REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 21st June, 2022

The House met at the Assembly Chambers at 2.30 p.m.

[Deputy Speaker (Daniel Nyausi) in the Chair]

PRAYERS

PAPERS LAID

QUARTERLY REPORT AND FINANCIAL STATEMENTS BY THE COMMITTEE ON LABOUR AND SOCIAL SERVICES

Hon. Patricia Muthoni: Thank you Mr. Speaker. I beg to lay a report by the Labour, Social Services and Community Service Committee on the County Government of Laikipia 2nd Quarter report and financial statement for the period ended 31st March, 2021.

(Hon. Patricia Muthoni laid the Paper on the Table)

QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR THE DEPARTMENT OF WATER, ENVIRONMENT AND NATURAL RESOURCES

Hon. Patricia Muthoni: I beg to lay a Quarterly report and financial statement for the period ended 31st March, 2021 by the Department of Water, Environment and Natural Resources by the Sectoral Committee on Agriculture, Environment and Natural Resources dated 7th June, 2021.

(Hon. Patricia Muthoni laid the Paper on the Table)

QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE DEPARTMENT OF EDUCATION AND SOCIAL SERVICES

Hon. Stephen Ndiritu: On behalf of the Chairperson for Education, I beg to lay a report by the Committee on Education and ICT Services on County (Executive) Government of Laikipia Quarterly report and financial statement of the Department of Education and Social Services for the quarter ended March, 2021. Thank you.

(Hon. Stephen Ndiritu laid the Paper on the Table)

NOTICES OF MOTIONS

QUARTERLY REPORT AND FINANCIAL STATEMENTS FOR THE DEPARTMENT OF WATER, ENVIRONMENT AND NATURAL RESOURCES

Hon. Patricia Muthoni: Thank you, Mr. Speaker. I beg to give notice of the following motion;

> THAT, this Assembly adopts the Quarterly report and financial statement for the period ended 31st March, 2021 for the Department of Water, Environment and Natural Resources by the Sectoral Committee on Agriculture, Environment and Natural Resources dated 7th June, 2021.

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QUARTERLY REPORT AND FINANCIAL STATEMENTS BY THE COMMITTEE ON LABOUR AND SOCIAL SERVICES

Hon. Patricia Muthoni: Thank you Mr. Speaker. I beg to give notice of the following motion;

THAT, this Assembly adopts the Quarterly report and financial statements for the period ended 31st March, 2021 by the Sectoral Committee of Labour and Social Services and Community Services dated 10th June, 2022.

QUARTERLY REPORT AND FINANCIAL STATEMENT FOR THE DEPARTMENT OF EDUCATION AND SOCIAL SERVICES

Hon. Stephen Ndiritu: On behalf the Chairperson, Hon. Kibue, I beg to give notice of the following motion;

THAT this House adopts the Quarterly report and financial statement for the period ended 31st March, 2021 for the department of Education and Social Services by the Sectoral Committee on Education and dated 16th June, 2022. Thank you.

WAIVER OF INTERESTS AND PENALTIES

Hon. Joseph Kiguru: Thank you Mr. Speaker. I beg to give notice of the following motion;

NOTING THAT Section 159 of the Public Finance Management Act, 2012 read together with Section 43 of Laikipia County Finance Act, 2022 empowers the County Executive Committee Member for finance with the approval of County Assembly to waive a county tax, fee or charge imposed by the County Government and its entities;

FURTHER NOTING THAT the Laikipia County Revenue Board has experienced drastic growth on accumulated rental estates arrears amounting to Kshs. 65,895,294 due to 10% penalty compounded on any amount that remained outstanding;

CONCERNED THAT the County Government had provided 100% waiver of interest rates and penalties on land rates which came to an end on 20th June, 2022 but didn't bear the much-needed growth in the revenue;

This House URGES the County Government pursuant to the provisions of Section 159 of the Public Finance Management Act, 2012 and Section 43 of Laikipia County Finance Act, 2022 to;

i. Provide additional extension of 100% waiver of interest rates and penalties on land rates for a period of one month with effect from 21st June, 2022 to 31st July, 2022 to give more time to defaulters to clear their arrears.

ii. Provide 100 % waiver of interest and penalties on rental estates for a period of one month with effect from 21st June, 2022 to 31st July, 2022 to encourage defaulters to clear their arrears.

MOTION

WAIVER OF INTERESTS AND PENALTIES

Hon. Joseph Kiguru: Thank you, Mr. Speaker. I beg to move the following motion;

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NOTING THAT Section 159 of the Public Finance Management Act, 2012 read together with Section 43 of Laikipia County Finance Act, 2022 empowers the County Executive Committee Member for finance with the approval of County Assembly to waive a county tax, fee or charge imposed by the County Government and its entities;

FURTHER NOTING THAT the Laikipia County Revenue Board has experienced drastic growth on accumulated rental estates arrears amounting to Kshs. 65,895,294 due to 10% penalty compounded on any amount that remained outstanding;

CONCERNED THAT the County Government had provided 100% waiver of interest rates and penalties on land rates which came to an end on 20th June, 2022 but didn't bear the much-needed growth in the revenue;

This House URGES the County Government pursuant to the provisions of Section 159 of Public Finance Management Act, 2012 and Section 43 of Laikipia County Finance Act, 2022 to;

i. Provide additional extension of 100% waiver of interest rates and penalties on land rates for a period of one month with effect from 21st June, 2022 to 31st July, 2022 to give more time to defaulters to clear their arrears.

ii. Provide 100 % waiver of interest and penalties on rental estates for a period of one month with effect from 21st June, 2022 to 31st July, 2022 to encourage defaulters to clear their arrears.

Mr. Speaker, Sir, I would like to further elaborate that we know last month we approved the same motion to give Laikipians time to reduce stress because of the penalties. Mr. Speaker, Sir, as the motion clearly states, I would like this House to give an extension to the land rate payers. When we give more time, because we just gave one month the time was short, we need an extension so that we give Laikipians time to clear their arrears.

In addition, as we all know from Laikipia East, Nanyuki has five estates for the County Government of Laikipia. The same applies to Nyahururu and Rumuruti. Those people who are in these houses, due to penalties, every end month an outstanding arrear is compounded with an addition of 10%.

Mr. Speaker, I would like to urge Hon. Members to consider those people. Allow them to have one month to clear the arrears minus the penalties and interest. Mr. Speaker, Sir, I urge Members to approve this motion and let those people be at peace as they pay the legal rent arrears. Hon. Speaker, I would like to give the Chairperson for the Labour Committee this opportunity to second this motion. Thank you, Honourable Speaker.

Hon. Patricia Muthoni: Thank you, Mr. Speaker. I second.

(Question proposed)

Hon. Mary Samken: Thank you, Honourable Speaker for giving me this chance to put my voice on this motion. Firstly, I would like to thank the leader of the Majority Party Hon. Joseph Kiguru for this motion which has come at the right time. From the motion, it is clear that there is a good amount of money that is stuck with the citizens. This is simply because of the penalties that are being put because of their late payment and for not paying their land rates.

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Mr. Speaker, a good number of people are wishing to pay their land rates and the rent amount that is supposed to be paid but most people are tied because of the penalties that is being imposed. 10% is on a higher side and I am sure, a good number of Laikipians may not afford these penalties. Mr. Speaker, it is the high time that the penalties percentage should be looked into.

I have said this motion has come at the right time when we are going to the closure of the financial year. We know we have a target that we have put in regards to revenue collection. From the Revenue Board and the people who are collecting revenue, they are saying that if those penalties are waived, a good number of people will come to pay and they will collect money that will boost the revenue collection. They shall put them to the side of attaining their target.

The Majority Leader has said it is the high time we also consider waiving penalties, to give chance to our people to pay and of course to boost the revenue collection of the County. Thank you and I support the motion.

Hon. Stephen Nderitu: Asante sana, Mheshimiwa Spika. Nimesimama pia niweze kutoa mchango wangu. Ni mchango wa maoni yangu kwa hii ripoti ambayo imeletwa na Kiongozi wa Wengi kuhusu *Waiver*. *Waiver* ni jambo mzuri kwa Wanalaikipia, maana wakati mwingine hupunguza mzigo kwa wananchi wanapolipia viwango vya ardhi na pia kuokoa pesa wakati mwingine mengi.

Nimekuwa na maswali kila wakati. Ni vizuri leo niulize kwa sababu sitakoma kuuliza hadi haki iweze kutendeka. Ni vizuri tunapofanya *Waivers* tuko na wale wafanyibiashara ambao hulipa leseni ya kufanyia biashara katika biashara zao. Wakati wowote tunapoona hizi *waivers* zikiletwa hapa, sanasana huangazia sana mambo ya viwango za ardhi.

Wale wengi ambao huwa wananufaika ni matajiri ambao wako na viwanja. Kunaweza kuwa na wale wananchi wa kawaida wako na zile viwanja lakini ni kuridhi kwa wazazi wao na hiyo ni mali ya familia. Kuna wale hufanya biashara lakini hakuna wakati nimeona ile *waiver* ikiletwa hapa. Leo hii tunapoongea hapa, wafanyibiashara wa maduka, soko, mitumba na wachuuzi, mimi najua wengi hawajaweza kulipia ile leseni.

Shida ambayo wako nayo ni zile adhabu ambazo zinaongezeka kwa hizo leseni zao. Mimi nilikuwa nafikiria wakati kama mswada huu umeletwa hapa, ni vizuri kukagua kama imewekwa maslahi ya watu wote. Hii Laikipia hatuwezi kuifanya shamba la wanyama ambapo wanyama wengine ni muhimu kuliko wale wengine.

Sisi wote tunalindwa kisheria iwe wewe maskini ama tajiri. Nafikiri Mheshimiwa Kiguru huu mswada hapa ni kupokea amepokea kutoka kwa serikali, maana yeye ni mfanyakazi wa serikali. Mswada ambao uko hapa ni kwa niaba ya serikali. Nafikiri wale ambao walikaa chini kuangalia hii mambo ya viwanja, hawakufikiria wale ambao wanafanya biashara ndogondogo na pia hawakuwahusisha.

Mimi nimeangalia hapo, hakuna pahali nimeona wametoa *waiver* ya adhabu ya kulipia leseni ya wale ambao hawakulipa kuanzia mwezi wa tatu. Maana waliongeza wakafikisha hapo na wakaleta hadi mwezi wa Mei kuendelea hadi Julai, hadi leo hakuna pahali wameondoa. Wanasema ulipe na ulipe na penalty. Watu wanaumia huku na pia chakula hakuna, njaa ndiyo mingi na pia mifugo imekufa. Bwana Spika najua unaelewa hivyo ya kwamba kuna kiangazi na shida mingi lakini wale ambao tunashughulikia hapa ni matajiri.

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Kuna mwimbaji juzi aliimba ya kwamba hapa kuna Gavana wa Matajiri. Huu wimbo umevuma sana hapa. Sasa mimi nimekuja kuelewa ni kama yule mwimbaji ameona, kwa sababu yale mambo yameletwa hapa na yametoka kwa serikali na mkuu wa serikali ni Gavana mwenyewe, imeshughulikia tu matajiri. Wananchi wa kawaida watashughulikiwa na nani?

Mimi ningeomba Kiongozi wa Wengi, akiona Mswada kama huu ambao umeletwa kabla akubali, anarudisha tena ndiyo waweke maslahi ya mwananchi wa kawaida. Mimi nakumbuka Mheshimiwa Kiguru wakati tulikuwa katika uchaguzi wa unyanganyiro, alikuwa upande wa '*Hustler*' sasa sijui kama ameruka na roho yote? Sasa yuko *'Independent'* na mtu ambaye ni wa chama ya '*Independent'* ni wa Wajakoya.

Sasa sijui kama hii Ilani ni ya Wajakoya ama ni Ilani ya nani ambayo pia naona imeingizwa hapa. Tunapofanya *waiver,* tuhakikishe watu wote tumewapea *waiver*. Mimi nafikiria hayo ndiyo mambo nilikuwa nayo na pia maoni nimetoa. Nimesimama hapa kwa niaba ya *'Hustler'* wote wa Laikipia na pia wale wafanyibiashara wadogo kama mimi. Mimi nafikiri yangu nimesema hayo, maongeo yangu ambayo nimezungumza yamenakiriwa na Kiongozi wa Wengi amesikia. Nafikiria atamfikishia Mkubwa wake ya kwamba sisi tumesema mwananchi wa kawaida pia washughulikiwe ipasavyo.

Hon. Catherine Nyawira: Thank you, Hon. Speaker. Mine is to comment on one or two things about the waiver. One is that this is a waiver after another waiver, meaning these are defaulters on top of defaulters. You have encouraged them to pay their land rates and their rent rates but they are not able to pay. So now you increase another waiver and also time for another waiver.

As the Majority Leader responds to this, he can tell us the long-term solution or what is the problem that is ailing. Before you extend the time, the residents and tenants ought to have told you what their problem is and whether they will pay within that month. Otherwise, bringing a motion here without explaining to us why you need that extension and why they have not paid does not bring a solution.

Secondly, is the long-term solution to search waivers? We need a long-term solution. If the economy of this country is at a point where the County Government is not going to meet its revenue obligation, then we need to have a plan B on the same. As the Majority Leader is responding and as the Hon. Member of Thingithu has said, it is the end of the year and the Calendar year in terms of returns. Everything is ending and this could be well targeted for a few people who like to do it last minute and request for it.

It is important we have the long-term solution and we know who these defaulters are. I think as we bring such a motion before this House, let us have the names or the category of these people who are defaulting to pay even after being given a waiver. I think there is either a big problem within the society or there is something we do not understand about these waivers.

Every County does this and every time we visit other Counties, we find big banners of waivers at a hundred per cent by the Governor. There must be something going on which needs to be explained so that we have a long-term solution, this can help the people of Laikipia and the country at large. Thank you, Hon. Speaker.

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Deputy Speaker: May I call upon the Mover to give a reply. I am not sure what is happening with the microphones. The volume seems to be very low, I do not know but I hope it is working. Honourable Majority Leader of the Party.

Hon. Joseph Kiguru: Asante, Mheshimiwa Spika. Nashukuru kwa wale Wajumbe ambao wamechangia. Kama vile Mheshimiwa Nyawira amesema, ni kwamba kuna shinda nyingi. Kwanza upande wa riba ya ardhi unapata ya kwamba kupeana nafasi ya mwezi mmoja haitoshi. Wengi walikuja kusema katika hayo maofisi ya kwamba kwa mwezi mmoja, hawataweza kupata elfu mia mbili kwa sababu mnadai milioni moja na deni mmeweka vizuri elfu mia mbili. Kwa mwezi mmoja, hiyo haiwezi kupatikana lakini muda ukiongezewa inaweza kupatikana. Wakati tulipeana *waiver*, wengi waliona kwa gazeti na kuanza kujitayarisha.

Kwa upande wa kodi za nyumba za Serikali ya Kaunti, unakuta ya kwamba mtu anayeishi katika hiyo nyumba, aliipata ikiwa na deni. Hiyo deni pengine ilikuwa zaidi ya elfu mia moja. Anapoendelea kulipa deni, kila mwezi anaongezwa faini ya asilimia kumi. Kwa hivyo ninaona ni jambo muhimu kuwapatia huo muda. Kesi moja hata Mheshimiwa Nyawira anaijua, unakuta ya kwamba kuna mtoto yatima ambaye deni la nyumba ambalo aliachiwa na wazazi wake, mara ya mwisho ilikuwa elfu mia nne lakini deni hasa haipiti elfu mia moja na hamsini.

Hiyo pesa huongezewa faini ya 10% kila wakati na ndipo unakuta ya kwamba hata akilipa elfu zake tano, ni kana kwamba hakuna kitu ambacho analipa. Kama vile Mheshimiwa amesema, inafaa watafute ni njia gani itakayotumika kuhakikisha ya kwamba hizo deni zimelipwa na watu wametoka katika hizo shida na mawazo mengi.

Kwa mfano na ningetaka Mwenyekiti wa Maji au Naibu wake aliye hapa afuatilie, katika Idara ya Maji unakuta ya kwamba mtu yuko na deni la shilingi mia tatu. Usipolipa kabla ya mwisho wa mwezi, unaongezwa shilingi elfu moja juu ya ile mia tatu. Kwa hivyo katika hii Kaunti unakuta ya kwamba tusipochunga tutapata watu wetu wanaumia na kuangamia. Sasa hivi ukiangalia maneno ya deni za maji, utakuta ya kwamba kila mwisho wa mwezi kuna ongezeko la deni na haijalishi kama deni lako lilikuwa mia mbili. Utajipata umeongezwa elfu moja ambayo itakubidi ulipe elfu moja mia mbili.

Sasa hivi ukiwa na deni la elfu tano kwa maji, ulipe elfu nne mia tano ubakishe mia tano, mwisho wa mwezi unaongezewa elfu nyingine moja. Hilo ni shida ambalo ni vizuri Kamati ya Maji niwaelekeze, waende wakae chini na NYAHUWASCO na NAWASCO ili wapate shida iko wapi. Huo ni wizi na kupora watu wetu ndio tu ionekane ya kwamba tumefika kiwango cha malipo na tuonekane ya kwamba katika taifa letu sisi ni wale ambao wanafikisha malengo. Kwa hivyo kuna shida. Bwana Spika, yangu ni hayo na kuwaomba Wajumbe tupitishe huu mswada ili tuone kama kwa huu mwezi mmoja ambao tumewaongezea, kama wataweza kulipa madeni zao tunapotafuta suluhisho la kudumu. Asante.

(Question put and agreed to)

ADJOURNMENT

Deputy Speaker: The sittings of this House now stands adjourned until tomorrow morning, Wednesday, 22nd June at 9.00 a.m.

The House rose at 3.07 p.m.

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