

SECOND ASSEMBLY

(092)

THIRD SESSION

(198)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY – (THIRD SESSION)

ORDERS OF THE DAY

THURSDAY 31ST OCTOBER, 2019 AT 2:30 P.M.

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
 - i. Report by the Committee on Health and Sanitation on the Response to the Statement requested by Hon. Jane Mutua on the Status of the Kitui County Health Insurance Cover (K-CHIC) Programme. *(Chairperson, Committee on Health and Sanitation)*
6. Notices of Motions;
 - i. Motion on formation of County Assembly Special Committees. *(Majority Party Whip)*
7. Statements;
 - i. Schedule of Committee sittings and Plenary for the week ending on 8th November, 2019. *(Designated Member of the County Assembly Business Committee)*

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COMMENCEMENT OF BUSINESS

8.*. MOTION ON APPROVAL OF MEMBERSHIP TO VARIOUS COUNTY ASSEMBLY COMMITTEES

(Leader of Minority Party)

THAT, Pursuant to the provisions of Standing Order No. 155, this Assembly hereby approves further nomination of Membership to various County Assembly Committees as follows;

A. SECTORAL COMMITTEES

1. COMMITTEE ON FINANCE AND ECONOMIC PLANNING

1. Hon. Johnson Mutua Kanandu
2. Hon. David Masaku Munyao
3. Hon. Regina Ishmail
4. Hon. Sylvester Kitheka Munyalo
5. Hon. Charity Syomiti Mwangangi
6. Hon. Jehoshaphat Nzamba James
7. Hon. Jefason Ngui Kiruru
8. Hon. Nicholas Nzomo Mwalali
9. Hon. Stephen M. Musili
10. Hon. Florence M. Singi
11. Hon. Emeritus Kasee Musya

2. COMMITTEE ON LANDS INFRASTRUCTURE AND URBAN DEVELOPMENT

1. Hon. Geoffrey Muli Mwalimu
2. Hon. Alex Wambua Mwangangi
3. Hon. Anthony Mwanzia Ndoo
4. Hon. James Wangunze Kula

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5. Hon. Boniface Kilungya Katumo
6. Hon. David Thuvi
7. Hon. Colleta K. Kimanzi
8. Hon. Alexander Munuve Mbili
9. Hon. Charles Muthui Kilonzi Maema
10. Hon. Jehoshaphat Nzamba James
11. Hon. Eunice Mwathi Katheke

3. COMMITTEE ON BASIC EDUCATION, TRAINING AND SKILLS DEVELOPMENT

1. Hon. Jefason Ngui Kiruru
2. Hon. Ruth Kyene
3. Hon. John Mutuku Mbaki Kisangau
4. Hon. Annastacia Mwathi
5. Hon. Esther Ndile
6. Hon. Fredrick Kithome Nthuri
7. Hon. Munyoki Mwinzi
8. Hon. Florence M. Singi
9. Hon. Jane Mutua
10. Hon. Philip Nguli
11. Hon. Andrew Ndisya Lusa

4. COMMITTEE ON TRADE, INDUSTRY, ICT. AND CO-OPERATIVES

1. Hon. James Musyoka
2. Hon. Anne Mumo
3. Hon. Alex Mutambu Nganga
4. Hon. Ruth Kyene
5. Hon. Boniface Kilungya Katumo
6. Hon. Nelson K. Musyoka
7. Hon. Esther Ndile

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8. Hon. Peter M. Kilonzo
9. Hon. Dr. Grace Mutua
10. Hon. Waziri Bakari
11. Hon. Colleta Kimanzi

5. COMMITTEE ON AGRICULTURE, WATER AND IRRIGATION

1. Hon. Grace Mutua
2. Hon. Anthony John
3. Hon. Annastacia Mwathi
4. Hon. Sylvester Kitheka Munyalo
5. Hon. Ruth Kyene
6. Hon. Emeritus Kasee Musya
7. Hon. James Musyoka
8. Hon. Jacob Mbaya Kavolonza Musyoka
9. Hon. Andrew Ndisya Lusa
10. Hon. David Thuvi
11. Hon. Eunice Mwathi Katheke

6. COMMITTEE ON HEALTH AND SANITATION

1. Hon. Anthony Ndo Mwanzia
2. Hon. Nicholas Nzomo Mwalali
3. Hon. Josephine Kavivi Mutie
4. Hon. Regina Mueni Ishmael Musyoki
5. Hon. Grace M. Sammy
6. Hon. Charles Muthui Kilonzi Maema
7. Hon. Phillip Nguli
8. Hon. Geoffrey Muli Mwalimu
9. Hon. Elizabeth Ndunge Peter
10. Hon. Eliud Muteti Ndinguri
11. Hon. Kanini Philip

7. COMMITTEE ON ENVIRONMENT, ENERGY, AND MINERAL INVESTMENTS DEVELOPMENT

1. Hon. Jacob Mbaya Kavolonza Musyoka
2. Hon. Alex Ngau Musili
3. Hon. Alex Mutambu Nganga
4. Hon. Grace M. Sammy
5. Hon. Annastacia Mwathi
6. Hon. Fredrick Nthuri
7. Hon. Beatrice Velesi Musyoka
8. Hon. James Mutunga Munuve
9. Hon. Waziri Bakari Baraka
10. Hon. Johnson Kanandu
11. Hon John Mbaki Kisangau

8. COMMITTEE ON TOURISM

1. Hon. Elizabeth Ndunge
2. Hon. Deiys M. Mukala
3. Hon. Munira Mohammed
4. Hon. Charity Syomiti Mwangangi
5. Hon. Alex N. Musili
6. Hon. Eliud Muteti Ndinguri
7. Hon. Jane Mutua
8. Hon. Mary Ndumbu
9. Hon. Stephen Katana
10. Hon. Anne Mumo
11. Hon. John Mutuku Mbaki Kisangau

9. COMMITTEE ON LABOUR AND SOCIAL WELFARE

1. Hon. Munyoki Mwinzi
2. Hon. Charles Muthui Kilonzi Maema
3. Hon. Elizabeth Ndunge Peter
4. Hon. Josphine Kavivi Mutie

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5. Hon. Anthony Mbiti
6. Hon. Stephen Ileve Katana
7. Hon. Nicholas Nzomo Mwalali
8. Hon. Boniface Kilaa Kasina
9. Hon. Regina Mueni Ishmael
10. Hon. Anthony Ndooh Mwanzia
11. Hon. David Masaku Munyao

10. COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

1. Hon. Nelson K. Musyoka
2. Hon. Eliud Muteti Ndinguri
3. Hon. Josephine Kavivi Mutie
4. Hon. Charity Syomiti Mwangangi
5. Hon. Peter Kilonzo
6. Hon. Stephen Musili
7. Hon. Philip Nguli
8. Hon. Geoffrey Mwalimu
9. Hon. Grace Mutua
10. Hon. Deiys M. Mukala
11. Hon. Ruth Kyene

11. COMMITTEE ON PUBLIC SERVICE AND ADMINISTRATION

1. Hon. Jane Mutua -
2. Hon. Grace M. Sammy
3. Hon. Mary Ndumbu -
4. Hon. Frederick Nthuri -
5. Hon. Geoffrey Mwalimu -
6. Hon. Stephen Katana-
7. Hon. Johnson M. Kanandu-

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8. Hon. John Mutuku Mbaki Kisangau
9. Hon. James M. Wangunze Kula -
10. Hon. Annastacia Mutunga -
11. Hon. David M. Munyau -

B. SELECT COMMITTEES

1. COMMITTEE ON BUDGET AND APPROPRIATIONS

1. Hon. Boniface Kilaa
2. Hon. James Munuve
3. Hon. James Mbuvi Kula
4. Hon. Esther Kalunda Ndile
5. Hon. Stephen Katana
6. Hon. Stephen Musili
7. Hon. Mary P. Ndumbu
8. Hon. Mary Kanini Philip
9. Hon. Sylvester M. Kitheka

2. COUNTY ASSEMBLY BUSINESS COMMITTEE

1. Hon. George M. Ndotto
2. Hon. Peter Mwikya Kilonzo
3. Hon. Hon. Alex Nganga
4. Hon. Emeritus Kasee Musya
5. Hon. Stephen Makau Musili
6. Hon. David Thuvi
7. Hon. Alexander Munuve Mbili
8. Hon. Alex Wambua Mwangangi
9. Hon. Colleta Koli Kimanzi
10. Hon. Jane Mutua
11. Hon. Fredrick Kithome Nthuri
12. Hon. Beatrice Velesi Musyoka
13. Hon. Antony Ndooh Mwanzia

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14. Hon. James Wangunze Kula
15. Hon. Ruth Kyene
16. Hon. Antony Kyusya Mbiti
17. Hon. Nelson Kivali Musyoka
18. Hon. Andrew Lusa Ndisya
19. Hon. Hon. Boniface Katumo
20. Hon. Eunice Mwathi Katheke

3. APPOINTMENT

1. Hon George Ndotto
2. Hon Peter M. Kilonzo
3. Hon. Alex Nganga
4. Hon Boniface Kilungya Katumo
5. Hon Jeffason Kiruru
6. Hon Elizabeth N.Peter

4. SELECTION COMMITTEE

1. Hon Peter M. Kilonzo
2. Hon. Alex Nganga
3. Hon Regina Mueni Ishmail musyoki
4. Hon Anna M. Mumo
5. Hon Stephen Musili
6. Hon Jehoshaphat N. Nzamba
7. Hon James Musyoka
8. Hon Jacob Mbaya Kavolonza Musyoka
9. Hon Waziri Bakari Baraka
10. Hon Boniface Kilungya Katumo
11. Hon Esther K. Ndile
12. Hon Florence M. Singi
13. Hon Grace M. Sammy

5. LIAISON COMMITTEE

1. Hon Emeritus Kasee Musya
2. Hon. George M. Ndotto
3. Hon. Geoffrey Mwalimu
4. Hon. Jefason Ngui Kiruru
5. Hon. James Musyoka
6. Hon. Grace Mutua
7. Hon. Anthony Ndoo Mwanzia
8. Hon. Jacob Mbaya Kavolonza Musyoka
9. Hon. Elizabeth Ndunge
10. Hon. Munyoki Mwinzi
11. Hon. Nelson K. Musyoka
12. Hon. Boniface Kilaa
13. Hon. Johnson Kanandu
14. Hon. Peter M. Kilonzo
15. Hon. Alexander Mbili
16. Hon. Jane Mutua
17. Hon. David Thuvi

6. IMPLEMENTATION COMMITTEE

1. Hon. David Thuvi
2. Hon. James Munuve
3. Hon. Waziri Bakari
4. Hon. Florence Singi
5. Hon. Anthony John
6. Hon. Josephine Kavivi
7. Hon. Munira Mohammed
8. Hon. Alex Ngau James Musili
9. Hon. Mary Kanini Philip
10. Hon. Boniface K. Kasina
11. Hon. Boniface Kilungya Katumo

(Hon. Alex Nganga – MCA)

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9.*. THE KITUI COUNTY CORPORATION BILL, 2019. (C/ ASSEMBLY BILL NO. 3, 2019)- **SECOND READING**

(Vice Chairperson, Committee on Finance and Planning)

THAT, pursuant to the provisions of Standing Order No. 121 (1), the Kitui County Corporation Bill, 2019 (County Assembly Bill No. 3 of 2019) be **now** read a **Second Time**.

(Hon. David M. Masaku – (M.C.A)

10.*. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY.

*(To execute the business as contained in the **NOTICE** annexed)*

(Vice Chairperson, Committee on Finance and Planning)

Hon. Chairperson, I wish to move

THAT, the Committee do report its consideration of the Kitui County Corporation Bill, 2019 (C/A Bill No. 3 of 2019) and its approval thereof **with/without** amendments.

(Hon. David M. Masaku – (M.C.A)

ASSEMBLY RESUMES

11.*. REPORT OF THE COMMITTEE OF THE WHOLE COUNTY ASSEMBLY.

(Chairperson, Committee of the whole County Assembly)

Hon. Speaker Sir,

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I wish to report,

THAT, the Committee of the whole County Assembly has considered the Kitui County Corporation Bill, 2019 (C/Assembly Bill No. 3 of 2019) and its approval thereof **with/without** amendments.

(Hon Emeritus Kasee- M.C.A.)

12.*. MOTION ON APPROVAL OF THE REPORT BY THE COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

(Vice Chairperson, Committee on Finance and Planning)

Hon. Speaker Sir, I wish to move,

THAT, the House do agree with the Committee in the said report.

(Hon. David M. Masaku – (M.C.A)

13.*. THE KITUI COUNTY CORPORATION BILL, 2019 (C/ASSEMBLY BILL NO. 3 OF 2019)- (THIRD READING)

(Vice Chairperson, Committee on Finance and Planning)

(With the leave of the Speaker)

Hon. Speaker sir, I beg to move,

THAT, pursuant to the provisions of Standing Order No. 131 (2) the Kitui County Corporation Bill, 2019 (County Assembly Bill No. 3 of 2019) be **now** read a **Third Time**.

(Hon David M. Masaku)

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Third Reading

A Bill For

AN ACT of the County Assembly of Kitui to make provision for the establishment of county corporations, for control and regulation of county corporations and for connected purposes.

****Denotes order of the day****

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ANNEX

NOTICES

THE KITUI COUNTY CORPORATION BILL, 2019 (C/A BILL NO. 3 OF 2019)

Notice is given that the Vice Chairperson of the Committee on Finance and Planning intends to move for approval by the House the following clauses to the Kitui County Corporation Bill, 2019 (C/A Bill No. 3 of 2019) at the Committee of the Whole County Assembly Stage.

CLAUSES WITHOUT AMENDMENT

CLAUSE 3

THAT, Clause 3 as printed be part of the Bill.

CLAUSE 8

THAT, Clause 8 as printed be part of the Bill.

CLAUSE 9

THAT, Clause 9 as printed be part of the Bill.

CLAUSE 10

THAT, Clause 10 as printed be part of the Bill.

CLAUSE 12

THAT, Clause 12 as printed be part of the Bill.

CLAUSE 13

THAT, Clause 13 as printed be part of the Bill.

CLAUSE 14

THAT, Clause 14 as printed be part of the Bill.

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CLAUSE 15

THAT, Clause 15 as printed be part of the Bill.

CLAUSE 16

THAT, Clause 16 as printed be part of the Bill.

CLAUSE 17

THAT, Clause 17 as printed be part of the Bill.

CLAUSE 18

THAT, Clause 18 as printed be part of the Bill.

CLAUSE 19

THAT, Clause 19 as printed be part of the Bill.

CLAUSE 20

THAT, Clause 20 as printed be part of the Bill.

CLAUSE 21

THAT, Clause 21 as printed be part of the Bill.

CLAUSE 22

THAT, Clause 22 as printed be part of the Bill.

CLAUSE 23

THAT, Clause 23 as printed be part of the Bill.

CLAUSE 24

THAT, Clause 24 as printed be part of the Bill.

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CLAUSE 26

THAT, Clause 26 as printed be part of the Bill.

CLAUSE 27

THAT, Clause 27 as printed be part of the Bill.

CLAUSE 29

THAT, Clause 29 as printed be part of the Bill.

CLAUSE 30

THAT, Clause 30 as printed be part of the Bill.

CLAUSE 31

THAT, Clause 31 as printed be part of the Bill.

CLAUSE 32

THAT, Clause 32 as printed be part of the Bill.

CLAUSE 35

THAT, Clause 35 as printed be part of the Bill.

CLAUSE 36

THAT, Clause 36 as printed be part of the Bill.

CLAUSE 37

THAT, Clause 37 as printed be part of the Bill.

CLAUSES WITH AMENDMENTS

CLAUSE 4

THAT, clause 4 of the Bill be amended:-

In sub-clause (2)(a) by deleting the word "*and*" appearing on the 6th line of the paragraph and substituting therefor with the word "*who shall consider the same in consultation with the Advisory Committee established under section 31 for final input.*"

CLAUSE 5

THAT, clause 5 of the Bill be amended:-

(i) In sub-clause (2) by inserting the words "*with the approval of the County Executive Committee*" immediately after the words "*strategic function*".

(ii) In sub-clause (5) by deleting the word "*may*" appearing on the second line of the paragraph and substituting therefor with the word "*shall*".

(iii) By inserting the following new sub-clause immediately after sub-clause 5(5)-

5(6)-

- (a) The corporation shall institute measures to ensure that:
- (i) Its operations and investments are sustainable and profitable;
 - (ii) It is competitive in all its investment ventures;
- (b) The corporation shall undertake an assessment after every two years to measure the sustainability and competitiveness of the investment venture.

- (c) Notwithstanding sub section 5(b) the line County Executive Committee Member may at any time require the corporation to undertake the assessment under sub section 5(b) in relation to any investment where the county executive committee member is of the opinion that the venture does not meet the required threshold in sub section (5)(a).
- (d) The County Executive Committee member may in consultation with the county corporation board require the assessment under sub section (5)(b) to be undertaken by an independent person or the corporation.
- (e) Where the investment venture ceases to be sustainable, profitable or competitive the corporation shall;
 - (i) Restructure the investment;
 - (ii) Merge the investment with other investment;
 - (iii) Terminate the investment by way of sale, disposal, transfer or liquidation.
- (f) The County Executive Committee member in charge of Treasury shall appoint a receiver manager.

CLAUSE 6

THAT, clause 6 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause 6(2)-

6(3) Notwithstanding the provisions of Section 6(2), Corporations shall not borrow money by way of loans or float any bond or shares unless such loan is related to capital investments.

CLAUSE 7

THAT, clause 7 of the Bill be amended by:

- i) Insertion of the number "(1)" immediately before the word "The" appearing on the 1st line of the paragraph.

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- ii) Inserting the following new sub-clause immediately after sub-clause 7(2)-

7(3) Notwithstanding the provisions of Section 7(1)(a), the County Assembly shall not appropriate funds to a County corporation for more than three financial years after its establishment.

CLAUSE 11

THAT, clause 11 of the Bill be amended:-

- (a) In sub-clause (1)(k) by deleting clause (k) in its entirety.
- (b) In Sub- clause 1(j) by deleting the number "10" and substituting therefor with the number "12"
- (c) By deleting clause 11(2) in its entirety.
- (d) By deleting clause 11(3) in its entirety.

CLAUSE 25

THAT the Bill be amended by introducing new clauses in clause 25 as follows:-

25. Annual estimates

- i) At least three months before the commencement of each financial year, the corporation shall cause to be prepared annual estimates of the corporations for that year.

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- ii) The annual budget shall make provisions for all estimated expenditure of the corporation for the financial year and in particular shall provide for the:
 - a) Allocations for investments related to business venture
 - b) Debt repayment schedule.
 - c) Payment of salaries, allowances and other charges in respect of the staff of the corporations.
 - d) Payment of allowances, pensions, gratuities and other charges in respect of members of the board and members of the corporation.
- iii) The annual estimates shall be approved by the board before the commencement of the financial year to which they relate. And once approved the sum provided in the estimates shall be submitted to the County Executive Committee for final approval.

CLAUSE 28

THAT, clause 28 of the Bill be amended:—

- (a) In sub-clause (3) by inserting the words, "*or any other relevant law*" immediately after the words "*Public Audit Act, 2015.*"
- (b) By inserting the following new sub-clause immediately after sub-clause 28(3)-
28(4) The financial year of the corporation shall be the period of twelve months ending on thirtieth June in each year.

CLAUSE 33

THAT, clause 33 of the Bill be amended:-

- (a) In sub-clause (1)(d) by inserting the words "*with the approval of the County Assembly*" immediately after the words "*appointed by the Governor*".
- (b) In sub-clause (2) by deleting the words "*co-opt any person*" and substitute therefor with the words "*invite a person in attendance for professional and special skills input.*"

CLAUSE 34

THAT, clause 34 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause 34(1)(d)-

34(1)(e) Consider business cases in consultation with the County Executive Committee Member in charge of Treasury.

CLAUSE 2 - INTERPRETATION

THAT, clause 2 of the Bill be amended in the definition of the term "*Parent Ministry*" by inserting the words "*and manage*" immediately after the words "*establish*" appearing on the 2nd line of the paragraph.

LONG TITLE

THAT, the Long Title as printed be the Title to the Bill.

CLAUSE 1- SHORT TITLE

THAT, Clause 1 be amended by inserting the letter "s" at the end of the word "*Corporation*" appearing on the 2nd line of the paragraph to read "*The Kitui County Corporations Bill, 2019.*"