
MACHAKOS COUNTY ASSEMBLY**OFFICIAL REPORT****Thursday, 15th May, 2014**

The House met at 3.15 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR
NOMINEES FOR OFFICES OF CHIEF OFFICERS**

Hon. Speaker: Hon. Members, I have three issues to communicate to you. First is on the list of nominees for the chief offices. Secondly is letter from the minority parties and thirdly, a ruling on the issue of borrowing from the county executive. On the first issue on the nominees of the offices of chief officers, the Speaker has received from the county Executive a list of nominees for the offices of chief officers of various county departments for vetting by the County Assembly in accordance with Standing Orders No. 191. The same stand committed with respective committees for disposal.

LETTER FROM MINORITY PARTIES

Secondly, I have received a letter dated 15th May, 2014, from Hon. Kamitu on behalf of Minority parties. The letter is forwarding the minutes of meetings the minority parties held on 8th of May, 2014. In that meeting, the minority parties discussed the issue of validity of the chairperson of the public accounts and investments committee. This matter stands committed to the public accounts and investments committee which should consider the matter and report to this assembly in the next sitting.

RULING ON THE ISSUE OF BORROWING

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On the third issue, during the proceedings of 13th May, 2014, the Chairperson of the House Budget and Appropriation committee moved the following motion on the floor of the house; that there has been delays in the disbursement of funds from the central government and further aware that the cash inflow the local sources is irregular and due to circumstances we hold control the county government has been experiencing challenges in meeting its financial obligations.

Public Finance Management Act section 142 stipulates that a government entity can borrow funds for financial institutions that should not exceed five percent of the total annual allocation in order to manage its financial operations properly. Further aware that some functions of the county assembly have been delayed due to financial disbursement challenges, he wishes to move the motion that this hon house discusses and approves short term borrowing by the executive and county assembly which should be repaid within the financial year as presented and passed by the budget and appropriation committee.

Hon members debated this motion on length and at the end, the assembly took a vote in which 'ayes' carried the day. Immediately the vote was taken, almost the entire house stood up including those who were supporting the motion. Momentarily, hon. members consulted loudly, and the process created a situation where there were altercations. However, in the final end, all members calmed down and were seated for about five minutes. Thereafter, because they had not exhausted the argument or did not deliberate on the content of the motion, the chair upon consideration ruled that he would give directions on the matter in the next sitting of the house.

Hon. Members before I give directions of the matter, i want to make a few observations. That this house being an hon house constituted by hon members must conduct its affairs in an honourable manner. Creating disorder by shouting down fellow hon members or acting in a way that is detrimental to the dignity and honorary procedures of this assembly brings dishonor to this house. The Hon. Members must observe the assembly standing orders of this House and must conduct themselves with decorum. Having said that Hon. Members let me state the following;

Section 142 of the PFM Act under which the authority to borrow is drawn from reads as follows.

Sub-section 1. The county assembly may authorize short term borrowing by county government entities for cash management purposes only. The emphasis here is short term borrowing.

Sub section 2-. Any borrowing under subsection 1 may not exceed 5 percent of the most recent audited revenues of the entity.

Sub-section 3. A county government entity that has such borrowing shall ensure that the money borrowed is repaid within a year from the date which it was borrowed.

It is important to note that, the key words here are that the county government entity is to borrow for cash management purposes only. This provision is also not made subject to section 58 of the same act. Section 58 outlines the powers of the cabinet secretary for finance who guarantee loans. The loans to be guaranteed therein must meet certain criteria which includes the requirement of the loan be for capital projects only.

While debating the motion, members made extensive reference to article 212 of the constitution which states as follows; a county government may borrow only if the national government guarantees the loan and with the approval of the county assembly. The adjoining word there is 'and.' this provision sets two conditions for borrowing by the counties, that the loan be guaranteed by the county government and that the borrowing be approved by the county assembly. I am convinced this article constitutes substantive law rather than mere procedural law. The conditions set out herein are equal and mandatory and neither of them is superior to the other. Also it opened to the Executive committee members to finance to begin the process of borrowing with either of the two requirements. It is therefore clear that the constitution does not prohibit borrowing from counties because none of the provisions makes any prohibitions to borrow.

Consequently, the motion in question cannot said to be unconstitutional. Many hon. members stated on the floor of the house that they are not against borrowing by the Machakos county executive. All they desire is that the Executive follows the law on borrowing and specifically adhere to the constitution especially article 212. Since by this motion the Executive is seeking the approval of the assembly, the other requirement of this article is to obtain a guarantee for the said loan.

The chairperson of the budget appropriation committee did indicate that he had consulted extensively with the county executive member in charge of finance who had given her word she had commenced the process of obtaining guarantee from the cabinet secretary in charge of finance. Before any borrowing, of such of the loan magnitudes remain, and such a guarantee must be obtained and that obligation lies squarely with the secretary in charge of finance.

Article 212 of the constitution does not indicate that when a county is borrowing, it is a guarantee of the national government which is to be obtained first or whether it is the approval of the assembly to be obtained first. The executive committee member is in this case chose to start

with seeking the approval of the assembly. I don't see here any violation of the provision of the constitution by the executive committee member.

In the course of the debate, members also quoted section 107 sub sections 2(d) of the public finance management act. This section provides one of the principles to guide the county treasury when managing the county government public finances that over the medium term. The emphasis here is medium term. The government borrowing shall be used only for the purpose of financing development expenditure and not for recurrent expenditure. This section relates to medium term expenditure rather than short term expenditure which is the case in section 142 of the act and which is the subject matter in the motion in question.

In short, borrowing for recurrent expenditure is allowed, under section 142 of the public finance management act. The chair therefore observes that the motion was procedurally presented before the house debated it and finally took a vote passed in accordance with the house Standing Orders.

In conclusion, therefore, the Speaker made the following findings on the motion in question;

That the motion in question which was moved by the chairperson of budget and appropriation committee which was debated and passed by this house with amendments which were done on the floor of the house

That the amendment made on the floor of the house was that a provision be included that the end of the motion to read...that provided in borrowing the Executive committee member of finance adheres to the relevant law including the constitution of Kenya 2010, the county government act 2012 and the public finance management act 2012. Hon. Members, these are directions from the Chair. Thank you.

(Applause)

STATEMENTS

ASSIGNMENTS OF WORKERS IN YATTA SUB-COUNTY

Hon. Muthuka: Thank you Mr. Speaker, Sir, and the rest of the house at large. Mr. Speaker, having been on the floor forefront in cautioning the Machakos County government about the misuse and wastage of public resources, Ndalani ward residents whom I represent in this house want to know the work, assignment given to the

following persons, who claim to be employees of Machakos County government and using the Machakos inspectorate vehicle car registration number KBX 378 X assigned to Yatta sub county.

1. Charles Matheka alias Nduva. It should be noted that the person that I have named is the person who was involved in coordinating the farm tractors when they were launched by His Excellency the Governor last year and this is the person behind the tractor syndicate which has left the subsidy programme stalled. The said person also commandeered the driver assigned to security car KBX 515 W assigned to Mamba police post on 21st April, 2014 without the consent of the police officer in charge. The vehicle was involved---

Hon. Speaker: Sorry. Am I reading the statement that I have or something else?

Hon. Muthuka: I am just expounding. The vehicle was in his command from noon and the vehicle was involved in a car accident at around 4 am next day. The incident was reported at Matuu police station on 22nd April, 2014. I would like to know, what action has the county government taken up to date?

2. Kioko Nzinga alias Mwene Kwale, I don't know whether he is the driver of KBX 378 X and again we have Joshua Muli Alias Mukenya who also goes in the company of the three. I also want to be furnished with their CVs and portfolios in the Machakos county government. I also want to know how much the three persons' cost the county in terms of their remunerations and allowances. Lastly, I would like also to know the role of Machakos county Government in facilitating the trio to malign and undermine the efforts of Ndalani ward representative. Thank you, Mr. Speaker.

Hon. Speaker: The Majority Leader should take up the question and provide an answer substantively in the earliest next sitting.

Hon. Matheka: Thank you Mr. Speaker, Sir. Mr. Speaker---

Hon. Speaker: I don't appear to have your statements. I don't know whether you had presented your statements?

Hon. Matheka: No. I just wanted to present it in the floor of the house.

Hon. Speaker: Just proceed but now the business is to have it beforehand. Proceed.

Hon. Matheka: Okay. Understood. Thank you, Mr. Speaker. Mr. Speaker, Sir, with me is a press statement which was released yesterday by members of the majority and minority. And Mr. Speaker, Sir, I need a clarification of some words used. And the word used is 'the people who are being mentioned there, they are referred to as 'smugglers of evil.' I want to understand what that means and according to the constitution Article 28 that is demeaning the dignity of those hon. members calling them smugglers of evil.

(Applause)

Article 29(d), states; you should not torture any person, may it be a hon. member or any person psychologically. That to me amounts to psychological torture to those hon. members Mr. Speaker, Sir, Article 33(2) (c), states; nobody is allowed to propagate hate speech. That one amounts to hate speech. Calling people 'smugglers of evil' amounts to hate speech. I demand, as a member of the minority parties, those words to be substantiated and to know the actual meaning of smugglers of evil and to what that meant. This house has been used to play trick, and i assure you, we will not play tricks in this. If this house does not give the true meaning of what was meant, we will seek interpretation of the same from other quarters. Press releases have been given by either side of the house but not to that extent of calling people smugglers of evil.

We know each other very well, but never and has never happened in this house, neither in Machakos County to go to that extend. On my behalf and on behalf of the members of the minority and the members who are aggrieved, we demand what that word meant.

(Applause)

Hon. Speaker: Thank you. You deduce that into writing and forward the communication. Thank you. Next.

REPLY TO STATEMENT DISTRIBUTION OF INPECTORATE CARS

Majority Leader (Hon. Mwonga): Mr. Speaker, I want to start by introducing myself for the benefit of the press. I am Hon. Joshua Kiilu Mwonga, MCA Masinga Central ward and the Leader of Majority party in the assembly. Mr. Speaker, I stand here to issue a statement

which was sought sometimes back by the Hon. Member for Ndalani ward that is Hon. Stephen Muthuka. I would first start by thanking the Hon. Member for being very active inside and outside this assembly, but for being that active on the retrogressive side. The Hon. Member sought to know why Ndalani ward has not been allocated an inspectorate vehicle.

Mr. Speaker, the county government procured only 25 inspectorate cars and the cars have been deployed as follows but not as per ward. What the county government deployed in each and every ward are ambulances and security cars. On the issue inspectorate cars, they were not deployed as per ward but as per sub counties. I want to analyze how the 25 inspectorate cars were deployed.

Machakos sub-county has two cars.

Kathiani Sub-County has two cars.

Mavoko Sub-County has two cars.

Kangundo Sub-County has two cars.

Mwala Sub-County has two cars.

Masinga Sub-County has two cars.

Yatta Sub-County has two cars.

The county assembly, we are privileged to be given one car which is being used by the office of sergeant at arms. The law court in Machakos requested for one car and they were given. Machakos People's Park, because of security they were issued with one car. County headquarters, they have one car and we have five cars on our highway patrol. Thank you, Mr. Speaker.

Hon. Speaker: *(addressing members raising points of order)* on statement, he cannot be out of order. Are you satisfied? Let us hear.

Hon. Muthuka: Thank you Mr. Speaker. I wonder how a Hon. Member can stand in front of the house and purport to give an answer a statement, that he never listened to my request or statement. I never requested for any list of the distribution of security cars. I understand that when the programme was launched, each location was to receive a security car and that is why we ended up having 140 security cars being procured .120 to be distributed and 20 which were not to be branded to be used in the county offices.

Mr. Speaker, I sought a statement on one security car which was to be attached to Ndalani AP police camp. The statement I sought was three months ago and after seeking the statement, I want to inform the member who was just on the floor that the car was delivered within one week. So whatever he was talking about here, I am shocked it is null and void and is just meant to pretend that you know what you are doing and also to give a statement to the media. The ones that you started to introduce yourself to as the Majority Leader. You may be the Majority Leader, but work must be done. Again, Mr. Speaker, he has talked about being active in retrogressive---

Hon. Speaker: Your answer has been taken. Thank you very much.

Hon. Muthuka: Mr. Speaker, I need protection.

Hon. Speaker: You are protected.

PROCEDURAL MOTION RECESS

Majority Leader (Hon. Mwonga): Mr. Speaker, Sir, aware that this hon house approved the annual calendar for 2014 and further aware that the calendar was published in the press, I beg to move motion, pursuant to Standing Order No. 25 section 3, that this Hon. House adjourns its sittings from tomorrow, Friday, 16th May, 2014 and resume on tuesday 16th June, 2014 as it was resolved by the house business committee and approved by this hon. house.

Further, Mr. Speaker, Sir, I wish to state that this adjournment is very important for the operations of the assembly, aware of many activities which need the full attention of members, such as departmental budget and preparation and committal of various Bills to the public not to mention but a few Mr. Speaker. In your communication, you have added to the list that you have received the list of chief officers and that if we adjourn, these members will have time to vet the said nominees to those positions. Thank you, Sir. I want to call upon hon Wilson Kasimu to second my adjournment Mr. Speaker. Thank you.

Hon. Kasimu: Thank you, Mr. Speaker. I stand to second the motion that this house adjourns its sittings from the Friday 16th May, 2014 and resume on Tuesday 16th June, 2014, as it

was resolved by the house business committee and approved by this hon house. Thank you, Mr. Speaker.

Hon. Speaker: Thank you. The motion is before the house for debate but before debate is open for the motion, I would want to take the hon. house to Standing Order No. 25 subsection 3. It reads....on a day when the county assembly is scheduled to adjourn to a day other than the next normal sitting day, in accordance with the county assembly calendar, the leader of majority party or the leader of minority or any other member of the house business committee, shall move a motion of adjournment which shall be debated for not less than three hours after which the county assembly shall adjourn without question put. And out of that, you understand the import of that provision. It is now open for debate. We can hear those in support and those in opposition Those in opposition can begin or if there is general consensus we say the assembly resolves for adjournment. Let us begin.

Hon. Kitheka: Thank you Mr. Speaker, Sir. I would like first to request to know from you, whether, how have you judged that on this side we are opposing and we have not even made any comment.

(Laughter)

We may not be the opposing side. Today we may be supporting.

Hon. Speaker: I have not judged have said those in opposition you can say and that is general.

Hon. Kitheka: Mr. Speaker, you have judged us before even we make any comment.

Hon. Speaker: Proceed.

Hon. Kitheka: So Mr. Speaker first and foremost I would like to know, which and when did the House Business Committee sit to decide all this because I am a member of the house business committee. I was not communicated to, there was no meeting and I would like to know when they decided that we should go for recess when we have a lot of business which is in hand for us to do in this house. So Mr. Speaker, I think we are doing a lot of injustice to our people

if we can go for recess when then we have a document for people who should be vetted who have been in office illegally for one year and now we go for recess and we leave them in the same offices transacting illegal business, executing executive orders illegally and then we go and pass in going to recess. Mr. Speaker, it is not justified and it is not in order and we, I in person am not for the idea.

Hon. Speaker: Hon. Member, I think we need to offer a direction here, the recess is from 16th of May to 16th of June, that is two weeks and the recess is only for the sitting of the plenary. The committees will be sitting. We need to proceed under that opinion so that we don't-

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(Applause)

Hon. Kitheka: But Mr. Speaker, there is an aspect of the whole house sitting to disseminate all that information which is going to be vetted for those members. I don't see, whether even if we sit in the committees those resolutions which will pass in the committees, they have to come in this house and some of the issues are urgent. They may be needed a day or two. We have been requesting issues which have not been forthcoming in this house So Mr. Speaker, we need your judgment, your wisdom to rule this house so that atleast we can move in the right direction before we sink into all that kind of business which we cannot move out from. Thank you, Mr. Speaker.

Hon. Speaker: So as you finish, on 9th April, 2014, the house business committee sat and set the calendar that indicated that the recess begins and we were in that committee and that calendar was gazette. So we need to proceed from a point of truth because the issue that should be before us is that, should we adjourn the recess to a future date. That is the point now we need to argue. Yes.

Hon. Muthuka: Thank you, Mr. Speaker, Sir and the rest of the House. Mine is a plea. Mr. Speaker, we know we are on the budget process for the year 2014/2015 and Mr. Speaker these hon. members will concur with me we have very important Bills which will be paramount to each and every hon. member in this house. So Mr. Speaker we have the ward development fund which last week we deliberated when we went for a retreat and each member of this house, I believe that that Bill, if we dispense the Bill before we leave for the recess, it

will do us justice. At the same time, it will also do justice to our people because that fund is purely for development. So I am pleading with the house, if we can adjourn or delay the recess for one week and dispense the Bill, I believe we will be in the right direction. Thank you, Mr. Speaker.

Hon Speaker: Okay let us hear Hon. Kathinzi.

Hon. Kathinzi: Thank you Mr. Speaker. Mr. Speaker, understanding the sort of business we are carrying out in this particular hon. house, we are here to serve our hon people down there and our electorates. You need to advice this house that because of the Bills that are in the floor of this house and also the discussion of the next financial year budget, we at least have two weeks recess in the next two weeks so that we can be able to finalize with the issues which we have in this house then we have a recess of at least two weeks and then come back to discuss the budget. Thank you, Mr. Speaker.

Hon. Speaker: Point of information.

Majority Leader (Hon. Mwonga): Mr. Speaker, I am the mover of this motion. And I stand now to inform these members that my motion is very clear and the members are aware that we have some Bills before this house which will require public participation and that one cannot go on when we are sitting here. The bills we have in this house make these members to move away from the assembly and go down there to the public so that we can have public participation Mr. Speaker. Mr. Speaker, to name a few, we have the sand Bill, we have the water Bill, we have the ward development fund Bill Mr. Speaker, and we are in the process of budget-making.

Mr. Speaker, none of the three bills I have mentioned will take these members less than three days in a week to meet our electorates down there. We cannot be sitting and the electorates are waiting for us to participate in making of these Bills. So take it, these are three Bills. None of them will take three days in participation of the public that is three weeks. We have the budget. I don't want to amend my motion but if allowed, I may say, even the one month recess is not enough. So I want my fellow colleagues to understand why we need recess. We want to go and meet our people so that they can participate.

Mr. Speaker, I remember sometimes back when we passed the finance Bill, which now is an act. It is the same members who were complaining that our public there was not given time to participate. Mr. Speaker, these members who are opposing the recess, what they want to do---

Hon. Speaker: There is a Standing Order I am checking Hon. Majority Leader.

Majority Leader (Hon. Mwonga): Yes, Mr. Speaker.

Hon. Speaker: You cannot say the same members, these are Hon. Members.

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker, I withdraw the word same members. Mr. Speaker, it is the Hon. Members who are opposing the recess.

Hon. Speaker: There is another point of order, let us take it.

Hon. Kitheka: Mr. Speaker, Sir, with due respect to the majority leader, he should not refer members the way he is referring them. That is demeaning. Secondly, hon. Speaker, I think the issue the majority leader is trying to address about the finance Bill which was passed in this house. It is a issue in court which should not be discussed here. It has not been, the judgment has not been made in court, so he should not even refer it as an Act, because it has been contested in court.

Hon. Speaker: Point taken, objection sustained. Proceed. Hon members I don't want to hear any other person.

Majority Leader (Hon. Mwonga): Mr. Speaker, as I proceed, I will not hesitate to say that am amused to know that there is a case in our courts.

Hon. Speaker: I confirm to you there is, proceed.

Applause

Majority Leader (Hon. Mwonga): Thank you Mr. Speaker. Now because am not party to those who took the matter to the court, , opposing participation of the public in

this important Bills before this House, I want to say there are some hon. members who want to seek or want to force for a loophole, so that they can go back to court again. So Mr. Speaker, it is my humble request to these hon. members that we adjourn so that we can allow participation of our electorates in these important Bills. Thank you, Mr. Speaker.

Hon. Speaker: That point is concluded. Let us hear.

Hon. M. Mutuku: The Speaker and the Hon. House, I stand in here in support of the motion of going to recess in totality with the following reasons. Mr. Speaker, Sir, there is time for everything. There is time for the planting and there is time for the harvesting. This is the time to go for the recess

(Applause)

The second reason I would like this hon. house to go on recess it is time for the budget making process. It is a demanding exercise and the public has to participate. Mr. Speaker, Sir, it is long since, majority hon members as you are aware they are coming far away from this chamber, they also need to go to the electorates and also socialize with them. Sometimes back, there was allegations some hon members had left there electorates. Mr. Speaker, Sir, we need to go for the recess. Thank you.

Hon. Speaker: okay we can hear two speakers on this side. Just make your point and make you your contribution also. Please.

Hon. Kyuli: Thank you Mr. Speaker. The member who was on the floor---

Hon. Speaker: He has finished, just make your contribution.

Hon. Kyuli: *(laughing)* Thank you Mr. Speaker. Yes, having a recess is good Mr. Speaker. We need time to expend the Bills that we have and involve public on the same but the reason why I am standing, my contribution here is very clear that members. Even if you are going to go for recess, there is one Bill that is extremely important, that touches entirely every person who lives in this county and that is the Ward Development Fund. My plea is this Mr.

Speaker, Sir, that the committee concerned be given special time for special sittings on the committee, so that it becomes the first one.

Hon. Speaker: You are out of order hon Kyalo. The point we are saying, we are saying committee sittings shall be there, so committees will sit and proceed with the business. Public participation will also proceed. What we will not have are the plenary sittings.

Hon. Kyuli: My request Mr. Speaker, Sir, was this not about the committee but after we are through with that Bill, you call for a special sitting so that we can pass that particular one.

Hon. Speaker: That is allowed and understanding Standing Order No. 26. Special sittings are allowed if once the committee is ready once it has done the public exercise we can have a special sitting and deal with that. Hon. Members I would want to further over guidance and say why I began by reading Standing Order No. 25(3) was for us to understand each other here.

That we can only debate the motion for adjournment and the question cannot be put. Because this date can only be varied by a resolution, by an agreement of all of us as a house. So if one person refuses to agree with the rest to adjourn, to extend the sitting, then the adjournment still takes off. So the purpose of the debate is to build consensus. If we build consensus to extend the house, fine. Just proceed.

Hon. (Ms.) Ndawa: Thank you Mr. Speaker. Is it in order for some of the hon. members to talk about a budget which is not even in this house? Because I believe for a document to become a public document it has to be tabled in this hon house. None of these hon. members have a single copy of the next financial year's budget which we are supposed to be having on hand as we speak, Mr. Speaker.

Is it also in order if we are talking about the ward development fund which is benefiting those people to go and discuss the ward development fund which is not even in the budget? Because the budget is not here, we are not even aware if the Ward development fund is there.

(Applause)

Mr. Speaker, it is a pity that this hon. house is ready to go on recess and leave people who are called chief officers in office who implemented the 2013/2014 budget and up to date none of the ministries has delivered how they spend their money, Mr. Speaker.

(Applause)

It is a shame and I am ashamed to be part of this house because I do not understand

Loud consultations

Protect me Mr. Speaker.

Hon. Speaker: Order, order, order. You say you are ashamed?

Hon. (Ms.) Ndawa: I said it is really a shame because this house cannot sit here and talk about illegal officers.

Hon. Speaker: Hon. Members you cannot shout at each other. If I hear that again that member will be out of order and be sent off the house. Did you say you are ashamed?

Hon. (Ms.) Ndawa: I said it is a shame to be standing in this House.

Hon. Speaker: It is a shame?

Hon. (Ms.) Ndawa: Yes Mr. Speaker.

Hon. Speaker: Is that any better?

Hon. (Ms.) Ndawa: Because Mr. Speaker, I am telling---

Hon. Speaker: Is that any better?

Hon. (Ms.) Ndawa: I withdraw the statement Mr. Speaker.

(Laughter)

Hon. Speaker: I thought you should withdraw and apologize to the house?

Hon. (Ms.) Ndawa: Because I did not say the members are ashamed.

Hon. Speaker: I demand an apology.

Hon. (Ms.) Ndawa: I apologize, Mr. Speaker.

Hon. Speaker: Proceed.

Hon. (Ms.) Ndawa: Mr. Speaker, those officers are illegally in office and it is the duty of this house and it is two months to the end of this financial year and those names should have been tabled in this house. Those names should have been discussed. And they should have been given even appointment letters to be in office. They articulated the implementation of this financial year and most of the members are not satisfied with their work. It is the duty of this house.....

This hon house should sit here, go through those names and know who are worthy to remain in office and who are not worthy to be in office. And the document---

Hon. Speaker: That order is taken.

Majority Leader (Hon. Mwonga): Mr. Speaker, I wonder whether it is order for hon. Magdalene Ndawa, who I have a lot of respect for, to start deliberating or discussing on the issue of chief officers while you have just given communication to this hon house that you have received names. Mr. Speaker, I will not hesitate to say that, I have a lot of respect for the hon. member because soon the population of this country is going to increase through her, Mr. Speaker. Thank you, Sir.

(Loud consultations)

Hon. Speaker: Sorry. The mood that we are setting in this house is bad. You should not talk without permission. Hon. Kitheka you are shouting out that a member has been insulted. I am in charge and you are out of order to that extent. I will not kick you but please don't do this again. Hon Ndawa, proceed and I wouldn't say you have been insulted. I think that is a compliment. But proceed.

Hon. (Ms.) Ndawa: Mr. Speaker, I demand an apology from that member because---

Hon. Speaker: Just proceed, hon. member, proceed. Just proceed.

Hon. (Ms.) Ndawa: Mr. Speaker, I will proceed. It is the duty of these hon. members to discuss people who are working in the offices of this county government because they are the same people who are putting people to be, actually hon members to be named as opposition.

Hon. Speaker: That is okay Hon. Ndawa. That is okay but we are saying their matter is already substantively before the house. Each committee that is mandated..... will deal that question.

Hon. (Ms.) Ndawa: My issue was, it was already late so this house, I don't see how we should discuss a recess, when those officers are not in office.

Hon. Speaker: Okay good your point is done. Thank you.

Hon. (Ms.) Ndawa: And it is also not in order for members to discuss the budget which has not been laid in this assembly.

Hon. Speaker: The budget, to my recollection was relayed to the house.

Hon. (Ms.) Ndawa: But we should be having those copies to discuss.

Hon. Speaker: Copies should be with every other committee so that they can come with their relevant document.

Hon. (Ms.) Ndawa: So let us follow the rules.

Hon. Speaker: Thank you.

Hon. Kamitu: Thank you, Mr. Speaker, Sir. My contribution this afternoon is like the house is missing the word that we were given. The motion was moved by our Majority leader in regard to whether the house should go on recess and is like we are missing the word. We should be debating whether people are supposed to go for the recess. Because, sincerely speaking, it is not going to hinder us. It is not going to stop the committees for that matter to deliberate and to debate and to interrogate all the matters regarding their committees. I am talking on the strength that we had a seminar recently in Karen and we are in position and hon. members will agree with me that most of the committees have not even done their work plan, have not even done their budget.

So this is the time we are supposed to take our recess, go see exactly what is wrong within our committees. So that this house can move forward and I am asking my colleagues to come out clearly; are we supposed to take the recess, are we supposed to go and see our electorates. So that participation from our electorates is done by the same hon. members. I sincerely and honorably ask the hon. members, we take a recess because everything has got its own time. Thank you Mr. Speaker, Sir.

Hon. Speaker: Thank you. We can have.

Hon. Nduva: Thank you Mr. Speaker and hon. members of this House.

Hon. Speaker: hon. Kamitu, maybe as you sit, was all of it English? Oh it was English. Okay. Proceed.

Hon. Nduva: Thank you Mr. Speaker. Mr. Speaker, as it appertains the recess of this house, I believe strongly it does not hinder the business of this house because the matter and the Bills in front of members, I think the work of the committees has not been altered. Mr. Speaker, I think as chairman of planning and trade committee, we have a lot to do and given time when we are on recess hon. members would be in a position to exhaust and when we come to interrogate the budget, we will know the position of each part of what members are supposed to oversee. I stand firmly this house should adjourn for recess and strongly that I will make a request; my committee should proceed for a retreat. Mr. Speaker, protect me---

Hon. Speaker: You are out of order to the extent you need.....let us hear... I would want after that lets hear Ndithini and then we come this way.

Hon. Muli: Thank you Mr. Speaker. I stand to support in total about the motion of the recess. Mr. Speaker, I would also like to correct Hon. Members.

Hon. Speaker: hon Kitheka, this is not opposition. He is not opposing. Alright proceed.

Hon. Muli: I am supporting adjournment. Mr. Speaker, I would like to make some corrections to hon. members who should understand that by saying recess, we have not postponed or halted the committees from sitting. We need sober minds, very fresh minds to discuss the Bills which are supposed and the Bills that should be discussed in committees. I wonder by hon. member of Machakos Central, Mr. Kitheka. He should understand that there are members who come from very far to meet there electorates and not like his ward in Machakos and he should consider us. Every time he is with electorates around.

And also the hon. Nduva said about the issues which have not been presented in this house and also in committees. I would request them to be attending the committees because we are very serious about the issues and also the chairpersons of these committees, let them be serious with their members so that they can report and exhaust this Bills. Discuss them totally. Therefore Mr. Speaker, I am here to support the recess totally. Thank you a lot.

Hon. Speaker: Thank you.

(Applause)

Hon. Maitha: Thank you Mr. Speaker and the hon members present. I think Mr. Speaker these hon. members here are just following the trend and tradition of the National Assembly. Recess is part and parcel of all assemblies, Mr. Speaker and I think as much as my fellow members are requesting for a continuity of this house, I can stand to be proven right or wrong from the office of the clerk, we might be having very little or no motions outlined for this house to continue holding sittings, Mr. Speaker. So in as much as I want us to continue, I support the recess but I want to say that today---

(Applause)

Thank you, hon. members. I want to say there is a lot of business that this assembly has to do. That business will not be done in the floor of this assembly that business will be done in the committee meetings. What I want to say is, we have just come from committee of labor and hon. Ndawa complained and raised issues regarding the tendency of members signing the book, moving out of the committee without concern. Mr. Speaker, this has become an issue of concern and I am requesting all the chairpersons through the liaison committee, to set up strict policies because yesterday we happened to go to the national assembly.

We learnt so many things that this assembly is totally contravening as per the law. So what I am saying is, let members proceed on recess but all committees should sit down, bearing in mind that they have a constitutional requirement to meet. At the end of the five years that these hon. members will be here, they will be questionable and accountable to the electorates on the number of Bills, policies and implementations that they have made.

So, what I am requesting is Mr. Speaker, when the committee chairman's organize for meetings for their committees, it is upon this hon. members to decide and attend those meetings because matters of concern will be questioned there and if they don't attend then they will subject this house to a platter of questions regarding issues which were discussed. I support the recess. Thank you, Mr. Speaker.

Hon. Speaker: Hon. Maitha, before you take your rest, maybe you can tell this house that yesterday the liaison committee was in the national assembly.

Hon. Maitha: Yes Mr. Speaker.

Hon. Speaker: How many chairpersons attended?

Hon. Maitha: Mr. Speaker though I somehow arrived late, we were about six chairpersons.

Hon. Speaker: Out of how many?

Hon. Maitha: Out of 13 but there are some other members who also---

Hon. Speaker: Tell us something more about the chairpersons.

Hon. Maitha: I want to say this; these Hon. Members, who are here, understand and can attest before your table which committees are functional and the committees are not functional.

Hon. Speaker: Thank you.

Hon. Maitha: It is not a matter of witch hunt. Any committee chairman who is functioning in his committee is well known to this assembly. And I want to put a challenge on all members of this assembly. Any committee chair that is not performing be it me or any other chair, should be kicked out of that committee and that opportunity given to a member who is able and capable. Mr. Speaker, as we proceed for recess, my big question that comes is this; how many Bills that affect the electorate out there have been passed for the last more than 12 months, almost 10 months. I really pity myself.

So what I am telling hon. members is it is not a matter of where I belong or where you belong. It is a matter of jurisdiction that is going to bring a change to the electorate and the people of Machakos County. It doesn't matter where you come from. I want the committee chairpersons to take the bull by its horns and ensure that any member who does not attend a committee and spend more than 30 minutes, that member is stripped of allowances for this house to deliver results. Thank you, Mr. Speaker.

Hon. Speaker: Thank you very much, let us hear (*beckoning a member*)

Hon. Ngui: Thank you Mr. Speaker, Sir. Mr. Speaker, I stand here to support that we go for recess for following reasons. One, you realize that the biggest role of this house is budget-making, lawmaking and Mr. Speaker most of the work that this assembly is to do is done at the committee stage. You realize that we have not received any report from any committee for this house. Mr. Speaker, we need time for the committees to sit down to prepare reports and assess performance for the various ministries for this ending year.

So Mr. Speaker, I support in totality that we need to break for recess to commit our work for various ministries in our committees. Lastly, I urge this hon. house and members that when we are coming back after recess, all the committees and the committees chairpersons to come with reports on what has been done by various ministries of this county. Thank you, Mr. Speaker, Sir.

(Applause)

Hon. Manyolo: Thank you Mr. Speaker, Sir and the house at large. I stand Mr. Speaker, Sir, to support that motion for recess, with few points

1. We need to mingle with our people and get views of those Bills and also what to do with the ward development kitty if it comes.
2. Mr. Speaker, Sir, the committees which have not performed, we want also to see their report, because there are some chairpersons, as hon. Dominic has said, who are reluctant and they don't know their work. There are many committees where I am but we have never met even a single day. Is that a chairman performing?

So Mr. Speaker, Sir, for them to bring reports, let us go for recess and in the last day of creation the Seventh day, God rested. Why can't we go for a recess then we rest.

(Applause)

Hon. Speaker: Any additional contribution?

ADJOURNMENT

Hon. Speaker: In the absence of any other business, then the house adjourns to recess

The House rose at 4.20 p.m.