

REPUBLIC OF KENYA

MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 23rd May, 2023

Special Sitting

*(Convened via Kenya Gazette Notice No.6279
(Vol. CXXV-No .115) of 17th May, 2023)*

The House met at 10.54 a.m.

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

PRAYERS

COMMUNICATION FROM THE CHAIR CONVENING OF THE SPECIAL SITTING

Hon. Speaker: Good Morning Hon. Members. Welcome to today's sitting. I have the following communication to make on convening of the sitting. This special sitting is informed by the County Assembly of Machakos Standing Order 26(1) and (2) which states that:

- (1) Whenever during a Session, the House stands adjourned, whether or not a day has been appointed for the next meeting, the Speaker may appoint a day for a special sitting of the House –
 - (a) On request of the Leader of the Majority Party or the Leader of the Minority Party, appoint a day for a special sitting of the House;
 - (b) On the signed request by Members, not less than a third of the Membership of the Assembly, such a request shall be addressed to the Speaker.
- (2) The Speaker may allow a request under paragraph (1) if the Speaker is satisfied that the business proposed to be transacted is urgent or exceptional.”

Hon. Members, this sitting has been convened vide Gazette Notice No. 6279 (Vol. CXXV-No.115) issued on 17th May, 2023. The Gazette Notice partly reads; notice is given to all members of the County Assembly of Machakos and the general public that pursuant to Standing Order 26 of the County Assembly of Machakos Standing Orders that, I have appointed Tuesday, 23rd May, 2023 as a day for Special Sitting of the County Assembly of Machakos.

The business to be transacted during this special sitting shall be:

- (a) Consideration of the Budget and Appropriations Committee report on the second supplementary Budget Estimates for the FY 2022/ 2023.
- (b) Consideration of the Machakos County Supplementary Appropriations (No. 2) Bill, 2023

- (c) Any other business pursuant to Standing Order 151(6)(d),(e) and (f) as may be admitted by the Speaker.

Thank you, Hon. Members. Next order.

PAPERS LAID
VARIOUS PAPERS

Hon. Speaker: May I invite Hon. Nicholas Nzioka and Hon. Dominic Ndambuki to lay their respective 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, Tuesday 23rd May, 2023; reports of the Auditor-General on:

- (i) Machakos County Assembly Housing and Car loan Scheme fund for the year ended 30th June, 2022;
- (ii) Mavoko Water and Sewerage Company limited for the Year ended 30th June, 2022;
- (iii) Kathiani Water and Sanitation Company limited for the Year ended 30th June, 2022;
- (iv) Machakos Water and Sewerage Company limited for the Year ended 30th June, 2022;
- (v) Mwala Water and Sanitation Company limited for the Year ended 30th June, 2022; and
- (vi) Yatta Water Services Company limited for the Year ended 30th June, 2022.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. The above Papers are committed to Public Accounts and Investments Committee. May I call Hon. Dominic Ndambuki to lay his Paper?

REPORT ON THE SECOND SUPPLEMENTARY
BUDGET ESTIMATES FOR THE FY 2022/2023

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Madam Speaker. Hon. Speaker, I beg to lay the following Paper on the Table of the Assembly today, Tuesday, 23rd May, 2023; the Report of the Budget and Appropriations Committee on the Second Supplementary Budget Estimates for the FY 2022/2023. Thank you, Madam Speaker.

(The Papers were laid on the Table)

Hon. Speaker: Thank you, Hon. Member.

NOTICES OF MOTION
REPORT ON THE SECOND SUPPLEMENTARY
BUDGET ESTIMATES FOR FY 2022/2023

Hon. Dominic Ndambuki (Kathiani Central, WDM-K):

Hon. Speaker, that aware that the Second Supplementary Budget Estimates for FY 2022/23 was received in the Assembly on 9th May, 2023 and committed to the Budget and Appropriations Committee;

Further aware that the Supplementary Budget is prepared in accordance with Section 135 (2) of the Public Finance Management Act, 2012 which stipulates that a County Government shall submit a Supplementary Budget in support of the additional expenditure to seek authority for spending, through the County Assembly;

Acknowledging that the Public Finance Management Act, 2012 further provides that an Appropriation Act can only be amended through a supplementary budget; Noting that the Second Supplementary Budget Estimates for FY 2022/23 seeks to amend the First Supplementary Appropriation Act, 2023 to accommodate adjustments in conditional grants, own source revenue, recurrent and departmental vote lines re- allocations;

Informed that the Budget and Appropriations Committee held discussions with the County Executive Member for Finance, Economic Planning and Revenue Management and to compile a report on the second Supplementary Budget Estimates for FY 2022/2023;

Hon. Speaker, I wish to give notice of Motion THAT this House discusses and approves the report of the Budget and Appropriations Committee on the second Supplementary Budget Estimates for FY 2022/2023.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

BILL

(First Reading)

THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION
(NO.2) BILL, 2023 (MACHAKOS COUNTY BILLS NO.1)

*(Order for First Reading read - Read the First Time - Ordered
to be read the Second Time today)*

SPECIAL MOTION

APPROVAL OF THE REPORT ON THE SECOND
SUPPLEMENTARY BUDGET ESTIMATES FOR FY 2022/2023

Hon. Dominic Ndambuki (Kathiani Central, WDM-K):

Hon. Speaker, that aware that the Second Supplementary Budget Estimates for FY 2022/23 was received in the Assembly on 9th May, 2023 and committed to the Budget and Appropriations Committee;

Further aware that the Supplementary Budget is prepared in accordance with Section 135(2) of the Public Finance Management Act, 2012 which stipulates that a County Government shall submit a Supplementary Budget in support of the additional expenditure to seek authority for spending, through the County Assembly;

Acknowledging that the Public Finance Management Act, 2012 further provides that an Appropriation Act can only be amended through a supplementary budget; Noting that the Second Supplementary Budget Estimates for FY 2022/23 seeks to amend the First Supplementary Appropriation Act, 2023 to accommodate adjustments in conditional grants, own source revenue, recurrent and departmental vote lines re- allocations;

Informed that the Budget and Appropriations Committee held discussions with the County Executive Member for Finance, Economic Planning and Revenue Management and to compile a report of the second Supplementary Budget Estimates for FY 2022/2023;

Hon. Speaker, I wish to move the Motion THAT this House discusses and approves the report on the Budget and Appropriations Committee on the second Supplementary Budget Estimates for FY 2022/2023.

I wish to call upon Hon. Justus Mutuku to second the Motion. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Justus Mutuku proceed.

Hon. Justus Mutuku (Wamunyu (PTP): Thank you, Madam Speaker. I second the motion.

Hon. Speaker: Thank you very much, Hon. Member.

(Question proposed)

I now wish to invite Members to debate this Motion but before that I wish to invite the Chair of Budget and Appropriations Committee to give highlights of the report. I ask you to be very precise. Proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker.

OVERVIEW OF THE MACHAKOS COUNTY SUPPLEMENTARY BUDGET 2022/23

The Machakos County Second Supplementary Budget for FY 2022/23 seeks to amend the FY 2022/23 Supplementary One Appropriation Act to accommodate the following:

- a. Adjusting the conditional grants from Ksh. 891,892,118.00 to Ksh. 798,691,933.00 which is a decrease of Ksh. 93,200,185.00.
- b. Adjusting the own source revenue from Ksh. 1,690,079,199.00 to Ksh. 1,717,118,593.00 being an increase of Ksh. 27,039,394.00.
- c. Departmental vote lines re-allocations.

Overview of the Second Supplementary Budget Estimates

The Second Supplementary Budget for financial year 2022/2023 is proposing a decrease in the first supplementary budget by Ksh. 66,160,791.00. The development budget has reduced by Ksh. 23,998,027.00 while on the other hand the recurrent budget has decreased by Ksh. 42,162,764.00. This has largely been necessitated by the reduction in Conditional Grants. The Committee notes that this Supplementary Budget has subjected the County Budget to overall expenditure decreases as indicated above.

Adherence to Legal Provisions

The format, structure and content of the supplementary budget is stipulated in the Constitution of Kenya, 2010 and the PFM Act, 2012 with its Regulations. Notably, the Second Supplementary Budget achieves the 30 per cent threshold for development expenditure. However, the proposed compensation to employees is higher than the legal set limit.

Key Proposed Changes

The Second Supplementary Budget is proposing to:

- i Reduce the overall County's resource envelope from Ksh. 12,610,752,230.00 to Ksh. 12,544,591,439.00;
- ii Reduce the recurrent budget from Ksh. 8,820,397,657.00 to Ksh. 8,778,234,893.00; and
- iii Reduce the development expenditure from Ksh. 3,790,354,573.00 to Ksh. 3,766,356,546.00.

Under the recurrent budget the major changes are:

- a) County Public Service Board; a decrease by Ksh.18,000.00
- b) Department of Roads, Transport and public works; a decrease by Ksh.1,628,992.00
- c) Department of Health and Emergency Services; a decrease by Ksh. 3,355,131.00
- d) Department of Finance and Economic Planning; a increase by Ksh. 25,521,905.00
- e) Department of Public Service, Quality Management and ICT; a decrease by Ksh. 1,072,717.00
- f) Department of Tourism, Youth, Sports and culture; a decrease by Ksh. 687,000.00
- g) Department of Trade, Industrialization and Innovation; an increase by Ksh. 447,429.00
- h) Department of Education, Skills Training, Social welfare and Civic empowerment; a decrease by Ksh. 3,310,500.00
- i) Department of Energy, Lands, Housing and Urban Development; an increase by Ksh. 4,939,802.00
- j) Department of County Administration and Decentralized Units; an increase by Ksh. 14,950,097.00.
- k) Department of Agriculture, Food Security and Co-operative Development; a decrease by Ksh. 62,020,265.00
- l) Department of Water, Irrigation, Environment and Natural Resources; a decrease by Ksh. 979,295.00.

Under the development budget the major changes are in the following Departments:

1. Road, Transport and Public Works; an increase by Ksh. 10,000,000.00
2. Water, irrigation, Environment, Climate Change and Natural Resources; an increase by Ksh. 6,000,000.00

3. Agriculture, Food Security and Cooperative Development; a decrease by Ksh. 131,560,609.00
4. Finance and Economic Planning; a decrease by Ksh. 9,529,690.00
5. Energy, Lands, Housing and Urban Development; an increase by Ksh. 101,092,272.00.

Financing the Second Supplementary Budget Estimates FY 2022/2023

1. Own Source Revenue

The County Government has increased its proposed own source revenue to Ksh. 1,717,118,593.00 from Ksh. 1,690,079,199.00.

2. *Equitable Share*

The equitable share of the revenue raised nationally has been retained at Ksh. 9,895,288,567.00.

3. *Conditional Grants*

The conditional grants have decreased from Ksh. 891,892,118.00 to Ksh. 798,691,933.00.

4. *NHIF Reimbursements*

The County Government has retained the NHIF reimbursements at Ksh. 133,492,346.00.

Expenditure

With the proposed reduction of the total revenue by Ksh. 66,160,791.00, the total expenditure for the County Government of Machakos stands at Ksh. 12,544,591,439.00 consisting of:

- a) Recurrent expenditure of Ksh. 8,778,234,893.00 to cater for Personnel Emoluments of Ksh. 6,117,720,932.00 and Operations and Maintenance expenses of Ksh. 2,660,513,961.00. The resultant effect is a decrease of Ksh. 42,162,764.00 from the approved First Supplementary Budget for the FY 2022/2023, and;
- b) Development expenditure of Ksh. 3,766,356,546.00.

This translates to a development ratio of 30 per cent while the personnel emolument ratio stands at 49 per cent. The development ratio complies with fiscal responsibility principle which requires the same to be at least 30 per cent while the ratio on personnel emoluments is more than the set threshold of 35 per cent of the total revenue.

Submissions from CECM Finance and Accounting Officer of the County Assembly

Madam Speaker, met Committee met CECM Finance and Accounting Officer of the County Assembly and they made the following submissions. The CECM informed the Budget Committee that the movements were informed by the need to make some adjustment to cater for;

- a) Emerging and unforeseen issues such as the reduction in conditional grants, specifically the Kenya Climate Smart Agriculture Project and increase or carry forward of the Kenya Urban Support Project.

- b) Also, there was a need to increase funding to community hospitals to enhance primary health care, hence the reallocations from some of the Level IV hospitals.
- c) On the issue of the compensation to employees, the CECM informed the Committee that the personnel emolument is high mainly due to the huge workforce in the health department which was inherited from the national government since the inception of devolution.
- d) The County has put in place measures to grow the own source revenue which will in turn reduce the ratio on compensation to employees and avail more funds for development projects.
- e) The County Assembly Accounting Officer reported that the supplementary budget was to effect desired vote lines re-allocations to ensure smooth operations of the Assembly for the remaining part of the current financial year.

The Committee considered and adopted the submissions by the CECM Finance and Accounting Officer of the County Assembly.

HIGHLIGHTS AND RECOMMENDATIONS

Office of the Governor

The Office of the Governor has an approved budget of Ksh. 611,479,033.00 which constitutes of Ksh. 592,144,648.00 for recurrent and Ksh. 19,334,385.00 for development. The committee recommends that the office of the Governor be allocated Ksh. 592,144,648 for recurrent expenditure and Ksh. 19,334,385 for development and respectively.

Department of Public Service, Quality Management and ICT

The approved budget for the department of Public Service, Quality Management and ICT is Ksh. 419,739,994.00 which constitutes of Ksh. 366,552,343.00 for recurrent and Ksh. 53,187,652.00 for development. The Committee recommends that the recurrent expenditure be revised to Ksh. 365,479,625.00 and Ksh. 53,187,652.00. for development expenditure as per the County Treasury's proposal.

Department of Trade, Industrialization and Innovation

The department of Trade, Industrialization and Innovation has an approved budget of Ksh. 324,805,616.00 which constitutes of Ksh. 146,844,709.00 for recurrent and Ksh. 177,960,907.00 for development expenditure. The committee recommends that recurrent expenditure in the department be revised to Ksh. 147,292,138.00 and development expenditure to Ksh. 177,960,907.00 as per the County Treasury's proposal.

Department of County Administration and Decentralized Units

In the department of County Administration and Decentralized Units, the approved total budget is Ksh. 533,904,015 which constitutes of Ksh. 493,506,215.00 for recurrent expenditure and Ksh. 40,397,800.00 for development expenditure. The committee recommends that the recurrent expenditure in the department be revised to Ksh. 488,506,215.00 and development budget to Ksh. 40,397,800.00, a total departmental budget of Ksh. 528,904,015.00.

Department of Finance and Economic Planning

In the department of Finance and Economic Planning the approved budget is Ksh. 798,474,492.00 constituting of Ksh. 527,414,574.00 for recurrent and Ksh. 271,059,918.00 for

development. The committee recommends that the recurrent budget of the department be revised to Ksh. 567,936,479.00 and development budget to Ksh. 261,530,229.00, a total departmental budget 829,466,708.00.

Department of Water, Irrigation, Environment, Climate Change and Natural Resources

The aforementioned department has an approved budget of Ksh. 587,974,389.00 which constitutes of Ksh. 110,746,454.00 for recurrent expenditure and Ksh. 477,227,935.00 for development. The committee recommends that recurrent expenditure in the department be retained at Ksh. 109,767,159.00 and development expenditure in the department be increased to Ksh. 483,227,935.00.

Department of Agriculture, Food Security and Cooperative Development

The department of Agriculture, Food Security and Cooperative Development has an approved budget of Ksh. 926,825,107 which constitutes Ksh. 374,588,632.00 for Recurrent and Ksh. 552,236,475.00 for Development. The committee recommends that recurrent expenditure in the department be reduced to Ksh. 312,568,367.00 and the development expenditure be reduced to Ksh. 420,675,866.00.

Department of Health and Emergency Services

The approved budget for the department of Health and Emergency Services is Ksh. 4,649,662,117.00 constituting of 3,924,560,836.00 for recurrent and development expenditure of Ksh. 725,101,281.00. The committee recommends that the recurrent expenditure of the department be reduced to Ksh. 3,921,205,705.00 and development expenditure be retained at Ksh. 725,101,281.00.

Department of Roads, Transport and Public Works

The department of Roads, Transport and Public Works has an approved budget of Ksh. 881,404,152.00 which constitutes of Ksh. 256,914,082.00 for recurrent and Ksh. 624,490,070.00 for Development. The committee recommends that the recurrent expenditure of the department be decreased to Ksh. 255,285,090.00 and that the development expenditure be increased to Ksh. 634,490,070.00.

Department of Education, Skills Training, Social Welfare and Civic Empowerment

The Department of Education, Skills Training, Social Welfare and Civic Empowerment has an approved budget of Ksh. 693,932,446 which constitutes of Ksh. 457,471,858.00 for recurrent expenditure and Ksh. 236,460,588.00 for development. The committee recommends that recurrent expenditure for the department be revised downward to Ksh. 454,161,358.00 and further recommends that development expenditure be retained to Ksh. 236,460,588.00.

Department of Energy, Lands, Housing and Urban Development

The department of Energy, Lands, Housing and Urban Development has an approved budget of Ksh. 335,747,178.00 which constitutes of Ksh. 188,452,827.00 for recurrent and Ksh. 147,294,351.00 for development. The committee recommends that the recurrent expenditure for the department be revised to Ksh. 193,392,629.00 and further recommends that development expenditure be revised upwards to Ksh. 248,386,623.00.

Department of Tourism, Youth, Sports and Culture

The department of Tourism, Youth, Sports and Culture has an approved budget of Ksh. 259,608,052.00 which constitutes of Ksh. 132,617,593.00 for recurrent expenditure and a development expenditure of Ksh. 126,990,459.00. The committee recommends that recurrent expenditure for the department be revised to Ksh. 121,930,593.00 and further that development expenditure for the department be retained at Ksh. 126,990,459.00, a total departmental budget of Ksh. 248,921,052.

County Public Service Board

The County Public Service Board has an approved budget of Ksh. 78,849,457.00 which constitutes of Ksh. 58,736,706.00 for recurrent and Ksh. 20,112,751.00 for development. The Committee recommends that recurrent expenditure of the County Public Service Board be revised to Ksh. 58,718,706.00 and the Development be retained at Ksh. 20,112,751.00.

County Assembly

The County Assembly has an approved budget of Ksh. 1,508,346,181.00 which constitutes of Ksh. 1,189,846,181.00 for recurrent expenditure and Ksh. 318,500,000.00 for development. The committee recommends that the County Assembly's recurrent and development budgets be retained at Ksh. 1,189,846,181.00 and Ksh. 318,500,000.00 respectively.

GENERAL COMMITTEE OBSERVATIONS

The Committee observes as follows:

1. Reallocations in various departments are more than the stipulated 10% in the Public Finance Management Regulations 39 (9) which states that "in approving any estimates, under Section 135 and 154 of the PFM Act, 2012 the County Assembly approval shall not exceed 10 per cent of the approved budget estimates of a program, of a sub vote unless it is for an unforeseen and unavoidable need." For instance, in the following departments; Agriculture, Food Security and Co-operative Development for both recurrent and development expenditure, Energy, Lands, Housing and Urban Development for development expenditure and Water, Irrigation, Environment and Natural Resources for its development expenditures.
2. The Committee observed major reductions in the department of Agriculture, Food Security and Co-operative Development and in the department of Health and Emergency Services especially the development budget allocated for Level IV hospitals.
3. Compensation to employees remains high at 49 per cent against the stipulated 35 per cent.
4. A decline in conditional grants of Ksh. 93,200,185.00
5. An increase in own source revenue amounting to Ksh. 27,039,394.00
6. Non-submission of departmental expenditure reports and IFMIS vote balances
7. Submission of programme based budget (PBB) which is not in line with the format in the budget circular

COMMITTEE RECOMMENDATIONS

The Committee recommends that:

1. The County Treasury avoids reallocation which are more than 10 per cent of the approved budget and in case of any unavoidable reason, authority should be sought from County Assembly for such movements.
2. The approved budget should be adhered to, to avert cases of under absorption as in the case of the departments of Agriculture and Health especially for the development purposes.
3. The personnel emolument ratio for staff to be reduced from the current 49% to 35 per cent as required in the PFM Act, 2012. The County Treasury needs to come up with strategies of addressing this violation.
4. The Committee advises the CECM Finance to continuously engage with donors and other development partners to avoid a scenario where budgeted conditional grants are withdrawn during the FY.
5. The County government puts in place measures to ensure that the revised own source revenue is realized to avoid under-performance.
6. The Committee advises the County Treasury to be providing year to date actual expenditure reviews and IFMIS vote book balances to ascertain the need for reallocations in the departments whenever they are submitting any supplementary budget.
7. The Programme Bases Budget be submitted in the format prescribed in the budget circular.
8. The Committee acknowledges the efforts by the County Treasury in enhancing own source revenue and advises that make efforts to absorb the reallocated funds before the close of the current FY.

CONCLUSION

The approval of the FY 2022/23 2nd Supplementary budget shall increase the absorption rate of the County and avoid carrying forward balances that have been witnessed in the previous years.

ACKNOWLEDGEMENT

The Budget and Appropriations Committee acknowledges the Office of the Speaker and the Clerk of the County Assembly for facilitating the Committee to undertake this exercise. I wish to express my appreciation to the Hon. Members of the Committee who sacrificed their time to participate in the meetings and in preparation of this report. Special thanks to our Secretariat for their tireless efforts.

It is therefore my privilege, on behalf of the Budget and Appropriations Committee to table the FY 2022/23 Second Supplementary Budget before this Hon. House for consideration and adoption. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you very much Hon. Member. I now invite Members to debate this Motion. Proceed, Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): First of all, Madam Speaker, before I say if I am supporting or opposing the supplementary budget, I have a few concerns; very serious concerns which I want the Chairman of Budget Committee and the entire membership to highlight to this House so that we can be on the same page.

First and foremost, we see some very good news that the internal revenue is growing to 1 per cent which is a very good thing but Madam Speaker, I have got a very serious concern. The first concern I have is any budget, this is a House of procedure and any budget coming to this House must go through the various Committees which represent this House. Was this supplementary budget subjected to various committees so that we can actually have time to go through it?

Secondly, I am looking at an issue where you have reduced money from Level IV hospitals and a case in point is money reduced from Mwala Level IV hospital which is called a Level IV but it is actually a glorified Level IV hospital with men and women sharing wards and development money of almost Ksh. 6 million being removed from that hospital. Personally, I will not sit here as a Member of Makutano/Mwala and accept such movement unless I am convinced that there is a particular reason why that should be done.

Thirdly, Madam Speaker, is and he has highlighted it very well and I want to bring it to you its attention; we are a House which is guided by law and if you go to page 8, you will see that the Committee noted that the deviations were above 10 per cent stipulated in Public Finance and Management (PFM) Act. Why should we accept deviations above what is stipulated? Does it mean when we were doing our budget we were not thinking in that dimension? What is the procedure and why should we accept movement above ten per cent?

Madam Speaker, we are seeing a lot of departments being given more money. You can continue giving departments money but Madam Speaker we need to start seeing traction in these departments. The only department where we are seeing traction is the Department of Roads. You are increasing money in water but when you go to the ground boreholes are grounded and nothing is happening.

Do we continue giving money to departments which are not performing as a House or are we just going to start becoming firm as a House which is full of very respectable intelligent Members to be able to start articulating the issues and seeing where we are putting money we want to start seeing money being used?

Increasing money is very good. In the Department of agriculture, we have never seen anything happening in the Department. You continue giving them money; you go to education you are not seeing anything, no ECDE and you continue giving them money.

Hon. Mbili Ndawa (Matuu, MCCC): Point of information, Madam Speaker.

Hon. Brian Kisila (Makutano/Mwala, MCCC): No, no; I am finishing.

(Laughter)

You are a Member of that Committee you can explain to me later.

Hon. Speaker: Okay.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, we were given department of energy we passed a supplementary budget which gave us two transformers in every Ward. I am seeing the department development budget being revised upwards to Ksh. 248,000,000 and what is the reason behind that. So Madam Speaker, before we say that we are going to pass, personally before I agree to pass this budget, I want these fundamental questions to be answered very well so that I can be convinced.

Otherwise, Madam Speaker I will have a dissenting voice on this supplementary budget.

(Applause)

I would want us to start seeing things very objectively so that this House is not being assumed to the budget committee just seats down somewhere by themselves and think they can do whatever they want to do with money. They are answerable to this Assembly and whatever they do they must convince us beyond any reasonable doubt that whatever they are doing is the right thing. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Kisila. Hon. Members the debate is going on. More Members. Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Madam Speaker. I want also to contribute on the business before the House and Hon. Speaker, my colleague, Hon. Brian Kisila has raised very pertinent issue especially the issue of removing monies from Level IV hospitals. Hon. Speaker, what the Committee on Budget was doing is we did our best because we invited the person who is concerned, the accounting officer; both accounting officers, the one from the Executive and the one from the Assembly.

Hon. Speaker, from where we are, we are just few days to close of the year and from what we got from CECM finance, the proposal was the best way to address the issue. In fact, the CECM is trying to avoid a situation whereby at the end of the year the money is not spent it goes back. It does not ogre well to the electorates so that is the reason why we were convinced.

As you are aware Madam Speaker, the Committee of budget is also working on the main budget and every Member should be aware that the Financial Year would be starting on first of July which is just few days to come. I just want to advice my colleague, fellow Members and also the electorate that Committee on Budget has very bright brains. We cannot sit all of us there and approve things which are not within the law.

(Applause)

Again, Hon. Speaker, the other issue that was raised by my good friend here Hon. Brian Kisila is about the ceiling, the percentage that we can only move up to 10 per cent but not more. From the report, Hon. Speaker, it is clear and it has said circumstances whereby we can work out more than 10 per cent. Hon. Speaker, as you are aware because I am sure you are a lawyer, there

are some things we call exceptional clauses. Sometimes you find that the law says you are not supposed to do ABCD but there are some instances.

A good example, Madam Speaker, is the law of tort which is concerned about defamation, negligence and trespass. I do not want to go about defamation or negligence; I want to dwell on trespass. Hon. Speaker, if your neighbor is not within his or her compound and you are somewhere around there and you see fire burning his house, as per law you are not supposed to go to that compound unless you are given permission to do so.

The law allows that is what I am calling exceptional clauses. You can be forced by circumstances to go, jump over the gate see how the fire is burning the house and you can also be forced by circumstances to break the main door so that you can put out the fire if it is burning on one room so as to ensure that it does not spread to the entire house. That is what we call exceptional clause.

(Applause)

If you are taken to any court of law where there is a reasonable judge, the reason will be this was a necessity so the reason is necessity that is what caused for that to happen. Hon. Members, the committee has given reasons and it has given circumstances whereby we can move from 10 per cent upwards.

So Hon. Brian and Hon. Members, I totally agree with the Committee recommendations and I want to remind you that last time we were here, I spoke and I said a committee at work is Assembly at work. How do you deny your own report? You cannot separate the committee from the Assembly. All the body organs belong to one body.

So it is always fair when we bring a report, before we start trashing it out we try to dig out to know the reasons why the committee has recommended or has given those recommendations. So Hon. Speaker, because we are in agreement and we are about to move a motion of extension of time because I can see, because this is a report which has emanated from a committee and the committee is the House, I would request that you put the question so that we can go to the next stage, because we cannot deny our own report. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: More debaters; Hon. Ngui then we have Hon. DS, then we have Hon. Lucky and we have Hon. Ndeti in that order.

Hon. Mbili Ndawa (Matuu, MCCP): Point of Order, Madam Speaker.

Hon. Speaker: Yes, proceed, Hon. Ndawa.

PROCEDURAL MOTION EXTENSION OF SITTING TIME

Hon. Mbili Ndawa (Matuu, MCCC): Thank you, Hon. Speaker. To be safe, allow me to move a motion on adjournment and I am rising on Standing Order. No. Sorry, not adjournment but extension of time.

Hon. Speaker: It is okay proceed. I know it is an extension.

Hon. Mbili Ndawa (Matuu, MCCC): Yes, I am rising on Standing Order 27.

Hon. Speaker that aware that Standing Order 27(2) provides that the Speaker shall interrupt business at 12.30 p.m. for the morning sitting;

Aware that Standing Order 27(3) provides that the House may resolve to extend its sitting time;

Further aware that Standing Order 27(4) requires that the motion to extend sitting time be moved at least 30 minutes before the time appointed for adjournment;

Hon. Speaker I beg to move the motion that this House resolves to extend its sitting time until the business in the Order Paper is concluded.

Thank you, Hon. Speaker I call Hon. Majority Leader to second my Motion.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded.

Hon. Speaker: Thank you.

(Question proposed)

(Question put and agreed to)

(The House resumed business as set out in the Order Paper)

Hon. Speaker: Proceed, Hon. Ngui.

Hon. Felix Ngui (Katangi, WDM-K): Thank you, Madam Speaker;. I want to start by applauding the committee on budget for tabling a well-explained report to this House and again I wish to point out a few issues in support of the supplementary budget. Madam Speaker, acknowledging the fact that the financial year for 2022/23 is ending in the next 37 days, I think it is of great importance that the Executive saw it fit to bring out the second supplementary budget to be considered by this House so that we make sure that all departments absorb monies allocated to them.

Madam Speaker, again I want to applaud the department of Finance and Revenue Collection for working tirelessly to make sure that our local collection is increased so we applaud them for that.

Secondly, Madam Speaker, I want to highlight a few issues that the committee has highlighted and they were mentioned by my friend Hon. Brian that there are reallocations of budget or monies from one department to another and in effect to that, I think when we were doing our first supplementary budget Mheshimiwa Brian led us to make sure that key departments get more funding and a good example is the department of Water whereby I am

seeing that more monies have been reallocated to that department because water is a pertinent issue within our County.

So I want to say that it is a good thing that some departments like water are being given more budget and I wish to bring it out that for the few days that before we close the year, we are aware that there are more tenders that are ongoing and others advertised from the Executive and in this case monies must be reallocated for departments that cannot absorb their own monies to the departments that can absorb monies so that our people at the ground can get development because it would be a shame to see departments return money to the National Treasury when our people are suffering for lack of water, roads.

I want to say that it is a good thing and I would wish this House considers and approves this supplementary budget to facilitate our Executive to make sure that no money is returned to the National Treasury when our people need development. So in that regard, I am supporting the supplementary budget so let us approve it with speed so that we can give the Executive a good time to work and absorb the monies they have been allocated. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Mwanthi.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Madam Speaker. I also sit in the Budget committee and one of the things that I would like to highlight is sometimes supplementary budgets are supposed just to reallocate funds from department A to department B and sometimes this is informed by time. It is only one month to the end of the year 2022/23 and this has been informed by departmental ability to spend money. So sometimes if department A is not able to spend it should expect its money to be reallocated to another department that is performing and this call for the departmental heads to wake up and make sure that they are spending monies that has been allocated to their department.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Point of information, Madam Speaker

Hon. Speaker: Let him finish.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): I am winding up and two I believe that money should be spend; it will not look good even for the County government to have money returned back still to wait for another supplementary budget that will be coming in the month of November next year when maybe department A or B could have spent that money during the remaining one month. We have the main budget which is coming and we can reallocate and allocate funds to those departments.

I believe Mwala Level IV has got good funds for its development for the next financial year so the Hon. Member should not be worried and Madam Speaker it is the same member who was saying and who mobilized this House to make sure that funds are put in the department of water.

(Applause)

Let us also be realistic. Madam Speaker you see sometimes it is also good for us Members to be honest to ourselves and we are being hit. These are some of the things that are

hitting us now that during the time when we were preparing our CFSP, Members were lobbied to reduce ceilings for some departments and I can tell you Madam Speaker now we are finding it very hard to allocate some money in some departments.

Some departments like Agriculture if I may say they have got a lot of grants and now we cannot allocate money in that because we ourselves reduced its ceilings. So, Madam Speaker I think it is good we be honest to ourselves and see some of this things. If we needed water let us have water in some of this departments.

On the issue of supplementary being given to the sectoral committees, Madam Speaker, Standing Order 206 does not recognize or tell us anything about the supplementary budget. It only talks about the Budget Estimates and so it was not necessary and it has never been subjected to sectoral committees owing to the fact that it is just movement of some funds from department A to department B.

So, Madam Speaker, I think according to the mood of the House the supplementary budget we need to pass it as early as now so that we may give it to the Executive they see how to spend this money within the next one month. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member.

(Loud consultations)

Let us give opportunities to other members. Proceed Hon. Ndeti.

Hon. Helen Ndeti (Nominated, WDM-K): Thank you, Madam Speaker. I will not talk much because I do not like duplication or repeat of what has been said but there is something I noticed that I must comment on. First, I must congratulate the committee on budget for good work well-done but secondly, I note that the Task Force that was put in place to work on the employees has done well because initially the personnel emolument of this County was at the level of 55 per cent. The Chair budget committee, you can correct me if I am wrong but now I see it has gone down to 49 per cent; it is very commendable. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. Hon. Lucky then Hon. Mutie and Hon. Majority Leader.

Hon. Lucky Nzau (Matungulu West, WDM-K): I am in the great mood of you putting the question and I vehemently support the budget as I can see money in water, which is a great concern to our people, money in health and transport. So, Madam Speaker, I just request you to out the question and I reserve my energy because even though he is back let me put it across that I wanted to ask Hon. Ndawa that the other time he came up with the issue of a committee as the same as the Assembly and I would request him to give us room that we maybe ventilating whatever comes from the committee otherwise in that spirit we will be killing works of committees being presented to the Assembly.

So I request the Hon. Member, however much I respect him and his good contributions, kindly give us time to ventilate on the reports as they come from the committees---

Hon. Speaker: I thought you have just said the Speaker to put the question. You are contradicting yourself now.

Hon. Lucky Nzau (Matungulu West, WDM-K): Madam Speaker---

(Hon. Mbili Ndawa spoke off record)

Hon. Speaker: What is the point?

Hon. Lucky Nzau (Matungulu West, WDM-K): Madam Speaker, he was away, I wanted to withdraw but when I raised my hand I found he had come in so I request you to let me pass my information that Hon. Ndawa however much we respect you allow us to be ventilating on committee reports.

(A Hon. Member spoke of record)

Yes, Madam Speaker, protect me.

Hon. Speaker: That is okay.

Hon. Lucky Nzau (Matungulu West, WDM-K): The other time he had said we do not ventilate because committee is the same as Assembly which to me I think it is not the same thing. Madam Speaker, I sit supporting and requesting you to put the question.

Hon. Speaker: Hon. Mutie.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you very much, Madam Speaker. One thing I must comment on without any fear is that the House that we are elected to come into, we came here to communicate. We came here to represent our people. When I speak I do not speak for myself; I speak for my people who elected me. Therefore, I find it interesting when the Speaker, is quiet and the Hon. Brian Kisila is being attacked and yet he is representing his people. I think in my view---

Hon. Speaker: I have not heard any attack on Hon. Kisila. I have not heard any attack.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): He has said that money has been removed from Mwala Level IV hospital.

Hon. Speaker: I will address that.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): I think he has a right to say that.

Hon. Speaker: I will address that. I am just giving Members time to ventilate on this issue.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): Thank you. In any case I will speak and nobody can stop me from speaking! Hon. Speaker, of importance to me is the observations by the committee. They say that they noted that there were variances which are outside the law.

My concern was and they gave their own reasons but we do not have any response from the CECM Finance in this report as to why that reallocation was being done.

Secondly, when we say that this money, I heard the Deputy Speaker, defend that and say some departments did not have the capacity to absorb. Will the supplementary budget be used to reward mediocrity and laziness at departments? Those are the fundamental questions to answer whether we put or fail to put the question. Yes, we are reallocating money to departments. What will happen if they behave the same way next year?

The second question which is of importance to me is that in coming up with these proposals, the committee has said and this is No. 7 that the program-based budget be submitted of course it had not been submitted in the format prescribed. The question is; what should be done when something has been submitted in the manner in which it is not supposed to be submitted in? For me those are the most important things because how long are we going to babysit departments which continue to fail our people"? How long are we going to say remove money from section X because section X was not able to use that money and take it to section Y? Do we not have needs in section X? I bet we have.

What we need is people should be called to account. Let those departments explain why is it that they were not able to absorb those funds? Why do we have to keep them there only to reallocate them and the answer that is being given is that we are rushing against time. The financial year is closing. I heard the Hon. Minority Leader say that the committee on budget is an extension of the House.

(A Hon. Member spoke off record)

Madam Speaker, I do not need that information.

Hon. Speaker: Maybe it is important information.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): It is not important; you do not know it. How did you determine it is important?

Hon. Speaker: Eh!

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): You do not know it.

Hon. Speaker: I do not know. Hon. Mutie, are you attacking me directly?

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): No. I am wondering when you say it is important and yet you do not know---

Hon. Speaker: No. I have just been listening to the itinerary of your presentation and it is like you are attacking me personally.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): No I am not.

Hon. Speaker: Then just restrict yourself to the report.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): In any case when information is given---

Hon. Speaker: Proceed.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): It is upon me to determine whether I need it or not.

Hon. Speaker: Proceed.

Hon. Vincent Mutie (Upper Kaewa/Iveti, WDM-K): So what I am saying is this; the Hon. Minority Leader said that the committee is an extension of the House. I do not have a problem with that but the question that we need to have is are we not supposed to question and interrogate reports that come from committees? We have that right and when we question and when we want to understand the findings of committees, we are within our role. We are within our authority. We are within our mandate. We should be allowed to question and nobody should have hard feelings about that.

When we ask why the committee admitted this proposal from the finance department, we need only to have answers. Is it wrong to ask that? It is not. Madam Speaker, what we needed in this report are those responses that were given by the department. They are not there. When we ask why they are not there we are being taken differently. No. We only want to understand why is that the department A failed to absorb in time. That is just all. Madam Speaker. I thank you.

Hon. Speaker: Thank you, Hon. Member. I had given opportunity to Hon. Majority Leader and then now you can contribute after that.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. First of all I want to thank you for alluding to the fact that nobody has been attacked in this House. I have not seen that.

(Applause)

The suggestion that we can attack each other is outrageous because this is a Hon. House. I do not even anticipate any attacks now or in the future because we are Members who debate with decorum.

(Applause)

Let me start by saying a budget is a plan of how you need to spend your money. From time to time, you adjust your budget so the Executive have looked at the reality on the ground, what is happening on the ground and they have seen fit that they bring this budget as a second supplementary for us to ventilate on. I have not seen you deny a Member and opportunity to ventilate or a suggestion that questions that have been asked will not be answered. We all need to

be patient when you ask a question just wait for the answers or maybe you are suggesting you can ask the question and answer yourself.

Madam Speaker, the CEC Member for finance is on record saying that one of the impediments for our county government is pending bills and one of the issues that this supplementary budget seeks to cure is a question of where people have done projects, have done supplies to the County government and there are some departments that have money that is lying idle because we are serving the same people, I think it is in order to reallocate the same money from department A and give it to department B that is fighting very hard to serve the people of Machakos.

So I think movement of money is a very normal thing even at a personal level. When I think my priorities have changed, I reallocate money to the priorities every day.

(Applause)

(A Hon. Brian Kisila spoke off record)

Secondly, I do not want to be informed. I heard people say; I do not want to be informed, Madam Speaker. I am sorry I do not want to be informed. Madam Speaker, I beg for your protection because I am not finished. I do not lack wisdom; I am very well-informed. I went to school properly. Thank you, Madam Speaker, for protecting me. I beg not to be informed Madam Speaker.

Hon. Speaker: Proceed, Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. What I am saying is let us not anticipate that departments are not going to absorb monies. We are anticipating failure of our own departments. When we are allocating and saying in future they might not we are anticipating failure. Who know tomorrow? They might improve.

I am asking that Hon. Members be patient because every year we receive financial reports and once the financial report 2022/2023 arrives in this House, we are going to interrogate it and see which department has performed well and which department has performed badly and another supplementary budget will be brought here and we are going to reallocate money for the best performers and those that are not performing well, we are not going to give them money. *Sawasawa*.

On a particular level on issue of public health, money has been moved to Level IV hospitals to lower level because of primary healthcare provision. Primary healthcare provision *inaenda kwa* dispensary, *na* health centers *zetu*. A Member who stood here to complain of money moving from a Level IV hospital in a certain ward, let him tell us how many dispensaries and how many health centers are going to benefit from the movement of such monies. Madam Speaker, thank you.

(Applause)

Hon. Speaker: Thank you, Hon. Member. Hon. Mbuva and then Hon. Johanna.

Hon. Charles Mbuva (Kangundo West, GDDP): Thank you, Madam Speaker.

Madam Speaker, it was very important for me to make a contribution on this matter, being a member and also chairperson of the committee of agriculture, Madam Speaker, which is the biggest casualty in terms of re-allocations in a decreasing manner. To clarify the misconception that the re allocation is only based on departments which could not absorb.

Madam Speaker, when first we had an interaction with this document, with these proposals, I was fairly agitated to see a decrease of close to Ksh. 190 million affecting the Agriculture Department, but on thorough scrutiny of the details and the reasoning, we found out that the monies which are being decreased from that department were donor funds which were factored and which would ultimately not be forthcoming. So, it is not proper to say purely that the monies which have been reallocated, is based on lack of absorption.

(Applause)

I had to clarify that so that members of the public do not go with the misconception that the Agriculture Department was unable to absorb money. No. Madam Speaker, it was not the case.

Still on the same, one of the clarion calls in the manifesto of the regime of the day is *chakula mezani, pesa mfukoni*. This can only be realized through a robust and a well performing Department of Agriculture. Madam Speaker, we have now to shift from over-reliance of donor funds for this sector. It is like the Government is not allocating much of its own funds to agriculture and the department is left to depend largely on donor funds and then the casualty and the risk comes like the situation now when those funds which we had factored are not forthcoming. It is time now the County Government of Machakos allocates money to Agriculture and not leave it to donors. It is not only the donors who should invest in agriculture in Machakos.

Madam Speaker; Mheshimiwa Brian Kisila said that there are no programs being seen on the department of Agriculture. I want to respond fairly to him that all the donor-funded programs that you see are part of the agriculture programs of this County.

(Applause)

It is only fair that when we make our submissions, we do not cast aspersions based on misinformation. Madam Speaker, being a student of economics, I would want to say money is the most scarce commodity on earth, and that is why matters touching on money will always involve re-evaluations and the re allocations. Supplementary budgets is a practice everywhere and it does not mean failure. Actually, it is a show of prudence.

(Applause)

It is a sign that you are alert that this kind of money may not be appropriately used and it means that Government is alert. So I stand to support; let monies be moved, where they are going to make sense for the remaining period of the financial year. Madam Speaker, I support.

(Applause)

Hon. Speaker: Hon. Johana.

Hon. Johana Munyao (Mutituni/Ngelani, MCCC): Thank you, Madam Speaker. I stand to support the report from the Committee on Budget and Appropriations. Madam Speaker, we know our budget is just a formation of estimates and it is only fair that when we are unable to realize the estimates, and we go real and it is only done through such supplementary allocations. Madam Speaker, in the opening paragraph of this report, the committee gave a justification of why the supplementary had to be.

First, they had anticipated a conditional grant of Ksh. 891 million and only to realize that they were working on Ksh. 798 million, therefore a difference of Ksh. 93 million. It was only prudent and legal through a supplementary budget to cater for that difference and to say that we are working on Ksh. 798 and not Ksh. 891. That was a real just justification.

(Applause)

Madam Speaker, on the same note, we were expecting to collect own source revenue of Ksh. 1.69 billion only to realize that through the efforts of the same CECM finance, the County was able to collect own source revenue of Ksh. 1.7 billion and therefore, a difference of Ksh. 27 million which could only be spent through an appropriation and that is what we are doing this today.

(Applause)

So, Madam Speaker, the other major theme on why we had to have the supplementary budget was now the departmental re allocation whose details have been very well-captured and which I will not really belabor going through and I am convinced that the committee did a lot, the report is well-done. I would also support them when they say in the future it is also important to consider a program-based budget so that we are sure of where some of these programs are happening we talk of equity all the time.

It is only through such programs that we are able to tell the reallocations we are making what they are really meant to do in our various wards. Otherwise, I want to support this report because it is well done and it really caters for our people. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Member. May I now invite the mover of the motion to reply and while replying, I would wish to ask him though a lot of concerns are being addressed by members when they were making their contributions. I would like the mover also to address the concerns raised by Hon. Brian Kisila and Hon. Mutie and give justification as to why reallocation has been done, give justification as to why there was a 10 per cent excess although I have seen there is a disclaimer. Kindly just address those issues in your reply.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I wish to thank the House for their passionate contribution to the report and Hon. Speaker, submissions from Members that are raising concerns are healthy and it shows that members are alert and are following everything and they want to know what is happening on the ground and what allocations have been made to various departments.

Hon. Speaker, Hon. Mwanthi made a point that Standing Order 206 expressly gives mandate to the House to allow sectoral interrogations only for the main budget proposals but

does not give express mandate for supplementary budget proposals to be interrogated by the committees. Therefore this supplementary budget proposal went straight to the Budget and Appropriations Committee for interrogation.

On Level IV health facilities and money being reduced, this money was reduced and redistributed to Level II and III hospitals and Brian Kisila will agree with me that Mwala is benefiting because there is a Level III facility that is being completed in his ward and so it is in other 39 wards, Hon. Speaker.

Hon. Brian Kisila (Makutano/Mwala, MCCC): This is important, Hon. Speaker.

Hon. Speaker: Okay. Just say it one minute.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Let me tell you; what let us not start behaving as if---

Hon. Speaker: Go straight to the point

Hon. Brian Kisila (Makutano/Mwala, MCCC): Madam Speaker, why would you move money from a hospital in Mwala Ksh. 12 million and leave a Level IV hospital without an X-ray, without a ward where men and women are sharing and then you move that away that money to another facility. My people when they break their legs in Mwala today, they have to travel all the way from Mwala---

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

Hon. Brian Kisila (Makutano/Mwala, MCCC): Let me finish please DS.

Hon. Stephen Mwanthi ((Ekalakala, WDM-K): It is good to give that---

Hon. Brian Kisila (Makutano/Mwala, MCCC): No. Stop! We do not even have....maybe you do not even understand and I am inviting this House to visit Mwala Level IV hospital. May be you think I am beating around the bush; I would like you to come and see the pathetic condition under which our people are operating on where men are sharing beds together with women and then you tell me you have the guts to remove Ksh. 12 million or Ksh. 6 million or whichever amount it is instead of constructing a ward for my people.

You must listen to what I am saying; we are in a very bad situation and I am very passionate about that point and I wanted to go on record that I stood here on this day and defended my people against money being moved from where they are and I support this motion with an amendment that we do not move money from our hospital which is crippling down. Madam Speaker, last month we raised Ksh. 1 million from that hospital. I am not here---

Hon. Speaker: Thank you, Hon. Member.

Hon. Brian Kisila (Makutano/Mwala, MCCC): So, you cannot justify why we are constructing but why can't we make sure the existing health facilities are well equipped so that they can cater to our people. I have a point whether you like it or not but you can go ahead and

kill our people, go ahead and take money from Mwala but our people from Mwala will know that this Assembly took money which belonged to them. I will have a *baraza* and tell them this Assembly moved money for Mwala. I represent---

(Loud consultations)

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

Hon. Speaker: Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): Let me tell you, I cannot sit here comfortably. DS, respect me the way I respect you.

Hon. Speaker: Yes, thank you, Hon. Kisila.

Hon. Brian Kisila (Makutano/Mwala, MCCC): No, let me finish my point.

Hon. Speaker: You have made your point.

Hon. Brian Kisila (Makutano/Mwala, MCCC): I cannot stand here and be contented in my seat and say that I represented my people when I am seeing injustice being done by this House. Let me go on record.

Hon. Speaker: Thank you. I have told the Hon. Mover of the motion to address that. kindly address it.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Kindly, Hon. Speaker, allow me to correct Hon. Brian Kisila that under recurrent, no monies have been moved under Mwala. Under development, it is not Ksh. 12 million but Ksh. 9 million that has been moved and the virement is informed by the fact that the money initially had been allocated for construction of residential houses and not wards.

Hon. Speaker: So, there is no re-allocation?

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): There was no vote line for construction of a ward so, since the money cannot be utilized within the period that we have before the end of the financial year, it is prudent that money be allocated.

Hon. Speaker: You know you are addressing people of Mwala?

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Yes, Hon. Speaker.

Hon. Speaker: So, let them understand what you are saying.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): That is not the only facility that has been affected; there are others and this facility still has Ksh. 7.23 million. Kindly refer to

your Bill Hon. Member; Mwala has Ksh. 7.23 million under development that can still be used within the period that we have Hon. Member.

Hon. Speaker, on the reduction of more than 10 per cent, Hon. Charles Mbuva has responded to that and I will not belabor the point. We had a reduction in conditional grants and that necessitated the movement of more than 10 per cent in that department and also in the health department.

Hon. Speaker, the virement of the monies from one department to another was discussed by the CECM Finance together with the Budget Committee and the committee agreed with the submissions as it has been read in the report that we agreed with that because the CECM finance gave us reasons as to why they wanted to move those monies. Hon. Speaker, my request is for the House to adopt this report. Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Dominic, for that clarification.

(Question put and agreed to)

(Applause)

(Loud consultations)

Hon. Speaker: Order Members! Order Members! Hon. Ndawa, the House is still on session.

Hon. Mbili Ndawa (Matuu, MCCP): Madam Chair, if you allow me to give you one word. If you allow me, please.

Hon. Speaker: Okay, proceed.

Hon. Mbili Ndawa (Matuu, MCCP): Hon. Speaker, this is a House of procedure and laws and if you are not careful, the House can be converted to be a public *baraza*. So, Hon. Chair, using the powers given to you by the Standing Orders, make sure the House does not turn into a public *baraza*. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Minority Leader. I am advised. Well-noted. Let us proceed to the next order Clerk.

BILL

(Second Reading)

THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION
(NO.2) BILL, 2023 (MACHAKOS COUNTY BILLS NO.1)

Hon. Speaker: May I invite Hon. Dominic Ndambuki Chair Budget and Appropriations Committee to proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Pursuant to Standing Order 121(1), I beg to move the motion that the Machakos County supplementary Appropriations Bill No.2 of 2023, Kenya Gazette Supplement No. 2 Machakos County Bill be now read a second time. Thank you, Hon. Speaker.

The Bill highlights the revised estimates, shows the variations both positive and negative and the resultant figures which are now the revised estimates of the second supplementary budget. I wish to call upon Hon. Nicholas Nzioka to second.

Hon. Speaker: Hon. Nicholas Nzioka.

Hon. Nicholas Nzioka (Machakos Central, WDM-K) seconded.

Hon. Speaker: Thank you, Hon. Nzioka.

(Question proposed)

I invite Members to discuss on the Machakos County supplementary Appropriations Bill No2 of 2023.

(Loud consultations)

Hon. Brain Kisila (Makutano/Mwala, MCCP): Madam Speaker, you promised to be fair and just to all of us and you have actually practiced it here. Where a Member is having a point and you have listened. Madam Speaker, before we put this, can I move an amendment that we do not take money from my poor people please. I am begging this House, do not take money from that facility; a facility which has no X-ray or no water. Please do not take Ksh. 6 or Ksh. 7 million from that facility. I am urging the Hon. Members. Let us pass it with amendments.

Hon. Speaker: I suggest that Hon. Member, you can do the amendment at the stage of Committee of the Whole House.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House today)

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Stephen Mwanthi) took the Chair]

THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION
(NO.2) BILL, 2023 (MACHAKOS COUNTY BILLS NO.1)

Hon. Chairperson: Hon. Members, let us start the Committee of the Whole.

(Clause 2 agreed to)

(Clause 3 agreed to)

FIRST SCHEDULE

Recurrent Expenditure

(Schedules R0001, R0002 and R0003 agreed to)

Schedule R0004

Hon. Chairperson: I propose that Schedule R0004 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0004 be amended:-

In R0004 as relates to Finance and Economic Planning Recurrent Portfolio——

- i. By deleting the figure “25,521,905” relating to “recurrent expenses of Finance and Economic Planning portfolio and substituting therefor the figure “40,521,905” as relates to the increase/decrease in Ksh.;
- ii. By deleting the figure “552,936,479” relating to “recurrent expenses of Finance and Economic Planning portfolio and substituting therefor the figure “567,936,479” as relates to the Revised Budget 2 in Ksh.;
- iii. In “P01 Revenue Management” by deleting the figure “22,051,545” substituting therefor the figure “37,051,545” as relates to the increase/decrease in Ksh.;
- iv. In “P01 Revenue Management” by deleting the figure “268,835,562” and substituting therefor the figure “283,835,562” as relates to the Revised Budget 2 in Ksh.;

(Question of the amendment proposed)

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

(Schedule R0004 as amended agreed to)

Schedule R0005

Hon. Chairperson: I propose that Schedule R0005 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0005 be amended:-

In R0005 as relates to County Administration and Decentralized Units Recurrent Portfolio—

- i. In “County Administration and Decentralized Units Recurrent Portfolio” by inserting the figure “(5,000,000)” as relates to the increase/decrease in Ksh.;
- ii. By deleting the figure “493,506,215” relating to “recurrent expenses of the County Administration and Decentralized Units portfolio and substituting therefor the figure “488,506,215” as relates to Revised Budget 2 in Ksh.;
- iii. In “P05 Inspectorate Services and Management” by inserting the figure “(5,000,000)” as relates to the increase/decrease in Ksh.;
- iv. In “P05 Inspectorate Services and Management” by deleting the figure “17,750,096” and substituting therefor the figure “12,750,096” as relates to the Revised Budget 2 in Ksh.;

(Question of the amendment proposed)

(Question, that the schedule R0005 be amended as proposed, put and agreed to)

(Schedule R0005 as amended agreed to)

(Schedules R0006 agreed to)

Schedule R0007

Hon. Chairperson: I propose that Schedule R0007 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0007 be amended:-

(Question of the amendment proposed)

(Question, that the schedule R0007 be amended as proposed, put and agreed to)

(Schedule R0007 as amended agreed to)

(Schedules R0008, R0009 and R0010 agreed to)

Schedule R0011

Hon. Chairperson: I propose that Schedule R0011 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0011 be amended:-

In R0011 as relates to Tourism, Culture, Youth and Sports Recurrent Portfolio—

- i. By deleting the figure “(687,000)” relating to “recurrent expenses of Tourism, Culture, Youth and Sports portfolio and substituting therefor the figure “(10,687,000)” as relates to the increase/decrease in Ksh.;
- ii. By deleting the figure “131,930,593” relating to “recurrent expenses of Tourism, Culture, Youth and Sports portfolio and substituting therefor the figure “121,930,593” as relates to the Revised Budget 2 in Ksh.;
- iii. In “P10 Sports Promotion” by inserting the figure “(10,000,000)” as relates to the increase/decrease in Ksh.;
- iv. In “P10 Sports Promotion” by deleting the figure “20,920,000” and substituting therefor the figure “10,920,000” as relates to the Revised Budget 2 in Ksh.;

(Question of the amendment proposed)

(Question, that the schedule R0011 be amended as proposed, put and agreed to)

(Schedule R0011 as amended agreed to)

(Schedules R0012 and R0013 agreed to)

Schedule R0014

Hon. Chairperson: I propose that Schedule R0014 be part of the Bill.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): I move that Schedule R0014 be amended:-

In R0014 as relates to County Assembly Recurrent Expenses Portfolio—

- i. In “P02 Financial Management Services” by deleting the figure “(53,100)” and substituting therefor the figure “446,900” as relates to the increase/decrease in Ksh.;
- ii. In “P02 Financial Management Services” by deleting the figure “60,579,777” and substituting therefor the figure “61,079,777” as relates to Revised Budget 2 in Ksh.;
- iii. In “P04 County Assembly Service Board Services” by deleting the figure “950,000” and substituting therefor the figure “450,000” as relates to the increase/decrease in Ksh.;
- iv. In “P04 County Assembly Services Board Services” by deleting the figure “26,950,000” and substituting therefor the figure “26,450,000” as relates to Revised Budget 2 in Ksh.;

(Question of the amendment proposed)

(Question, that the schedule R0014 be amended as proposed, put and agreed to)

(Schedule R0014 as amended agreed to)

(Totals for recurrent agreed to)

SECOND SCHEDULE
Development Expenditure

(Schedules D0001, D0002, D0003, D0004, D0005, D0006, D0007, D0008, D0009, D0010, D0011, D0012, D0013 and D0014 agreed to)

Hon. Brian Kisila (Makutano/Mwala, MCCP): Bw. DS you cannot just rush and vote without asking for Members to contribute. Bw. DS, you agree to---

(A Hon. Member spoke off record)

No, you are not the DS. Before you cast the vote---

Hon. Chairperson: There is no amendment on all those clauses Mheshimiwa, so without an amendment---

Hon. Kisila (Makutano/Mwala, MCCP): D0007 has an amendment---

Hon. Chairperson: This is the development and in my list you can see there is no amendment. D0007, Mheshimiwa. Just check.

Hon. Brian Kisila (Makutano/Mwala, MCCP): No, but there is an amendment which I wanted to move, and I have a seconder.

(Loud consultations)

Yes, Members, allow us. This is a House of procedure and the majority will have their way, but allow the minority to also have their say. I was moving an amendment if that is the way.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Point of order.

Hon. Chairperson: Yes.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Is it in Order for the Member to propose an amendment after you have put the question? I don't think so.

Hon. Brian Kisila (Makutano/Mwala, MCCP): I was raising---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): The question has already been put.

Hon. Brian Kisila (Makutano/Mwala, MCCP): Bw. Majority Leader, this is a House of procedure. He moved very fast to ask the question without asking for us to contribute and I

raised my hand. I am moving an amendment. I am moving an amendment on D0007. You are being---

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Chair, Point of order.

Hon. Chairperson: Hon. Majority Leader.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): I am rising on Standing Order 125 on procedure in the Committee of the Whole House on a Bill. 125(2) states; No amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification of the amendment shall have been given to the Clerk 24 hours before the commencement of the sitting at which that part of the Bill is considered in the Committee." Chair, I think the Hon. Member is out of order. Thank you.

(Applause)

Hon. Brian Kisila (Makutano/Mwala, MCCC): Bw. Majority Leader, the same blade you use against me will be used against you tomorrow.

(Laughter)

I agree with the Standing Order but what I was seeking the House.....what I was seeking the House---

Hon. Mbili Ndawa (Matuu, MCCC): This is not a *baraza* now. Hon. Chair, this is now turning to be a public *baraza*. Don't allow that.

Hon. Chairperson: I think Members, we are all in agreement, Mheshimiwa Brian. We understand you, but you did not follow the right procedure. You could have brought the amendment 24 hours before the sitting begins and so I think now we will have to proceed. We need to proceed.

Hon. Ndawa (Matuu, MCCC): The matter which my brother is raising here can only see the light of this House after six months. Once a question has been proposed and Members have agreed, the earliest that issue can come here is now after six months. Thank you.

Hon. Chairperson: Thank you. Hon. Brian, I think what you want to be done in Mwala, we are now crossing over to a new financial year. Kindly make sure that whatever you want to be done in Mwala, make sure it is done next year. I understand where you are coming from and the problem is this money had been allocated to construct staff quarters; in fact, not on the issue of constructing wards.

So, that was the issue that instead of constructing staff quarters now, this money be spent in construction of Level II and III health facilities so that the same Mwala people will benefit and get development with their Level II and III health facilities. They are also our health centres and we need them good. So, your issue has been noted. Make sure in the coming financial year that area is captured well. Thank you.

(Totals for development agreed to)

(Applause)

(Grand total agreed to)

(Long Title agreed to)

(Short Title agreed to)

(Clause 1 agreed to)

Hon. Ndambuki can proceed on the report of the committee to the plenary.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Mr. Chairman, I beg to move that the Committee do report to the House its consideration of the Machakos County Supplementary Appropriation (No.2) Bill, 2023 (Machakos County Bills No.1) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

Hon. Chairperson: Thank you, Hon. Members. We now await the Hon. Speaker to come so that we can proceed.

(The House resumed)

[Hon. Speaker in the Chair]

REPORT AND THIRD READING

THE MACHAKOS COUNTY SUPPLEMENTARY APPROPRIATION (NO.2) BILL, 2023 (MACHAKOS COUNTY BILLS NO.1)

Hon. Speaker: May I now call upon the Chair of Chairs to proceed.

Hon. Stephen Mwanthi (Ekalakala, WDM-K): Thank you, Hon. Speaker. I wish to report that the Committee of the Whole House has considered the Machakos County Supplementary Appropriations Bill (No.2), 2023 (Machakos County Bills No.1) and has approved the same with amendments. Thank you.

Hon. Speaker: May I call upon the Hon. Dominic Ndambuki, the mover, to proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. I beg to move that the House do agree with the committee in the said report. I call upon Hon. Nicholas Nzioka to second.

Hon. Speaker: Hon. Nicholas.

Hon. Nicholas Nzioka (Machakos Central, WDM-K): Thank you, Madam Speaker. I wish to second that the House do agree with the committee in the said report. Thank you, Madam Speaker.

(Question proposed)

(Question put and agreed to)

Hon. Speaker: May I call upon Hon. Dominic Ndambuki, Chairperson, Budget and Appropriations Committee to proceed.

Hon. Dominic Ndambuki (Kathiani Central, WDM-K): Thank you, Hon. Speaker. Pursuant to Standing Order 131(2), I wish to move the motion that the Machakos County Supplementary Appropriations Bill (No.2), 2023 (Machakos County Bills No.1) be now read a third time. Thank you, Hon. Speaker. We have made amendments to the Bill and I wish to call upon Hon. Judas Ndawa to second.

Hon. Speaker: Hon. Ndawa.

Hon. Mbili Ndawa (Matuu, MCCP) seconded.

Hon. Speaker: Thank you, Hon. Ndawa.

(Question proposed)

I invite Members to comment on the second Machakos County Supplementary Appropriation Bill, 2023. Thank you, Hon. Members.

(Applause)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

ADJOURNMENT

Hon. Speaker: The House adjourns to 6th June, 2023 at 10.00 a.m.

The House rose at 1.09 p.m.