

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 17th August, 2021

The House met at 10.17 a.m.

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

PRAYERS

PAPER LAID

**REPORT ON CONSIDERATION OF THE CONSULTATIVE AGREEMENT
ON SOUTH EASTERN KENYA ECONOMIC BLOCK (SEKEB)**

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by Hon. Moffat Maitha Chair, Legal Committee. Hon. Moffat.

Hon. Maitha: Thank you, Hon. Speaker. Hon. Speaker I wish to lay the following Paper on the Table of House today Tuesday the 17th day of August, 2021; report on the joint County Assemblies committee on consideration of the consultative agreement on South Eastern Kenya Economic Block (SEKEB). Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moffat.

NOTICE OF MOTION
REPORT ON MANAGEMENT OF COFFEE
COOPERATIVE SOCIETIES

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business which is supposed to be transacted by Hon. Moses Mitaa Majority Party Whip and I will request Hon. Peter Joseph Mutiso to go ahead and do that notice of motion on behalf...Hon. Peter Joseph Mutiso.

Hon. P.J. Mutiso: Thank you, Hon. Speaker. I stand here for Moses Mitaa Majority Party Whip MCA Kangundo Central.

Hon. Speaker, that aware that coffee is a major cash crop in Machakos County and forms a key source of income;
Further aware that in pursuit of Kenya Vision 2030, co-operatives will play an important role in addressing the challenges facing the coffee sub-sector namely low productivity, inappropriate land use systems, poor marketing systems and low value-addition;

Informed that coffee farming in the County is to a great extent undertaken by small-scale farmers through the co-operative movement, commonly referred to as Farmers Co-operative Societies (FCS) with the rest left to private planters like estates;

Aware that Machakos County has approximately 5 million coffee plants with the capacity of producing approximately twelve 12 million kilograms of cherry;

Acknowledging that the current average coffee production per coffee plant is 2 kilograms while with crop husbandry, the same plant can give the farmer an average of 30-40 kilograms;

Aware that high cost of farm inputs, lack of access to cheap and affordable credit facilities to sustain the sub-sector, some cooperative societies have extended into commercial loans which have turned out to be difficult offset;

Further aware that low interest cherry fund was released by the National Government through commercial banks for the benefit coffee farmers;

Hon. Speaker, I wish to give notice of motion that the Machakos County Government through the Department of Agriculture:

1. Streamlines the management of coffee cooperative societies for better administration of coffee sub-sector and undertakes annual audit to each cooperative society to help track operations and financial inflow, outflow and asset status.
2. Assists coffee farmers to access the cherry fund released by the National government and allocates enough funds for inputs which should be administered and accounted for by the cooperative society management.
3. Offers both managerial and financial support to LECOM millions factory to help reduce coffee market brokerage currently witnessed in the coffee cooperative societies.
4. Forwards to the Assembly to coffee sector revitalization policy for approval and subsequent operationalization which will streamline the general management and improvement of the coffee sub-sector.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Peter Joseph Mutiso.

STATEMENT

BUSINESS FOR THE HOUSE FROM 17TH TO 18TH AUGUST, 2021

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business one Statement on House Business Committee to be done by Hon. Alex Kamitu, Leader of Minority on behalf of the Majority Leader.

Hon. Kamitu: Thank you very much, Hon. Speaker. Hon. Speaker, the House Business Committee met on Monday, 16th August, 2021 to prioritize business for the House pursuant to provisions of the Standing Order 151(5). The Committee reviewed business balloted for Tuesday, 17th August, 2021 and balloted business for Wednesday 18th August, 2021 for *Bunge Mashinani* at Kangundo Central Ward as follows:

Tuesday, 17th August, 2021

Morning at 10.00 a.m.

Report on Procedure and Rules Committee on Amendments to Standing Orders by Hon. Paul Museku, Vice-Chairperson, Committee on Procedure and Rules.

Afternoon at 2.30 p.m.

Report of Labour, Public Service and ICT Committee on Annual Report of the County Public Service Board 2020 by Hon. Francis Kitheka, Chairperson, Committee on Labour, Public Service and ICT.

Wednesday, 18th August, 2021

Morning at 10.00 a.m

1. Motion by Hon. Moses Mitaa, MCA, Kangundo Central Ward, that the Machakos County Government through the Department of Agriculture;
 - a. Streamlines the management of coffee cooperative societies for better administration of coffee sub-sector and undertakes annual audit to each cooperative society to help track operations and financial inflow, outflow and asset status;
 - b. Assists coffee farmers to access the cherry fund released by the National government and allocates enough funds for inputs which should be administered and accounted for by the cooperative society management;
 - c. Offers both managerial and financial support to LECOM milling factory to help reduce coffee market brokerage currently witnessed in the coffee cooperative societies;
 - d. Forwards to the Assembly the coffee sub-sector revitalization policy for approval and subsequent Operationalization which will streamline the general management and improvement of the coffee sub-sector.
2. Statement by Hon. Moffat Maitha, MCA, Matungulu West, on what the Department of Health and Emergency Services on status dispensaries constructed by CDF.
3. Motion by Hon. Mark Muendo, Majority Leader, that pursuant to Standing Order 25(4), the House resolves to alter the adjournment date from Wednesday, 25th August, 2021 to Wednesday 18th August, 2021 to enable Hon. Members attend the seventh devolution conference in Makueni County and Training from 23rd to 29th August 2021 and then proceed on recess as per the calendar of the Assembly and resume sittings on 21st September, 2021 at 10.00 a.m. as per the Assembly Calendar.

Hon. Deputy Speaker: Thank you very much, Hon. Alex Kamitu.

MOTION

REPORT ON PROPOSED AMENDMENTS TO STANDING ORDERS

Hon. Deputy Speaker: Hon. Members, under this Order, we have one business to be transacted by Hon. Constance Mbula. Hon. Constance

Hon. (Ms.) C. Nzioki: Thank you, Hon. Speaker.

Hon. Speaker, that aware Standing Orders are written rules under which a Legislative House conducts its business;

Further aware that these Standing Orders regulate the way Hon. Members behave and how debates are organized and that they are unique to the legislative body they govern;

Informed that the committee on Procedure and House Rules as established under Standing Order 187 is mandated to propose amendments to Standing Orders;

Cognizant that under Standing Order 226, the Procedure and Rules Committee may at any time, propose amendments to these Standing Orders;

Aware that Standing Order 228 states that at least once in every term of Assembly, not later than six months to the end of the term, the Procedure and House Rules Committee shall review the Standing Orders and make a report to the Assembly recommending the Standing Orders, if any, to be amended;

Further aware that this committee proposed amendments, received other proposals of amendments, considered them and subsequently compiled a report;

Hon. Speaker, I wish to move the motion that this Hon. House discusses and approves the report of the Committee on Procedure and House Rules on Proposed Amendments to Standing Orders.

Thank you, Hon. Speaker. I wish to call Hon. Nyawira to second this motion.

Hon. Deputy Speaker: Hon. Jane Nyawira.

Hon. Nyawira: Thank you, Hon. Speaker. I stand second the motion.

Hon. Deputy Speaker: Thank you, Hon. Nyawira. Hon. Constance you may read the report.

Hon. (Ms.) C. Nzioki: Thank you, Hon. Speaker. Parliamentary procedure rules a body of rules, ethics and customs governing meetings and other operations of clubs, organizations legislative bodies and other deliberative Assemblies. Standing Orders are written rules under which a parliament conduct its business; they regulate the way Hon. Members behave and how debates are organized in the Assemblies.

Standing Orders are unique to the legislative body they govern and that legislative body is free to amend or repeal any rule and create new ones.

2.0 MANDATE OF THE COMMITTEE

Hon. Speaker, the Procedure and Rules committee is established pursuant to Standing Order 187 and is mandated to consider and report on all matters relating to the Standing Orders. The committee may propose amendments to the Standing Orders and any such amendments shall upon approval by the Assembly take effect at the time appointed by the Assembly.

3.0 MEMBERSHIP

This committee comprises the following standing Hon. Members:

- | | |
|----------------------------|--------------------|
| 1. Hon. Florence Mwangangi | - Chairperson |
| 2. Hon. Paul Nyanzi | - Vice-Chairperson |
| 3. Hon. Paul Museku | - Member |

- | | |
|--------------------------|----------|
| 4. Hon. Constance Nzioki | - Member |
| 5. Hon. Jane Nyawira | - Member |

3.2

During the preparation and interrogation of the matters in the report, the following Hon. Members were invite to participate;

1. Hon. Hellen Ndeti
2. Hon. Geoffrey Kamulu
3. Hon. Margaret Ndalana
4. Hon. Alice Nzioka

4.0

Hon. Speaker, the committee was guided by the following legal framework:

- a. The principals of the constitution of Kenya 2010.
- b. Section 14(1)(a) and (b) of the County Governments Act of 2012 provides that a County Assembly may:
 - i. Make Standing Orders consistent with the Constitution and this Act regulating the procedure of the County Assembly including in particular orders for the proper conduct of proceedings.
 - ii. Subject to Standing Orders mend and paragraph (a) establish committees in such manner of special purposes as it considers fit and regulate the procedure of any committee so established.
- c. The 2017 version of the Assembly Standing Orders.
- d. The Powers and Privileges Act 20.
- e. The National Assembly latest version of Standing Orders.

4.2

Standing Order 226 provides that the Procedures and Rules committee may at any time propose amendments to these Standing Orders. Further Standing Orders 227(1) provides that for amendments to Standing Orders, a member may with a support of at least two other members request the Procedures and Rules committee to consider amendments.....

4.3

Further, Standing Order 227(5), the Assembly shall consider the proposed amendments to the Standing Orders as reported from the Procedure and House Rules Committee on a Motion that “the report of the Procedure and House Rules Committee be approved.”

BASIS FOR THE PROPOSED AMENDMENTS

Hon. Speaker, the Standing Orders that are currently in use were last reviewed in 2018 and over the time occasions have risen that have called for another review of the Standing Orders in order to address emerging issues.

In particular, the 2017 Standing Orders have not addressed certain constitutional requirements, the provision of the Fair Administrative Action Act, 2015 as regards the right to fair hearing and amendments to the County Governments Act, 2012 which need to be incorporated in the House Standing Orders.

In addition, Standing Order 228 of the Assembly Standing Orders requires that at least once in every term of the Assembly, and not later than six months to the end of the term, the Procedure and Rule Committee reviews the Standing Orders and makes a report to the Assembly recommending that the Standing Orders, if any, be amended.

Hon. Speaker, for the above reasons, the committee on Procedure and House Rules undertook to review the current Standing Orders with a view to recommending appropriate amendments thereto and possible interventions.

*PUBLIC PARTICIPATION: CONSTITUTIONAL PETITION NUMBER 16 OF 2018 –
MACHAKOS HIGH COURT*

Hon. Speaker, in Machakos High Court constitutional Petition No. 16 of 2018 the court held that there ought to be a public participation in the process of amending Standing Orders. Although an appeal was filed in the Court of Appeal, Nairobi, by the Assembly which is pending hearing and determination, a public participation was nevertheless undertaken by the Committee by availing the report to the Hon. Members of the Assembly in draft and in addition by an advertising in the Daily Nation newspaper of Friday, 23rd July, 2021 for written memoranda to the Clerk of the Assembly to the public with a closing date of 6th August, 2021. The following responses were received:

Responses from members of the Assembly

Hon. Speaker, pursuant to Article 177 of the Constitution, Hon. Members are elected to be representatives of their own electorates and they forwarded the following proposed amendments:

Standing Order 163A on ad hoc Committee

In sub-order (4) at the end of the paragraph, insert the words, putting into consideration the interests of independent members.

Standing Order 190A on General Oversight Committee

Insert a new sub order (4) that states that; the functions stated under (3) above shall be matters that cut across the committees

Responses from members of the public

Hon. Speaker, Section 87 of the County Governments Act, 2012 provides for citizen participation. On 19th July, 2021 through a letter reference as indicated and the Assembly requested for memoranda from:

- i) The County Attorney.
- ii) The Law society of Kenya (Lower Eastern branch).

Hon. Deputy Speaker: Point of order from Hon. Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I think it is important that the reference is read so that so that it is captured in the HANSARD.

Hon. Deputy Speaker: Go ahead Hon. Constance Mbula and read the reference, just read again 6.2.

Hon. (Ms.) C. Nzioki: Thank you;

Hon. Speaker, Section 87 of the County Governments Act, 2012 provides for citizen participation. On 19th July, 2021 through a letter reference No. MKSCA/PCS/CMM /PR/Vol. 2/6, the Assembly requested for memoranda from:

- i) The County Attorney.
- ii) The Law society of Kenya (Lower Eastern branch).
- iii) The Young Professionals, Machakos.
- iv) The National Church Council of Kenya (NCCCK).

Hon. Speaker, by 5 p.m. on 6th August, 2021, no single memoranda had been received from---

METHODOLOGY AND GUIDELINES USED TO PROCESS THE PROPOSED AMENDMENTS

Hon. Speaker, to arrive at the proposed amendments, the committee relied on the following methodology and guidelines.

Hon. Deputy Speaker: I think the above there is by 5 p.m. on 6th August, 2021, no single memoranda had been received from the above institutions; its hanging there. Go ahead;

Hon. (Ms.) C. Nzioki: Thank you, Hon. Speaker.

- a. The experience of Members of the Assembly and staff in the use of the 2017 Standing Orders.
- b. The National Assembly Clerks at the Table.

7:3:6 Standing Order 68 on Roll Call Division claimed.

7.37 Standing Order 72 on Decorum during Division.

Hon. Deputy Speaker: You need to start with the heading; item 7 should be the proposed amendments.

Hon. (Ms.) C. Nzioki: Okay.

THE PROPOSED AMENDMENTS

Hon. Speaker, the committee recommends the following Standing Orders for amendments:

Standing Order 1(2) on cases not provided for, the Speaker may decide.

Standing Order 2 on Interpretation.

Standing Order 3 on Proceedings on assembly of a new Assembly.

Standing Order 4 on Vacancy in the office of Speaker.

Standing Order 5 on nomination of candidates.

Standing Order 6 on election of the Speaker.

Standing Order 7 on election threshold.

Standing Order 13 on Notification of opening of the Assembly.

Insert a new Standing Order 13A headed Vacancy in the office of the Speaker.

Part III on Chairperson of Committees and the Speaker's Panel.

Standing Order 14 on Chairperson of committees of the whole Assembly.
Standing Order 15 on Leader of Majority Party.
Standing Order 16 on Leader of Minority Party.
Insert a new Standing Order 21A on Designation of a Place in the Chamber for CECMs' and other persons that reads as follows.
Standing Order 22 on Presiding in the Assembly.
Standing Order 23 on location of the first sitting.
Standing Order 24 on Regular Sessions of the Assembly.
Standing Order 25 on Assembly Calendar.
Standing Order 27 on hours of meeting.
Standing Order 30 on adjournment on definite matter of urgent county importance.
Standing Order 31 on Quorum at commencement of the Assembly.
Standing Order 32 on Quorum during the proceedings of the Assembly.
Standing Order 40(1) on Members general statements.
Standing Order 41(1) and (2) on Statement Hour.
Standing Order 42 on Committal to Committees (Approval of Public Appointments)

PART XII—MOTIONS

Standing Order 43 on application.
Standing Order 44 on Notices of Motion.
Insert a new Standing Order 45A on Motions and Time for moving Motions.
Standing Order 49 on Motions which may be moved without Notice.
Standing Order 54 on Question proposed after Motion made.
Standing Order 57 on when amendment is proposed but not made.
Insert a new Standing Order 57A on SPECIAL MOTIONS.
Standing Order 58 on Procedure for removal of the Speaker.
Insert a new Standing Order 60A on Procedure for removal of Deputy Governor.
Insert a new Standing Order 67A on Rules of voting.
Standing Order 68 on Roll call Division claimed.
Standing Order 72 on Decorum during Division.
Standing Order 83 on Contents of speeches.
Standing Order 95 security checks.
Standing Order 96 on firearms and other offensive weapons.
Standing Order 105 on Member suspended to withdraw.
Effect of suspension.
Standing Order 106 on duration of suspension of a Member.
Appeal against suspension.
Standing Order 110 on introduction of Bills.
Standing Order 111 on Printing of amending provisions.
Insert a new Standing Order 113A on Printing of amending provisions.
Standing Order 115 on Limitation of fundamental rights and freedom.
Insert a new Standing Order 115A on Procedure upon publication.
Standing Order 151 on House Business Committee.
Standing Order 156 on Discharge of a member from a committee.
Standing Order 159 on conduct of election.
Standing Order 161 on Notice of meetings.

Insert a new Standing Order 163A on *ad hoc* Committee.
 Standing Order 169 on List of attendance.
 Standing Order 171 on Powers and privileges of committees..
 Insert a new Standing Order 180A on Exit Reports.
 Standing Order 182 on Joint sittings of committees of the Assembly.
 Standing Order 18 on Committee on Appointments.
 Standing Order 187 on Procedure and House Rules Committee.
 Standing Order 188 on Committee on Implementation.
 Insert a new Standing Order 190A on General Oversight Committee.
 Standing Order 191 on Liaison Committee.
 Standing Order 206 on Presentation of Budget Estimates and committal to Committees
 Insert a new Standing Order 208A on Pronouncement of Budget highlights and Revenue raising measures.
 Standing Order 210 on Passage of Finance Bill.
 Insert a new Standing Order 220A on Extension of period prescribed.
 Insert a new Standing Order 223A on Recognition of Assembly Caucus.
 Insert new part XXVII on Conduct of Proceedings in exceptional circumstances.

PART XXVIII

CONDUCT OF PROCEEDINGS IN EXCEPTIONAL CIRCUMSTANCES

Insert new Standing Order 229A on Application.
 Insert a new Standing Order 229B on Alternative sitting arrangements.
 Insert a new Standing Order 229C on other arrangements.
 Insert a new Standing Order 229D on Use of technology.

SECOND SCHEDULE

The Second Schedule on Sectoral committees is amended as follows:
 Insert committee on Culture, Social Welfare and Tourism.
 Committee on Education and Social Services.
 Committee on Environment and Natural Resources.
 Insert a new committee on Lands and Energy.
 Health and Emergency Services committee.
 Committee on Youth, Women and Sports.

NEW SCHEDULES TO THE STANDING ORDERS

Insert Fourth Schedule on Form of Nomination Paper Standing Order (159(4) as follows:
 Insert a new Schedule Five on form of oath/solemn affirmation by witness appearing before a committee of the assembly (Standing order 171) as follows:
 Insert a new Schedule Six on summons to witnesses.
 Insert a New Schedule Seven on Affidavit of Service of Summons.

CONCLUSION

Hon. Speaker, the Committee wishes to acknowledge the office of the Speaker and that of the Clerk for facilitating the Committee to amend the Standing Orders to suit well the operations of the Assembly and in line with the Constitution. Credit also goes to the members of the committee for their participation and in preparation of this report.

The committee further acknowledges Mr. Rana Tiambati and Mr. Samuel Kalama for their technical support and guidance in proposing and tracking the proposed amendments. Credit also goes to the committee Secretariat for their tireless work in tracking the amendments and compiling of the report. It is therefore my pleasant duty and privilege to table before this Hon. House the report on proposed amendments to Standing Orders for discussion and adoption. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Constance Mbula for that report well-read.

(Question proposed)

Hon. Members, you may comment on this Motion. Hon. Helen.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I first and foremost wish to congratulate the committee that had to burn midnight oil in preparing such a lengthy report. I appreciate the fact that we needed to do a lot of amendments to our Standing Orders so that the next House can also be able to understand. I am not going to go to individual amendments but there is one that has touched me and especially on education and services. I am very happy that we have differentiated or taken away the social services from the education docket which I think will go a long way in making clarity on what the education docket is supposed to do. At least the social services docket has been placed where it belongs.

I also wish to commend the committee by including the Women Caucus to be part of the committees of the House; I think we are going to be the first Assembly in the Republic to be able to accept the reality and have at least the women nominated and elected in this House to be able to sit and come up with issues that can touch on our people of Machakos. So, I am very happy and I think this will be an eye opener.

Currently I have got very many counties that want to come and bench mark with our county and I think going forward, we should be able to host many of them. I appreciate the committee, I appreciate every member of this County for being open minded, forward looking and appreciating that we needed such a committee in the House. Thank you, Mr. Speaker.

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

Hon. Mutinda: Thank you, Mr. Speaker. Let me start by thanking the committee the chair of the committee for this good work Mr. speaker and let me say that it shows that devolution is growing that now we are going to the next step as we continue to amend these Standing Orders. Mr. Speaker, just the recent past is when we used to say that we had teething problems and such but now we are growing to maturity for devolution and Mr. Speaker, when you see this issue of Women Caucus, I would wish to say that in Machakos we can say that we lead others follow. I think we are the first county Assembly to have this and I think others as the Hon Member has said are benchmarking with us, it shows a good gesture that we are open and we would wish everyone to grow.

Mr. Speaker, there is this issue of the committees; I have seen and I would wish to thank the committee for this, the committee on environment and natural resources was very wide and was trying the much it can but you would realize that even its report was delaying to come to this House because of the volume of work it had. I am glad that it has been separated and there is

this issue its division has created the committee on lands and energy and the environment and natural resources.

However, Mr. Speaker I think on 7.7.6, I would also wish to add that its mandate is to deal with county planning and development, land surveying and mapping, boundaries and fencing. Now that section alone I would wish it reads county physical planning because here we have two planning; there is the physical planning and there is the social economic planning which lies in the committee of trade and if we just leave at that and we talk of planning, then it might collide.

There is the planning at the lands and energy and there is the panning at the trade so I think it should be clarified that it is physical planning so that it is separated Mr. Speaker. So, I wish to thank them and say that it is a good job and I wish to support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon Thomas Mutinda. Hon. Judas Ndawa.

Hon. Ndawa: Thank you, Mr. Speaker, for granting me this opportunity to also air my views on the report before the House. Mr. Speaker, I want to congratulate the committee for coming up with an elaborate and brief report which touches the hearts of our women in this county. Mr. Speaker, giving the Women Caucus to have their own set up in the Assembly is giving the entire County because as you are aware if you give a lady some money to me it applies that you have given the entire family, but if you give a man the money does not go to the entire family because the money may not reach the homestead of that particular man but if you give a lady Ksh. 100, I am very sure what she goes and buys a kilogram of sugar that will be consumed by the lady, the husband and the kids and also neighbors.

So I want to thank the committee for allowing our beautiful ladies in this County Assembly to have something that they can be able to control and that one should be supported by everyone. So, I want to support the report. Thank you, Mr. Speaker.

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

Hon. Katumo: Thank you, Hon. Speaker. I want to join my colleagues in congratulating this particular committee for this elaborate work they have done. When you look at the work that has been done, the end product, there so much detail that we need to go through and understand and I think you took your time to compile this report and into details and when you look at it, I believe there was a lot of work, a lot of time that went into this report reviewing the Standing Orders. And I think your work is very progressive in making sure that our Standing Orders remain in line with the spirit of our mandate as a County Assembly.

Let me say that I have looked through and I have seen last Assembly the last amendments that were done had a lot of interests but I think this kind of amendments when i started looking at them although we went very fast, I think it was to make sure that we are working within the constituency of our work and making sure no interests vested on the work that has been done and I thank the committee I thank the Chair, and I thank the vice chair for the work that has been done and gone into this work.

May I say this also I stand to support what my colleagues have done. I looked at that Second Schedule where there is an alteration, re-arrangement of the committees and may I say in the spirit of Sustainable Development Goals (SDG) motto which says that we are working; actually our development is very progressive. We don't want to leave anyone behind.

I can see that this Assembly is very inclusive in terms of making sure everyone is very safe, part and parcel of this Assembly. The women have been recognized, men have been recognized, PWDs have been recognized, the youth have been recognized, the elderly have been recognized and I think this is very good because we are working from a point of view of trying to bring everyone on board and that we are touching the hearts of people.

What I have also seen we have moved this social welfare from education but still appears in culture and in youth in this committee. I think the arrangement of the department was very confusing before because you find a shared mandate or a docket revolving around three departments and it was very difficult when you were trying to interrogate and summon the Chief Officers and the CECs because I found the experience is that when we are trying to interrogate something from the social department, you find that the same is happening in the youth and there is a lot of duplication and I think what the committee was doing is to make sure that we don't have duplication and we don't have confusion going forward and therefore I support the work that has been done, I support this report, is a good one. Thank you, Hon Speaker.

Hon. Deputy Speaker: Before you sit down Hon. Justus Katumo, I have seen what you are saying and the only way that can be adjusted is you move an amendment because from what the Hon. Member is saying is that; we have deleted the words 'social welfare' from the sub-heading on the mandate of the committee on education and we have taken it to the committee on youth, women, sports and social welfare. So do you want it to remain like that in that committee? Thank you. Hon. Moffat Maitha.

Hon. Maitha: Thank you, Hon. Speaker. Hon. Speaker I only want to talk on two issues. First is about the exit report, when an Assembly ends its sitting days, some work which remains undone and it is good for that committee to give that exit report so that any new Assembly coming may pursue it to the end. That is a very good recommendation which was made by this committee.

The other one is about the use of Chair of Chairs. In fact, you have made it very clear, instead of saying Chair of Chairs, let us say Deputy Speaker because the chair of chairs is the deputy speaker and with that wording it becomes a very important aspect of our lives in this Assembly. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Moffat. Hon Nziva.

Hon. (Ms.) Nziva: Thank you, Mr. Speaker. I wish also to join others in applauding the Procedure and Rules committee because they burned their midnight oil in coming up with this elaborate report and also thank God that they have also recognized lady Caucus because every successful man is a woman. So, I believe also a lady MCAs can make and will do excellent job. I also thank God that many committees have been split and of course the mandate of the members will be relieved and since this has been long overdue Members, we are wishing in joining different committees. Some of the members had no even responsibility allowance and I believe nearly everybody will be having responsibility allowances.

So, I urge the Selection Committee to move with speed because this report is going to be adopted by Members. I believe so because every Member is positive on this so that we can apportion Members to different committees and have them do their mandate as quickly as possible.

The only issue is on the Leader of Majority Party and Leader of Minority Party. I don't know whether Mr. Speaker I understood very well because whenever the Assembly Majority Leader or is unable to perform his or her functions the Deputy Assembly Majority Leader shall perform. I don't know whether will be going protocol-wise because I usually see when the Majority Leader is not there maybe the reports and all that the Minority Leader takes over. I don't know maybe someone can explain to me.

Hon. Deputy Speaker: Just read for me the amendment which has been made.

Hon. (Ms.) Nziva: Whenever the Assembly Majority Leader is absent or is unable to perform his or her functions, the Deputy Assembly Majority Leader shall perform the functions of the office of the Assembly Majority Leader in an acting capacity.

Hon. Deputy Speaker: There is a difference between where they are both in the same committee and their doing work. For example, in the House Business Committee, you will find that when the Majority Leader is not there, the Minority Leader will read the report or in the Selection committee, the Majority Leader is the chair, the Minority Leader is the co-Chair.

So, if one is not there the other one can chair, but when it comes to work which is for the party, what that means is Assembly party work, if the Majority Leader is not there for Assembly party work, then the Deputy Majority Leader will do the Assembly party work; that is the meaning of that. Thank you.

Hon. (Ms.) Nziva: Understood, Mr. Speaker.

Hon. Deputy Speaker: Hon. Angela.

Hon. (Ms.) Munyasya: Thank you, Hon. Speaker. I stand to support this report which was very well presented by the Hon. Member and the contents there in are well noted and articulated. First of all Hon. Speaker, the report is very professionally presented to the House and we do appreciate the input that has been done both by the Members and the professional input by the legal brains in the presentation of the paper. Hon. Speaker, my main concern or appreciation is the fact that the women have now been given a slot through the Women Caucus that has been fought for over sometime in this Assembly and I am sure that all the Members in the Assembly do appreciate that Machakos County is not now asked to go and bench mark with other counties for them to know whether they are going to give the Women Caucus a slot but others will have an opportunity of bench marking with us. That is very honorable.

On the other hand, I would like to urge the Selection Committee, as they are presenting the new committees that have been created to consider more women on those slots because most committees almost 90 per cent of committees in this House are headed by men and we do not meet the one-third threshold in women presenting committee headship. So, Hon, Speaker, I would like that to be considered so that we will have more women and that the men are not going to be more lonely heading committees on their own that we can have some sopranos in the headship of committees.

Hon Speaker, I know the House will adopt this report and I am sure going forward the Third Assembly will appreciate what this Assembly has done to ensure that there are more

committees created and that the House business will move as stipulated without some committees being overloaded and others under-loaded. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Bernadette Mueni.

Hon. (Ms.) Mueni: Mr. Speaker, I support the report by saying that the report has done what is meant by devolution. I think that is why some people were here; because of the devolution. And our Speaker has done well to make the Committee have the Caucus. We have been fighting for it, the Caucus committee, since last regime, but up to this time because of her, we have got somewhere. So we thank the Members, the men who have agreed for the caucus committee and even our chair who is able, who has been doing a lot of work. So I think by next year when we will be having new committees for caucus, the caucus will have a kitty; this time it is not having any.

So, we thank our Chair, that is the Speaker, for putting a lot of effort, even writing the report and even making the women, we do meet with women of other counties and they are not recognized anywhere in the Assemblies. They even don't get even the trips we go, so we have also to thank our men, even our Chair of the Assembly because of making the women be recognized. As *Mheshimiwa* Ndawa has said, if you give Ksh. 100 to a woman and another one to a man, the man will not even reach home with anything, but the woman will buy sugar, bread and many other things, even the *mboga*. So, we thank our Chair, our Assembly, for making effort to come to this end. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Peter Joseph Mutiso.

Hon. P.J. Mutiso: Thank you Mr. Speaker. Mine is just to thank the committee because of the elaborate report they have come up with because as I have gone through this report, it is the best report that the Members of that committee have come up with and I think if they were considered during the time of BBI, they would have come with a good thing.

That is what I have understood when I went through this, and I also say that I was just sometimes invited in that committee and I didn't see my name, but I don't complain because I think sometimes we have another committee which I thought it would have been considered: committee of Social Welfare of Members, whose chair is inside here, Hon. Angela, and in that committee being a Member, sometimes we have problems Mr. Speaker, and also if with time, even if it is not now, if they will consider civic education, it would be better for us because even Members of the community don't understand the mandate of people who they elect.

Sometimes, you could see the Executive blaming the MCAs while the MCAs give them budget and also work that is supposed to be done. So I think Mr. Speaker, in future, if that one can be considered, it will be good.

I also thank that committee because of considering the Caucus committee because that committee is very important. Sometimes, they feel that they are neglected, but now they are somewhere, and I believe most of the counties will envy this and they will also do the same and follow suit. That's very important Mr. Speaker and my worry is, and I would like to be guided on this, I being a member of Machakos Central Ward, I represent people of Machakos Ward.

Sometimes, there are some things which don't need public participation because I am here and I have never heard, I think I stand to be corrected, I have never heard of National

Parliament coming up with such amendments and then public participation is done; I have never heard of that. Maybe it has been done elsewhere but I have never heard of that.

So, we would have been far, but because of maybe politics, that is why we are here now discussing this because it has taken a lot of time. I think it is three years down the line. So, sometimes we need to be guided and told what is supposed to be done and also the courts may have to consider some things before they do them, although Members are supposed to be heard if they take cases in court, but sometimes some things they have to ignore. That is my feeling, Mr. Speaker, because as I have said before, we would have been far, but because of those incitements, wrangles on our Standing Orders, that is where we are right now.

As I have gone through this report, there were some Members who were to respond on some issues like County Attorney, the Law Society of Kenya, Young Professionals of Machakos and the National Council of Churches, but they have never raised their case through the memorandum that they were asked to come up with. So Mr. Speaker, I thank this committee and I really support this report. Thank you.

Hon. Deputy Speaker: Thank you. Hon. Kamitu.

Hon. Kamitu: Thank you very much Hon. Speaker. Mine is just a concern that we have gone through a good report in regard to the Standing Orders amendment, but my big worry is that in the Minority, and like now the current Government that we have, the Minority... what I am saying, sorry, I am trying to put something that I brought in a committee that representation of the Minority in regard to committee membership that we don't have any member of the Minority Party being a chair of any committee because of the certain percentage, and we were saying, for the purpose of representation, Hon. Speaker, and especially in the Liaison committee, we were requesting either the Majority or the Minority Leader.

This is for the smooth running of information to both parties, because now, the current Assembly, we have no Member of the Minority, and I have not seen any amendment in these Standing Orders where the representation is fairly done, because we are very much aware that in committees, where committees are formed, Members are supposed to sit down---

Hon. Deputy Speaker: Point of information from Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. I want to inform the Minority Leader that this is goodwill by the House, because he knows very well what it means by Majority and what it means by Minority. When we come to this House, there have to be politics and we cannot do without that. Thank you.

Hon. Deputy Speaker: Hon. Cosmus Masesi.

Hon. Masesi: Mr. Speaker, mine is just to inform my big brother, Hon. Kamitu, that maybe we need to work on the relationship between the Majority and Minority. That one will automatically solve the issue of Chairs in the Liaison. Otherwise, we cannot do anything in terms of... of course the majority will always be the majority and the only way to come up with a Chair is by vote by the Members. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kamitu, I think you can conclude. You have heard the sentiments but just go ahead and conclude so that I can request the Member to respond.

Hon. Kamitu: Thank you very much Hon. Speaker. I am getting the sentiments of the two Hon. Members whom I respect and Hon. Speaker you are very much aware that there is a certain percentage, everybody is aware, in regard to the membership of the committees in the Assembly, but my point of concern is that in fact the current Assembly that we have, and it is good also for the Members to understand, the current Assembly that we have, it is very well known that the Governor, who is a County Governor, is the Chief Executive of the County but on the other way politically, the majority do not come from the governing Executive and it is just a scenario of the second Assembly.

What I am trying to do, for future references, it is very important; I'm not talking about the current political parties or political affiliation in regard to the majority and the minority in this House, but in future for fairness, it is very important and it is very important for this House to note, that for future, if we are talking about fairness in regard to committee membership, it is very important for Minority to have about three chairpersons in the committees. That is exactly what I am trying to put, not even saying the Second Assembly has the Wiper and the Minority are the *ChapChap*. We are not for that, but I am looking for a future reference where fairness is supposed to be faired on the ground.

That is my humble request, and for this matter, if I can give a practical example, normally, when the Majority are within the governing Executive within the county, for example, the PAIC committee belongs to the Minority, but in this case, everybody in this House understands exactly the current scenario, Hon. Speaker.

So, that is exactly what I was trying to bring a reference in future what will happen. So for that fairness, that is my humble request and I had put these things in the committee for House Procedures that they may consider because in the Liaison committee, there is no representation of the Minority when they are sitting for that, so we are left in suspense; we are left in abeyance. That is my concern, Hon. Speaker. Thank you.

Hon. Deputy Speaker: Hon. can you respond to the motion; the mover of the motion.

Hon. (Ms.) C. Nzioki: Thank you, Hon. Speaker. First I want to thank the Hon. Members for supporting this document; it is a very, very important document because it will take a bit of time before we come to change it again. I want to thank most of all, the Hon. Speaker, Madam Florence Mwangangi. She is our chairperson and she's been doing a lot with this. I remember we started last year and she would go with us to the venue and she would arrive there before any of us, and then she would sit and wait, and then we all come late saying there was jam, there was jam, and then we can to realize, she said, "stop talking about jam. Jam from where? You are supposed to be spending your nights here so that you can continue next morning," which was true and we didn't know, but from that time, we all used to go there very early, sit, repeat and remember some of the committees we would have lunch and go home, but this committee would have lunch and go back to the office and then we went on and went on until we came to this point.

I want to say, for those who may have felt something was left out like Minority (Leader) is feeling, there is always room; you can still talk to the Business Committee and your issues will be listened to and added on. I want to say, this is not the last paper of this nature; the next

Assembly will still have to amend. We keep on doing it , doing it and doing it until you will find there are very many things which are not here as they will come, and then we will have to accept what we have. Amendments are there every now and then.

I also want to thank our Chair for remembering us as women. In most places, and more so in Africa, women do not matter much, but I can say here, in Machakos, women have been given some responsibility, and I want to assure you Chair, we shall take this responsibility with all our strength, with what we can, to make sure we perform what we are supposed to perform.

Thank you very much Members for supporting this document. It was a very well done document and I now want to ask the responsible department to go with speed. One of our Hon. Members has expressed concern that we have Members who have no responsibility. Now, this we have to get them from here; from this document, and so may it be done as soon as possible. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you very much, Hon. Constance Mbula for that summary well done.

(Question put and agreed to)

Hon. Members, now that we have passed the motion, one or two things before we adjourn. The first one, again I congratulate the Chair and the entire team, of which I am a Member of, for the report they have done. I have heard a few comments here about the creation of the women caucus and add of the use of the word fought. I think the correct word is negotiated. It was not fought for, it was negotiated through this House and the negotiations went well between those two sides which were negotiating, which led to the creation of the Caucus committee.

The other thing is what I talked about in terms of clear distinctions on guidelines on House leadership as far as Assembly party leaders are concerned. If you look at the Standing Orders we have amended such that in the absence of a Minority Leader, there is a Deputy Minority Leader who should be the one who is in charge and there is nothing vague. In the absence of the Majority Leader, there is a Deputy Majority Leader who is in charge and there is no vagueness. We have seen in some instances where vague scenario was coming in, the Majority Leader is not there, and then you can either see the Whip or somebody else taking over the responsibility; that is why it is important to create clear distinctions as to the hierarchy of leadership in that.

On the issue of what Minority Leader talked about representation. I think it is an issue which has been well addressed by Hon. Cosmus Masesi. It is a unique situation we have in Machakos because ideally, you are supposed to have the PAIC committee. In most areas, you find that if there is a majority government there, then the government also has a majority in the House, and therefore, PAIC goes to the Minority to oversight the Majority, but we have a case here whereby the Majority in the House has a Minority government outside there and therefore, there is no way again, the government could be able to oversight itself and the Majority had to take over that responsibility, but being a House of negotiation as you have said.

Look at Hon. Moffat Maitha, he is a Minority, and he is a Chair. Hon. Patrick Kituku is an independent candidate and he is a Chair. So, it all depends on negotiations in the House and how you agree with them and how the workings are done, and your proposal has been done before the House and I'm very sure that the House Rules and Procedure committee, when they sit

next, they will look at it, but also the suggestions which you have been told here of negotiation, it's always negotiation; it is a House of negotiations. It is a House of always trying to negotiate and try and reach an amicable solution among ourselves. So, we will continue negotiating and continue doing the amendments as they come, when necessary.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, with that, the House is adjourned to resume on Tuesday, the 17th day of August, 2021 at 2.30 p.m.

The House rose at 11.41 a.m.