

**MACHAKOS COUNTY ASSEMBLY****OFFICIAL REPORT****Wednesday, 15th April, 2015**

The House met at 2.35 p.m.

*[The Speaker (Mr. Mung'ata) in the Chair]***PRAYERS****Hon. Speaker:** Good afternoon hon. members. Let us proceed, Clerk.**COMMUNICATION FROM THE CHAIR  
ANNUAL DEVOLUTION CONFERENCE**

**Hon. Speaker:** Hon. Members there is a communication that we received from the Council of Governors inviting the entire assembly to the second annual devolution conference to be held on the 21st to 23rd April, 2015 at Tom Mboya Labour College, Kisumu and the entire assembly is invited. Let us proceed.

**PAPERS LAID****DEFERED PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE REPORT**

**Hon. Joseph Kalunde:** Mr. Speaker, Sir, I beg to request for a period of almost six days because members of my committee would like to thrash the report before it is tabled. So we are prepared to present the report next week on Thursday.

**Hon. Speaker:** Ok. Leave will be granted.**Hon. Kalunde:** Thank you, Mr. Speaker.

CONTROLLER OF BUDGET REPORT ON THE MACHAKOS COUNTY 2013/14  
BUDGET IMPLEMENTATION REVIEW

**Hon. Isaac Muinde:** Pursuant to Standing Order 186, 3 (a), I wish to lay on this hon. house, 15th April, 2015; the Controller of Budget report on the Machakos County Budget implementation review report 2013/14. And Mr. Speaker, I request the leave of the house to discuss the paper because it was not scheduled by the House Business Committee.

**Hon. Speaker:** Do we have any other matter, Clerk? Hon. Members, I received a request from the chairman of budget committee that we discuss a report that his committee has ready so that we don't have nothing for the afternoon and I granted him permission but it is essential that we hear the position of the house on whether we can grant leave to debate the motion. Let me hear your contributions.

**Hon. Dominic Maitha:** Mr. Speaker, I would like to kindly, with your permission, deviate slightly on the issue of the report from the Controller of Budget. It is pertaining to the special audit report which is being tabled before this house almost one year down the line and the constitution is very clear about audit reports from the office of the Auditor General, Mr. Speaker. It clearly stipulates that within three months after the auditor's report is out, a report should be tabled before the floor of this assembly, Mr. Speaker, Sir. That is the constitution not me.

After the auditor's report is out, within three months the auditor's report is supposed to be brought to the floor of the assembly, discussed adopted and proper measures taken, Mr. Speaker. Is it in order that this hon. chairman is bringing the report one year down the line, Mr. Speaker, and then we discuss that report? It contravenes the constitution. Regarding the Budget and Appropriation committee report.....Protect me, Mr. Speaker.

**Hon. Speaker:** Let us take the point of order.

**POINT OF ORDER**

**Majority Leader (Hon. Mwonga):** Mr. Speaker, is it in order for a hon. member to rise and raise a point of order on an issue which the Chair has already made a ruling?

**Hon. Maitha:** Mr. Speaker, Sir, this hon. member must have been sleeping.

**Hon. Speaker:** Order, order. Let me make my position clear, my position is that I got a request from the chairman of budget committee to present this report and gave permission that the report be introduced but with a rider that it will need a resolution of the house. And that is why I opened the floor for contributions.

**Majority Leader (Hon. Mwonga):** Mr. Speaker, the point of order that I was raising is not on the issue on the report of Budget and Appropriation committee, but the issue being raised by Hon. Maitha about the issue of the report of the PAIC and you have already made a ruling on that. Thank you.

**Hon. Speaker:** Thank you. Proceed, hon. Maitha.

**Hon. Maitha:** Mr. Speaker, even if a ruling has already been made, there is the constitution which guides us. I was requesting and getting information. Doesn't that report contravene the constitution which talks about the office of the Controller of Budget, the office of the Auditor General and it clearly says that, three months after the auditor's report is through, we are supposed to have discussed that report. Does it not contravene the constitution, because it is now one year down the line? We were supposed to have discussed that report in three months time and that is 2012/13 special report. We have not even handled the audit report for 2014/2015, Mr. Speaker (??)

**Hon. Speaker:** Let us hear the mover. It is not hon. Kalunde? We are dealing on the matter for chairman of budget committee. He is saying the report at hand that we wanted debated is unconstitutional.

**Hon. Muinde:** Mr. Speaker, I want to bring to your attention that hon. Maitha is not addressing the issue of the budget and Appropriation committee report. He is rising on a point of procedure on the report by PAIC which you had already, after the hon. chairman had asked for a period of another six days. So the hon. Maitha has no issue with my report. He has issue with hon. Kalunde's report and you had already granted hon. Kalunde a six-day period. Perhaps hon. Maitha can raise the issue after the six days when hon. Kalunde brings up his matter.

**Hon. Speaker:** Thank you. Hon. Dominic, was the issue that you were raising pursuant to the matter by the chairman of PAIC or the chairman of Budget committee?

**Hon. Maitha:** Mr. Speaker, I think I was very clear and I even sought permission from you that I slightly deviate from the report from Budget and go to the issue of PAIC because I am standing on constitutional matters, Mr. Speaker.

**Hon. Speaker:** Sorry, then to that extent, you are out of order. Thank you. Let us proceed on the matter for resolution that we proceed with the motion by the chairman of budget committee. Sorry, I had not gotten your point. Do we proceed with the motion by the chairperson Budget and Appropriation committee for the reason that it was not presented to the House Business Committee.

**Majority Leader (Hon. Mwonga)** Mr. Speaker, I stand to support that this house debates the report by the Budget and Appropriation committee. Mr. Speaker, even if you look at the order paper, there is no other business if we don't discuss on this, Mr. Speaker. The House Business Committee had balloted for today afternoon to discuss the report by PAIC Committee and already you have given the PAIC committee seven days to prepare and bring their report back. So Mr. Speaker, it is my humble request to this hon. house that we agree to discuss this report. Thank you.

**Hon. Speaker:** Any other contributions?

**Hon. Cornelius Kitheka:** Mr. Speaker, I need some guideline before I engage myself into this discussion. The report from the Controller of Budget for 2013/14 which we ought to discuss, which has been laid by the chairman of Budget committee, is it not outdated or passed by events, because if we discuss it, will it not be just a discussion just for formality sake?

Or will it be a discussion just because there is no business today, the way the Majority leader has put it?

So Mr. Speaker, I just request to be guided because if the report had to be discussed in an earlier date for action to be taken, after the document is released from the Auditor General, Mr. Speaker, I think we are a bit late. It should be communicated otherwise. I am not objecting to the

discussion of the document but I don't see whether we are discussing to implement anything. We are just discussing for formality sake and to pass time because we do not have business today. Thank you.

**Hon. Speaker:** Hon Kitheka, I think a document must be prepared to be discussed. It cannot be discussed in its absence and you will have an opportunity to raise those points in opposition to the report. You otherwise support it.

**Hon. Nganga:** Thank you Mr. Speaker. Although I think the chairman of the relevant committee might be addressing the matter, it has come to my attention that there is no annexed report of the committee recommendations over the report from the Controller of Budget. Maybe, Mr. Speaker, you can offer direction. I think it is my understanding that once the Controller of Budget has done a report, after it is sent to the assembly, the committee is supposed to interrogate the report and then write a report to the house with some recommendations, Mr. Speaker.

So going by blanket interpretation of the report the way it is without having a committee evaluation, Mr. Speaker, then the house may be caught off guard because the Controller of Budget cannot make recommendations to the house but rather to the committee and then the committee will sit and in its wisdom, write to the house. So the matters that have been raised by the Controller of Budget need further analysis by the committee. Maybe, with your directions, I thought it was wise that the chairman would respond on the committee findings over the report that we have before us, Mr. Speaker. Thank you, Mr. Speaker.

**Hon. Speaker:** I think the chairman of budget committee; you need to come clear on this. Tell us whether you are properly before us.

**Hon. Muinde:** Mr. Speaker, I do not know why it has elicited debate before the debate period has come. I have just laid a paper and I asked for the leave of the house, and you were in the process of asking for concurrence from members so that I can move the motion and Mr. Speaker, when we get there, the report that I will read, is a report after the budget committee sat down and analyzed the report from the Controller of Budget. And we have annexed the report of the Controller of Budget which is here with us and our own findings by the committee on budget. So Mr. Speaker, I just want to note that the Deputy Speaker walked in and

decided to take part in debate without taking a breath. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Members, is everybody having a copy of the report from the Controller of Budget. Let us hear you as members verify whether they have the report.

**Hon. Nganga:** Mr. Speaker, I think the matters I have raised are of clear consequence. The chairman of budget committee needs not to misinterpret my having walked in as a case of misinformation. It does not need me to take 30 minutes in the house for me to recognize errors of procedure, Mr. Speaker. And my question to the chairman is, which was politely done but now seems that he is preparing for war; was that, as he lays the report before the house, with the leave that he is seeking, we only have a copy of the Controller of Budget's report only, and we don't have a copy of the committee recommendations with us because the Controller of Budget cannot write to the house to discuss a report of the house without the committee having sat. So if we would have that, then the chairman would be properly in order to bring the matter before us. Thank you, Mr. Speaker.

**Hon. Felix Ngui:** Mr. Speaker, I don't understand the Deputy Speaker. He is claiming that we do not have a report from the Budget committee but every member here has a report from the budget committee, concerning the Controller of Budget report.

**Hon. Speaker:** Maybe the Deputy Speaker, you can take advantage of my copy.

**Hon. Nganga:** Mr. Speaker, the document has just been circulated after I raised that concern, so---

**Hon. Speaker:** Order hon. Members.

**Hon. Nganga:** Mr. Speaker, the document has just been brought to the members right now.

**Hon. Speaker:** Now the Deputy Speaker has a copy. Thank you. Maybe we go to the next level, whether members will require time to go through the report or they are ready to go. Yes hon. Dominic.

**Hon. Maitha:** Thank you Mr. Speaker. I wish to applaud the chairman of budget committee for the move that he has taken because I happen to have gone through the same booklet that the chairman of budget committee has extracted this information from and it is giving very pertinent and quite important information that this house needs to discuss, digest and set the way forward about issues that have been raised. Mr. Speaker, it is even evident that when we were discussing the report on the revenue by Hon Munyaka, I also raised concerns from the same .....protect me Mr. Speaker, I deliver my point.

**Hon. Speaker:** Order hon. members. I allow the member to proceed.

**Hon. Maitha:** I was giving an example, Mr. Speaker, I have said this; the report before us, when we were discussing about the revenue report, I gave some examples which were from the same report which we already have here, Mr. Speaker. So what I am saying is this; it is a very crucial report and I would request members to be given time go through the report so that when we come to discuss about the report, either tomorrow afternoon or next week, members are fully informed about the report so that we can have proper deliberations of the report, Mr. Speaker. Thank you.

**Hon. Speaker:** Thank you. Let us take the point of order.

### POINT OF ORDER

**Majority Leader (Hon. Mwonga)** Mr. Speaker, I don't know why we have gone to discussing of the report which has not been moved by the chairman of budget committee. Mr. Speaker, members should be contributing on whether we are granting the leave of the house in order for the chairman to move his motion, Mr. Speaker.

**Hon. Speaker:** Let us get out of it by putting the question that the house proceeds to debate the motion that has been laid by the chairman of budget committee. Let me allow a further contribution before I put the question again. I am not sure. Yes.

**Hon. Kitheka:** Mr. Speaker, I think this is a very vital document and with the shortest time we have in this house right now to discuss this document, I think it will be prudent enough for this members to be given sometime to go and look through the document clearly and come informed of what is in the document. So Mr. Speaker, with support of the document but with request of the members being given time to go and study the document in a thorough way. Thank you.

**Hon. Speaker:** I think members without much ado, this is a matter that was put to the house before it was even presented procedurally through the house business committee, that is why I gave the house an opportunity to come up with a resolution on whether to proceed or not. In the circumstances, I think it is only fair that we give members time to go through the document and then we can come back and discuss the document on priority. Something different from that, Hon. Ndeto?

**Hon. Festus Ndeto:** I am not opposing to your ruling or what we have before the house but I am just concerned. This is a report of Budget and Appropriation committee which is looking into the report from the Controller of Budget report on Machakos county budget implementation review 2013/14. I tend to believe there is another report from the same office that was for the month of March to June 2013 which this house has not discussed and I thought it should have been the first one to be brought by the budget committee then followed by the document that we have today. Thank you.

**Hon. Speaker:** Thank you. You will have an opportunity to put those issues across to the chairman when the matter will be on the floor for debate. You have taken note (*addressing Hon. Muinde*)

**Hon. Muinde:** Mr. Speaker, I have taken note and I have no objection for the matter being discussed at that time but in case the house business committee does not sit tomorrow then, I believe this is a matter that may appear on Tuesday afternoon next week. And if there is no business, Mr. Speaker, it may even take longer, but for record purpose, this is the full years report and what hon. Ndeto has just addressed is a quarterly report but we chose now to present the whole year's report instead of the quarterly report.

**Hon. Speaker:** I think the chairman will be put at liberty to do what he would wish to do with his motion. The matter will be stood over to the earliest, Tuesday after next week.

**Hon. Nganga:** I think the chairman might not have got right the concerns of the member for Kola ward. Mr. Speaker, the member was asking the chairman to file with the committee and the house, the report of the period between March, 2013 and June, 2013, Mr. Speaker. The report that we have here is for July, 2013 to June, 2014, so that quarterly report, I think is also proper that we have the same matter filed with this report as we discuss it next week. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. I think the chairman has said he will consider filing the entire report for the year. Yes let us hear the clarification.

**Hon. Peter Nzioki:** Thank you Mr. Speaker. I would like the chairman of budget committee to note that in his report, that is the last page, we are discussing issues of Makueni County and not Machakos County. Maybe he will rectify this mistake by the time we discuss this report. Thank you, Mr. Speaker.

**Hon. Speaker:** Let me understand that point, you are saying which page?

**Hon. Nzioki:** The last page, Mr. Speaker. Page 108.

**Hon. Maitha:** Mr. Speaker unless the hon. member was sleeping, there is point number four for Machakos County; set realistic targets for local revenues and ensure that the set targets are achieved. Simple. Forget about Makueni and this is an extract from a booklet and he cannot interfere with the author's information in terms of editing, Mr. Speaker, Sir. So he is out of order.

**Hon. Speaker:** Thank you but the hon. member cannot be out of order because indeed Makueni is annexed to the report.

**Hon. Oliver Nzeki:** Thank you, Mr. Speaker. I am just informing Budget committee chairman that, we can't compare ourselves, a leading county with a county which has not taken off. Thank you Mr. Speaker, Sir.

*(Laughter)*

**Hon. Speaker:** Alright. I think, hon. members, that is it. We shall deal with this report the other Tuesday after the Tuesday of next week. We have said this week through Thursday, the entire week we shall be in Kisumu at Tom Mboya Labour College.

### ADJOURNMENT

**Hon. Speaker:** In the absence of any other further business then the house adjourns for the day.

The House rose at 3.03 pm