

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS
OFFICIAL REPORT

Monday, 27th February, 2023

The House met at 1.15 p.m.

[The Speaker (Hon. (Mrs.) Kiusya) in the Chair]

PRAYERS

PAPERS LAID

COUNTY INTEGRATED DEVELOPMENT PLAN FOR 2023-2027

Hon. Speaker: My I call upon Hon. Nicholas Nzioka to lay down the papers.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker Hon. Speaker, I wish to lay the following Papers on the Table of the Assembly today, 27th February, 2023:

- a. The third generation County Integrated Development Plan for 2023-2027;
- b. First and Second Quarter Report for the Department of Trade and External Relations.

Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member. I still call upon you Hon. Nzioka. May I commit those two Papers to the Committee on Trade, Economic, Planning and Industrialization and all other sectoral committees to handle those Papers?

APPROVAL REPORT OF NOMINEES TO WARD BURSARY COMMITTEES

Hon. Speaker: May I call upon Hon. Grace Bahati to proceed and lay the Paper.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. Hon. Speaker, I wish to report that the committee is not ready and I requested to be given more time after Tuesday, 7th March, 2023. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Permission is granted to lay the matter on a later date if the committee is not ready.

(The laying of the Paper was deferred)

Next order.

Hon. Francis Ngunga (Mua, MCCP): Point of information, Madam Speaker.

Hon. Speaker: Yes Mheshimiwa Ngunga.

Hon. Francis Ngunga (Mua, MCCP): Madam Speaker, thank you for catching my eye but before that report is it deferred, I think it is common knowledge that there are issues that I think that report will need to address. Madam Speaker, I think you are aware that there has been a lot of the persuasion from different areas that Members will need to agree on the committee that were going to be raised from the particle wards. You realize Madam Speaker we talking about 40 committees; not one committee. So, Madam Speaker we agreed that there is going to be---

Hon. Speaker: I think Hon. Ngunga that is why the matter has been deferred because they are not ready with that.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker.

Hon. Speaker: Mheshimiwa Member for Muthwani.

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I just noted something that the Committee Chair has said the Committee is not ready. Procedurally, any report that comes before this House, like a report we have already, it means that the committee has sat down, deliberated on the issues and they have agreed and the Chairperson of that committee has full ownership of the document.

The document before us if it was supposed to be debated, Madam Speaker does not have any ownership; it not signed, does not have a date and the Chairperson needs to own that document that now before she brings it to this House, shows that they are conversant. I wish to note that, Madam Speaker.

Hon. Speaker: Hon. Member, that is why the Hon. Chair said she is not ready. Is it that the reason Members?

(Applause)

So that matter has been settled and deferred for a later day.

Hon. Francis Ngunga (Mua, MCCP): Madam Speaker, I think before we say it is settled there are issues we should iron them---

Hon. Speaker: We will handle those issues that---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order, Madam Speaker. I think the Hon. Members out of order by overruling you yet you have ruled on this matter or already. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Majority Leader. I think that matter is settled so we do not need to belabour on it. Next order.

MOTIONS

APPROVAL REPORT OF NOMINEES TO WARD BURSARY COMMITTEES

Hon. Speaker: On this one, since the Chair has informed the House that the report is not ready, the motion will be dealt with at a later date. Can we have the next order?

ADJOURNMENT OF THE HOUSE

(Hon. Dominic Maitha spoke off record)

Hon. Speaker: I believe it is not that matter that we have handled. Okay.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I am raising not a matter of concern. This is House of procedure; we did receive a message that was supposed to have a sitting at exactly 10.00 a.m. and we complied with that. Some are here and some are on the way; they got a message that we are supposed to be in this House the sitting is supposed to be at the beginning of 12.00 p.m. and looking at the odometer on the screen, it is already heading towards 1.30 p.m.

I am standing on point of concern. Madam Speaker, it is good for the Hon. Members to be informed. We have been kept waiting as if we do not know what is happening and if this trend will have to continue, Madam Speaker, then it deprives the Members morale even to come to this House considering that the fact that this sitting will not be paid, Madam Speaker. So, kindly, in future, this issue needs to be addressed. If there are issues that are delaying transaction or operation it is good to communicate.

We have been sitting for the last almost four hours here having no communication so in future, if this has to happen, Madam Speaker, then it might pose a great danger to the future transactions of this House. Thank you, Madam Speaker.

Hon. Speaker: Thank you. That is well-noted.

(Hon. Mbili Ndawa spoke off record)

I hope it is not the same issue. Thank you, proceed and then next Mheshimiwa Ngunga.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. Madam Speaker, I want to caution the House; we were given the mandate by the electorate on 9th August, 2022 when members of public wealth woke up early in the morning and went to the polling streams to cast their votes or transfer the authority provided for by Article 1 of the constitution. Hon. Speaker, once we have been given authority we are bound to do things the way they are supposed to be done and every Member of this House and officers is bound to what is called due

diligence. Hon. Speaker, I understand the Chair of Education Committee has deferred the debate which was supposed to come here today and that was the best option. I want to say *heko* to her.

One of the reasons why I am saying this is because there is no Business which can which can be discussed and has been brought to this House then committed to their respective committee. The business that we are supposed to discuss today has never landed in this House and there never become a property of this House. So, I wonder how the Committee was purporting to interrogate report which has never seen its way to this House (??)

(Applause)

Hon. Speaker, in human resource language, the newly-employed personnel called them protégés and the ones who are experienced we call them mentors. We cannot remain as protégés; we are now six months old in this House and Hon. Speaker, we do not want to use dubious means to address issues here and then the other time you will find that the matter be taken to court. We are complaining that we do not have enough resources and if you do things the way we are now purporting to do, the matter will land in court and image will be tarnished and as the CEO (??) of this House, I believe you are very senior counsel and very honourable counsel who does things in right away. Kindly Hon. Speaker, do not be swayed by anything to take what we call shortcuts.

Hon. Speaker, on the other issue, the only authorized body which can alter the calendar of this House is the House Business Committee and not any other body. As per the Standing Orders, no other body has powers to alter the calendar. Hon. Speaker, I am a Member of that committee and I do not remember sitting as the House Business Committee to say we are going to alter the Calendar and sit on Monday. The Assembly sits on Tuesdays and Wednesdays; I do not know how you managed to convene.

(Several Members raised points of order)

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I do not know why the Hon. Member who is a senior member of this House is trying to contradict himself. He stood on Wednesday afternoon and seconded this sitting. Is he in order to contradict himself.

Hon. Francis Ngunga (Mua, MCCC): Point of order, Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Allow me to conclude because I am not far from concluding, Hon. Speaker.

Hon. Speaker: Let him reply and you are the next.

Hon. Mbili Ndawa (Matuu, MCCC): I am very sure a *Muhindi* who has been discussed will never have a clean cloth if people say his clothes are usually dirty. Even if you use a one lorry of Omo to clean his clothes, they will not be clean because people have discussing they said he always uses or puts on dirty dresses. I was just questioning the House on the procedure.

Then the other issue, Hon. Speaker, is that I advise the Chair because I have a lot interest in whatever is happening. This committee for bursary is urgent and when it is urgent, let us not

violate the regulation which is there. Hon. Speaker, for instance, the team which is brought from a Matuu Ward---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I think the Hon. Member is discussing a report that has been withdrawn from the House, Hon. Speaker.

Hon. Mbili Ndawa (Matuu, MCCC): Okay. Thank you, Madam Speaker. That we ensure that we adhere to the regulations to appoint this issue of.....Let us adhere and anything which is not following the laid down procedure, I am not going to be party to it.

Hon. Speaker: Hon. Member, your point is home.

Hon. Mbili Ndawa (Matuu, MCCC): Kindly and I am requesting the Table Office should be able to guide and give the right advice.

Hon. Speaker: The point is taken. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Madam Speaker. I think the first sure the first issue that Mheshimiwa Dominic has raised is what I wanted to raise on and it has been handled and you have taken note. It has been historical about time management and not keeping time and I think that will be addressed. The other issue I wanted to raise and this is very serious is about what Mheshimiwa Ndawa is raising on the issue of Standing Orders. There are moments that the House will need sit on emergency situation and Madam speaker your office has given that power through a special sitting. You can call a special sitting any day that you wish so that the House dispensers off with matters at are urgent.

The other times at when the times that the calendar of the House has been given by the House Business Committee and it is given on Tuesdays and Wednesdays when we can sit here. The other times that we can sit here is when for example, they say if Wednesday there was a sitting that agreed and a motion was passed that motion Madam Speaker procedurally needed to have gone to the House Business Committee for a apportioning because that was not urgent. It is only a special sitting that has a special day, Madam Speaker. Otherwise, if it is a motion, that motion goes to the House Business Committee like any other procedural motion.

Hon. Speaker: That has been addressed and it is going to be back and forth and will take a lot of time here.

Hon. Francis Ngunga (Mua, MCCC): I understand, Madam Speaker. Madam Speaker, there has been a lot of persuasion along the corridors here saying a motion can be discussed here and people decide to proceed the following day. If a motion has been passed, that business should be done, then that motion will find itself to the House Business Committee to be apportioned time. The only time that, Madam Speaker, we have time expressly to discuss a business is when you gazette a special sitting which defines the business to be done on that particular day, time and place.

This sitting here if you were to consider pursuing this, Madam Speaker, I am sure issues would have been raised about procedure, about the content of the matter but I am happy at least the Chair has done it this way.

Hon. Speaker: I suspect; almost convinced that perhaps that is the reason that she has withdrawn.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Madam Speaker.

Hon. Speaker: So I do not know why we are back and forth. This has been sorted out earlier and we have continued discussing something---

Hon. Francis Ngunga (Mua, MCCC): Okay. See you Members in Mombasa.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, I wish to bring to your attention that we have a stranger in the House and it is very dangerous. When you look up there, there is a stranger and if that animal happens to fall down on this House, it is going to cause a lot of chaos. It is a wild animal and if it happens to fall down, Madam Speaker, the lives of these Hon. Members will be in danger. Over and above, Madam Speaker, so that we continue and we can finish this sitting before the worst happens, I wish to bring to your attention, Madam Speaker, so that you can guide us. Now the Chair, has withdrawn and I want Members you listen to this Hon. Members listen to this.

Hon. Speaker: Let us not go back there.

Hon. Dominic Maitha (Muthwani, WDM-K): It is critical because you will guide on the same.

Hon. Speaker: No, I decline.

Hon. Dominic Maitha (Muthwani, WDM-K): I am not discussing the report. I am giving you information so that you guide.

Hon. Speaker: No. Mheshimiwa, have a seat. Sorry on the issue of that animal; I do not know how we will handle it. The Serjeant at Arms will handle the animal. May I invite the Majority Leader?

(Loud consultations)

Order, Members!

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Madam Speaker, before I moved a motion of adjournment is it in order for Mheshimiwa for Mua to to accuse me of having brought this unwanted stranger in the House and purporting that it could be some form of a superior power that I am bringing to the House.

Hon. Speaker: It is alleged to be in your ward.

(Laughter)

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Just for information, I will arrange with the Kenya Wildlife Service to see how we can honorably transfer the animal to its rightful residence.

Hon. Speaker: It is a squirrel?

Hon. Mbili Ndawa (Matuu, MCCP): Suppose we are hurt.

(Loud consultations)

It is not a squirrel, not a cat and not an owl.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Maybe I should move the motion before it comes down. Thank you.

Hon. Speaker that aware that the Second Session of the Third Assembly commenced on 15th February, 2023;

(Loud consultations)

Hon. Speaker: Order Members!

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker.

Hon. Speaker that aware that the Second Session of the Third Assembly commenced on 15th February, 2023 pursuant to Standing Order 24 on regular settings of the Assembly;

Aware that Standing Order 27 provides for the days and hours of plenary sitting; Further where that Standing Order 28 states that a Member may at any time for reasons stated seek leave to move that the House adjourns;

Aware that there is need to have members train on generation of business;

Hon. Speaker, I wish to move the motion that the House results that:

- a. To adjourn the sittings of Tuesday, 28th February, 2023 and Wednesday, 1st March, 2023 to resume on 7th March, 2023 at 10.00 a.m.
- b. Any documents that are received during this period to be committed to the relevant committee for processing and communicated when the House resumes.

Thank you, Madam Speaker. I request the Hon. Member, my good friend from Matuu Ward, the Minority Leader of this House to second the Motion.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I second the motion that this House and adjourns to do some other business and also give the Committee on Education time to collate issues that might be in that report so that as we resume on Tuesday, we do not waste a lot of time on the report. In fact, we want to ensure that things go very fast so that we do not hold the County at ransom so I support that we adjourn and request Hon. Members who were affected by the so-called report, kindly make efforts to liaise with the committee so that once we come here on Tuesday, we do not find ourselves in the same status.

So, Hon. Speaker, I second the motion and wish Members good time. As you go back to you electorates, pass my regards to them. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

I now invite Members to debate is motion.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House at adjourns to Tuesday, 7th March, 2023 at 10.00 a.m.

The House rose at 1.40 p.m.