



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY 31TH JULY, 2024 AT 2.30 P.M.

1. The House convened at Thirty Minutes past Two O'clock.
2. Proceedings were opened with a word of prayer.
3. **PRESIDING**- Speaker on the Chair.
4. **COMMUNICATION AS RELATES TO THE KITUI COUNTY PUBLIC FORUMS (IMPLEMENTATION) (AMENDMENT) GUIDELINES, 2024.**

Honorable Members,

Pursuant to Section 12 of the Statutory Instruments Act, 2013 and the Kitui County Assembly Standing Order No. 189 requires any Statutory Instrument upon tabling in the House be committed to the relevant Committee.

Honorable Members,

In view of the above provisions, the Legal Notice No. 1 of 2024 relating to the Kitui County Public Forums

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(Implementation)(Amendment) Guidelines, 2024, stands committed to the joint Committee on Delegated County Legislation and Committee on Justice and Legal Affairs to review and scrutinize the same and report back to the House.

I therefore call upon the two committees to expedite the process of scrutinizing the said guidelines to enable the House conclude on this matter before the House adjourns for August short recess on Wednesday 7th August, 2024.

5. PAPERS;

The following paper was laid on the table of the County Assembly pursuant to provisions of Standing Order No. 179(6)

- i. Legal Notice No. 1 of 2024 relating to the Kitui County Public Forums (Implementation) (Amendment) guidelines, 2024. *(Designated Member, Kitui County Assembly Service Board)*

6. STATEMENTS

The following statements were given in the floor of the County Assembly;

- i. Schedule of Plenary Business for the week ending on 7th August, 2024. *(Designated Member, County Assembly Business Committee).*
- ii. Statement request on Status update of grading works at Kavou – Ndumoni Road in Kyangwithya West Ward and inquiry into program feasibility. *(Hon. Christopher Nzilu Nzioka -MCA Kyangwithya West Ward)*

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- iii. Response to Statement request made by Hon. Hussein Mwandia on the concluded Youth International Day Held in Kauwi Ward, Kitui West Sub County on 11th August, 2023. *(Chairperson, Committee on Culture, Youth, Sports, Gender and Social Services)*

(Deffered to a later date)

COMMENCEMENT OF BUSINESS

7. THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL, 2024 (COUNTY ASSEMBLY BILL, NO. 3, 2024)-

SECOND READING

(Chairperson, Committee on Administration and Coordination of County Affairs)

Motion Made and Question proposed;

THAT, pursuant to the provisions of Standing Order No. 121 (1), the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No. 3, 2024) be **now** read a **Second Time**.

(Hon. Peter Kitonyo Mwanza – M.C.A)

8. COMMITTEE OF THE WHOLE ASSEMBLY

Order of the committee read;

IN COMMITTEE

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The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024
(C/Assembly Bill No.3 of 2024)- (Chairperson of the Committee of the
Whole County Assembly)

CLAUSES WITHOUT AMENDMENTS

Clauses 4,5,6,8,9,10,11,12,13,14,15,16,17,18,19,20,22 and 23

Question Proposed,

THAT, Clauses 4,5,6,8,9,10,11,12,13,14,15,16,17,18,19,20,22,23 as
printed be part of the Bill.

No debate arising

Question put and **AGREED TO**

CLAUSES WITH AMENDMENTS

CLAUSE 2

Question Proposed,

THAT, Clause 2 of the Bill be amended in paragraph 2(b) as follows;

- i. By deleting the word “pharse” and replacing with the word
“phrase”.
- ii. By deleting the word “enforcent” and replacing with the
word “enforcement”

No debate arising

Question put and **AGREED TO**

CLAUSE 3

Question Proposed,

THAT, Clause 3 of the Bill be amended as follows;

The new proposed Section 4A: -

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(211)

Subsection (1)(g)

by inserting the word “by” between the word “appointed” and the words “the Executive Member” and further by inserting the words “for a term of three years and shall be eligible for reappointment for one further term” immediately after the word “Member” and before the semicolon.

Subsection (1)(h)

by inserting the words “for a term of three years and shall be eligible for reappointment for one further term” immediately after the word “Member” and before the semicolon.

Subsection 7

By deleting in entirety all the words contained in Subsection 7 and replacing them thereof with the following;

(7) A vacancy in the positions under Subsection (1) (a) (g) and (h) may arise where a member;

- i. Is adjudged bankrupt;
- ii. Resigns in writing to the appointing authority;
- iii. Is convicted of a crime and sentenced to imprisonment;
- iv. Is unable to perform the functions of the office by reason of infirmity or prolonged illness;
- v. Is of unsound mind;
- vi. Dies; or
- vii. Is absent from at least 5 consecutive meetings without any justifiable reason or without prior permission from the appointing authority.

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New Sub Section 2

By inserting a new Subsection 2 immediately after Sub-section 1 as follows;

New Sub Section 2

(2) A person shall be eligible for appointment as the Chairperson of the Committee if that person;

- i. Possesses a university degree in a relevant field from a university recognized in Kenya;
- ii. Has knowledge and experience of at least five (5) years in a relevant field;
- iii. Meets the requirements of Chapter 6 of the Constitution.

New Sub Section (11)

By inserting a new Subsection 11 immediately after Subsection 10 as follows;

(11) The reports under Sub Section 10 shall be submitted to the County Assembly within twenty-eight (28) days upon submission to the Executive Member.

Renumbering new Section 4A

By renumbering new Section 4A to conform to the legislative drafting guidelines.

No debate arising

Question put and **AGREED TO**

CLAUSE 7

Question Proposed

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THAT, Clause 7 of the Bill be amended as follows: -

New Subclause 3

By inserting a new Subclause 3

(3) A vacancy in the positions under Sub-Clause (2) (D) may arise where a member;

- i. Is adjudged bankrupt;
- ii. Resigns in writing to the appointing authority;
- iii. Is convicted of a crime and sentenced to imprisonment
- iv. Is unable to perform the functions of the office by reason of infirmity or prolonged illness;
- v. Is of unsound mind;
- vi. Dies; or
- vii. Is absent from at least four (4) consecutive meetings without any justifiable reason or without prior permission from the appointing authority.

Renumbering new Section 4A

By renumbering Section 7 to conform to the legislative drafting guidelines.

No debate arising

Question put and **AGREED TO**

CLAUSE 21

Question Proposed

THAT, Clause 21 of the Bill be amended in Sub-Clause 1 by deleting the word “by” appearing between the word “deleting” and “paragraph”

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No debate arising

Question put and **AGREED TO**

LONG TITLE

Question Proposed,

THAT, the LONG TITLE as printed be the Title to the Bill.

No debate arising

Question put and **AGREED TO**

CLAUSE I/CITATION CLAUSE

Question Proposed,

THAT, CLAUSE 1 as printed be part of the Bill.

No debate arising

Question put and **AGREED TO**

9.MOTION TO REPORT TO THE COUNTY ASSEMBLY

Motion made and Question proposed

THAT, the Committee do report its Consideration of the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No. 3 of 2024) and its approval thereof **with** amendments

(Hon. Peter Kitonyo Mwanza – M.C.A)

Question put and **AGREED TO**

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ASSEMBLY RESUMES

10. REPORT OF THE COMMITTEE OF THE WHOLE COUNTY ASSEMBLY.

(Chairperson, the Committee of the whole County Assembly)

Hon. Speaker Sir,

I wish to report,

THAT, the committee of the whole County Assembly has considered The Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No. 3 of 2024) and its approval thereof **with** amendments.

(Hon. Christopher Nzilu Nzioka- M.C.A)

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

(Chairperson, Committee on Administration and Coordination of County Affairs)

Motion made and question proposed;

THAT, pursuant to the provision of Standing Order No. 128(1) the House do agree with the Committee in the said report.

(Hon. Peter Kitonyo Mwanza- M.C.A)

Question put and **AGREED TO**

12. MOTION ON EXTENSION OF HOURS OF MEETING

(Leader of the Majority Party)

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(216)

Motion made and Question proposed

THAT, pursuant to the provisions of Standing Order No. 27 (3) (a), this Assembly do now extend its sitting time beyond 6.30 p.m. to transact business as allotted in the order paper today the 31st July, 2024.

(Hon. Munyoki Mwinzi- M.C.A)

Question put and **AGREED TO**

**12.THE KITUI COUNTY ALCOHOLIC DRINKS CONTROL
(AMENDMENT) BILL, 2024 (C/ASSEMBLY BILL, NO. 3 of 2024)-
THIRD READING**

(With the leave of the Speaker)

*(Chairperson, Committee on Administration and Coordination of
County Affairs)*

Motion made and question proposed;

THAT, pursuant to the provisions of the Standing Order No. 131 (2), the Kitui County Alcoholic Drinks Control (Amendment) Bill, 2024 (C/Assembly Bill No. 3 of 2024) be **now** read a **Third Time**.

(Hon. Peter Kitonyo Mwanza – M.C.A)

Debate arising

Question put and **AGREED TO**

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(217)

Third reading

A Bill for

An Act of the County Assembly of Kitui to amend the Kitui County Alcoholic Drinks Control Act, 2014.

13.ADJOURNMENT- and the time being Five Minutes past Six O'clock, the Honourable Speaker adjourned the House.

14.ASSEMBLY ROSE – at Five Minutes past Six O'clock.

MEMORANDUM

The Honorable Speaker will take the chair on

Tuesday, 6th August, 2024, at 9.00 A.M.

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