REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 3rd March, 2021

The House met at the Assembly Chambers at 9.00 a.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

Speaker: Hon. Members, I believe we a supposed to maintain silence when the procession is happening.

PAPERS

Hon. Catherine Nyawira: Mr. Speaker, Sir, on behalf of the Chairperson Hon. Veronica Ikunyua, I beg to lay this paper. The paper is on the Medical Services Department annual report for the financial year 2017/2018.

(Hon. Catherine Nyawira laid the paper on the table)

NOTICES OF MOTIONS

MEDICAL SERVICES DEPARTMENTAL ANNUAL REPORT FOR FINANCIAL YEAR 2017/2018

Hon. Catherine Nyawira: Mr. Speaker, I wish to give a notice of motion;

THAT this Assembly adopt the report by the Health Services Committee on departmental annual report for the department of Medical Services for the financial year 2017/18 dated 24th February, 2021.

MOTION

LAIKIPIA COUNTY FINANCE BILL PUBLIC PARTICIPATION REPORT 2021

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

> THAT this House adopts the report on Public Participation for the Laikipia County Finance Bill, 2020 by the Finance and County Planning Committee dated 10th February, 2021. Thank you.

With me I have the full report on three Sub Counties, I know every member has the report with him or her. I think it is high time to know that we are out of time because the finance bill should be implemented from March and we are already in March. Unfortunately, when we went to collect the report from the residents of Laikipia, everybody can bear with me that the time we ought to bring the report we were on recess.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

This report is on how we went to the residents of Laikipia and I would just like to go to the acknowledgement and also highlight a few issues in the report. On behalf of the Finance and County Planning Committee, I wish to extend my gratitude to the Members of the committee for their dedication and commitment to their work.

The Committee also extends its appreciation to the Office of the Speaker and Office of the Clerk of the County Assembly of Laikipia for their support that has enabled the Committee to participate in this duty and steer it on the path to accomplish its mandate.

Introduction

The Committee on Finance and County Planning headed by the Chairperson embarked on a public participation exercise on the Finance Bill from 14th to 17th December 2020. This exercise was to garner input from the public on the proposed Finance Bill. The members also organized several meetings where they were taken through the proposed Bill. Which they gave their input after they agreed on the program for the exercise.

The County Assembly invited interested Members of the Public, Investors, Civil Society Organizations, Community Based Organizations, Faith Based Organizations and Social Interest Groups to public hearings to deliberate and input on the Laikipia County Finance Bill, 2020. Through a gazette notice in the Daily Nation newspaper on 2nd December 2020.

The Public hearings on the Bill were held in four venues as followed;

- On 14th December 2020 at Rumuruti Social Hall, Laikipia West Sub County.
- On 15th December 2020 at Nyahururu Town Hall, Laikipia West County.
- On 16th December 2020 at Dol Dol Shopping Center, Laikipia North Sub County.
- On 17th December 2020 at Nanyuki Social Hall, Laikipia East Sub County.

Mr. Speaker, Sir, the Finance and County Planning Committee embarked on the public participation exercise on the Laikipia County Finance Bill. Accompanied by some members of staff from the Assembly, the members of public, the MCAs and the staff members registered their attendance.

In Rumuruti the Chair who was the moderator of the day welcomed members of the public to the meeting and he asked the members of the public to lead in a word of prayer then thanked the members.

Also in Rumuruti we received the input from the public. Mr. Speaker, Sir, let me go directly to the Committee's recommendations. The Finance and County Planning Committee recommends that;

1. The Bill proceeds to Second Reading;
2. Members of the House to consider the views of the public at the Committee of the Whole House.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

3. The House adopts the Finance and County Planning Committee's public participation report on the Laikipia County Finance Bill, 2020.

Mr. Speaker, as you can see on annexure 1 on Daily Nation Newspaper for Wednesday, 2nd December, 2020, we announced to the members to publish and we received memorandums from different groups. Therefore, I would like to wind up by urging the Members to support this report so that we can have our input as Members in the Committee of the Whole House.

This is the Report and input of different groups and also members of the public. I can concur with a lot of Members who have said that we are late but due to different circumstances now is the time to adopt the report so that we can go to the Committee of the Whole House and get the input of Members and approval of the Finance Act. Thank you, Mr. Speaker and I would like to urge Hon. Kanyutu to second this motion.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I stand to second the Finance Bill because I am sure that we have got issues that we rectified in the Bill as per what the members of the public gave during the public participation and also our input because we represent our people.

(Question proposed)

Hon. Wilson Wakahiu: Thank you, Mr. Speaker. I also rise to contribute to the Finance Bill of the financial year 2020. As I contribute I just want to highlight some issues that have been captured in the report and others that have not appeared because it is our people who usually pay taxes through taxes. For that case, there have been complaints for the last two or three years concerning the same and I believe that once the Finance Bill is approved by the Assembly and assented to by the Governor, it becomes a law whereby our people usually remit their permits and taxes as I have said.

Mr. Speaker, I want to believe that the Finance Committee have looked into it to ensure that there will not be complaints from our people as we expect them to remit their permits and taxes. I have also seen that there are memorandums from some people like the Planning and Building stakeholders in the county and Tree Nurseries Association of Laikipia County. I believe that there are other memorandums that were not presented to the committee during the public participation. Since we have experienced how our people have complained concerning the taxes all the way from *mama mboga* and other micro businesses, they have been complaining concerning the taxes.

I want to believe that as we approve this Finance Bill after this, it won't come a time when our people will be complaining that it is us who adopted and approved this particular issue. So I want us to take this responsibility that we are the ones who will adopt this report and approve the Bill, I want to believe that we won't go back to the Executive complaining to them that they are overcharging our people whereas it will have already passed in the County Assembly.

As much as we go through this report and the Bill, I want us to be very keen so that we can scrutinize every vote as far as taxes are concerned to make sure that it will be welcomed by the people who usually pay taxes all the way from business people and the others who remit

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

their taxes to the county. So I support the report but we should be given ample time to go and scrutinize this Bill so that we may approve the bill that will be acceptable to the citizen and favour his/her business. Thank you.

Hon. Mary Samken: Thank you, Mr. Speaker. I also stand in support of the report. I know that the Hon. Members of this committee undertook this public participation while I was away and I commend them for the good job that they did despite of my absence during the recess time while other Members were resting.

Mr. Speaker, the public participation kicked off on the 14th in Rumuruti Town and ended on 17th December, 2020 at Laikipia East in Nanyuki Social Hall. I can see from the report that a large number of people came out to give out their issues. Looking at the report, during the public participation in Rumuruti I can see some issues that the people of Rumuruti raised. Just to highlight some in page 14, they want an amendment of traditional health services, herbalists/traditional healers be reduced from 4,000 to 1000. I remember last time during this Finance Bill, Hon. Mutahi was very much concerned about the traditional healers.

They also want crusher dust per ton and quarry stones which is on page 58 of Finance Bill reduced from 500 to 200. These are the views of the people from public and I believe that the Hon. Members will get their time during the Whole House to give their amendments and also give their views. It is also my cry that sometimes we go out and gather these views from the public but once it is brought into this House we just make it like trash because we end up amending nothing.

Speaking from the point view of the committee, we have tried our level best even to meet the people concerned in the ministries to give their views so that all the memorandums that we received from the public, we have discussed at length and agreed at length. I know that when it comes to the Hon. Members they will also look at it and give a listening ear to the public because every time we go out, there is always a cry that we always collect views but don't do what they tell us.

However, that is out of our effort because when it comes to this House, it will no longer be the business of a Committee but it becomes a business of the whole House and we may not be in control to make sure that what the public has given us remains in the Finance Bill.

So, these are the views of the people of Laikipia and we thank them so much because they came out to give their views and we believe that when it comes to the Committee of the whole House the Hon. Members will also consider this so that we allow our people to pay what they are able, considering that during the Corona period businesses have collapsed, people are crying. There is an outcry that the economy is down. But, having said that, *tutalipa ushuru,tujitegemee.* Thank you and I support the Report.

Hon. Peter Matunge: Thank you, Mr. Speaker. Let me take this chance to thank the Committee for finally tabling the Report on the Finance Bill. I know the Committee is urging us Members to support and approve and allow the Bill to go for a Second Reading. I know the Committee has gone around Laikipia and collected the views of the people of Laikipia.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

My concern today is that the Finance Bill was supposed to assist the County to collect revenue. Secondly, the Finance Bill was to give an opportunity to review the charges that we charge in various categories either to favour *Wanjiku* or for the County to improve revenue collection.

Today we are in the third quarter of the Financial Year and we are debating a Finance Bill in which the people of Laikipia have given their views for us to address the issues they have concerning the Finance Bill. The Finance Bill was supposed to have gone through by 30th September so that the people of Laikipia can be able to enjoy the charges we have given, either reviewing it downwards or upward for better collection of revenue.

I'm left thinking what the benefit of us passing this Finance Bill today is, because we're only remaining with the last quarter of the Financial Year when we're supposed to be dealing with issues of the County Fiscal Strategy Paper and not the Finance Bill.

I remember when this House was carrying out impeachment of the Finance CECM, one of the contagious issues was the Finance Bill. This House came out very clearly challenging the CECM for Finance on why he was using a Finance Bill that had not been approved by this House and which had not been gazetted.

Today we are discussing a Finance Bill that was supposed to have assisted us, the people of Laikipia from the first quarter up to the fourth quarter. I don't know what the impact is of us passing this Bill today. I don't know who was not doing his job because I think there is this issue of time frames that have given on the Budget. Let this House also be considerate.

By 28th February we were supposed to have a County Fiscal Strategy Paper and the deadline for the County Executive to submit to this House was to be 7th March. So it's not the issues of dealing with today's Finance Bill. The Committee is saying that they were on recess but there is a provision in the law that allows this House to have a special sitting to consider the Finance Bill. So that cannot be an excuse.

I think today we might pass this Bill but we are not doing a favour to the people of Laikipia and for revenue collection in Laikipia. We will continue to allow the people to use the Finance Bill they have been using and which has been having a lot of issues. I think we're doing it because it's been mandated by the law and not because we want to make the people of Laikipia benefit from this Finance Bill.

We cannot have a Finance Bill that we are passing for only three months and then we start the process of developing another one. With those few remarks, I am disappointed. Thank you.

Hon. Catherine Nyawira: Thank you, Mr. Speaker. I also rise to congratulate the Committee for going round taking the views of the members of the public. I want to concur with my colleagues that the Finance Bill is very late, and it has become a habit of the Finance Bill getting late in this House. The next thing we are going to do is shorten the 14 days and say that we want one day, and we're not able as Members to continue scrutinizing the time and give the public time to see what we have done in the First and Second Readings.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

So, because of these complaints that have continued to come before this House, I would like that the Finance Committee does not request to shorten the time, based on the complaints of the speakers who have spoken before me.

As I go through the views and memoranda submitted in this document, the most common words that have been repeated are: reduced, extend, scrap. It is clear that *mwananchi* has been really been affected by the COVID times of last year and they continue to; and curfew. Therefore, we must do justice to these people. We must accept to reduce what they request to be reduced.

I am sure the County may fail to hit its revenue target and this should be taken up by the COG. I am sure the whole thing is going around all the counties and all are feeling the pinch and probably all of them won't hit. So Laikipia shouldn't be feeling that they must hit targets. This House has passed a lot of money for the cottage industries and also for the Economic Stimulus Fund. I believe such monies should go to cushion *mwananchi* because if they don't, that is why they are crying out for it to be able to be reduced for the revenue they pay.

I support the report because this is what Mwananchi has said. I request, let the document go down to the people. Let them see. Let us not hurry it at this level. I also express my disappointment to the Executive and to the Committee of this Assembly for delaying this report that much. Thank you Mr. Speaker.

Hon. Daniel Mugweru: Thank you Mr. Speaker. We won't hurry it. I also rise in support of this report so that the Bill proceeds to the second reading. As much as the County Government of Laikipia is interested in collecting revenue and as much as we want to hit targets we cannot oppress our people so that we may hit the target. We must be able to balance as a Government. We see we are getting the revenue and on the other hand we are not oppressing our people.

Mr. Speaker, I have read the recommendations of the Committee and the one that has attracted me so much is the one saying the Members of the House to consider the views of the public at the Committee of the Whole. That recommendation is the one that will help the people of this County. All the views that were raised by the public are talking from a point of understanding. They are the ones going through these hardships, complaining and oppressed and also the ones who enjoy.

It is important because any law we make in this House should benefit the people of Laikipia. It is so unfortunate because I must mention this; in the absence of Finance Bill the law is very clear. Anytime in absence of Finance Bill or when we have not approved the new finance bill, the Government is supposed to use the previous finance bill. It is unfortunate that the County Government of Laikipia reviews the Finance Bill without approval. Today we are talking that we are waiting to approve the Finance Bill but the County Executive or rather the revenue board are still moving out there to the Public collecting revenue without guided bill.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Today, if you go to Mpesa shops in this County, they are double-taxed of what they are supposed to pay. I don't know where they got that Finance Bill. I don't know how they came up with that figure but they are moving round collecting revenue with an unguided finance bill.

It is important for the Finance Committee to move with speed and warn the Executive from collecting revenue unprocedurally. They must follow the rules; we are here to make the Finance bill for them to follow. Now that we have not approved it, they are supposed to use the previous finance bill and nothing else apart from the approved one.

Mr. Speaker, the Finance Committee should move with speed and also summon the CECM for Finance and ask them where they are getting the figures they are taxing our people with. If we allow that, probably that is why we are having the delay because they know very well at the end of the day they will collect revenue and give out the figures they wish.

The committee should summon the CECM for Finance, as much as we are moving on with this one, they should take time and they should also go to the public. If you look at the report, I can see it is December, 2020 but in the month of January the revenue collectors have been collecting revenue with figures that are unknown.

Mr. Speaker, however much we are talking about the report there is more information that is needed to be added to the report. From January to now, we are still collecting revenue unprocedurally. The committee has the responsibility to summon the CECM and CO to come and shed more light on the same. I also hope we will proceed to the second reading so that we may give out the best bill for the people of Laikipia. Thank you.

Hon. Veronica Ikunyua: Thank you Mr. Speaker. I rise in support of this report from the Committee of Finance. It is sad there is blame game. When you ask the Executive they say it is the Assembly that is delaying the report and bill. As much as we are going through challenges on finances, we know Covid has affected this country. Not only the government but also the community is affected. Our businesses have gone down, many have spoken that even curfew has affected businesses within the county and the whole country.

Therefore Mr. Speaker, this county going ahead collecting licences from the previous bill is illegal. We need to stop this because it is a habit. Every time, now and then we are complaining of them using the old bill. Instead of hurrying their work they delay so that they can come at the last minute and start harassing us so that we cannot go through to see what we can amend.

Mr. Speaker, there are a lot that people have requested. If you see the report you will see that even churches are requesting the bill to be lowered. They are just preaching and not gaining any finances. On exhausters, I can see the public have requested instead of being charged Kshs. 5,000 for the three kilometres radius they be charged Kshs. 3,000. There are so much requests from the public in this report.

If we hurry, this report has been requested by the public so we shall not go into details. Mr. Speaker, we do not want a bad habit that the Executive is nurturing. We want them to stop this so that we can be able to help our people. Mr. Speaker, when you go to the public the Executive is telling the public that it is the County Assembly putting the high figures.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

This blame game should stop. I support the Finance Committee for their good work and I hope you are going to look into this request. Thank you, Mr. Speaker.

Hon. Joseph Suge: Asante sana, Mheshimiwa Spika kwa kunipatia nafasi ili niweze kutoa mchango wangu unaohusiana na ripoti ya nakala ya Ushuru katika Kaunti ya Laikipia. Mheshimiwa Spika, namshukuru Mwenyekiti wa Kamati ya Fedha kwa sababu hii kazi ilibidi wanakamati kujitolea. Tunajua kila mmoja anafahamu ya kwamba ushuru sio jambo rahisi. Pia mimi niliweza kuhudhuria kikao cha Rumuruti na nikasikia maoni ya wananchi kuhusiana na ushuru kuongezewa.

Ukiangalia kwenye ripoti, mapendekezo yako sawa kwa sababu biashara iko chini kutokana na janga la CORONA. Kwa hivyo Serikali ya Kaunti inafaa kuwajali wananchi. Kama kamati tuliweza kupitia nakala hii na kuna marekebisho mengi tulipendekeza na najua itakuja katika Bunge lako. Vilevile wenzetu wataweza kuchangia na kutoa maoni yao. Kama vile Mheshimiwa mmoja amesema, kulipa ushuru ni kujitegemea lakini kwa wakati mwingine ni vizuri kujali na kulipisha kiasi ambacho hakitadhuru ama kuumiza mwanabiashara.

Kuna risala nyingi ambazo ziliwasilishwa na tume mbalimbali za wafanyabiashara na tumeweza kupitia zote. Wengine wametoa maoni mazuri na wengine wamependekeza kodi zingine zitolewe. Ni wajibu wetu kama waakilishi kuona ni yapi yanastahili kupewa kipao mbele katika Bunge hili. Katika hizi risala kuna kampuni ya maji ya NYAHUWASCO ambao wamekuwa wakitoa ushuru wa asilimia tano kwa ajili ya kusaidia miradi za Kaunti. Walipendekeza ya kwamba hawafai kuchangia maendeleo ya serikali kupitia mapato yao.

Sioni kama hili ni swala ambalo linastahili kuchukuliwa kama vile wamependekeza kwa sababu tangu uongozi wa manispaa, kampuni zote za maji zimekuwa zikilipa. Ingekuwa tu asilimia tano ni pesa nyingi ili ipunguzwe lakini sio waondolewe zote. Katika Bunge hili wakati wa bajeti Sekta ya Maji inapatiwa pesa nyingi. Kwa hivyo najua kutakuwa na nafasi ya kuchangia na kufanya marekebisho mahali ambapo panafaa.

Kuhusiana na ushuru, hii nakala haijahusisha hospitali. Muhimu zaidi kwa watu wetu inafaa wakati watu wanatoshwa ushuru wapate huduma ambazo zinastahili. Mheshimiwa Spika, kuna malalamishi kwa sababu katika hospitali zetu ushuru unachukuliwa lakini huduma ziko chini. Sisi kama Kamati ya Fedha tumeitisha ushuru wa hospitali upitie kwenye Bunge hili ili kodi yoyote ambayo inachukuliwa kote iwe ni kulingana na Kanuni za Bunge hili. Kwa hayo machache naunga mkono ripoti ya Mwenyekiti wa Fedha. Asante.

Speaker: Hon. Kanyutu, do you have something to say?

Hon. Simon Kanyutu: Yes Mr. Speaker. I seconded this report and there is an input I wish to clarify on the same.

Speaker: Any time you second the report you are given time to speak and make your contributions so that you don't make contributions twice on a motion.

Hon. Simon Kanyutu: Mr. Speaker, whatever transpired I will not have wished to expose in the House. It is only that I wasn't prepared to second. I was prepared to debate on the same. There is an input I would like to make because I am also a business person…

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Peter Matunge: Mr. Speaker, the Hon. Member is out of order. If he wanted to make a contribution, he should have bowed then seek time for him to contribute. Nobody has requested him to do any clarification.

Hon. Simon Kanyutu: Mr. Speaker, the only thing I wanted to put is that the deadline for paying licenses…

Speaker: The issue is that you cannot make your contributions because you already had your time. Our Standing Orders are very clear that you cannot speak twice on a motion. Just as the Hon. Member is advising, anytime you are prepared to debate and you don't make your remarks before time then you can always bow. By that you will serve your chance to speak later. Now you cannot be able to speak later.

Hon. Members, there being no more contributions as you always know this report is for information. Questions will be put in the Committee of the Whole House for whatever amendments we would like to make. Therefore, we are through with the report of public participation.

ADJOURNMENT

Speaker: Hon. Members, this House now stands adjourned until later today, Wednesday, 3rd March, 2021 at 2.30 p.m.

The House rose at 9.45 a.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*