

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 9th February, 2021

The House met at 12.04 p.m.

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

PRAYERS

Hon. Speaker: Good afternoon, Hon. Members. We took a little longer than we thought because there were some logistics from the Table Office being sorted out. So we can now start our afternoon sitting; I have noted we have quorum as well in the extended chamber.

COMMUNICATION FROM THE CHAIR

Hon. Speaker: Hon. Members, under this Order, I have a communication which I am going to defer to communicate after Order No. 5 for logistical planning. Proceed Mr. Clerk

PAPER LAID

DRAFT CONSTITUTION OF KENYA (AMENDMENT) BILL 2020

Hon. Speaker: Under this we have one business by Hon. Majority Leader Mark Muendo.

Hon. Muendo: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Article 257(5) of the Constitution, I wish to lay the following Paper on the Table of the Assembly today, 9th February, 2021; the draft Constitution of Kenya (Amendment) Bill 2020.

COMMUNICATIONS FROM THE CHAIR

DRAFT CONSTITUTION OF KENYA (AMENDMENT) BILL 2020

Hon. Speaker: Thank you, Hon. Majority Leader. Hon. Members, I had indicated that I have a communication which I will do after Order No. 5 which is laying the paper on Constitution of Kenya (Amendment) Bill 2020

So, in my communication in the morning today, I indicated that the Assembly received the Bill on 28th January, 2021. I also indicated in that earlier communication that I will be giving further guidelines on the processing of that Bill by this House.

Now that the Bill has been tabled before this House, I want to give the following guidelines; the first of which is that the number of hard copies will be reaching every Member in a short while. You notice that there has been so many versions of the Bill lying all over but this one which I am holding is the one which was forwarded to us by the IEBC through that

communication received on 28th January, 2021. Every Member will get a copy for purposes of addressing the Bill.

Hon. Members, the Bill is hereby committed to the Justice and Legal affairs committee of this House and the committee is advised to meet and diligently start processing its report on the Bill so that a report can be tabled before this House as provided for in our Standing Orders.

While at that, I want to emphasize the importance of public participation as regard the Bill so that the Committee has the responsibility of ensuring that effective public participation is carried out on that Bill and I would want to urge the Committee to explore the most effective ways of doing it remembering that we still have the Coronavirus pandemic.

So, Members, those are the guidelines which I have to communicate to you on account of the Constitution of Kenya (Amendment) Bill 2020. Hon. Members, report will be coming to you as we continue with the processing of that Bill though that committee which I have indicated.

MEMBERS' KAMUKUNJI

The second Communication Hon. Members is on a *Kamukunji*. You remember when we were in Mombasa; we proposed that we have a *Kamukunji* today in the afternoon. We will however not be able to have it for the reason that I will not be available because of pressing family issues. We lost a relative one who is being buried today and another one whose funeral is being planned.

I also have a sick relative; my mother is in hospital and I have been told she is being discharged this afternoon and I will have to go and check on how I can address those two pressing issues.

So, Members the *Kamukunji* we propose to be held next week at the earliest and possibly I communicated and consulted with the Majority Leader. The Minority Leader you were not there but you had a representation in the morning. We proposed that we have it on Tuesday so that we can settle all outstanding matters as we carry on with our business of the House.

Finally, Members, the Majority Leader in the morning mentioned prayers; you know it is our tradition and we normally start our Sessions with prayers where we call interdenominational leaders; the various religious leaders, the Executive and other stakeholders in the County. We were not able to do that today for good reasons that you know we have a lot of heightened activity in the County and we thought that we should postpone it so that we can have it just before we go on the short recess when we are all settled as a County.

But there was a mass which was organized by those of the Catholic faith and it was conducted from 7.30 a.m. in the morning which is a good thing and any other denomination that feels they can hold prayers, they will be facilitated. So, the prayers that were held which the Majority Leader referred to was an ordinary mass for those profess the Catholic faith. So that is my communication at this point.

STATEMENT

BUSINESS FOR THE HOUSE FOR 9TH TO 16TH FEBRUARY, 2021

Hon. Speaker: Hon. Members, under this we have one business by Hon. Majority Leader.

Mark Muendo: Thank you, Hon. Speaker and let me say God is with you. We know you have lost relatives and your mother is sick we keep praying for you and I know you are very strong.

Hon. Speaker, the House Business Committee met today Tuesday, 9th February, 2021 to prioritize business for the House as forwarded by Committees and Hon. Members pursuant to the provisions of the Standing Order 151(5). The Committee balloted as follows:

Tuesday, 9th February, 2021

Morning at 11.35 a.m.

- a. Papers; and Madam Speaker I do not want to mention BBI and there should be some correction and this should be the Constitution of Kenya (Amendment) Bill 2020.
- b. Motion that this House adjourns its sitting of today, Tuesday the 9th day of February at 2.30 p.m. to allow committees to generate business for the House.

Hon. Speaker: Can we have some correction, Hon. Majority Leader on the second business balloted; the motion that this House adjourns its sitting of today Tuesday 9th day of February, 2021 to the 16th February, 2021 at 10.00 a.m. to allow committees to generate business for the House.

Hon. Muendo: Thank you, Madam Speaker.

- b. Motion that this House adjourns its sitting of today Tuesday, 9th February, 2021 to 16th February, 2021 at 10.00 a.m. to allow committees to generate business for the House.

Okay, Madam Speaker, for that correction. Let me repeat.

Motion that the House adjourns its sitting of today Tuesday, the 9th day of February---

Hon. Speaker: 2021.

Hon. Muendo: 2021 to 16 February, 2021 to allow committees to generate business for the House.

Hon. Speaker: Yes, but indicate the time Tuesday, 16th February, 2021 at 10.00 a.m.

Hon. Muendo: Yes, thank you.

Motion that this House adjourns its sitting today, Tuesday, the 9th day of February, 2021 to 16th February, 2021 at 10.00 a.m. to allow the committees to generate business for the House.

Hon. Speaker: Correct.

Hon. Muendo: Alright, thank you, Madam Speaker.

Tuesday, 9th February, 2021

Morning at 11.35 a.m.

- a. Papers - Constitution of Kenya (Amendment) Bill 2020.
- b. Motion that this House adjourns its sitting of today, Tuesday, the 9th Day of February, at 2.30 p.m. to allow committees to generate business for the House.

Tuesday, 16th February, 2021

Morning at 10.00 a.m.

- a. Report of Agriculture Committee on the performance report for the department of Agriculture for FY 2019/2020 by Hon. Moses Mitaa, Chairperson.
- b. Statement by Hon. Jacinta Luka (MCA- Special Elect) on what measures and facilities the County Assembly has put in place to ensure compliance with Section 23 of the Persons Living with Disabilities Act 2002.
- c. Statement by Hon. Peter Mutiso (MCA, Machakos Central) seeking:
 - The statistics of the patients with mental illness treated in public health facilities in the County for the last one year.
 - What the County Government is doing to ensure that there are enough personnel to handle cases of mental illnesses in the County.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader.

MOTION
ADJOURNMENT TO ALLOW COMMITTEES TO
GENERATE BUSINESS FOR HE HOUSE

Hon. Speaker: Hon. Members, under this Order, we have one business by the Majority Leader Hon. Mark Muendo.

Hon. Muendo:

Hon. Speaker, Standing Order 24(1) provides for any particular Session, that Assembly shall commence on the Second Tuesday of February; Aware that the Assembly sittings commenced today and that Committees have already started transacting their businesses as provided by the Standing Orders; Informed that Committees play a critical role in Constitutional mandate of the County Assembly and it is through Committees where business for the House is generated.

Hon. Speaker, I wish to move the Motion that this House adjourns its sitting of today, Tuesday the 9th day of February, 2021 to reconvene on 16th February, 2021. This is to allow Committees to generate business for the House.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader. Who is seconding your motion?

Hon. Muendo: Thank you, Madam Speaker. Hon. Kamitu Senior, I request him to second my motion.

Hon. Speaker: Thank you, Hon. Kamitu Senior; I am just repeating what was stated.

(Laughter)

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

Hon. Speaker: Thank you, Hon. Members.

(Question proposed)

Hon. Members, your comments are welcome. Hon. Ndawa and then Hon. Katumo.

Hon. Ndawa: Thank you, Madam Speaker. Madam Speaker, I want to support the motion which is ahead of us by Hon. Majority Leader to have the Assembly adjourn to allow time for the committees to create business. Madam Speaker, as you are aware, we have been on long recess and because of the Christmas holiday and taking the kids to school, committees did not have enough time to come up with business so Madam Speaker, the time which has been requested is going to be sufficient to come up with business so that we can have the House transact its business with adequate stock. So I want to support. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa. Hon. Katumo.

Hon. Katumo: Thank you, Madam Speaker. I want to support the motion of adjournment by the Majority Leader that this morning we constituted the House Business Committee and they now have the opportunity to put the House in order and therefore there is need to be given that opportunity so that going forward we have businesses. Again this is our first day after the long recess and therefore the House needs to be organized in terms of business and I support that the House Business Committee will be given time so that we may be able to have business going forward. Thank you; I support.

Hon. Speaker: Thank you, Hon. Katumo. Hon. Francis Kalumu..

Hon. Kalumu: Thank you, Madam Speaker. I would like to say that I support the motion by the Majority Leader for us to go on a short recess for us to be able to work on the committees. I believe I heard yesterday from the Liaison Committee almost every committee in this House is waiting to go and bring a report in this House only that we needed time to go and do the reporting so it will bring convenience for us and for the committees to generate the business so I support. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Francis Kalumu. Any Member in the extended chamber who wishes to contribute to make a comment? I can see Hon. Alice and Hon. Mueni in that order.

Hon. (Ms.) Nzioka: Thank you, Madam Speaker, for the opportunity. I support the motion. Thank you.

Hon. Speaker: Thank you, so much. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Madam Speaker. I ask the House Business Committee to be very fast and make the House busy. Not to go home now. They have to go and sit and they bring us something even people want to go to write the report I do not know whether this week we are going. This is *lala salama* and we need to do everything which is in front us but not to leave anything. Thank you, Madam Speaker.

(Laughter)

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

Hon. Kamitu: Thank you very much, Madam Speaker. Madam Speaker, my contribution in regard to adjournment of today until Tuesday of 16th is only to request our able Chairs and through the liaison committee Madam Speaker, we are informed that the Chairs are ready with their committees so mine is only to urge the Chairs and the Members of the various committees to bring up reports so that we may discuss and approve issues that concern our electorate otherwise it is through the committees that we should be and will be able to move forward as an Assembly. Thank you very much, Madam Speaker.

Hon. Member: Madam Speaker, Hon. Kamitu should not have spoken for the second time---

Hon. Speaker: Thank you very much, Hon. Kamitu Minority Leader. Do we have any other Member? I had seen Hon. Museku and then...and we are mindful of the time. Remember we did not extend time. Very briefly Hon. Museku and Hon. Masesi.

Hon. Museku: Thank you, Madam Speaker. I stand here to support the motion which has been brought before the House by the Majority Leader for us to adjourn the House so we can enable the various committees to generate work for this Assembly. As the Chairperson of committees' and Chairperson of Liaison Committee, we did meet yesterday and I know close to six committees are retreating this week for purposes of generating business for this House. I urge all the chairmen of the various committees and the various Members to now indulge fully in the committee sittings and the retreats so that we can be able to at any one time have business before this House balloting into almost a month ahead of time.

As you have heard this is the final year of serious work and I know we have a lot on our plates so I know we have to go the extra mile and ensure that we clear our plates before the end of the Session. So as the chairman of the Liaison Committee I can assure you we will be going full speed and we will be expecting reports to come back to the committees and consequently to the House business committee for balloting whenever we do our retreats. So, thank you, very much Madam Speaker, and thank you, Majority Leader for tabling motion. Thank you.

Hon. Speaker: Thank you, Hon. Museku. Hon. Masesi.

Hon. Masesi: Thank you, Hon. Speaker. Madam Speaker, I stand to support the motion and Hon. Deputy Speaker has spoken my first point so Madam Speaker, secondly is as we retreat on report writing I would wish our House leadership could engage the executive on matters development. Thank you, Madam Speaker.

Hon. Speaker: Hon. Majority Leader, mover of the motion please respond in half a minute.

Hon. Muendo: Thank you, Madam Speaker, and the Hon. Members. As you know that we have been on long recess and we must generate business for this House to continue working. Therefore, Madam Speaker, I thank the Members for supporting the motion that we go and generate enough business for this House. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Majority Leader.

(Question put and agreed to)

Thank you, Hon. Members.

ADJOURNMENT

Hon. Speaker: Hon. Members, at this point the House stands adjourned to reconvene on the 15th day of February 2021 at 10.00 a.m. Thank you.

The House rose at 12.32 p.m