

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

23rd March 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 11.20 a.m.
[The Deputy Speaker (Hon. John Njagi Mucee) in the Chair]*

PRAYERS

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

COMMUNICATION FROM THE CHAIR

Hon. Deputy Speaker: Honourable members welcome to our today's second sitting to undertake your constitutional duties. Next order.

BILLS

THE THARAKA NITHI COUNTY WATER SERVICES BILL, 2020

Hon. Deputy Speaker: Honourable members, the Tharaka Nithi County Water Services Bill 2020, having been read a second time, stands committed to the committee of the Whole House.

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Deputy Speaker (Hon. John Njagi Mucee) left the Chair)

IN THE COMMITTEE

(The Chairman (Hon. Derebia Wilson Nyaga) took the Chair)

THE THARAKA NITHI COUNTY WATER SERVICES BILL, 2020

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Hon. Derebia [Chairman]: Order honourable members.

CLAUSE 3,4,5,6,7,8,9 and 10

Hon. Derebia [Chairman]: I propose the question that clause 3, 4, 5, 6, 7, 8, 9 and 10 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.

Hon. Derebia [Chairman]: I propose the question that clause 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30.

Hon. Derebia [Chairman]: I propose the question that clause 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40.

Hon. Derebia [Chairman]: I propose the question that clause 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 be part of the Bill.

I now put the question.

(Question put and agreed to)

SCHEDULES

Hon. Derebia [Chairman]: I propose the question that the schedule be part of the Bill.

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I now put the question.

(Question put and agreed to)

CLAUSE 2

Hon. Derebia [Chairman]: I propose the question that clause 2 be part of the Bill.

I now put the question.

(Question put and agreed to)

TITTLE

Hon. Derebia [Chairman]: I propose the question that the Tittle be the title of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 1

Hon. Derebia [Chairman]: I propose the question that clause 1 be part of the Bill.

I now put the question.

(Question put and agreed to)

I now call upon the mover.

Hon. Margaret: Honourable Chair, I beg to move that the committee do report to the County Assembly on its consideration of the Tharaka Nithi County Water Services Bill, 2020 and its approval thereof without amendments. I request honourable Muchiri to second.

(Hon. Muchiri Stood in his place and bowed to second)

Hon. Derebia [Chairman]: I propose that, the committee do report to the County Assembly on its consideration of the Tharaka Nithi County Water Services Bill, 2020 and its approval thereof without amendments.

I now put the question.

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(Question put and agreed to)

Thank you Honourable members.

[The Chair (Hon. Derebia Wilson Nyaga) Left the Chair]

[The Deputy Speaker (Hon. John Njagi Mucee) took the Chair]

COMMITTEE OF THE WHOLE PROGRESS REPORT ON THEIR CONSIDERATION OF
THE THARAKA NITHI COUNTY WATER SERVICES BILL, 2020

Hon. Deputy Speaker: The Chairperson can you kindly report to the House.

Hon. Derebia: Thank you honourable Speaker. I beg to report that the Committee of the Whole has considered the Tharaka Nithi County Water Services Bill, 2020 and its approval thereof without amendments.

Hon. Deputy Speaker: Thank you, honourable chair. Yes, honourable Margaret Gitari.

Hon. Margaret: Honourable Speaker, I beg to move that the House do agree with the committee on the said report.

Hon. Deputy Speaker: Thank you, mover. Do you have a seconder?

Hon. Margaret: I request honourable Asumpta to second.

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

Hon. Deputy Speaker: I propose the question that the House do agree with the committee on the said report.

I now put the question.

(Question put and agreed to)

BILLS

THIRD READING

THE THARAKA NITHI COUNTY WATER SERVICES BILL, 2020

Hon. Deputy Speaker: Yes, mover.

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Hon. Margaret: Honourable Speaker, I beg to move that the Tharaka Nithi County Water Services Bill, 2020 be now read a Third time. I request honourable Muthini to second.

(Hon. Karangi stood in her place and bowed to second)

Hon. Deputy Speaker: Thank you. Honourable members, I now to propose the question that the Tharaka Nithi County Water Services Bill, 2020 be now read a Third time.

I now to put the question.

(Question put and agreed to)

(Orders for the third reading read for the third time)

Hon. Deputy Speaker: Next order.

BILLS

THE THARAKA NITHI COUNTY ALCOHOLIC DRINKS CONTROL BILL, 2020

Hon. Deputy Speaker: Honourable members, the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020, having been read a Second time, stands committed to the committee of the Whole House.

COMMITTEE OF THE WHOLE

(Order for Committee read)

(The Deputy Speaker (Hon. John Njagi Mucee) left the Chair)

IN THE COMMITTEE

(The Chairman (Hon. Derebia Wilson Nyaga) took the Chair)

THE THARAKA NITHI COUNTY ALCOHOLIC DRINKS CONTROL BILL, 2020

Hon. Derebia [Chairman]: Thank you honourable members, we are in the second Bill.

CLAUSE 3, 4, and 5

Hon. Derebia [Chairman]: I propose the question that clause 3, 4, and 5 be part of the Bill.

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I now put the question.

(Question put and agreed to)

CLAUSE 6

Hon. Derebia [Chairman]: I propose the question that clause 6 be part of the Bill. I now call upon the mover.

Hon. Muchiri: Thank you, honourable chair. I move that clause 6 sub clause 4 (b) be amended by deleting the words “County commissioner who shall be the alternate chairperson” and substitute it thereof with the words “representatives from the office of the county commissioner” and that clause 6 sub clause J be amended by inserting the words “In consultation with the liquor dealers’ association” at the end of the sub clause.

I request honourable Millicent to second.

(Hon. Millicent stood in her place and bowed to second)

Hon. Derebia [Chairman]: I propose the question that clause 6 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that clause 6 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 7

Hon. Derebia [Chairman]: I propose the question that clause 7 be part of the Bill. I now call upon the mover.

Hon. Muchiri: Thank you, honourable chair. I move that clause 7 sub clause 4 (b) be amended by deleting the words “who shall be the alternate chairperson” appearing at the end of the sub clause and that Clause 7 sub clause 4 (g) be amended by inserting the words ‘in

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consultation with the liquor dealers' association" at the end of the sub clause and that Clause 7 sub clause 4 (h) be amended by deleting the words "one of whom shall be a" appearing after the word "Member" and before the word "youth" and substitute therefor with the words "taking into account the".

I request honourable Anita to second.

(Hon. Anita stood in her place and bowed to second)

Hon. Derebia [Chairman]: Thank you, the mover. I now propose the question that clause 7 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that clause 7 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 8, 9, and 10

Hon. Derebia [Chairman]: I propose the question that clause 8, 9, and 10 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 11

Hon. Derebia [Chairman]: I propose the question that clause 11 be part of the Bill. The mover.

Hon. Muchiri: Thank you, honourable chair. I move that clause 11 Sub Clause 3 be amended by deleting the words "and the time, date and place of the meeting" appearing after the words "applied for" and before the words "and shall forthwith" and that Clause 11 Sub-clause 3b (a) be amended by deleting the words "for a period not less than 21 consecutive days" appearing

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at the end of the sub clause and that that Clause 11 be amended by deleting the entire sub clause 3 (c), sub clause 3 (d) and sub clause (4).

I request honourable Njeri Kigwari to second.

Hon. Njeri: I second.

Hon. Derebia [Chairman]: As you second I request you to adhere to the Covid-19 protocols.

Hon. Njeri: Thank you Mr. chair I second.

Hon. Derebia [Chairman]: I am requesting you to put your mask on. Things are not good.

(Hon. Njeri put her mask back on)

Hon. Derebia [Chairman]: I now propose the question that clause 11 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that clause 11 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 12 AND 13

Hon. Derebia [Chairman]: I propose the question that clause 12 and 13 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 14

Hon. Derebia [Chairman]: I propose the question that clause 14 be part of the Bill. The mover.

Hon. Muchiri: Thank you, honourable chair. I move that clause 14 sub-clause (1) be amended by deleting the words “upon recommendation of the committee” appearing between the words “and 13” and the words “the directorate” and that Clause 14 be amended by deleting the word “committee” wherever it appears in the clause and substituting therefore with the word “directorate”.

I request honourable Kithinji Justine to second. Thank you.

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

Hon. Derebia [Chairman]: Thank you, the mover and the seconder. I now propose the question that clause 14 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that clause 14 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 15

Hon. Derebia [Chairman]: I propose the question that clause 15 be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 16

Hon. Derebia [Chairman]: I propose the question that clause 16 be part of the Bill. The mover.

Hon. Muchiri: Thank you, honourable chair. I move that clause that clause 16 be amended by deleting the entire sub clause I (c).

I request honourable Muthini Karangi to second.

Hon. Karangi: I second.

Hon. Derebia [Chairman]: I now propose the question that clause 16 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that clause 16 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSES 17 TO 66

Hon. Derebia [Chairman]: I propose the question that clauses 17 to 66 be part of the Bill.

I now put the question.

(Question put and agreed to)

SCHEDULE 1, 3, and 3

Hon. Derebia [Chairman]: I propose the question that schedule 1, 2, and 3 be part of the Bill.

I now put the question.

(Question put and agreed to)

SCHEDULE 4

Hon. Derebia [Chairman]: I propose the question that schedule 4 be part of the Bill. I now call upon the mover.

Hon. Muchiri: Thank you honourable Chair. I move that the Fourth Schedule be amended by inserting “a provisional licence will be charged 50% of the value of the licence applied for”.

I request honourable Karen to second.

(Hon. Karen stood in her place and bowed to second)

Hon. Derebia [Chairman]: I now propose the question that schedule 4 be amended as proposed.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: I propose the question that schedule 4 as amended be part of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 2

Hon. Derebia [Chairman]: I propose the question that clause 2 be part of the Bill.

I now put the question.

(Question put and agreed to)

TITTLE

Hon. Derebia [Chairman]: I propose the question that the Tittle be the title of the Bill.

I now put the question.

(Question put and agreed to)

CLAUSE 1

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Hon. Derebia [Chairman]: I propose the question that clause 1 be part of the Bill.

I now put the question.

(Question put and agreed to)

Hon. Derebia [Chairman]: The Mover.

Hon. Muchiri: Honourable Chair, I beg to move that the committee do report to the County Assembly on its consideration of the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 and its approval thereof with amendments.

I request honourable Millicent to second.

Hon. Muggana: I second.

Hon. Derebia [Chairman]: Thank you. I propose that the committee do report to the County Assembly on its consideration of the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 and its approval thereof with amendments.

I now put the question.

(Question put and agreed to)

Thank you Honourable members.

[The Chair (Hon. Derebia Wilson Nyaga) Left the Chair]

[The Deputy Speaker (Hon. John Njagi Mucee) took the Chair]

COMMITTEE OF THE WHOLE PROGRESS REPORT ON THEIR CONSIDERATION OF THE
THARAKA NITHI COUNTY ALCOHOLIC DRINKS CONTROL BILL, 2020

Hon. Deputy Speaker: The Chairperson can you kindly report to the House.

Hon. Derebia: Thank you honourable Speaker. I beg to report that the Committee of the Whole has considered the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 and its approval thereof with amendments.

Hon. Deputy Speaker: Thank you, honourable chair. Yes, the mover.

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Hon. Muchiri: Thank you honourable Speaker, I beg to move that the House do agree with the committee on the said report. I request honourable Asumpta to second.

(Hon. Asumpta stood in her place and bowed to second)

Hon. Deputy Speaker: Thank you, honourable Asumpta. I now propose the question that the House do agree with the committee on the said report.

I now put the question.

(Question put and agreed to)

BILLS

THIRD READING

THE THARAKA NITHI COUNTY ALCOHOLIC DRINKS CONTROL BILL, 2020

Hon. Deputy Speaker: Yes, mover.

Hon. Muchiri: Thank you honourable Speaker, I beg to move that the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 be now read a Third time.

I request honourable Margaret to second.

(Hon. Margaret stood in her place and bowed to second)

Hon. Deputy Speaker: Thank you honourable Margaret. I now to propose the question that the Tharaka Nithi County Alcoholic Drinks Control Bill, 2020 be now read a Third time.

I now to put the question.

(Question put and agreed to)

(Orders for the third reading read for the third time)

Hon. Deputy Speaker: Next Order.

PROCEDURAL MOTION

HANDLING OF MESSAGES, REPORTS AND CRITICAL BUSINESS WHEN THE ASSEMBLY IS NOT IN SESSION

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Hon. Deputy Speaker: Yes, the mover.

Hon. Karangi: Mr. Speaker I rise to move a procedural Motion on the handling of messages and critical business while the Assembly is not in session.

Aware that; the Assembly Standing Order 53 (2) provides that if a message is received from the Governor or the Senator of the County, at a time when the Assembly is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the Assembly on the day the Assembly next sits;

Cognizant that; the Assembly is set to proceed for recess as per the approved Tharaka Nithi County Assembly Calendar;

Recognizing that; we as an assembly need to device ways on how the effects of the pandemic do not affect our service delivery as provided for under Article 185 of the constitution of Kenya and section 8 of the County Government Act 2012;

Now therefore; for uninterrupted flow of County business during and at any time when the Assembly is not sitting either during recess or otherwise and notwithstanding the provisions of Standing Order 81 (1), this Assembly resolves that the Speaker do refer any report received in accordance with Article 183 (3) of the Constitution of Kenya, 2010 to the relevant County Assembly Committee.

Mr. Speaker as I move this Motion I want to update the members that yesterday we had a virtual meeting as ABC, we did not do it physically, and we agreed because of the Pandemic that is affecting the world and that the business of the assembly has to be transacted every business for this Assembly will be presented to the committees for the committees to handle it. We said if possible the committee meetings will be virtual as you communicated earlier Mr. Speaker to avoid interruptions.

I beg the members to support this Motion so that as we proceed to our short recess which is around 14 days we be aware that we have a serious pandemic with us and it is affecting everyone each and every day. The members should support this Motion because we are dealing with unprecedented challenges and we have to work for the people of Tharaka Nithi under whatever circumstances that we are in.

With that I ask honourable Wilson Derebia, the member for Muthambi to second.

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

Hon. Deputy Speaker: Thank you honourable Muthini Karangi and honourable Wilson Derebia. I now propose the question that for uninterrupted flow of County business during and at any time when the Assembly is not sitting either during recess or otherwise and notwithstanding the provisions of Standing Order 81 (1), this Assembly resolves that the Speaker do refer any report received in accordance with Article 183 (3) of the Constitution of Kenya, 2010 to the relevant County Assembly Committee. The floor is now open for debate. Yes, honourable Wilson Derebia.

Hon. Derebia: Thank you Mr. Speaker. I rise to support the Motion. Mr. Speaker, from your communication today you said that where need be people will have to meet and you set the Covid-19 rules and regulations. I remember in our committee we need to visit Mwema and we cannot do it virtually so we will just follow your guidance. As we go for the recess, we are nearing the end of the month. As we go home I don't know how you will answer us Mr. Speaker because our pockets are empty and we are approaching the 25th which we approved here that we will not be lacking funds. i.e. the 25th of every month. So we made an agreement with the Cooperative Bank.

Mr. Speaker I support the Motion.

Hon. Deputy Speaker: Thank you honourable Wilson Derebia. Yes, honourable Muchiri member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. I rise to support. I like the mood and the spirit that was in the one who was writing our Standing orders when he said that if any message come from the Governor and the Senator... I am still waiting for any message from the Senator for the last three years we have been in this House, I believe it is good to share this Standing Order with the senator to know that he is part of this Assembly.

I support and say that we must continue with our business regardless of the situation. The Corona virus is here and I believe one day it will end but the people of Tharaka Nithi need the services that we are supposed to render to them especially when it comes to things that have to be done on the ground. Even the president himself has not closed down his offices. Even the National Parliament is still running. I think after the messages have been conveyed to the Speaker and transmitted to the various committees we need to work on them more

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seriously than before. Let me quote the minority leader when he said that they need to visit Mwema tea buying centre so that they can investigate my statement. I know that when it comes to travelling we are travelling. We are moving but when it comes to working we start seeing the Corona virus. People are in the market. People are buying and selling but when it comes to church, the Corona virus comes. As a House we need to move on with or without the pandemic because I know that one day this thing will end.

Thank you honourable Speaker.

Hon. Deputy Speaker: Thank you. Yes, honourable Bonifacia Njeri Kigwari.

Hon. Njeri: Thank you Mr. Speaker. I rise to support the Motion. However, it is important that we all take individual responsibility and carry out our duties because we don't know when this pandemic is going to end so we cannot stop operations but instead we should take individual responsibility. This is especially when it comes to committee level. A good example is about two weeks ago we had to round inspecting the KRB roads and the ongoing roadworks and so there is no way our work can just come to a standstill because of Covid-19. People have to eat and work and we have no idea when the pandemic will end. So somehow, as we have been advised by the ministry of health let us take individual responsibilities and continue with business as usual but with maximum precaution. We should also sensitize the community as we do our work.

With that Mr. Speaker I support.

Hon. Deputy Speaker: Thank you honourable Bonifacia Njeri. Yes, honourable Anita.

Hon. Anita: Thank you Mr. Speaker. I rise to support. I don't want to repeat what others have said but I think that we always get communication from CAF from one member and we have two representatives. I have a schedule from CAF and I believe this schedule is not to be forwarded to the respective committee but to the members because I can see on the 13th of April we are supposed to start the deliberations for CAF on the summit because I believe that the country will not come to a standstill. Business will not come to a standstill. Most of us are business people and we have not closed our business and we are handling people. The only thing that we can do is take individual responsibility because getting Corona virus is not a collective responsibility. We need to be cautious but I believe Kenya need to move on. The Assembly business needs to move on.

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With that and before we adjourn you can tell us when to start practicing for sports so that we can go to Mombasa for the Assemblies' Sports.

Hon. Deputy Speaker: Thank you honourable Anita. The floor is still open for debate. I now give the mover an opportunity to reply.

Hon. Karangi: Thank you Mr. Speaker. Mine is just to thank the member for the support and wish them well as we head for the short recess. Thank you.

Hon. deputy Speaker: Thank you. I now put the question

(Question put and agreed to)

Next order.

MOTION ON ADJOURNMENT

Hon. Derebia: Pursuant to the provision of the Standing Order number 39 (1) I move that the House adjourns for the short recess as per the 5th session Assembly Calendar and resume on 6th April 2021 Mr. Speaker. I request honourable Anita to second.

(Hon. Anita stood in her place and bowed to second)

Hon. deputy Speaker: Thank you honourable Anita. I now propose the question that pursuant to the provision of the Standing Order number 39 (1) the House adjourns for the short recess as per the 5th session Assembly Calendar and resume on 6th April 2021. The floor is open for debate.

I now put the question

(Question put and agreed to)

ADJOURNMENT

Hon. Deputy Speaker: There being no other business on the Order Paper the House stands adjourned until 6th April 2021 at 9.30 a.m.

****The House rose at 12.02 a.m.****