

THARAKA NITHI COUNTY ASSEMBLY

THE HANSARD

4th May 2021

*The County Assembly met at the
County Assembly chambers in Kathwana at 9.30 a.m.
[The Speaker (Hon. D.J. Mbaya) in the Chair]*

PRAYERS

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

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Honourable members, good morning and welcome to this sitting. I do wish you all the best as you carry on with your constitutional mandate. Thank you. Next order.

PETITIONS

REPORT OF THE COMMITTEE ON TRADE, TOURISM AND CO-OPERATIVES ON THE PETITION ON
WAIVER OF SINGLE BUSINESS PERMITS REQUIREMENTS FOR KENYA PRIVATE SCHOOLS
ASSOCIATION MEMBERS IN THARAKA NITHI COUNTY IN 2021 BY THE
COUNTY GOVERNMENT OF THARAKA NITHI

Hon. Speaker: Yes, honourable Godfrey Murithi, member for Karingani.

Hon. Muchiri: Thank you honourable Speaker. I rise to present the report of the sectoral committee on Trade, Tourism and Co-operatives on the petition on waiver of single Business Permits requirements for Kenya Private Schools Association Members in Tharaka Nithi County in 2021 by the County Government of Tharaka Nithi.

Mr. Speaker allow me to say that I am presenting this report on behalf of the chairman who is feeling unwell and on the behalf of the committee. Mr. speaker with your permission I will continue.

Hon. Speaker: Permission granted, kindly proceed.

Hon. Muchiri: Thank you honourable Speaker. Before I go through the report allow me to thank the members of the Kenya Private Schools Associations who brought this Petition to this House. I thank them because they know that this Assembly has been given the mandate

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by the Constitution and other laws to deal with Tharaka Nithi County issues. If other members of the community realize that this is one of the most important organ in this county they can make use of it fully.

On behalf of the Members of the Sectoral Committee on Trade, Tourism and Co-operatives and pursuant to the provisions of Part 26 of the Tharaka Nithi County Assembly Standing Orders it is my pleasure and duty to present to the House, the Committee's Report on the petition on waiver of single business permit requirement for Kenya Private Schools Association Members in Tharaka Nithi County in 2021 by County Government of Tharaka Nithi.

The petition on waiver of single business permit requirement for Kenya Private Schools Association members in Tharaka Nithi County in 2021 by County Government of Tharaka Nithi was submitted to the Clerk by the petitioner on 11th March, 2021 and reported to the Assembly by the Speaker on 23rd March, 2021 and thereafter was committed to the Sectoral Committee on Trade, Tourism and Cooperatives for consideration.

The Committee is composed of the following honourable Members, Hon. Erastus Kinyua, MCA who is the Chairperson, Hon. Kabii Jones Kinegeni, MCA, the Vice-Chairperson, Hon. Mwenda Gataya, MCA, Hon. Muchiri Godfrey Murithi, MCA, Hon. Nthiga Millicent Muggana, MCA.

The Committee is mandated under Standing Order 224. I don't think there is need to go through the mandate of the committee.

The Committee held a total of Five meetings and met with the petitioner and the relevant County Executive Committee Member.

On behalf of the Committee on Trade, Tourism and Cooperatives, allow me Mr. Speaker to go through the legal basis for the Petition.

The County Assembly of Tharaka Nithi Standing Orders:

Part 26 of the County Assembly of Tharaka Nithi Standing Orders provides for the presentation and processing of petitions in the County Assembly.

A petition means a written prayer to the Assembly by a member of the public requesting the Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

Presentation of the petition;

The petition on waiver of single business permit requirement for Kenya Private Schools Association members in Tharaka Nithi County in 2021 by County Government of Tharaka Nithi was submitted to the Clerk by the petitioner on 11th March, 2021 and reported to the Assembly by the Speaker on 23rd March, 2021 and thereafter was committed to the Sectoral Committee on Trade, Tourism and Cooperatives for consideration.

Overview of the petition;

The Kenya Private Schools Association (KPSA)-Tharaka Nithi recognized their role as corporate citizens and cited that they have dutifully paid relevant fees and levies passed by the County Assembly of Tharaka Nithi in the various Finance Acts.

The petitioners noted that most of the KPSA members had applied and paid for the year 2020 Single Business Permit before the President of the Republic of Kenya announced the closure of all schools due to the Covid-19 pandemic and thus the licenses were not utilized.

The Petitioners noted that during the period of closure the schools suffered loss of income, and this is true as most of us who are parent know, and some closed the schools as they were unable to sustain them.

The petitioners prayed to the County Assembly that the Kenya Private Schools Association members who had paid for their licenses in the year 2020 be exempted from the requirement to pay for the Single Business permit for the year 2021.

The committee met with the following representatives of the Kenya Private Schools Association-Tharaka Nithi (Petitioners) on 19th April, 2021:

- i. Mr. Kinyua B. Karingu - Chairman
- ii. Linus Mutegi Boore -Vice-Chairman
- iii. Eustace Nkoroi Nyaga -Patron

The petitioners stated their prayer to the committee and noted that they were making the prayer for only registered Kenya Private Schools Association Members.

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The Members of the Kenya Private Schools Association-Tharaka Nithi are:

1. Little Friends
2. Chuka Tumaini Academy
3. Achievers Boys High School
4. Prudence Academy
5. Ruungu Junior
6. Vestar School
7. Brightrose Academy
8. Njeru Junior School
9. Chogoria Milimani
10. Wando Star Academy
11. Muucwa Preparatory School
12. Marimanti Academy
13. Nkarini Sunrise Academy
14. Peliz Academy
15. J.Mathai Academy
16. Chuka Milimani Academy
17. Turima Junior
18. Muguna-ana Education Centre

Mr. Speaker, in the Financial year 2020/2021 only 11 schools had paid the Single Business Permit. The committee saw it wise to meet the CEC member in charge of Finance, Trade and Economic planning and on 26th April, 2021 we did.

The CEC informed the committee that there are eighty-five (85) private schools in the County and only nine (9) had paid for the single Business Permit in the year 2020 and three (3) in the year 2021. We realized that when we talk of the Kenya Private Schools Association not all private schools are members. The petitioner's players were only talking of the members of the Private Schools Association.

The CEC was of the opinion that it was possible to give the schools that had paid in the year 2020 a waiver for the year 2021.

After the submissions by the CECM the committee saw it wise to take an initiative of encouraging people to bring their views when it comes to the issues of this county.

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Committee recommendation;

Upon consideration of the submissions by the petitioners and the County Executive Committee Member in charge of Finance, Trade and Economic Planning the Committee recommends:

- i. That the County Assembly grants the prayer of the petitioners and
- ii. That the CEC grants the waiver of the Single Business permit for the year 2021 for the schools that had paid for the year 2020 and are members of the Kenya Private Schools Association.

This is so that they can be encouraged to continue with their business in the county.

It is important to note that we are not recommending for the waiver for all private schools. We are talking about the Kenya Private Schools Association members. With that I beg to sit.

Thank you honourable Speaker.

Hon. Speaker: Thank you, honourable member for Karingani. Honourable members allow me to bring to your attention the provisions of Standing Order 236 (2):

Whenever a Petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the Petitions for not more than twenty Minutes.

After that is done, Standing Order 236(3) states:

The Clerk shall, within fifteen days of the decision of the Assembly, in writing, notify the petitioner of the decision of the Assembly on the petition.

Honourable members, is there any member that feels that there are compelling or exceptional circumstances that make may make the chair invite comments to the report?

That being the case I direct the clerk to comply with the provisions of Standing Order 236(3).

Thank you. Next order.

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PAPERS

REPORT OF THE COMMITTEE ON YOUTH, SPORTS, CULTURE AND SOCIAL SERVICES ON THE THARAKA NITHI COUNTY ANTI- FEMALE GENITAL MUTILATION POLICY, 2020

Hon. Speaker: Yes, honourable Denis Mutwiri, member for Mugwe.

Hon. Denis: I lay on the table the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020.

(The Paper was accordingly laid on the table)

Hon. Speaker: Thank you, honourable member for Mugwe. The report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020 stands laid before this House. Thank you.

BUDGET ESTIMATES FOR THE COUNTY ASSEMBLY OF THARAKA NITHI FOR THE FINANCIAL YEAR 2021/2022

Hon. Speaker: Yes, honourable Gitonga Leonard.

Hon. Gitonga Leonard: Thank you Mr. Speaker. I lay on the table the budget estimates for the County Assembly of Tharaka Nithi for the Financial Year 2021/2022.

(The Paper was accordingly laid on the table)

Hon. Speaker: Thank you. Honourable members the budget estimates for the County Assembly of Tharaka Nithi for the Financial Year 2021/2022 are hereby referred to the committee on Finance, Budget and Appropriations. Thank you.

BUDGET ESTIMATES FOR THE COUNTY EXECUTIVE OF THARAKA NITHI FOR THE FINANCIAL YEAR 2021/2022

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

Hon. Kathenya: Thank you Mr. Speaker. I rise to lay on the table the budget estimates for the County Executive of Tharaka Nithi for the Financial Year 2021/2022. Thank you Mr. Speaker.

(The Paper was accordingly laid on the table)

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Hon. Speaker: Thank you. Honourable members, the Budget estimates for the County Executive of Tharaka Nithi for the Financial Year 2021/2022 are hereby referred to the committee on Finance, Budget and Appropriations. Thank you. Next order.

NOTICE OF MOTION

MOTION ON ADOPTION OF THE REPORT ON THARAKA NITHI COUNTY ANTI- FEMALE GENITAL MUTILATION POLICY, 2020

Hon. Speaker: Yes, honourable Denis Mutwiri.

Hon. Denis: Thank you Mr. Speaker. I give a notice of the following Motion, that, the County Assembly adopts the report of the Committee on Youth, Sports, Culture and Social Services on the Tharaka Nithi County Anti- Female Genital Mutilation Policy, 2020.

Hon. Speaker: Thank you. Honourable members, pursuant to Standing Order 67, the notice of Motion on the adoption of the report on Tharaka Nithi County anti- female genital mutilation policy, 2020 is hereby acknowledged. Thank you.

PROCEDURAL MOTION

REDUCTION OF THE PUBLICATION PERIOD FOR THE THARAKA NITHI COUNTY HEALTH AND SANITISATION SERVICES BILL, 2021

Hon. Speaker: Yes, honourable Charles Nyaga.

Hon. Charles Nyaga: Thank you Mr. Speaker. I move that pursuant to the provisions of Standing Order 133(5) this House resolves to reduce the publication period of the Tharaka Nithi County Health and Sanitisation Services Bill, 2021 from 14 days to 7 days.

I call upon honourable Margaret to second.

Hon. Speaker: Thank you honourable Charles Nyaga. Yes, honourable Margaret Gitari.

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

Hon. Speaker: Honourable members.... yes, honourable Justin Kithinji.

Hon. Kithinji: Thank you Mr. Speaker. Thank you for your I have caught your eye. I was raising my hand because I have the Order Paper and I can't see that particular Motion in it.

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Hon. Speaker: The copy that I have has it, maybe you should check again.

Hon. Kithinji: Mr. Speaker I don't have the hard copy. I do not know when this hard copy was given. The Order Paper that was sent to me doesn't have that particular Motion.

Hon. Speaker: Honourable Justin Kithinji I understand the Motion is also on the soft copy. Maybe you should countercheck. It was forwarded to our legislative forum group maybe you can tell us if you think that is sufficient notice.

Hon. Kithinji: Thank you Mr. Speaker. It is only that I just remembered that there is a serious debate going on that there were two versions of the BBI and that is the scenario I was trying to avoid.

(Laughter)

Hon. Speaker: Your point is noted and I direct the secretariat to be more serious on that and to always be cautious.

Honourable members, allow me now to propose the question that pursuant to the provisions of Standing Order 133(5) this House resolves to reduce the publication period of the Tharaka Nithi County Health and Sanitisation Services Bill, 2021 from 14 days to 7 days. The floor is now open for debate. yes, honourable Margaret Gitari.

Hon. Margaret: Thank you Mr. Speaker. I seconded the Motion and I don't believe there is a lot to debate on because it is about shortening the publication period so that the committee can get on its heels to write a report.

Mr. Speaker I support.

Hon. Speaker: Thank you, honourable member for Chogoria. Yes, honourable minority leader.

Hon. Derebia: Thank you Mr. Speaker. I support. Days are running out. We are heading towards the election. Let us shorten the publication period.

Hon. Speaker: Honourable members, regard being taken to the mood in the House, and the fact that this is a procedural Motion, allow me to put the question.

(Question put and agreed to)

BILLS

FIRST READING

THE THARAKA NITHI COUNTY HEALTH AND SANITISATION SERVICES BILL, 2021

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

Hon. Speaker: Honourable members, the Tharaka Nithi County Health and Sanitisation Services Bill, 2021 having been read for the first time stands committed to the committee on Health services. Thank you.

ADJOURNMENT

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

****The House rose at 9.54 a.m.****