njagi Mucee. Honourable members allow me now to put the question.

(Question put and agreed to)

COMMUNICATION FROM THE CHAIR

COMMITAL OF THE BUILDING BRIDGES INITIATIVE (CONSTITUTIONAL AMENDMENT) BILL 2020

Hon. Speaker: Honourable Members, as you are aware, in the morning sitting of 9th February 2021, I communicated having received the Building Bridges Initiative (Constitutional Amendment) Bill 2020, submitted to the County Assembly by the Independent Electoral and Boundaries Commission pursuant to Article 257(5) of the Constitution of Kenya 2010.

With my earlier Communication the Bill was deemed having been laid on the Table of the House.

Honourable Members, I now hereby commit the Building Bridges Initiative (Constitutional Amendment) Bill 2020 to the Ad hoc Committee on the Building Bridges Initiative (Constitutional Amendment) Bill 2020 for Consideration.

The Ad hoc Committee is to submit its report to the Assembly within thirty days from this day.

I thank you.

ADJOURNMENT

Hon. Speaker: Honourable members, there being no other business in the order paper today the House stands adjourned until the next sitting.

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****The House rose at 12.12****