

REPUBLIC OF KENYA
COUNTY ASSEMBLY OF MACHAKOS

OFFICIAL REPORT

Tuesday, 14th March, 2023

The House met at 11.54 a.m.

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

PRAYERS

PAPERS LAID

Hon. Speaker: May I call upon Hon. Nicholas Nzioka to lay down the Paper.

VARIOUS 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, 14th March, 2023;

- i. Report of the Auditor General on Machakos County Executive for the year ended 30th June, 2022.
- ii. Second quarter progress report FY 2022/2023 for the department of Tourism and Culture.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. The first Paper is to be committed to the Public Accounts and Investment Committee and Paper No. 2 is to be committed to the tourism and culture committee. May, I call upon Hon. Stephen Mwanthi, Deputy Speaker, and lay the Paper. Yes, Mheshimiwa.

PROCEDURAL MOTION
EXTENSION OF SITTING TIME

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I am raising Standing Order 27 on the extension of time.

You see the Standing Order says that the Morning sitting is 10.00 a.m. to 12.30 p.m. and right now is already midday;

So, Hon. Speaker, I wish to move the motion THAT pursuant to Standing order 27 that the House resolves to extend its sitting time until the business in the Order Paper is concluded.

Thank you, Hon. Speaker. I call upon Hon. Brian Kisila to second the motion.

Hon. Brian Kisila (Makutano/Matuu, MCCP): Madam Speaker, I second.

(Question proposed)

(Question put and agreed to)

CALENDAR OF THE ASSEMBLY FOR THE
SECOND SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: Proceed, Hon. Deputy Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, Pursuant to Standing Order 25, I wish to lay the following Paper on the Table of the Assembly today, Tuesday 13th March 2023; the Calendar of the Assembly for the Second Session of the Third Assembly. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. I call upon Hon. Grace Bahati chairperson, Education committee to lay the Paper.

REPORT ON CONSIDERATION OF NOMINEES FOR
APPOINTMENT TO THE POSITION OF WARD BURSARY COMMITTEE

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, 14th March, 2023 pursuant to Regulation 11(3) of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019; the Report of the Education and Social Services committee on consideration of nominees for appointment to the position of Ward Bursary Committee. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(The Papers were laid on the Table)

NOTICES OF MOTIONS
CALENDAR OF THE ASSEMBLY FOR
THE SECOND SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: May I call upon Hon. Stephen Mwanthi to present the notice of motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker.
Hon. Speaker, that aware that the Calendar enables the Assembly to plan the execution of its business and it sets out a schedule of days for the House Sittings and days of Recess;

Aware that Standing Order 24(1) provides that the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December;

Hon. Speaker, further aware that Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly;

Aware that Standing Order 25(2) provides that once the Calendar of the Assembly is approved by the House, it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation;

Acknowledging the House Business Committee prepared the Calendar of the Second Session of the Third Assembly;

Hon. Speaker, I wish to give notice of the motion THAT pursuant to Standing Order 25(1) this House approves the Assembly Calendar for the Second Session of the Third Assembly as annexed in the Order Paper.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. I call upon Hon. Grace Bahati, Chairperson, Education committee to proceed and give the notice of motion.

REPORT ON CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE POSITION OF WARD BURSARY COMMITTEE

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker.

Hon. Speaker, that aware that the objectives and the purpose of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 is to provide financial assistance to the needy students;

Cognizant that Regulation 11(1) of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 outlines the composition of the Ward Bursary Committee and further aware that Regulation 12 provides the functions of the said committee;

Aware that Regulation 11(3) confers the County Executive Committee Member with powers to forward the nominees for the Ward Bursary Committee to the County Assembly for consideration and approval and further aware that the said nominees were forwarded vide a letter dated 13th February, 2023 and aware that an amendment to the original forwarded list was forwarded vide a letter Ref: GMC/4/DOEE/CO/BRSY/VOL.1/7 dated 7th March 2023 in compliance with Regulation 11(3);

Acknowledging that the forwarded nominees were committed to the Committee on Education and Social Services and aware that the committee scrutinized the forwarded documents in line with Regulation 11(3) and (4) of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019;

I wish to give notice THAT, this Hon. House considers and approves the Report of the Education and Social Services Committee on the consideration of nominees for appointment to the position of Ward Bursary Committee, laid on the Table of the House on Tuesday, 14th March, 2023.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Bahati.

STATEMENT

BUSINESS FOR THE HOUSE FROM 14TH TO 15TH MARCH, 2023

Hon. Speaker: May I call upon Hon. Nicholas Nzioka to proceed and make the Statement.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, the House Business Committee met today on 14th March 2023 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(6)(d). The Committee balloted as follows:

Tuesday, 14th March, 2023
Morning at 10.00 a.m.

- (a) Motion on Approval of the Assembly Calendar for the Second Session of the Third Assembly by Hon. Stephen Mwanthi, Deputy Speaker/Vice Chair, House Business Committee)
- (b) Report on Consideration of nominees to the Ward Bursary Committees by Hon. Grace Bahati, Chairperson, Education and Social Services Committee.

Afternoon at 2.30 p.m.

- (a) Motion on Change of Membership in Committees by Hon. Nicholas Nzioka, Chairperson, Selection Committee.
- (b) Report on the Machakos County Fiscal Strategy Paper FY 2023/2024 by Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee.

Wednesday, 15th March, 2023
Morning at 10.00 a.m.

- (a) Report on the Status of Machakos Level 5 Hospital by Hon. Vincent Mutie Chairperson, Health and Emergency Services Committee.

Afternoon at 2.30 p.m.

- (a) Report on the Status of Barabara Mashinani grading program by Hon. Muoki Musila, Chairperson, Transport, Roads Housing and Public Works Committee
- (b) Motion on marking of boundaries of all Access Roads in the County by Hon. Peter Kilonzo, MCA, Mbiuni Ward.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Next order

MOTIONS
CALENDAR OF THE ASSEMBLY FOR
THE SECOND SESSION OF THE THIRD ASSEMBLY

Hon. Speaker: May I call upon Hon. Stephen Mwanthi to proceed and move the motion.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Calendar enables the Assembly to plan the execution of its business and it sets out a schedule of days for the House Sittings and days of Recess;

Aware that Standing Order 24(1) provides that the regular Sessions of the Assembly shall commence on the Second Tuesday of February and terminate on the first Thursday of December;

Hon. Speaker, further aware that Standing Order 25(1) requires the House Business Committee, with the Approval of the Assembly, to draw up the Calendar of the Assembly;

Aware that Standing Order 25(2) provides that once the Calendar of the Assembly is approved by the House it shall be published in the Gazette, the Assembly website and at least two newspapers of national circulation;

Acknowledging that the House Business Committee prepared the Calendar of the Second Session of the Third Assembly;

Hon. Speaker, I wish to move the motion THAT pursuant to Standing Order 25(1) this House approves the Assembly Calendar for the Second Session of the Third Assembly as annexed in the Order Paper.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, proceed and identify your seconder.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. Hon. Speaker, as you can see the annexure No. 7, it has got some several issues that were followed while preparing the Calendar and I will go through some as I call the seconder. Hon. Speaker, in accordance with Standing Order 24(1), the Second Session of the Third Assembly will run from 14th February to 6th December, 2023, which totals 132 sittings or 33 weeks.

Key Calendar considerations:

- (i) Submission of the County Fiscal Strategy Paper (CFSP) which ought to be submitted by 28th February, considered and adopted by the House within 14 days;
- (ii) Submission of the Budget Estimates by the County Government for the FY 2023/2024 which ought to be tabled in the House by April 30, 2023;
- (iii) Publication and introduction of the Finance Bill by 30th April, 2023. This is pursuant to Supreme Court Advisory Opinion Reference No. 3 of 2019, an Appropriation Bill cannot be passed before the enactment of a Finance Bill.
- (iv) Public hearings by the Budget and Appropriations Committee and the Sectoral Committees on the Estimates, This should be undertaken before the Budget

Committee tables its report on the estimates for approval by the House in early June;

- (v) Pronouncement of the Budget Highlights and revenue-raising measures by the CECM, Finance tentatively on 15th June, 2023;
- (vi) Introduction, consideration, and passage of the Appropriation Bill by 30th June, 2023;
- (vii) Consideration and passage of the Finance Bill by 30th June, 2023.

Other important considerations, especially for the Recess periods:

- (i) Easter Holidays scheduled for 7th April, 2023 for Good Friday and 10th April, 2023 for Easter Monday; Schools Calendar; the Calendar of Primary (P) and Secondary (S) school holidays as per the Table shown below.

	Opening	Closing	Duration	Half Term
Term 1	23 rd January 2023	21 st April 2023	13 Weeks	23 th to 26 th March, 2023
Holiday	22 nd April 2023	7 th May 2023	2 Weeks	
Term 2	8 th May 2023	11 th August 2023	13 Weeks	29 th to July 2 nd June, 2023
Holiday	12 th August 2023	27 th August 2023	2 weeks	
Term 3	28 th August 2023	11 th November 2023	10 weeks	-
Examination Period	6 th November 2023 (P)	9 th November 2023		
	10 th November 2023 (S)	1 st December 2023		

**The Calendar of the House has been synchronized with the schools calendar.

So I think with that, I now call upon Hon. Brian Kisila to second the motion.

Hon. Speaker: Thank you, Hon. Brian Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, I will second the motion at the same time I would like to make a few comments as I second that this House needs to look at the CIDP and ADP which is very important to this House and we need to look at the timelines which we need to incorporate the CIDP and ADP and approve it, but I second.

Hon. Speaker: Thank you, Hon. Kisila.

(Question proposed)

I proceed to invite Members to debate the motion because Hon. Stephen Mwanthi has already highlighted the Calendar days. Members it is your turn let us debate this matter. Hon. Ngunga.

Hon. Francis Ngunga (Mua, MCCC): Thank you, Madam Speaker. This being a procedural motion, I think the House may not need to labor a lot now that these dates agree with our Calendar, I plead with the House to pass it as it is.

Hon. Speaker: Thank you, Hon. Ngunga.

(Question put and agreed to)

REPORT ON CONSIDERATION OF NOMINEES FOR
APPOINTMENT TO THE POSITION OF WARD BURSARY COMMITTEE

Hon. Speaker: May I now invite Hon. Grace Bahati to proceed and move that motion.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker.

Hon. Speaker, that aware that the objectives and the purpose of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 is to provide financial assistance to the needy students;

Cognizant that Regulation 11(1) of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019 outlines the composition of the Ward Bursary Committee and further aware that Regulation 12 provides the functions of the said committee;

Aware that Regulation 11(3) confers the County Executive Committee Member with powers to forward the nominees for the Ward Bursary Committee to the County Assembly for consideration and approval and further aware that the said nominees were forwarded vide a letter dated 13th February, 2023 and aware that an amendment to the original forwarded list was forwarded vide a letter Ref: GMC/4/DOEE/CO/BRSY/VOL.1/7 dated 7th March, 2023 in compliance with Regulation 11(3).

Acknowledging that the forwarded nominees were committed to the Committee on Education and Social Services and aware that the committee scrutinized the forwarded documents in line with Regulation 11(3) and (4) of the Public Finance Management (Machakos County Bursary Fund) Regulations, 2019.

Hon. Speaker, I wish to move the Motion THAT this Hon. House considers and approves the Report of the Education and Social Services Committee on consideration of nominees for appointment to the position of Ward Bursary Committee, laid on the Table of the House on Tuesday, 14th March, 2023.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Bahati. Call a seconder kindly.

Hon. Grace Bahati (Kyeleni, IND): I wish to request the vice Chairperson of Education, Hon. Phoebe Koki to second the motion.

(Applause)

Hon. Phoebe Koki (Nominated, MCCC): Asante Bi. Spika. Naunga huu mswada mkono. Asante.

Hon. Speaker: Thank you, Hon. Member.

(Question proposed)

Before I invite Members for debate, let me call the mover Hon. Grace Bahati to take the House through the highlights of the report.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. I would like to go through the report and I will start from page 14 Hon. Members.

Hon. Speaker: Order Members. Are we on the same page? Not yet?

Hon. Grace Bahati (Kyeleni, IND): Okay. Thank you, Hon. Members. I would like---

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Madam Speaker. Unless I am the stranger in Jerusalem, I think the document that we are holding has a statement in the Chairperson's foreword and of concern is the last paragraph. This is what the Chairperson says and it is important to note that it is headed Chairpersons foreword and I am just reading what is written. This is what she says; based on the aforementioned and pursuant to the provisions of the Public Finance Management Act.....page 3, the last paragraph. So---

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I think we should allow the mover of the motion to take us through the report then after we can have time to ventilate and debate on the same. The Hon. Member is putting the cart before the horse, Thank you.

Hon. Speaker: Thank you, Hon. Mwonga. The mover, proceed and we can tackle those issues after we have proceeded.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Point of information.

Hon. Speaker: Is it about the same subject?

Hon. Brian Kisila (Makutano/Mwala, MCCC): Yes. Madam Speaker, we seem to be assuming this Assembly and assuming this Assembly is when you come and start giving us reports when we are on the floor of the House. Even as we speak, some Members do not have the report. We made it very clear that every committee should submit to this House their reports even online one hour before the plenary.

Madam Speaker, unless we are coming here to formalize what we are doing and the input of Members is not required, I think we need to start getting serious and we will reach a stage

whereby we will refuse to debate motions if we are not well prepared. As you can see, documents are being passed when we are seated down; has this become a House where we are just rubbers stamping documents? We need to go through reports so that we can highlight and go through them.

With all due respect, let everyone do their work and we made that resolution in the Second Session of this Assembly. Even as we were starting Madam Speaker, you made a ruling that reports need to come on time. So I am making a submission that we do not want to be taken for a ride; let Members and committee Chairpersons make sure that we have the documents in ample time so that we can go through them even before the session. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisila. Yes, Hon. Maitha.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, the report before this House seems to be a report that is not owned by anyone; it is just a blank document. Procedurally, is it in order for the Chair to read a report before this House that is not signed and owned? So, we are discussing a report that is not owned up to by the chairperson of the Committee.

Hon. Speaker: The report is being read by the Chairperson and she is the author of the document and she owns the document. Let her proceed. She can even sign now.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Madam Speaker of concern to us is; supposing she reads to us this and you produce another one and she signs, are we suggesting that to be true?

Hon. Speaker: Proceed and sign it; sign the one she is reading and the others later, unless you want us to adjourn to facilitate that.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, we are not frustrating the Chair in any way but procedurally Madam Speaker, the procedure of any document that is produced in this Assembly as a report that has already been done by any committee, the Chairperson owns that information by appending her signature to confirm that in the event, because if we discuss this document here and it is not signed, we are debating a document that is not owned up. Unless with your directions she goes round and signs all the documents that each and every Member has, it is procedural, Madam Speaker.

(Loud consultations)

Hon Speaker: Thank you. May the Hon. Chairperson Education respond to those concerns kindly?

Hon. Francis Kavyu (Kinanie, MCCC): Point of information, Madam Speaker. Before the Chairperson responds, we still have some Members who do not have the report. Can it be availed to them even as the Chairperson responds?

Hon Speaker: Thank you, Hon. Kavyu.

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. I would like to respond about signing of the document. Hon. Members, before this motion and report would have been tabled here early in the morning I did sign the document the one, they should have photocopied because this was the only first document I was given to sign. So, it is already signed and I own the report. Thank you, Madam Speaker.

Hon. Speaker: Mheshimiwa Ngunga.

Hon. Francis Ngunga (Mua, WDM-K): Thank you, Madam Speaker. I think as a Father of this House, we need your indulgence and your guidance because looking at the issues that the Members are raising here---

(A Hon. Member spoke off record)

Madam Speaker, I ask for your protection.

Hon. Speaker: Let him finish.

Hon. Francis Ngunga (Mua, MCCP): Being a Father of the House, I would correct you and tell you that I am a Father of this House being the second Majority Leader of the Second Assembly; I have the audacity and capacity to refer to myself as the Father of this House; the founding Father of the House being Hon. Mwonga who is sitting behind me and therefore you will have to enjoy a little wisdom from these Members.

Madam Speaker, why I am seeking for your guidance in this matter before the report is tabled by the Chair of Education, a lady that we respect, I am aware and I have actually looked at the recommendations of the report that it is like they are saying that this report does not find its way here. Madam Speaker, the question becomes, if we discuss---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order Madam Speaker. The Hon. Member is anticipating what is in the recommendations and it is against parliamentary procedures to anticipate debate. So, he should not be telling us that he already knows what---

Hon. Speaker: Hon. Members, what I suggest instead of interjecting all the time; let the Hon. Chairperson proceed with the report.

(Applause)

Hon. Grace Bahati (Kyeleni, IND): Thank you, Madam Speaker. Hon. Members, I would like to go through the report and had mentioned earlier that I will start at page 14 No. 10; the said document was tabled in the House on 15th February, 2023 and further committed to the Committee of Education and Social Welfare for consideration and subsequent approval. Upon committal, the Committee on Education interrogated the Chief Officer on behalf of the CECM Education on issues relating to the forwarded nominees. The key areas of concern were:

- i. Why the department had forwarded the list of nominees for the County Bursary Committee, yet the term of the existing committee had not expired.
- ii. Why the Department had forwarded five nominees for the position of Ward Bursary Committee, yet the Regulation requires only three nominees.

Response made by the Chief Officer on the above raised concerns

On issue relating to the County Bursary Committee, the Chief Officer stated that Her Excellency the Governor had requested for reconstitution of the said Committee although the reasons behind the proposed changes was not justified.

The Committee was not convinced by the response given by the Chief Officer on the re-appointment of the County Bursary Committee because the decision had violated Regulation 9(4) which gives the existing committee a chance to serve for a fixed term of three years owing to the fact that the County Bursary Committee membership was approved by this Hon. House on September, 2021

Based on the above, the Committee directed the Chief Officer to forward addendum outlining the reasons why the current County Bursary committee membership should be terminated before the expiry of their term; the said information is yet to be provided to the Education Committee.

On issue relating to five nominees for the position of Ward Bursary Committee, the Chief Officer acknowledged that the document forwarded vide a letter dated 13th February, 2023 had captured five nominees instead of three.

To address the stated issue, the Chief Officer re-forwarded a list of three nominees from each ward for the positions of the Ward Bursary Committee vide a letter Ref: GMC/4/DOEE/CO/BRSY/VOL.1/7 dated 7th March, 2023 as provided in annexure 2

Members reviewed the list of forwarded nominees and made the following observations:

- i. That the forwarded list had not specified the position of each nominee as outline in Regulation 11(3).
- ii. That in several wards, the nominated nominees are of the same gender thus violating Regulation 11(2) and (d) which specifies that the nominee under that paragraph should be a woman and a man.
- iii. The committee could not tell whether the forwarded list had complied with Regulation 11(4) which states that “in nominating the persons referred in Regulation 11(2)(a) and (d), the County Executive Committee Member shall take into consideration the representation of persons with disabilities, the youth and any other forms of marginalization.
- iv. That the Department had not forwarded the Curriculum Vitae for the nominated nominees to the position of Ward Bursary Committee for verification.

COMMITTEE RECOMMENDATIONS

Guided by above observations, Education and Social Services Committee recommends that the Department of Education re-submits the list of nominees to the position of the Ward Bursary Committee in line with Regulation 11(3) and (4) of Public Finance Management (Machakos County Bursary Fund) Regulations, 2019.

ACKNOWLEDGEMENT

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the County Assembly for the support accorded to it in the execution of its mandate and the opportunity accorded to its Members to develop this report.

I now wish to present this report to this Hon. House on behalf of Education and Social Services Committee for consideration and adoption. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Bahati. Before I proceed to put the question, I wish to make some observations and concerns that Members have raised here concerning reports coming late, information being relayed quite late to the Members and of course poor paper work. Like I remember last time, we had poorly-printed out documents and of course I believe the work of making sure the Chairperson of the Committee has signed the report is the work of the Clerk.

So before this House I want to request the concerned Clerk to pull up their socks concerning this.

(Applause)

Make sure Members are given their due respect by being provided with information in advance so that they can digest it and make an informed debate in the House. This being my second time to discuss issues of Clerks Assistants not doing their work in the right way, I think I will not do it again this is the last time. If it is repeated, we shall take the necessary disciplinary action against the concerned Clerk Assistants. So take note and amend the ways. Thank you, Members.

(Question proposed)

I invite Members to proceed and debate. Hon. Ndawa, proceed.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. Hon. Speaker, I am standing to agree with the report that was tabled by our most able Chair, Education. Hon. Speaker in most cases it is presumed that the Minority Leader is supposed to oppose; this time round am not opposing I am supporting let it go on record and the reason why I am supporting the report, Hon. Speaker, the Chairperson together with the Committee have given us a very brief and elaborate reasons as to why they want the report to be taken back to the CECM to collect these small anomalies.

Hon. Speaker, from the report there is what we call deficiency. There is what we call paucity and there is what we call inadequacy. There are so many things that are lacking or that were not adhered to. Hon. Speaker, I have always said and I am saying it again here. This is the highest decision-making organ of this County and if the highest decision-making organ cannot follow the Regulations and the laid down procedures it means every other person will not follow.

So, Hon. Speaker, I want to see the Committee of Education has done its part. They have highlighted (...*inaudible*). Hon. Speaker going back to the report I want to refer you to a table there specifying specific Wards. Hon. Speaker, the Regulations says the Ward bursary Committee will have five members and the five members one will be the Ward administrator, the other person will be the ECDE coordinator for that particular Ward and three other members.

Hon. Speaker the three other members one is supposed to be proposed by the area Member of that particular Ward. The other two are supposed to come from the CECM education.

The two, one, I can see some Members trying to shake their heads let them seat where they seated and allow me to conclude---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of Order, point of information.

Hon. Mbili Ndawa (Matuu, MCCP): This time round the Assembly---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information Madam Speaker.

Hon. Mbili Ndawa (Matuu, MCCP): I do not want to be informed.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of information. I am informing the House.

Hon. Mbili Ndawa (Matuu, MCCP): I am requesting for your protection. They will have their time---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): You are misleading the House.

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, let each Member get---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Hon. Speaker, point of information.

Hon. Speaker: This is a House of procedure. Hon. Ndawa a Member stands on a point of information they are supposed to be given an opportunity.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. Unless the Minority Leader is referring to any other Regulations that guide the administration and management of bursary, we do not have where that information where we are explicitly in the Regulations allowed to nominate a Member or the other Members to be nominated by the CECM. So I just want to inform you that in the Regulations, we do not have that explicit information you are telling us. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Ndawa, proceed.

Hon. Mbili Ndawa (Matuu, MCCP): Thank you, Madam Speaker. I do not know some Members have not taken breakfast maybe that is why they are agitated and you know it is lunch hour; maybe the sugar levels have gone down. I wish we move very fast so that we can allow them to go and take something so that we can be normal because they do not seem to be normal.

(Loud consultations)

Hon. Speaker, the Regulations talk of a man and a woman and I want to take you to starting with my Ward---

Hon. Dominic Maitha (Muthwani, WDM-K): I just want to quote what Hon. Ngunga said. He is the father of this House based on precedence. The Hon. Minority Leader is a senior ranking Member of this House. So many Hon. Members of this House are looking up to his direction.

When he says that he does not want to be informed, he is setting a very bad precedence. Secondly, when he says Hon. Members their sugar levels are low does he have an odometer for the same? I wish to inform the Hon. Member that he is out of order when he tells that one Member shall be nominated by Member of County Assembly. The Act is here and it says this Madam Speaker. According to the Machakos County Subsidiary Regulations of 2019---

(A Hon. Member spoke off record)

Part eleven; I am on a point of order. Protect me. There is to be established for each Ward a committee to be known as the Ward Bursary Committee. The person referred to paragraphs two shall be nominated by the County Executive Committee Member responsible for matters relating to education with the approval of the County Assembly.

So the Hon. Minority Leader should stop misleading this House and say that the Hon. MCAs have powers to nominate one Member. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

Hon. Mbili Ndawa (Matuu, MCCP): Those points of information are enough, Hon. Speaker.

(Laughter)

Hon. Speaker: Okay.

Hon. Mbili Ndawa (Matuu, MCCP): They are enough. They are enough. I am well-informed.

Hon. Felix Ngui (Katangi, WDM-K): Madam Speaker, I was also raising on a point of order.

Hon. Speaker: Hon. Felix, have a seat.

Hon. Mbili Ndawa (Matuu, MCCP): Yes. So, Hon. Speaker---

Hon. Speaker: Hon. Ndawa, proceed.

Hon. Mbili Ndawa (Matuu, MCCP): I was saying that if laws are set, it is this Assembly that should be in the forefront to ensure that the laws are followed to the letter. The document is

very clear. It talks of a man and a woman. I am taking you to Matuu Ward. I will start with Matuu Ward; the three nominees are male there is no female there. Are we within the law?

Hon. Speaker: If I listened to the report very clearly Hon. Ndawa, it is being taken back to make those anomalies---

Hon. Mbili Ndawa (Matuu, MCCP): That is why I am supporting my argument of supporting is based on this. I am not opposing I am supporting saying the Committee is 100 per cent correct. I am taking you to another Ward. The three nominees are men. I am taking you to Masinga Central and Kivaa. I am taking you to Masinga Central all are men, Mumbuni all are female so we have more than nine Wards which are not following.

Again Hon. Speaker the issue of PWDs has not been adhered to according to the report that we are getting and we are in total agreement that these report we need to take it back to the CECM to ensure that the correct these anomalies. Hon. Speaker, I am requesting that since this is the third time we are sending the report back, this time around, if it is not corrected let the House invite the CECM to come before the Committee of the Whole so that he can shed light---

Hon. Speaker: Let us cross the bridge while we reach there. Thank you. Hon. Member. Hon. Ngunga you have spoken many times let me give the opportunity to someone else.

(Laughter)

Hon. Paul.

Hon. Paul Wambua (Kibauni, PTP): Thank you, Madam Speaker. Madam Speaker I stand to support the report by Education Committee because the points they put down are very clear for everyone to see. One, on gender very well highlighted. Secondly, we are not are not privy to the level of education of some of these nominees as well as their experience in matters of education, public service and such. So, Madam Speaker, this House is the House that makes laws and if we do not follow the law then we shall be setting a very bad precedence to this County.

My proposal is that due to the time lapse since this report was brought to this House, I propose that we give the CECM 14 days to make the amendments that are required and that are within the law so that we may proceed to give bursaries to our very needy students in this County. Thank you, Madam Speaker.

Hon. Speaker: Thank you; well-articulated. Very well! Hon. Felix then Mheshimiwa Vincent.

Hon. Felix Ngui (Katangi, WDM-K): Thank you, Madam Speaker. As I give my contribution to this report, I would wish to respond also to a statement that was made by Hon. Ndawa that most of the Members here seem not to be normal because they have not taken breakfast and it is heading to lunchtime. Madam Speaker, I would like my learned friend (??) to withdraw that statement because we are all normal here, Madam Speaker. Withdraw that statement first so that we can continue because we are all normal we are not abnormal unless it is substantiated that we are abnormal.

Hon. Mbili Ndawa (Matuu, MCCP): Withdrawn, Hon. Speaker.

Hon. Speaker: Thank you. Proceed.

Hon. Felix Ngui (Katangi, WDM-K): Madam Speaker, as I support the report of the Committee on Education, it must go on record that the department of education is failing our people because since we passed a supplementary budget we allocated monies to the department for our people to get bursaries. It is now three months down the line and our people need to pay school fees and we are unable to pass a committee here for our people to benefit from these bursaries.

Madam Speaker it seems that most of provisions in our Regulations were not followed and I want to support the point for Hon. Kibauni. That we should give recommendations to this report and giving timelines to the Chief Officer and the CECM that within 14 days because if you look at our calendar, we will be breaking for short recess on 23rd March, 2023 then we will be coming back to this House on 3rd April, 2023. Madam Speaker, if in case we go for recess without passing this committee, it means that our people will get these bursaries late in April, Madam Speaker.

So I want to support this point that we adopt this report and give them timelines within seven days that we get these names back in this House so that we can approve them people to be given bursaries at the Wards, Madam Speaker. Thank you, Madam Speaker.

(Applause)

Hon. Speaker: Thank you, Hon. Member. Hon. Vincent and then Hon. Ndeti after that.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you, Madam Speaker. I stand to identify myself with the report as has been read out by the Chairperson of the Committee. Of importance to us is the Regulations as she have highlighted and the important note that concerns me is the work that this Committee is supposed to undertake. You realize that if you look at the functions No. E and F; it says that that Committee shall undertake such other activities as are necessary for the effective application of the Fund.

We are talking about people who are going to do a very important task for our people. For entire department and by that I mean education department, not able to follow Regulations which are so clear articulated and do not need any interpretation, then it points to a serious breakdown in that department. If we can nominate Members without considering what the law says then it means that department should be looked up again.

I support what the Committee recommends. Let us adhere to the law. Let us follow what the law says. Let the House not pass a document simply because they have to pass it but let us pass it if it meets the threshold of law.

(Applause)

Madam Speaker, you realize that it is not just gender alone but we also need to factor what the Regulation say in No. 4 that in nominating the persons referred as described the

executive committee member shall take into consideration the representation of person with disabilities, the youth and any other forms of marginalization.

By passing this document then we would have given credit to what the department had done. So we would not give credit where the law is not being applied well. Therefore, I support the recommendations that the Committee Member for education and Social Services should give us a list that meets the threshold of law.

Madam Speaker if I would quote someone who said that the ground is not just their piece into which everything disappears it is also the source from whence every form emerges. The ground of constitutionalism is not just the end of the frustrations of our people but the foundation of the aspirations of our people. We cannot go against the law that guards the dreams of our people.

Let the Committee Member go back, let them give us a list that abides to the law and we will pass it. It is not just anytime as long as it meets the threshold this House will pass it without any problem. I thank you.

Hon. Speaker: Thank you, Hon. Member. Before I even give opportunity to Mheshimiwa Ndeti and maybe Mheshimiwa Maeke, Mheshimiwa Mwonga, Mheshimiwa Ngunga, I want to say a few things. I want to say a few things Mheshimiwa Brian. From what I have gathered from the input by Hon. Vincent and Hon. Felix is that, we must and that is to go to the ears of the Chairperson; that we must have timelines by which you normalize the anomalies, adhere to the law to the letter.

Yes Regulations have been read and Hon. Vincent was reading the Regulations and I believe and the threshold must be met including the marginalized and the PWDs must be included in the report and in whatever you are going to bring back to the House. So with those few remarks, may I invite Hon. Ndeti to make contribution followed by Mheshimiwa Maeke?

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Hon. Speaker, for catching my eye. Members, I just want to put one point across. In the last parliament, I was the vice-chair of Education and this County spent a lot of money sponsoring that committee to come up with Regulations 2019 which worked. After that we never had any issues and Members if you accept to go with Regulations or an order that is not in the Regulations, what we are trying to do is set precedence where even this parliament, if we make laws, they will never be taken serious.

So this is the high time the Executive takes stern measures by ensuring that they follow the Regulations that were passed as law by this parliament so that even our future generations who come here will be able to look at it. If they were amending it to make it better that what we had, I would understand but they are making it worse. So it is very important we go by what we have.

(Applause)

Hon. Speaker: Thank you, Hon. Ndeti. Hon. Maeke.

Hon. Musyimi Maeke (Kalama, CCU): Thank you, Hon. Speaker, for this opportunity/. I want to take this time to ventilate on the issue and I am standing to support the recommendation that have been brought before the House by the committee of education on this matter and as all the Members who have spoken before me I will not try to repeat on the issues

they raised. My concern is one of the key issues that the committee had a session with the CECM representative Education who was the CO and they had a pertinent issue, an issue that is of great concern to everyone.

Madam Speaker, you are going to understand that education is a continuous process and the people who came up with these Regulations gave a term for three years and after three years, the term is supposed to be renewed. The essence of all these things is because just like any other Government or institution is not a one-off and you want to come and start again; there are things that also need history. You will understand that the CECM had no apparent reason why they were not able to follow the Regulations to the letter and they said that they have no reason.

Now we are proposing that we refer the matter to the CECM again and I believe the CECM may not have, because he has already made his statement and he is very clear that, I was referring to on the issue relating to the fact that they had no parent just somebody and this somebody is the person who is like the CEO of the County said; No for me we want it changed. My prayer to the House and to the Speaker is to give direction so that when we are trying to follow the law on gender parity and the law on education levels, we should also consider that so that somebody tomorrow will not take the County Assembly after we approve he goes and get us into issue of stalemate in terms of law and he says, I was appointed to run for three years.

However, the Committee on Delegated Legislation can probably guide us on the same because you are the makers of the law and we can make law to make everyone comfortable. Of my concern is that I have looked into my ward and we are talking about education and it should not be taken for granted. How do you take a standard one dropout to come and sit in a committee for education? Are they people who are considering?

You know sometimes we can get into issues; you can take somebody to committee of roads because roads are roads and gabion is a gabion but I am not demeaning the transport committee but how do you take a standard one dropout to be the Chair or to come and man bursaries. They will not see the essence of education and I support with all my might, with all my soul with everything that this report be taken and we give them lesser time because we are also getting into problems because people want bursaries and also it is going to be unfair we hold the people hostage as a House. Last time we gave them enough time.

I was raising the concern about the time and they said they need more time so how much time should the Chair of Education Committee need to have this thing resolved. I believe if we follow, Madam Speaker, if we follow the Regulations the way they are, it is the committees to be, the way I understand and I believe as member of Delegated Legislation Committee, we were taken through those Regulations. It is people who are nominated by people from the village not from offices and they are brought before the House. It is the people who nominate these people where it is coming that it is the CECM to appoint that it is law from---

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Point of information; proceed Mheshimiwa Mwanthi. Hon. Maeke you can have a seat.

(Hon. Maeke took his seat)

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Yes, thank you Hon. Speaker. It is good I inform the Hon. Member that it is the Regulations that were made by this Hon. House and that is

what it entails that the CECM Finance appoints and brings the name for approval; CECM Education sorry, so I think on that one that is what the Regulations say. Thank you.

Hon. Musyimi Maeke (Kalama, CCU): Thank you for the information.

Hon. Speaker: Well-guided. Proceed, Father of the House. Hon. Maeke you are done?

Hon. Musyimi Maeke (Kalama, CCU): No.

Hon. Speaker: Are you sure?

Hon. Musyimi Maeke (Kalama, CCU): Let the Grandson of the House continue because the Father should sit down.

(Laughter)

Hon. Speaker: Thank you.

Hon. Musyimi Maeke (Kalama, CCU): So just to make my remarks. I was saying let us consider what these Hon. Members are saying and these should not be read because we have history in this House that when people stand and they seem as if they going in opposite direction to be blackmailed and seen as if they are opposing no one. If things are done right then these motion would have passed and the education committee should stop holding us hostage; they should hurry.

Hon. Speaker: Thank you Hon. Member. Things should be done in the right way. Father of the House

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker, and true to my belief that I am a Father to the House.

Hon. Speaker: Former.

Hon. Francis Ngunga (Mua, MCCP): Always one always Father. Madam Speaker, I think the House has spoken and I think the House is speaking and we have been told before that a House works through committees and I think our committee of education worked and the only good thing that we can do is support their good work that they did but Madam Speaker I am standing here so that I propose an amendment to this committee so that we have something that is actionable because if we say that we are going to refer the committee rather they report to the committee without deadlines then Madam speaker I think we will be in limbo.

So, Madam Speaker, I am standing that I propose an amendment to the report. I am proposing an amendment to the report and that is allowable and my report would be I wish to move an amendment Madam Speaker to the report:

That the CECM education re-submits the list of nominees to the position of the Ward Bursary Committee in line with regulation 11(3) and (4) of the Public

Finance Management Act (Machakos County Bursary Fund Regulations) 2019 within seven days from today, 14th March, 2023.

Madam Speaker, the reason as to why I am proposing this is so that this part of this proposal is annexed in the report so that it becomes part of the deliberations of the House so that as you put the question and you pass the report you will be passing this report with that recommendation that has been proposed by the Father of the House. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Father of the House. Call for a seconder please.

Hon. Francis Ngunga (Mua, MCCP): Thank you, Madam Speaker. In this connection, I will be asking Hon. Dominic Maitha who is also a Brother of the House.

(Laughter)

Hon. Dominic Maitha (Muthwani, WDM-K): Thank you, Madam Speaker. I wish to tell the Hon. Member that I am the second Father of the House; I was the Majority Whip of this House for his information. Madam Speaker, I second that amendment and Madam Speaker guide us.

Hon. Speaker: By the way who should be the Third Father?

Hon. Dominic Maitha (Muthwani, WDM-K): I am the second Father of this House as the Majority Whip. Madam Speaker, guide us and I want Members to listen to this. There is a very important section of that report that has been quoted by the committee. The term of the current committee.

(Applause)

Members we need to think far and wide; we need to cast our nets far and wide and we need to ask ourselves what the legal implications of the same are. If we refer this report back to the CECM and the Chief Officer the department of education, yes they would bring the document back fine-tuned but the document is crystal clear that they have no reason as to why the current committees' tenure should be terminated. So if they bring the report and still that matrix has not been resolved Madam Speaker, then it is going to leave this committee in an awkward situation, Madam Speaker.

That was my submission as I support the amendment. I second the amendment, Madam Speaker, but we need to be guided on the same. If the committee brings the report and that part of the current committee terms in office still stands, what are the legal implications of the same? Thank you, Madam Speaker.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Yes, proceed.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): On the same, Madam Speaker, according to what the seconder was moving is that according to the report that was brought by the Education committee, the issue of committee that is still alive is the County Bursary Committee but not the Ward Bursary Committees. The term Ward Bursary Committee lapsed and the life County Bursary Committee is still on so it should be separated so that we may also not be touching on the County Bursary Committee which is still live.

Hon. Speaker: Was the amendment on Ward Bursary Committee or County Bursary Committee?

Hon.: Francis Ngunga (Mua, MCCC): The amendment that I moved was on the Ward Bursary Committee.

Hon. Speaker: Thank you.

Hon. Francis Kavyu (Kinanie, MCCC): Point of information, Madam Speaker.

Hon. Speaker: Proceed, Mheshimiwa.

Hon. Francis Kavyu (Kinanie, MCCC): On the issue that has been raised by the Deputy Speaker, I will make a request that, he has talked of the term of the Ward Bursary Committee having lapsed maybe he can give more information on the same so that it is clear when they were appointed and for how long they were supposed to serve and when did their term lapse. That will help the Members.

Hon. Speaker: Can we finish then with the amendments then we come to that.

(Question, that the words to be added be added, proposed)

Hon. Vincent Mutie (Upper Kaewa/Iveti): Madam Speaker, can I clarify something? please.

Hon. Speaker: Is it on this?

Hon. Vincent Mutie (Upper Kaewa/Iveti): It is on the same thing that the Deputy Speaker had indicated. What we are talking about here.

Hon. Speaker: We have not tackled that. We have said we finish with the amendments then we come to that point. Thank you.

Hon. Mbili Ndawa (Matuu, MCCC): Maybe, Madam Speaker, I request for your indulgence to make it clear when we talk of seven days, are we talking of seven days or we are talking of seven calendar days because there is a difference between the two.

Hon. Speaker: So is it calendar days or---

Hon. Francis Ngunga (Mua, MCCC): Madam Speaker, this being my proposal, I think Members can be able to enrich it, remember I just shot it so that we are within a frame work of some given time but my indication was that we need to have this thing done within the shortest time. So if we could put it within the seven calendar days, Madam Speaker, that would be expeditious.

Hon. Speaker: So the weekends are not counted.

Hon. Francis Ngunga (Mua, MCCC): They are counted; seven calendar days from the 14th March, 2023, Madam Speaker.

Hon. Speaker: Let me proceed without interruptions.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Point of information, Madam Speaker.

Hon. Speaker: Is it on the same issue? Let me finish this one and we come to those other issues later.

*(Question, that the words to be added be added,
put and agreed to)*

(Debate on the original Motion resumed)

Now maybe I can bring up the issue of clarification on the issue from the Deputy Speaker on the issue he raised then Mheshimiwa Brian you can come in.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. If you refer to page 14 of the report that we have and on No 11, the committee had a meeting with the CO of Education on behalf of the CECM and that is where No. 12, the key areas that the committee was concerned on. You will realize Roman I, indicated that they requested where the department had forwarded a list of nominees for the County Bursary Committee yet the term of the existing committee had not expired.

That tells you clearly that, I may not know the exact date when we passed the Ward Bursary Committee but according to the information that I have is the Ward Bursary Committees life expired but the County Bursary Committee that comprised of five people whom I think have not been mentioned in this report, the life of that County Bursary Committee is still on. I believe so because just based on the report that we are getting from the committee. So that is why I was saying that it is good that we clarify between the two so that we may not think it is now the Ward Bursary Committee that is still running. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Member. On the same? Hon. Mwonga is on his feet.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I am reacting to the issue which has been raised by the Hon. DS that is the Deputy Speaker. Madam Speaker, instead of the DS giving us clarification or what was sought by Hon. Member for Kinanie; he is

just now complicating the matter. We are talking about the Ward Bursary Committees and the bullet he has read to this House is talking about the County Bursary Committee.

So the question which had been raised by Hon. Francis for Kinanie ward is; does he have any document or evidence to say that the term of the Members who were there before we came in had expired? That was the issue, and he has not clarified, unless I am told otherwise. Thank you.

Hon. Speaker: Okay.

Hon. Dominic Maitha (Muthwani, WDM-K): Madam Speaker, the Hon. Member for Kaewa has just stated it clearly that we just stick to the law. The Act is here with me, Madam Speaker, and it says in sub-section 5, the persons referred to in paragraphs 2 (a) and (e) shall serve for a fixed term of three years, and shall be eligible for nomination for one further term of three years. So, we need clarity about the whole County Bursary Committee and also the Ward Bursary Committees, because this Act was passed in 2019. 2019, 2020, 2021, we don't even know when the Ward Bursary Committee was put in place. That is what I'm trying to intimate.

We need the committee list to guide us and if any ranking member like Hon. Kisila can be here, or Hon. Minority Leader or *Mheshimiwa*, the father of the House and the Deputy Speaker, maybe they can guide this House, such that by the moment we expedite on this matter, we are fully informed that the committee was formed on this year, so that we cannot have any legal tussles on the same. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Brian Kisila, proceed and clarify that point.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Madam Speaker, *Mheshimiwa* Mwonga is saying that we are confusing him. In fact, it is the Education Committee which is confusing us, because they are referring to County Bursary Committee. At the same time, they are referring to Ward Bursary Committee. The letter you received from the Executive was not talking about County Bursary Committee. So, actually, they are the ones who are confusing us.

So, the term for County Bursary Committee, they were put in office in September 2021, so their term is still there. The Ward Bursary Committee, when we were here, was formed five years ago, so the term has expired. Now, the issue here is, if you look at the committee's recommendations and where their terms of reference are, and I want to take you to page 14, the committee I talking about the key issues of concern.

The key issues of concern to them, according to the report, was why the department forwarded a list of nominees for County Bursary Committee, yet the term of the existing committee had not expired. What was forwarded to the committee is not a list of County Bursary Committee. What was forwarded to them was a list of Ward, so let us stick to the issue. The County Bursary Committee is still there. The issue which is at hand is the Ward Bursary Committee.

Madam Speaker, I want to contribute and say that I am one person who likes to stick by the truth. In fact, I was also contemplating on looking for a solution to the stalemate, but I must commend the level of competence of our clerks.

Madam Speaker, we have very highly qualified clerks in this Assembly. If actually the Executive can borrow a leaf and pick a few of our staff to take them through the Acts which are

here, we would not be in this position, because it is a very straight forward thing. The law is very clear on what you are supposed to do. And I want to quote one clerk by the name Sarah, this morning I went to see her and actually she could engage you one on one, to take you through what is required to be done.

If we do what is right, and it is important that we must utilize Her Excellency the Governor, to ensure that whatever we do, is right and as per the law. Whatever will come into this Assembly, if it is right, and is as per the law, I will be the first one to support it. The minute I see anyone deviating from the law, I will be the first person to say no to it, and this morning, I looked at the Act and the Act is very clear.

Madam Speaker, I would like you to engage the Executive. Most of the Executive appointees are new and they have not gone through induction. So, even us, some Members here, also including myself, we are still learning. I am suggesting that we do a proper induction program on all the CECMs and Chief Officers, so that they can understand what they are supposed to do. If the Chief Officer and CECM, Education had just done a simple thing to read the law, they would not be wasting our time here.

We are wasting valuable time on a document which is very straight forward and moving forward, we will not actually, as Liaison, and as House Business Committee, we should not allow valuable House time to be wasted on something like this. We will be refusing, sending back to the sender when it lands, at the point of entry, which is at the Clerk, because these Members have very limited time. We have 1,625 days to go to the next election. Here we are debating on an illegality which has been committed.

Madam Speaker, I support *Mheshimiwa* Ngunga. We will give these people timeframe, and Madam Speaker, that timeframe will require the Education Committee to fully engage them so that they get out of this nightmare we are in, because children are coming for half-term tomorrow. Most of them have fees balances. I understand the Executive has Ksh. 38.8 Million ready for bursaries, but they cannot be given because we do not have the Ward Bursary Committees.

Let us expedite it and come back ready to the House, pass it and also, please, let us remove interests in matters affecting our people. If anybody has interests, personal or whatsoever, let them remove it from matters affecting life, because by punishing our children, we are punishing life, and Her Excellency the Governor, we need to guide her team so that we do the right thing. Madam Speaker, I support the team and I support it with a very serious caveat that an induction program on our Laws and our Bills, together with the Executive, we need to pass it, Madam Speaker. Thank you very much.

Hon. Speaker: Thank you Hon. Member. Hon. *Mheshimiwa* Kavyu followed by *Mheshimiwa* Kitaka.

Hon. Francis Kavyu (Kinanie, MCCC): Madam Speaker, I think as the custodians of the law, we need not be partial in ensuring that the law is adhered to and in terms of the Ward Bursary Committees, I am reliably informed that upon the expiry of the previous term, sometime last year, and probably the next sitting, I am going to provide documentation evidence that shows that there are substantial committees that were appointed last year, issued with letters that they were supposed to serve another fresh term up to sometime next year. Once I have the information I will provide.

So, as we also check on this matter, we also need to ensure, because, if we cannot adhere to the law, it means the same people we are reviewing today, we might appoint them, and before they fully serve their term that is mandated by the regulation, somebody changes their minds and decides these people need to go.

Laws and regulations are there to ensure that such occurrences don't happen, and in an event it is established that we still have substantial committee, instead of punishing our kids, as we look into resolving this stalemate, as a House we can give direction that the CECM, Education, can save and rescue our kids by ensuring the committees that were appointed are issued with letters. Unless there are clear reasons on why the appointments are being revoked, then those committees can proceed and ensure our children get money and go back to school, as we continue reviewing this matter. Thank you.

Hon. Speaker: Hon. Member, before you leave, which committees are you saying? Is it Ward Committees or which one---

Hon. Francis Kavyu (Kinanie, M CCP): I am talking of the Ward Bursary Committees.

Hon. Speaker: Some appointments were done last year?

Hon. Francis Kavyu (Kinanie, M CCP): Last year, and they were supposed to serve for three years, and once I have the confirmation on the appointment letters, I will share them with you so that the House can be well guided. In terms of the County Bursary Committees, I think they still have some time to go up to September, if what was highlighted on the report is true and correct. Thank you.

Hon. Speaker: Until you get that evidence, we will deliberate then.

Hon. Francis Kavyu (Kinanie, M CCP): Thank you, Madam Speaker.

Hon. Speaker: Meanwhile, this is the report I have concerning the County Bursary Committee, Hon. Members, that the same was approved by the Assembly on 21st September, 2021, and it is set to expire on 20th September, 2024, that is the County Bursary Committee, so that explains that they are legally in office and we should proceed without any issue. For the other Ward Committees, if we have contrary opinion or contrary information concerning others having been appointed last year, we need that evidence to act on it. For now, the Ward Committees, according to us here, they are expired, and that is what we are trying to form at the moment. Hon. Francis Kitaka.

Hon. Francis Kitaka (Ndalani, WDM-K): Madam Speaker, I want to echo what the previous speakers have said on this matter of Education bursary committees at the ward level. As I have listened, every Member is in support that we refer back the report to the CECM. However, we are all leaders. I want to urge the Hon. Members in this House that we work collectively.

It is not the duty, fully, of the Education Committee to have this aligned, because we all know from where we sit, that even in the areas where we have issues, these are issues that each and every independent Member can address amicably so that we don't keep this matter waiting. We have our students, our pupils in the villages who are every day being sent home.

So, I will urge this House, because it is a matter we are all agreeing we give the Department of Education CECM seven days, let us also play our part collectively as leaders and if there is any political interests that have to play around, let us do them before the report comes back to this House, so that once it is in this House, we pass it and have our people settled. Thank you very much, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Possible father of the House, proceed.

Hon. Joshua Mwonga (Masinga Central, WDM-K): Madam Speaker, I was wondering whether you are not going to give me a chance to contribute and ventilate on this issue. First and foremost, Madam Speaker, it is good, as a Speaker, you protect the titles of Members in this House. Madam Speaker, we cannot have two mothers or two fathers in this House. I think I was declared as the father of this House, so whatever *Mheshimiwa* Ngunga is trying to put across, I think he should wait, and when I will not be in this House, he can assume the title of the father of the House. Thank you; that is a closed chapter now.

Madam Speaker, it is on this issue we are discussing here. I think I am the happiest Member in this chamber today, because I have seen the majority in this chamber and I am happy that Members have now started crawling when they are six months old. Madam Speaker, on the issues we are raising here, I think no Member should attest or try to say that Members are trying to pull down the Executive side because of not passing the list as it is.

Madam Speaker, it is good that Members, and the mood of the Members is that the list be returned to the originator or to the person, that is the CECM of Education. Madam Speaker, although it is not in the regulations, a person in his or her normal senses would consider regional balance. Why am I saying this, Madam Speaker? The Members who had been submitted to sit in that committee in Masinga Central Ward, they all hail from one village, one sub-location, one location, yet my ward has 11 sub-locations and three locations.

So, Madam Speaker, although that one is neither here nor there in the regulations, I think it is something that we will sit as a committee of Education, and ask the CECM to consider. Thank you, Madam Speaker.

Hon. Speaker: Thank you Hon. Member.

(Question put and agreed to)

ADJOURNMENT

Hon. Speaker: The House adjourns to 2.30 p.m. today, 14th March, 2023.

The House rose at 1.34 p.m.

