

**REPUBLIC OF KENYA**  
**MACHAKOS COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Tuesday, 8<sup>th</sup> February, 2022**

The House met at 10.29 a.m.

*[The Deputy Speaker (Hon. Museku) in the Chair]*

**PRAYERS**

**PAPER LAID**

CALENDAR OF THE ASSEMBLY OF MACHAKOS  
COUNTY FOR 2022 FOR THE SIXTH SESSION

**Hon. Deputy Speaker:** Hon. Members, under this order, we have one Paper to be laid on the floor of the House. This is to be done by Hon. Moses Mitaa on behalf of the Majority Leader Hon. Mark Muendo.

**Hon. Ngunga:** Point of order, Hon. Speaker.

**Hon. Deputy Speaker:** Moses Mitaa please go ahead and finish laying the Paper first. I will only allow point of order after we finish with---

**Hon. Ngunga:** I am raising issues of quorum, Mr. Speaker.

**Hon. Deputy Speaker:** Go ahead, Hon. Moses. I will come back to you Hon. Francis Ngunga. Let him finish laying the Paper.

**Hon. Mitaa:** Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Orders 25(1) and 151(5)(a), I wish to lay on the Table of the Assembly today, Tuesday, the 8th day of February, 2022; the Calendar of the Assembly of Machakos County for 2022 (regular sessions) for the Sixth Session as prepared by the House Business Committee. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you.

**NOTICES OF MOTIONS**

CALENDAR OF THE ASSEMBLY OF MACHAKOS  
COUNTY FOR 2022 FOR THE SIXTH SESSION

**Hon. Deputy Speaker:** Under this order, we have two notices of motions one to be moved by Hon. Moses Mitaa on behalf of Mark Muendo and the other one to be moved by Hon. Peter Joseph Mutiso. We start with Hon. Moses Mitaa.

**Hon. Mitaa:** Thank you, Hon. Speaker.

Hon. Speaker, that aware that the Assembly Calendar provides for periods in which the Assembly is to transact business during a Session;

Aware that the calendar is informed by the Constitution, the County Governments Act, the Assembly Standing Orders and other relevant laws and the traditions and practices of legislatures world over;

Appreciating 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 151(5)(a) of the County Assembly of Machakos Standing Orders provides that the House Business Committee shall prepare and if necessary, from time to time adjust the Assembly Calendar with approval of the House;

Aware that the House Business Committee has prepared an Assembly Calendar as per its mandate;

Hon. Speaker, I wish to give notice of the motion THAT pursuant to Standing Orders 25(1) and 151(5)(a), the Assembly considers and approves the Calendar of the Assembly of Machakos County for 2022 (regular sessions) for the Sixth Session.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Moses Mitaa. Hon. Peter Joseph Mutiso.

#### FORMULATION OF REGULATIONS OF MACHAKOS COUNTY HEALTH SERVICES ACT, 2020

**Hon. Mutiso:** Thank you, Mr. Speaker.

Hon. Speaker, that aware that Article 43(1)(a) of the Constitution of Kenya, 2010, stipulates that every person has the right to the highest attainable standard of Health, which includes the right to health care services, including reproductive health care;

Aware that in the recent past there has been public outcry on lack of essential supplies in our County Health Facilities yet patients pay user fees on services rendered;

Further aware that in a General Oversight Committee meeting held on 31<sup>st</sup> January, 2022 it came out clearly that user fees, donations and grants meant for County Health facilities are banked in the County Revenue Account and are never ploughed back to ease the burden of essential hospital supplies;

Hon. Speaker, further aware that this House enacted the Machakos County Health Services Act, 2020 which establishes institutional framework in the management of our Health facilities;

Aware that Section 52 of the Act provides for the formulation of regulations to operationalization of the Act;

Hon. Speaker, I wish to give notice of motion that this Hon. House discusses and approves that the County Executive Committee Member for Health fast tracks the formulation of regulations set out in Section 52 of Machakos County Health Services Act, 2020 to operationalize the Act.

Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Peter Joseph Mutiso. Hon. Francis you had issues with quorum? I thought so. Thank you.

### STATEMENT

BUSINESS FOR THE HOUSE FOR 8<sup>TH</sup> FEBRUARY, 2022

**Hon. Deputy Speaker:** Hon. Members, under this order, we have one Statement to be made by Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you very much, Hon. Speaker. Hon. Speaker, the House Business Committee met on, Monday, 7<sup>th</sup> February, 2022 to prioritize business for the House pursuant to the provisions of Standing Order 151(5). The Committee balloted business as follows:

Tuesday, 8<sup>th</sup> February, 2022  
*Morning at 10.00 a.m.*

- a. Motion that pursuant to Standing Orders 25(1) and 151(5)(a), the Assembly considers and approves the Calendar of the Assembly of Machakos County for 2022 (regular sessions) for the sixth session.
- b. Motion that that this Hon. House discusses and approves that the County Executive Committee Member for Health fast tracks the formulation of regulations set out in Section 52 of Machakos County Health Services Act, 2020 to operationalize the Act by Hon. Peter J. Mutiso, MCA Machakos Central.

Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Members. When you look at that Statement it has only balloted business for the morning sitting and that is because there were some further discussions that were going on between the House Business Committee and the management in as far as how we are going to handle the ADP which is before the House and also how the Budget committee is going to be able to handle the supplementary budget. Therefore it was felt that there might be need to move the adjournment motion after the morning plenary to facilitate these two businesses to be done. The ADP and also the budget committee to be able to go and start looking at matters supplementary budget and therefore that is the reason why you can see we only have business in the morning.

This morning the House Business sat again, it is only that it has not been included here and I believe there is going to be moved an adjournment motion. On order number 10 we are going to be able to move the adjournment motion to allow Members go and be able to attend to those two businesses I have talked about. So is there anyone who wishes to comment on this statement before I move to the next motion? Hon. Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker. Mr. Speaker, I would like to appreciate the Statement by Hon. Peter Mutiso owing to the fact that we had summoned the finance department and health department.

**Hon. Deputy Speaker:** The statement by Hon. Peter Mutiso was---

**Hon. Masesi:** Is it on adjournment, Mr. Speaker, or is about?

**Hon. Deputy Speaker:** In the notice of motion you are going to comment on it during the motion itself. There is a motion coming from Hon. Peter Joseph Mutiso. I think it should be motion No. 9. If you look at---

**Hon. Masesi:** So, Mr. Speaker, is about the adjournment motion or what?

**Hon. Deputy Speaker:** Yes. Comment on the adjournment motion which has been given a notice of motion or we have not yet reached there I have just given an overview of why the House Business Committee had that statement. The other businesses are yet to come.

**Hon. Masesi:** Thank you, Mr. Speaker. I think I can wait because it was about ---

**Hon. Deputy Speaker:** Yes. You can comment during the substantive motion.

### MOTIONS

#### CALENDAR OF THE ASSEMBLY OF MACHAKOS COUNTY FOR 2022 FOR THE SIXTH SESSION

**Hon. Deputy Speaker:** Hon. Members, under this business we have one item to be discussed and that is by Hon. Moses Mitaa on behalf of Majority Leader Hon. Mark Muendo. Hon. Moses Mitaa.

**Hon. Mitaa:**

Hon. Speaker, that aware that the Assembly Calendar provides for periods in which the Assembly is to transact business during a Session;

Aware that the calendar is informed by the Constitution, the County Governments Act, the Assembly Standing Orders and other relevant laws and the traditions and practices of legislatures world over;

Appreciating 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 151(5)(a) of the County Assembly of Machakos Standing Orders provides that the House Business Committee shall prepare and if necessary, from time to time adjust the Assembly Calendar with approval of the House;

Aware that the House Business Committee has prepared an Assembly Calendar as per its mandate;

**Hon. Deputy Speaker:** Could we get the HANSARD to find out why these sets are not connected because it was only one which was on so maybe we can find out from the HANASARD people why that is happening. Go on Hon. Moses.

**Hon. Mitaa:** Thank you, I wish to start from where I got inconveniences.

Aware that the House Business Committee has prepared an Assembly Calendar as per its mandate;

Hon. Speaker, I wish to move the motion THAT pursuant to Standing Orders 25(1) and 151(5)(a), the Assembly considers and approves the Calendar of the Assembly of Machakos County for 2022 (regular sessions) for the Sixth Session.

Hon. Speaker, thank you. I wish to call upon Hon. Kamitu to second.

**Hon. Deputy Speaker:** Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you, Hon. Speaker. I stand to second the motion. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Moses, you may go ahead and read the report on the Calendar.

**Hon. Mitaa:** Thank you, Hon. Speaker. I want to table the report the House Business Committee on the Calendar of the Second Assembly that is Sixth Session. Hon. Speaker, I will first start with the establishment of the committee.

### *1.1 ESTABLISHMENT OF THE COMMITTEE*

Hon. Speaker, the House Business Committee is established pursuant to Standing Order 151(1) of the Assembly Standing Orders which provide that, there shall be a Select Committee to be designated House Business Committee consisting of: the Speaker as the Chairperson, the Deputy Speaker, the Leader of the Majority Party, the Leader of the Minority Party and not less than nine and not more than eleven other members who are nominated by Assembly parties and approved by the House at the commencement of every session.

### *1.2 MANDATE OF THE COMMITTEE*

Hon. Speaker, in accordance with Standing Order 151(5), the mandate of the Committee includes:

- a) Preparation and, if necessary, from time to time, to adjust the Assembly Calendar with the approval of the House;
- b) Monitoring and overseeing the implementation of the House Business and programs;
- c) Implementing the Standing Orders respecting the scheduling or programming of the business of the Assembly and the functioning of the Committees of the House;
- d) Determining the order in which the reports of Committees shall be debated in the House;
- e) Taking decisions and issuing directives and guidelines to prioritize or postpone any business of the House acting with the concurrence of the Leader of the Majority Party or the Leader of the Minority Party, as the case may be; and

- f) Considering such matters as may from time to time arise in connection with the business of the House and shall have and perform such powers and functions as are conferred on and ascribed to it by these Standing Orders or from time to time by the House.

### 1.3 COMMITTEE MEMBERSHIP

Hon. Speaker, the House Business Committee as currently constituted comprises of the following 15 Hon. Members:

1. Hon. Florence M. Mwangangi	– Speaker/ Chairperson
2. Hon. Paul Museku	- Member
3. Hon. Mark Muendo	“
4. Hon. Alex Kamitu	“
5. Hon. Moses Mitaa	“
6. Hon. Jacqueline Nziva	“
7. Hon. Patrick Kituku	“
8. Hon. Fredrick Muthoka	“
9. Hon. Annastacia S. Mutuku	“
10. Hon. Joshua N. Muli	“
11. Hon. Judas M. Ndawa	“
12. Hon. George King’ori	“
13. Hon. Justus Katumo	“
14. Hon. Hellen Ndeti	“
15. Hon. Rozina Kanini	“

Hon. Speaker, you will allow me to move to 3.0 that is calendar of the Assembly.

### 3.0 CALENDAR OF THE ASSEMBLY

Hon. Speaker, in coming up with the Calendar, the Committee was guided by Article 177 (4) of the Constitution and Standing Order 24(1),(3) and (4). The Committee also put into consideration the timelines published by the Independent Elections and Boundaries Commission (IEBC) vide Gazette notice No. 435 (Vol. CXXIV- No.14) dated 20<sup>th</sup> January, 2022 for the forthcoming General elections slated for 9<sup>th</sup> August, 2022.

In this regard, the committee makes the following recommendations for the Calendar of the Assembly in the sixth Session:

- (i) The House will be sitting on Tuesdays and Wednesday at 10.00 a.m. for the morning sittings and at 2.30 p.m. for the afternoon sittings.
- (ii) The session commenced on 25<sup>th</sup> January, 2022 and will terminate on 8<sup>th</sup> August, 2022.
- (ii) The Sixth Session is divided into two parts whereby the House will take three recesses. (*See annex 1 of the calendar*).
- (iii) The First part runs from Tuesday, 25<sup>th</sup> January, 2022 to Monday, 2<sup>nd</sup> May, 2022. During this period, there will be two recesses with the first being from Thursday, 3<sup>rd</sup> March, 2022 to Monday, 21<sup>st</sup> March, 2022 and second one between Thursday, 7<sup>th</sup> April and Monday, 2<sup>nd</sup> May, 2022.

- (iv) The Second Part commences on Tuesday, 3<sup>rd</sup> May, 2022 and will run up to Monday, 8<sup>th</sup> August, 2022 when the term of the second Assembly will end. There will be a *sine die* recess from Wednesday, 1<sup>st</sup> June, 2022 to 8<sup>th</sup> August, 2022.

Hon. Speaker, the House may resolve to meet at any other time as provided in Standing Order 27(3)(b) and (c).

#### 4.0 CONCLUSION

Hon. Speaker, the calendar of the Assembly once approved shall be published in the Gazette, the Assembly Website and at least in two newspapers of National circulation pursuant to Standing Order 25(2). This will enable the County Assembly stakeholders such as the Executive, Senate, Development Partners, Civil Societies, and the Public among others to participate in Assembly activities accordingly. I urge this Hon. House to approve the Calendar for the smooth operations of the Assembly in the discharge of its constitutional and statutory mandate.

Hon. Speaker, it is therefore my duty and privilege to present this Calendar of the Assembly to this Hon. House for review and approval. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Moses Mitaa.

*(Question proposed)*

**Hon. Ngunga:** Thank you, Mr. Speaker. This is a good Calendar that guides us in this last Session which is going to be very tough to us towards end of our Session here. Mr. Speaker, I have a question that I need clarification about the last Session of our stay here when the House committee proposes that we have a *sine die* recess from the Wednesday, 1st June to the Monday, 8th August, 2022. This is a period of I think---

**Hon. Mitaa:** Point of information, Hon. Speaker.

**Hon. Deputy Speaker:** Yes.

**Hon. Mitaa:** I want to inform Hon. Francis Ngunga that the period is nine weeks.

**Hon. Ngunga:** The period from now to the end. Now Mr. Speaker, I wanted to seek clarification from the committee why they felt it fit that we have such a big recess during that trying moment. You know most of us that is the time that the county officials, you know that, county officials have become messy during the period around electioneering time. That is when public funds sometimes are at risk of getting into wrong hands and I thought Mr. Speaker therefore this is the period that we need to be very keen so that if something can be done, then I think we need to address this issue of this long recess towards the election. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Ngunga. Maybe I can make some clarification on the same. The first thing to note is that our Calendars are guided by both the National Assembly Calendar and the Calendar of the Senate. It is important for the House to note that the

official campaign period will be from 30th of May all the way to the first week of August and during the official campaign period, you cannot have the Sessions of the House going on as normal because the Hon. Members are seen to be out there campaigning.

The meaning of *sine die* is that you will be at home; you will not be coming for plenary sittings but you will be able to do any other functions of the House apart from plenary sittings, and you will still be getting your salaries, you will still be getting your everything until the 8th August midnight. That is why it is specifically stated that, that Session will end at midnight of 8th August, 2022 because there normally no power vacuum. The Hon. Members remain in position until another Hon. Member is elected into place.

That is the reason why the House is going to adjourn *sine die* during that period. *Sine die* means it has just gone into recess without date of coming back and when now the House resumes in the next Assembly, the Speaker will reopen it again afresh and continue from where the *sine die* ended. Therefore, it is okay the one for the National Assembly will end on 9th of June and the same to the Senate. Therefore we do not operate as isolation; we operate in condition worth the other bodies which are ahead of us. Yes Hon. Francis.

**Hon. Ngunga:** Yes, Mr. Speaker may be I would also want to seek further clarification while we are still on the same point when we are talking about *sine die* because we have done budget provisions for Members to be sitting up to the end of the period ending August unless so otherwise directed. So, therefore Mr. Speaker while we want to approve that Calendar, we also need to see how we congest our business before May so that we don't have balances that are left here unattended and I know you know what Members I am talking about.

So that we have the programs of the trainings, we have the programs of the report writing and all that. You know Mr. Speaker, so that the long *sine die* recess does not affect that operation. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Francis. I don't think that can go unnoticed. We have the Budget Committee and we have all the House leadership which is going to take care of those matters and also note that even during that campaign period you are still an elected Member, you will still be part and parcel of the House. So, your expenses will still be paid even including that period when at home *sine die* and therefore don't worry about that. Through the Budget Committee and through the House leadership we will be able to take care of those other resources. Hon. Mueni.

**Hon. (Ms.) Mueni:** Thank you, Mr. Speaker. Mheshimiwa Francis Ngunga is having a point because we don't want to be hearing that the Budget Committee is in Nairobi and we are home.

(Laughter)

So we want all the Members to be balanced even this short time; we know we are going home, but this short time we want every Member to be earning what belongs to him or her. So, Mr. Speaker, I think you will be considering everybody so that we can be having something in our pockets. Yes we are going to ask for the seats and everybody is looking where he or she will land and we need money. So, be taking care of the Members Mr. Speaker so that everybody will



be earning something but not some are earning when others are not earning. Thank you.

*(Applause)*

**Hon. Deputy Speaker:** I think before we move out of this item, I need to clarify to Hon. Mueni maybe she was not listening carefully; the Hon. Member needs to be listening carefully to what I said. I said the Budget Committee and the House Leadership will ensure that all allocations for Hon. Members are given to Hon. Members. I did not say that the Budget Committee will be continuing with the business in the House. I said they need to ensure that the point raised by Hon. Ngunga has been taken care off through the budgetary process. I hope I have made myself clear on that. I did not mean anything to the contrary. Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you very much, Hon. Speaker. In relation to the Calendar, the House Business Committee sat down and discussed all the areas that our Hon. Speaker has explained and the question that has been put by Hon. Francis. We are going to cater everything and as I said, us and Hon. Justus and even Hon. Mueni were here in the First Assembly and the most important thing now is for the Budget Committee, as we do the supplementary, ensure that all the activities, all the monies for the Hon. Members are there and I know through the chairman of the Budget Committee and the Deputy Speaker, things are going to run because it is a very involving period especially for the Hon. Members, because there are a lot of demands on the ground and also at the same time we should also be looking forward for the projects that were budgeted for.

So in any case, there is nothing that is going to change and between June and 8th August, in case there will be any need for this Assembly there is always a special sitting Hon. Speaker that maybe called. So, actively there is no much ado; anything that you feel as an Assembly feel like sitting down and engage the Assembly for the purpose of the electorates of Machakos County, we are ready. Otherwise sentiments by Hon. Francis are quite in order and the explanation that the Deputy Speaker has given are also quite in order. So that is the way forward and that is the direction. Thank you.

**Hon. Deputy Speaker:** Thank you, Hon. Alex. Just to conclude, if you look at that Calendar below there is a disclaimer which says; the House may however resolve to hold sittings on other days outside this published Calendar. So in the event during *sine die* if there is an item which we need to discuss, the Speaker is still the Speaker, you are still Hon. Members, you can be recalled into the House and come and deliberate on whatever item it is and ensure that things are moving in the right direction. So there should be no cause of alarm. Thank you.

*(Question put and agreed to)*

FORMULATION OF REGULATIONS OF MACHAKOS  
COUNTY HEALTH SERVICES ACT, 2020

**Hon. Deputy Speaker:** Hon. Members, under this order, we have business to be transacted by Hon. Joseph Mutiso, MCA, Machakos Central Ward.

**Hon. P.J. Mutiso:** Thank you, Mr. Speaker.

Hon. Speaker, that aware that Article 43(1)(a) of the Constitution of Kenya, 2010, stipulates that every person has the right to the highest attainable standard of Health, which includes the right to health care services, including reproductive health care;

Aware that in the recent past there has been public outcry on lack of essential supplies in our County Health Facilities yet patients pay user fees on services rendered;

Further aware that in a General Oversight Committee meeting held on 31<sup>st</sup> January, 2022 it came out clearly that user fees, donations and grants meant for County Health facilities are banked in the County Revenue Account and are never ploughed back to ease the burden of essential hospital supplies;

Hon. Speaker, further aware that this House enacted the Machakos County Health Services Act, 2020 which establishes institutional framework in the management of our Health facilities

Aware that Section 52 of the Act provides for the formulation of regulations to operationalization of the Act;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves that the County Executive Committee Member for Health fast tracks the formulation of regulations set out in Section 52 of the Machakos County Health Services Act, 2020 to operationalize the Act.

I call upon Hon. Justus Katumo to second.

**Hon. Deputy Speaker:** Thank you. Hon. Justus Katumo.

**Hon. Katumo:** Thank you, Hon. Speaker. I second the motion.

**Hon. Deputy Speaker:** Thank you Hon. Members. This is a motion that we need to debate on.

*(Question proposed)*

Hon. Cosmus Masesi.

**Hon. Masesi:** Thank you, Mr. Speaker. As I had earlier indicated, this motion Mr. Speaker went through the Committee of Health and we passed and it was approved by the House and also we touched a lot when we had invited both the health and finance department because it all touches on the matters health, so Mr. Speaker I want to believe even the CECM health knows that we really need this Act in operation. So, my view was that we need to write to the CECM health to get to know the status of the Act so far. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Judas Ndawa.

**Hon. Ndawa:** Thank you, Mr. Speaker. I want to inform the House that the matter before the House was here another time and it was approved by this House. So, Mr. Speaker, if we continue debating motion then after a short time we bring it back, it means now the Committee on Implementation is not working. I am requesting that you direct because it is a matter which

was resolved and the Committee on Implementation ought to have made sure that whatever is approved in this House is implemented. So, Mr. Speaker, I fail to understand if we pass it again today and we keep quiet just the way we kept quiet, will that Regulation work? Mr. Speaker, I am humbly requesting---

**Hon. Masesi:** Point of information.

**Hon. Deputy Speaker:** Point of information from Hon. Masesi.

**Hon. Masesi:** Yes, Mr. Speaker. Maybe Hon. Mbili needs to understand that it is just a matter of fast tracking and not a matter of approving it again. The issue is the CECM health to fast-track the operationalization of the same Act, but still I want to believe he has a point matters Implementation Committee Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Francis Ngunga.

**Hon. Ngunga:** Thank you, Mr. Speaker. Although I don't know whether my colleague here Hon. Judas Ndawa was through, it is the same path that I wanted to pursue and I am sure as an intellectual we are likely to share the same. Mr. Speaker, I think, your thoughts are exactly what Hon. Ndawa is saying because I am sure that you know the procedures that are there especially in our business transactions. This Motion should not have found itself in this House this way because I believe as Hon. Ndawa has said once the House sits and as we did and we passed the Regulations that were supposed to be enacted and they were not enacted then the Committee on Implementation should have taken up the matter therefore failed to be effected then this motion should have come as a way of trying to impeach the person that should have effected this.

Otherwise, Hon. Speaker we will waste a lot of time debating what we already debated. This House allocated time to debate the same and the other time Hon. Speaker the committee of the Whole House was here asking or making a follow up of whether the same were effected and to the amazement of the House the Deputy Governor was here to the amazement of the House the CECM Health was here and they were all in agreement that this House here in the year 2020 did amendments that were necessary and what was lacking was implementation.

Hon. Speaker, it is up to you to direct this House on the way forward otherwise there is no debate here because this debate here was concluded and this is a matter that is finding itself to the House now in the wrong way. This matter should have come as a way of the House enforcing this action to be taken because already we agreed and we debated on the neat greet of the Bill. We debated on the way forward and I agree Hon. Speaker with my colleague here that then action need to be taken either by the Committee of the Implementation or the Whole House.

Hon. Speaker, if we do not take action with this one here we leave this business unattended because we only have four to five months to be here. We have just passed the Calendar which ends in May so if we do not take action here we leave the House having laws that were there enacted in 2020, two years along the way and they are not being affected. Hon. Speaker, it is high time I want to ask this House to become a House of action; let the House become potent enough so that they can enforce the laws that they pass. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Ngunga. I would like just to make a clarification before I give you to comment Hon. Kalumu. First, when you see a motion come to the House it has passed through the office of the Clerk, the office of the Speaker and also the House Business Committee and has been approved for various reasons. What was discussed here before was discussed before the General Oversight Committee and it is quoted there. It was mentioned during the General Oversight Committee that the Regulations had not been implemented and the CECM Finance was even advised that we revise the Act itself to include other items that had not yet been assented by the Governor but the Chair of the day Hon. Speaker advised that after 14 days, an Act becomes a law hence the reason why the Hon. Peter Joseph Mutiso is seeking the fast tracking on the implementation of that Act.

Remember the Act was passed by the House; it was not signed into Law but after 14 days it became law so the Hon. Member and the Committee is seeking for the fast tracking of the implementation of that Act so that we can be able to operationalize and therefore Hon. Ndawa, I hear your point but this business is correctly before the House. The House has a mandate to ensure that the business and Hon. Francis Ngunga has given you a very good item, he has said the House is ending in May and the reason why the Hon. Member is seeking that this needs to be implemented like yesterday.

Renewing it again with vigour and effort so that within the short time we have here we can be able to get this business done and therefore he is not out of order in bringing it neither is the House out of order in discussing this item because we really need the laws which we have made to be operationalized and that is why I am happy that this motion is coming. It will give fresh impetus on the drive to get this Act operationalized. Hon. Kalumu then we come to Hon. Moses. Let the Hon. Member comment.

**Hon. Kalumu:** Thank you, Hon. Speaker. Mr. Speaker it is good that you have cleared the air that the motion is back here again to make it possible for the operationalization of the Regulations. Hon. Speaker, you have also mentioned that is good that it comes again and be discussed so that we can have energy and vigour to make sure that this law is effectively implemented. Hon. Speaker, before you rose we had a colleague my namesake Hon. Francis who had commented on Committee of Implementation that it has slept on its job but I want to tell this House that all the time since we came to this House, we have passed so many laws, so many motions but none of them have seen a reply and a reply is implementation.

For this one that now we are talking about, the reason it is coming back to this House is because just the other day there was no medicine in the hospitals and those people we knew very well that they were collecting money, they are receiving money from the NHIF, they are banking it into the revenue account but we are being told that there is no medicine. All monies collected in Levels IVs, IIIs and IIs are not repatriated back to the hospitals. The money is banked into revenue account and it is good for us to make sure that what we said that that money is taken back to where they were collected for support of operations and maybe buying of medicine.

Mr. Speaker, we would like it be done as soon as today because the Law is there and it has never been implemented even in a single Ward. Mr. Speaker, the big problem of this County is that we have got so many laws that we have passed even our own budget even we go further into sitting with the Governor, they lie to us and tell us they will implement this and they do not. Now some of us are waking up now yet we used to be here telling the Executive to implement what we said and what has been passed in this House.

**Hon. Deputy Speaker:** Hon. Kamitu. Point of information Hon. Kalumu.

**Hon. Kamitu:** Point of information, Hon. Speaker. With due respect we really had the oversight committee and in a nutshell Mr. Speaker we covered all this that my brother Hon. Kalumu is talking about so at this point, my information is that the subject Hon. Kalumu is trying to bring were covered during the Oversight meeting so it is a question of we move forward and follow the Act which was passed by this House in 2020 because for your information Hon. Speaker my point of information is that an Act is superior to Regulations and now that the Act was and now here Hon. Mutiso our good brother of ours has brought a very good motion that we should fast track in an easy manner as an Assembly.

Hon. Kalumu, let us fast track and see where we are because we are in the right direction. Otherwise we covered all the sentiments that is being tried to be put here on the Oversight meeting. We had a very serious ample time and the Executive carried the message that this is not a time of joking it is a question of execution. Thank you Hon. Speaker.

*(Applause)*

**Hon. Deputy Speaker:** Hon. Kalumu, you have been guided and I know your point has been taken through so you can conclude so that we can be able to go to---

**Hon. Masesi:** More information Hon. Speaker.

**Hon. Deputy Speaker:** More information from Hon. Cosmus Masesi

**Hon. Masesi:** Hon. Speaker, I would like to inform the member on two issues, Firstly, let him not mention about our own budget because it is Assembly budget because there is a Member on that Board where we should make sure that whatever we pass is implemented. Secondly Hon. Speaker, I do not think we have time to pinpoint on each Hon. Member. In fact, Hon. Speaker, I thought today we will be coming together and moving to the Governor's office to demand on the Ksh. 15 million.

*(Applause)*

Otherwise, Hon. Speaker, the time which is left we need to unite and get what is available for our people. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Judas.

**Hon. Ndawa:** Thank you, Hon. Speaker. I will just inform the House on two issues. Issue No. 1; the highest decision-making organ of the County is this House and that one should be noted by everyone. Information No. 2 and that is why I was raising issue; I do not have any bad blood with the motion before the House but the issue which I am not happy with is the issue of we discuss and approve that the County Executive Member of Health fast track yet that particular officer is resigning tomorrow. If we pass today that the County Executive Committee Member fast track and he is not in the office, it takes time to have another person in office.

So I think we should substitute that word the County Executive Committee Member; we better say the Department so that even if he is not there the Department will continue but Hon. Speaker, I would request because we have said this is the highest decision-making organ you will direct that you give about seven days to have that regulation operationalized. I am very sure if you direct that that is going to happen and we are going to solve the issues.

I have heard my colleague Hon. Kalumu who happens to be my immediate neighbor; if I was a teacher I would have written on his composition that he is irrelevant because he is moving out of the motion before the House. He is now talking about issues of budget, he is talking about issues of things which are not done and we were just here, we spent the whole day since morning up to evening we left here almost past 7 p.m.

**Hon. Deputy Speaker:** Hon. Member, you need to retract that statement. A Hon. Member cannot be irrelevant and when you use a simile a Hon. Member is not okay I would suggest that you---

**Hon. Ndawa:** I withdraw that statement and replace it with another word.

*(Laughter)*

I just want to replace the word; he is not irrelevant but he is deviating from the motion before the House. Otherwise the motion is good and we need to have these Regulations being worked on and being applied. Hon. Speaker we were here just the other day and we talked about the drugs and I can hear some Members say that we have drugs in the hospital up to date. Mr. Speaker, Yatta has not received drugs up to date; by yesterday 8 o'clock in the evening, I talked to the medical superintendent who was supposed to have received the drugs so that they distribute them to Kithimani, to Ikombe, to Ndalani and other facilities up to date no drug. Thank you, Mr. Speaker, Sir.

*(Applause)*

**Hon. Deputy Speaker:** That is well noted. He is still on the board and I will call you after this

**Hon. Kalumu:** Hon. Speaker, but I want to tell this House that fast tracking is not keeping quiet. Fast tracking is about implementation because fast tracking means that somebody somewhere slept on his job and to tell the truth is that this House has been working but the other side has not been implementing what we say and that is the pure truth so the reason as to why Hon. Mutiso has brought this motion is to make sure what has not been done to be done and that is implementation.

So my plea to the CECM because we do not have a vacuum even if he resigns today there must be a substantive standing CECM in that docket. When he goes are you telling this House people will not be treated or drugs will not be bought or people will die in Machakos? No! It means there must be a person sitting on that Chair so let us have it being implemented. Thank you.

**Hon. Deputy Speaker:** Hon. Moses then I go to Hon. Thomas Mutinda.

**Hon. Mitaa:** Thank you Hon. Speaker. I want to request if we can amend this Motion Hon. Speaker and put timelines. I seem to be thinking in the same line with Hon. Ndawa. The motion is open when we fast track to me it is not giving deadlines. Hon. Speaker as a House we can agree 10 or 20 days and then we move on. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Mitaa. I believe that at the time that I am committing this motion to the relevant committee, I will have received the input of the Hon. Members giving the directives I would do that accordingly. So be assured. Hon. Angela.

*(Applause)*

**Hon. (Ms.) Munyasya:** Thank you, Hon. Speaker, I would like to applaud Hon. Mutiso for bringing this motion before the House and this House being a House of order, Hon. Speaker, what I think we should fast track is the printing of the Act. We are talking of an Act that is not before anybody. Nobody has an idea what the final Act looks like so what are we asking them to implement? They can only implement what has been printed out and has been certified as a health Act in Machakos County.

So what we need to have is a document which we can refer to and say this Act states this, part this states this section that part that states that, we do not have that. So we need to fast track the printing of the Act before we ask for implementation because we can only implement what has been enacted and approved as an Act of this Hon. House. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you. She has a very important point that is why you have heard me consulting with secretariat. It is an important point, remember once a law is made it becomes an Act after gazetting when it is printed and therefore I have consulted and have been informed that printing is going on now as we speak. They have given the go ahead to the Government Printer, they are printing the Act and I will take that into consideration when I will be giving the timelines for this Bill. So it is an important point she has raised. Any other person? Hon. Thomas Mutinda.

**Hon. Mutinda:** Thank you, Hon. Speaker. I start by thanking the mover of the motion Hon. P.J. Mutiso for the motion and Hon. Speaker, I start by saying that this acting question had some challenges because even when it was passed by this House, it was not assented but the feeling has been that because it was not assented, it is not the law but in the Constitution whatever is not assented after 14 days it makes itself a law. So, I know the CECM might have a challenge on what to implement to make Regulations for and what to implement but this should be very clear from this House that what we passed here is what should be implemented because it finished the 14 days and it became law.

So, from there in fact that is where we should move towards that direction and ask for either to the Health Committee or the General Oversight Committee to have proper information to that end. Mr. Speaker, there is this issue of the Facility Improvement Fund (FIF) and we should receive in this House either to the committee on Health or the General Oversight Committee the accounts for each facility because Hon. Speaker, I have been privileged to be a member of Finance Committee and when I was a member there I did not see anywhere where revenue from hospital was a revenue stream.

Hon. Speaker, if such monies from the hospitals found their way to the general revenue fund, it is unfortunate because whatever is given by this House is just support funds to support what is existing in the facilities. We have a challenge because you see in Machakos is where only hospitals do not have medicine and a lot of challenges but when you go to the neighboring Counties you find hospitals are running smoothly because they are following properly the Facility Improvement Fund the way they should be used. I think this House should also fast track and ensure our hospitals are not becoming a shame in the County and the Country. Thank you, Hon. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Thomas Mutinda.

*(Question put and agreed to)*

*(Applause)*

Hon. Members, now that you have passed the motion, I would like to give direction on two things. The first one is, considering printing which is a very important of making a law which I am advised should be ready on or before 20th February, the Government Printer should have released the printed document considering what the Hon. Member raised about confirmation that we have the accounts in place in all these facilities. There need to be those committees which were set up by the Act are in place in each and every facility.

I am directing that this is committed to the Committee on Health to ensure that it is implemented and report brought to this House on its implementation on or before 1st March, 2022. We have this month to ensure that we print and they ensure that the department of Finance has opened accounts in all these facilities and these are the issues which the Health Committee needs to ensure they confirm. First, printing is ongoing, secondly, the accounts have been opened in all these facilities and thirdly the committees as set out in the Act are in place so that by 1st March, 2022 we can confirm that it is all systems go in operationalization of that Act is concerned.

Thank you very much, Hon. Members for that very active participation. Thank you Hon. Peter Joseph Mutiso because if it were not for that motion most of these items coming out would not have been addressed. So we thank the Hon. Member for the good motion he has brought before the House.

ADJOURNMENT OF THE HOUSE TO ALLOW SECTORAL COMMITTEES  
SUBMIT REPORTS ON ANNUAL DEVELOPMENT PLAN 2022/2023 TO THE  
TRADE, ECONOMIC PLANNING AND INDUSTRIALIZATION COMMITTEE

**Hon. Deputy Speaker:** Hon. Members we have one business to transact and it will be moved by the Leader of Minority, Hon. Alex Kamitu.

**Hon. Kamitu:** Thank you, Hon. Speaker.

That aware that the Second assembly commenced its Sixth Session on 25<sup>th</sup> January, 2022 pursuant to Standing Order 24;



Acknowledging that Standing Order 25(1) provides that the House Business Committee shall with approval of the Assembly, determine the calendar of the Assembly;

Aware that Standing Order 151(5)(a) states that the House Business Committee shall prepare and if necessary from time to time adjust the Assembly Calendar with the approval of the House;

Cognizant that pursuant to Section 104(1) of the County Governments Act 2012, the Assembly received the Annual Development Plan (ADP) for FY 2022/2023;

Further aware that various sectoral committees interrogated the ADP and prepared reports which are due for discussion with the Trade, Economic Planning and Industrialization Committee;

Hon. Speaker, I wish to move the motion that pursuant to Standing Order 25(4), this House adjourns its sittings of Tuesday, 8<sup>th</sup> February, 2022 Afternoon and Wednesday, 9<sup>th</sup> February, 2022 to resume on Tuesday, 15<sup>th</sup> February, 2022 at 10.00 a.m. to allow Sectoral Committees submit their reports on Annual Development Plan 2022/2023 to the Trade, Economic Planning and Industrialization Committee.

Thank you, Hon. Speaker. I call upon Hon. Moses Mitaa to second the motion.

**Hon. Deputy Speaker:** Hon. Moses Mitaa could you please go ahead.

**Hon. Mitaa:** Thank you, Hon. Speaker. I second the motion by the Minority Leader.

**Hon. Deputy Speaker:** Thank you Hon. Moses.

*(Question proposed)*

Hon. Members, you may comment on the motion. Hon. Judas Ndawa.

**Hon. Ndawa:** Thank you, Mr. Speaker. I support the motion before the House. The issue of ADP is what stipulates what is supposed to be done in one calendar year and as you are aware Mr. Speaker; this is our final year in this House. If we do not have that plan in place we may spend the whole year doing nothing. So there is urgent need for the House to adjourn to create time for this noble exercise.

I am a Member of the Planning committee and I know what is contained in the ADP that we want to come up with. The essence of adjourning this morning is to allow Members travel to Nairobi to start compiling that report. Considering whatever is contained in that Plan. I was requesting you to give directions and I am very sure we have tomorrow, Thursday, Friday and we are supposed to come back on Saturday.

Mr. Speaker, I am speaking from a point of knowledge that the work before us is not all that simple. I am requesting you make direction that we work until Sunday so that we can ensure everything is tackled.

*(Applause)*

This is our final ADP and we do not want to rush. Allow the House to sit from Wednesday to complete the work on Saturday, and then travel on Sunday so that the work can be accomplished. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Kisini.

**Hon. Kisini:** Thank you, Mr. Speaker, for giving me time to contribute on this motion. I want to say we are going to see what projects have been planned in the ADP for various wards. I concur with the Minority Leader, I have said yes and before we say yes, the Hon. Member for Matungulu East, Hon. Masesi had raised a point and we are talking of projects worth Ksh. 15 Million. Do we have any avenue since we are going for recess to fast track that point which he raised of knowing our case of the Ksh. 15 million? Mr. Speaker, it is a serious concern which when he was making his submissions, he said that we should see our way of getting an answer to the Ksh. 15 million. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Hon. Cosmas Kieti.

**Hon. Kieti:** Thank you, Hon. Speaker. The matter before us of ADP is key to the business of this House and the County Government of Machakos because it guides the budget making process and we are in process of preparing a budget for the next financial year. Within the budget cycle, the ADP informs the budget-making process.

So the matter before us needs a lot of concentration and as Hon. Ndawa has just cited, the committees need a lot of time so that they can plan well because better planning enables good results and if we plan well we are expect the county to perform. Someone said plan as if you are dying tomorrow and implement as if you are living forever. Even though our term is ending in August, we should plan as if we are staying in this Assembly forever. So, proper planning will enable the County Government to perform well. I support. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. I would also like to amend your statement a bit; you need to plan as if we are living forever but implement as if we are dying tomorrow. Hon. Thomas Mutinda.

**Hon. Mutinda:** Thank you, Hon. Speaker. This ADP is a plan for the next financial year and this is a year which has projects which are waiting to be implemented from another ADP which was passed by this House. Mr. Speaker, it is often said, if you fail to plan you plan to fail but this House has been planning very well and we have been availing these monies. I think something has to be done to see that the projects we have are done.

There is the issue of the Ksh. 15 million projects; I do not know the percentage of implementation in the whole county but if you go ward by ward, you will find we have not done it for the first half of the financial year up to December and I heard some wards are starting January and others now.

But there are things which are being passed by time for example the de-silting of dams; the rains came in November and December and now the dams we were to de-silt have water. So you find it is like we are being overtaken by events. So, Mr. Speaker as we plan for that time to come, we should also see to it that, what should be implemented is done so.

Mr. Speaker, the Ksh. 15 million projects we are pushing for, people have the knowledge that we gave this and this but now they have not been implemented, our people are asking, where they are and other leaders are even saying we were given Ksh. 15 million as if it was given in cash. So, there is a challenge and as we plan, let us see to it that we implement what is due for this budget because have a budget and our planning is good but the implementation is poor. Something must be done to see to it that our people get services done. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you. Hon. Jeremiah.

**Hon. Munguti:** Thank you Mr. Speaker. I support the motion that we move for a recess so that we can see to it that the ADP is well planned. However, Mr. Speaker I am aware that we have passed several ADPs and much has not been done.

Last week I came across an advertisement of Fiscal Strategy Paper which is coming for public participation and I know some of these things have been put in this Paper. My appeal is; as we go for recess, one thing I will go contrary to what Hon. Ndawa said that we work up to Sunday, we should also spare time to go and worship. My plea to this House is that we go beyond and burn the midnight oil from Wednesday to Friday then we travel back on Saturday. Thank you, Mr. Speaker.

**Hon. Deputy Speaker:** Thank you, Hon. Member.

*(Question put and agreed to)*

Hon. Members, you have sought guidance from the Chair on how this is going to be done and I am directing is that today will be travelling day and we will work tomorrow, Wednesday to Friday and go back to our respective homes on Saturday. Apart from also having to visit our electorates, we also need to go and worship; Sunday is a holy day we need to remember as a day we put God first and other things come later. We should also remember to that and if there is any need we can always be able to continue after for another five days within the course of next week. We do not have to struggle or confine ourselves to a Sunday.

Hon. Members, I believe we will be able to retreat and look at the report and remember that ADP report is the one those who will be coming back to the House will be implementing before you prepare the next ADP. It is good to look at it clearly and ensure it covers everything because as you know when a new person comes or a new year begins, there is always confusion. Therefore you need to give proper guideline in the ADP to ensure we have everything in place.

## ADJOURNMENT

**Hon. Deputy Speaker:** Hon. Members, this House is adjourned to resume on Tuesday, 15th February, 2022 at 10.00 a.m. Enjoy you afternoon and safe travels.

The House rose at 12.25 p.m.