

**REPUBLIC OF KENYA**  
**UASIN GISHU COUNTY ASSEMBLY**  
**THE HANSARD**

Thursday, 24<sup>th</sup> July, 2018  
The House Met at 3:16 PM

*[Temporary Speaker (Hon. Pius Kigen) in the Chair]*

**PRAYER**

**Temporary Speaker (Hon. Pius Kigen):** Point of order, Honourable Member?

**Hon. Rono:** Yes, Mr. Speaker Sir. I stand on a point of order wanting to know from you. Article 178 (2) Kenyan Constitution and Standing order number 22 state that a sitting of the County assembly shall be presided over by:

A. the Speaker of the assembly or

B. In the absence of the Speaker another Member of the assembly elected by the assembly.

Mr. Speaker according to the records and Hansard we have the following honourable Members sitting in the Speaker's panel.

1. Hon. Hosea Korir who is the Deputy Speaker.
2. Hon. Amos Kiptanui, who is the MCA Racecourse.
3. Hon. Noah Kemboi, who is the MCA Moiben.
4. Hon. Jeruto Barbengi, the nominated MCA.
5. Hon. Sarah Malel, MCA Kimumu.
6. Hon. Speaker David Kiplagat

So, honourable Speaker, I seek your guidance on the presiding Speaker, because this is the House of rules and whenever we are doing or transacting any business there are laws, principles that guide this assembly. Thank you.

**Temporary Speaker (Hon. Pius Kigen):** Honourable House, a Member has raised a very pertinent issue which is constitutional and indeed it is also in our standing order. Honourable Member, I wish to appreciate your concern and equally as you read it says, 'the County Assembly for that purpose pursuant to Article 178 (2) of the Constitution shall preside.' I want to believe that really we need an interpretation of really what entails that Article and also assembly, whether it includes Speaker or does not include the Members who are on the Speaker's panel. However, I know the Speaker and most of the Members of the panel are on official engagement and, honourable Member, I want to exercise and give order to exercise standing order number one that we defer the ruling and I will give an interpretation of Standing order 22 and Article 178 (2) on Thursday afternoon. Thank you.

**MOTION**

## FIRST REPORT ON COUNTY GOVERNMENT OF UASIN GISHU FINANCE BILL 2018

*(Hon. Stephen Letting, Chair Finance and Economic Planning Committee)*

**Temporary Speaker (Hon. Pius Kigen):** Honourable Stephen Letting Chemalan.

**Hon. Letting:** Thank you Mr. Speaker Sir I would want to move a Motion:

**That** this County assembly do adopt the First Report on County Government of Uasin Gishu Finance Bill 2018 dated 13<sup>th</sup> February 2018 and tabled on Thursday 24<sup>th</sup> July, 2018 with or without amendments.

Mr. Speaker Sir, the committee on Finance and Economic planning First Report on County Government of Uasin Gishu Finance Bill 2017/ 2018.

### **Preface**

On behalf of the Members of the Committee on Finance and Economic Planning I want to thank the office of the Speaker for the support during the process of coming up with the report, the office of the Clerk for facilitation accorded to the Committee, Members of the County Assembly for continued moral support and Committee Members and the Secretariat for their commitment.

Pursuant to the provisions of the Standing Order Nos 42 and 185, it is my pleasure and duty to present to the House, the Committee's Report on County Government of Uasin Gishu Finance Bill 2017/2018.

### **Committee Membership**

The Committee Membership comprises of the following;

1. Hon. Stephen Letting-Chairperson
2. Hon. Edward Yego-Vice Chairperson
3. Hon. Joel Rugut -Member
4. Hon. David Keitany- Member
5. Hon. Eileen Kendagor- Member
6. Hon. Joan Bittok- Member
7. Hon. Samuel Choge- Member
8. Hon. Gilbert Tenai- Member
9. Hon Leah Sambai- Member
10. Hon. Jeruto Barbengi- Member
11. Hon. Hosea Some - Member
12. Hon. Julius Sang - Member

### **Committee Mandate**

The Committee on Finance and Economic Planning deals with all matters relating to County Finances, budgeting, revenue , planning, development including statistics, land survey and mapping; boundaries and fencing; housing and Electricity; gas reticulation and energy regulation.

### **Introduction**

The County Assembly is a creation of Article 176 of the Constitution of Kenya. The Constitution under Article 185 provides that the legislative authority of the county is vested in, and exercised by the County Assembly. In order to give effect to the Chapter eleven of the Constitution, Parliament enacted the County Governments Act (No. 17 of 2012) (hereinafter referred to as “the Act”) to provide for County Governments’ powers, functions and responsibilities to deliver services. Section 12 of the Act establishes the County Assembly Service Board for each County, which is responsible for:

- a. Providing services and facilities to ensure the efficient and effective functioning of the county assembly;
- b. Constituting offices in the county assembly service, and appointing and supervising office holders;
- c. Preparing annual estimates of expenditure of the county assembly service and submitting them to the county assembly for approval, and exercising budgetary control over the service;
- d. Undertaking, singly or jointly with the other relevant organizations, programmes to promote the ideals of parliamentary democracy; and
- e. Performing other functions necessary for the wellbeing of the Members and staff of the county assembly; or prescribed by national legislation.

### **Committee Sitings**

The Committee sat on 14<sup>th</sup> November, 2017, 5<sup>th</sup> December, 2017, 9<sup>th</sup> ,16<sup>th</sup> ,23<sup>rd</sup> ,January, 2018 and 13<sup>th</sup> February, 12<sup>th</sup> , 26<sup>th</sup> June, 3<sup>rd</sup> and 10<sup>th</sup> July, 2018.

## **REPORT ON THE UASIN GISHU COUNTY GOVERNMENT'S FINANCE BILL**

**2017/2018.**

**Mr. Speaker Sir,**

It is on record that no Finance Bill was passed in the year 2016 and 2017 because the then Chair, Finance and Economic Planning Hon. Jeremiah Sang tried to lobby for passing but never achieved the required quorum and immediately the Assembly went through a very long electioneering period which made it impossible for the Bill to be finalized and concluded by the First Assembly. However, now that we have closed the Financial Year, and the Budget has been tabled and approved the Committee is requesting the CEC, Finance and Economic Planning to forward and table any amendments to the existing Finance bill in the next one month which, as the Budget, we are required to forward another Finance Bill within 90 days after the appropriation period and to give (30 Days) and the day of the tabling of this report, (both days inclusive) to give life to the County Finance Bill 2018/2019 and have it fast-tracked by subjecting it to Public participation and passing it. Even though the Finance Bill should ordinarily be passed not later than 90 days after passing the appropriation Bill, the Finance Bill should only contain amendments to the relevant revenue raising legislations in the County. This is provided for in the PFM Act 133 which states that “not later than Ninety (90) days after passing an Appropriation Bill, the County Assembly shall consider and approve the Finance Bill with or without amendments”.

**Mr. Speaker Sir,**

The Committee having new Members it was fit for the Committee to familiarize itself with the proposed Finance Bill 2017/2018. The Committee on Finance and Economic planning after going through the proposed County Government of Uasin Gishu Finance Bill of 2017/2018 realized that there were minimum changes compared to the existing Finance Bill.

The Committee heeded to the provision on the re-introduction of Bills, according to standing order 134 which states that any recommendations made by the relevant committee or adopted by the County assembly on revenue matters shall;

- (a) Ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation Revenue Act
- (b) Take into account the principles of equity, certainty and ease of collection;

- (c) Consider the impact of the proposed changes on the composition of the tax revenue with reference to direct and indirect taxes;
- (d) Consider domestic, regional and international tax trends;
- (e) Consider the impact on development, investment, employment and economic growth; and
- (f) Take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.

**Temporary Speaker (Hon. Pius Kigen):** Order, Members order! Are we reading on the same page? Or you have...

**Hon. Letting:** Mr. Speaker Sir there is another page I have overlooked. I would want the House to go to page number 6 that states;

- 1) A Bill, the second reading or third reading of which has been rejected may be introduced again in the next session, or after the lapse of six months in the same session but subject to fresh publication as provided in Standing Order 111 on (Introduction of Bills).
- 2) A Bill in respect of which the Second reading has been concluded at the end of the session of the same County assembly at the stage where it was interrupted at the end of the session.
- 3) A Bill in respect of which the Second Reading has not been concluded at the end of a session in which it was published but may be re-published in the same or a different form in accordance with the standing order 111 on (Introduction of Bills).
- 4) That a bill the consideration of which has not been concluded at the end of the term of a County Assembly shall Lapse.”

- (1) The recommendation of the County Executive Committee Member for Finance shall be included in a report and tabled in the County Assembly”
  - 5) A Bill, the second reading or third reading of which has been rejected may be introduced again in the next session, or after the lapse of six months in the same session but subject to fresh publication as provided in Standing Order 111 on (Introduction of Bills).
  - 6) A Bill in respect of which the Second reading has been concluded at the end of the session of the same County assembly at the stage where it was interrupted at the end of the session.
  - 7) A Bill in respect of which the Second Reading has not been concluded at the end of a session in which it was published but may be re-published in the same or a different form in accordance with standing order 111 on (Introduction of Bills).
  - 8) That a bill the consideration of which has not been concluded at the end of the term of a County Assembly shall Lapse.”

Mr. Speaker Sir, in this scenario the said Bill lapsed and the County Executive Committee Member for Finance and Economic Planning was expected to resubmit the same to the County Assembly. According to PFM Act, 2012 Section 132 on Submissions and considerations of the revenue raising measures in the County Assembly it states that:

1. Each Financial year, the County Executive Committee Member for Finance shall, with the approval of the County Executive Committee, make a pronouncement of the revenue raising measures for the County Government.
2. The County Executive Committee Member for Finance shall, on the same date that the revenue raising measures are pronounced, submit to the County Assembly the County Finance Bill, setting out revenue raising measures for the county government together with a policy statement expounding on those measures.
3. any recommendations made by the relevant committee or adopted by the county assembly on revenue matters shall:

Ensure that the total amount of revenue raised is consistent with the approved. (I think we had gone through that). Mr. Speaker Sir, the resubmission was not done.

**Temporary Speaker (Hon. Pius Kigen):** Order! Order, Member! please for the purpose of Hansard please continue so that the report will flow.

**Hon. Letting:** Any recommendations made by the relevant committee or adopted by the county assembly on revenue matters shall-

- a. Ensure that the total amount of revenue raised is consistent with the approved fiscal framework and the County Allocation Revenue Act
- b. Take into account the principles of equity, certainty and ease of collection;
- c. Consider the impact of the proposed changes on the composition of tax revenue with reference to direct and indirect taxes;
- d. Consider domestic, regional and international tax trends;
- e. Consider the impact on development, investment, employment and economic growth
- f. Take into account the taxation and other tariff agreements and obligations that Kenya has ratified, including taxation and tariff agreements under the East African Community Treaty.

The recommendation of the County Executive Committee Member for Finance shall be included in a report and tabled in the County Assembly.”

Mr. Speaker Sir, resubmission was not done.

The Committee on Finance and Economic planning expects a submission of County Finance Bill in the next financial year and before that is done the Committee gave observations on the Proposed County Finance Bill 2017/2018 for consideration in the County Finance Bill 2018/2019.

**Mr. Speaker Sir,**

The Committee observations on the Proposed County Finance Bill 2017/2018 are as follows. When it comes to Agriculture department,

### **1. AGRICULTURE, LIVESTOCK AND FISHERIES.**

- i. Hides and skins- That a station of the same be done at the rural areas to help Members of public sell their hides and skins locally.

The hides and skins and leather industry is one of the key agricultural Sub-sectors in Kenya and has a high potential towards commodity development that addresses pertinent issues of socio economic importance and positively impacts on rural development, creation of wealth and employment hence the need to protect all businesses of hides and skins in Kenya.

- ii. Wheat and maize cess to be made clear in terms of how much does it contributes on revenue streams.

**Mr. Speaker Sir**, definition of Cess is not clear in the proposed Finance Bill, that is, Small, Medium and large. The same should be defined clearly on who qualifies of the three cadres of traders to avoid confusion or overpayment or underpayment by traders.

- iii. Cess points to be put up at our boarders since we are losing a lot of revenue through the same.
- iv. Impounded animals-To be reviewed in terms of feeding the impounded animals and the days before the animals are auctioned.

### **HEALTH DEPARTMENT.**

- i. Food handlers certificate to be reviewed.
- ii. Food hygiene license in rural areas to be reduced to Ksh 300
- iii. Cremation services to be charged

### **EDUCATION DEPARTMENT**

In education department, Mr. Speaker Sir, what we also saw was that:

1. A fee/fine should be introduced on parental obligation in conjunction with basic Education Act where parents/guardians fail to comply.

Mr. Speaker Sir, Parents are legally required to support their minor children. Supporting your kids includes providing food, clothing, shelter, and basic care. Parental obligations typically end when a child reaches the age of majority, which is 18 years old.

Basic Education Act, 2013 Section 13 on the duty of parents and guardian states that:

- (i) It shall be the responsibility of every parent or guardian to present for admission or cause to it be admitted his or her child, as the case may be, to a basic education institution.
  - (ii) Where a parent or guardian defaults in the discharge of his or her responsibility under subsection (1), such a parent or a guardian shall be deemed to have committed an offence and is liable to fine not exceeding one hundred thousand or to a period not exceeding two years or to both.
  - (iii) A parent or guardian shall have the right to participate in the character development of his or her child
2. Indicate Nursery schools as a line and put nil in terms of charges for the sake of clarity.
  3. Renovation of 64 Stadium be fast tracked in the coming financial year because of its pathetic state.

#### **LAND, PHYSICAL PLANNING AND HOUSING.**

- i.** Some of the County houses are in a pathetic state and the department should look into it. The Committee of Finance and Economic Planning is urging the relevant sectoral Committee to work with the department in ensuring that the County houses are in a better state and audit on the same to be done.
- ii.** Ksh 600 rent for county houses is too low to be paid to the County Government, the same to be reviewed.
- iii.** Prices on Lock up shops to be reviewed
- iv.** Survey fees per beacon to be reviewed, the Committee proposed Ksh 2,500 in CBD, Kshs 2,500 townships and Ksh 500 in Sub county areas. Those are the charges applied; that was what the committee also suggested.
- v.** Facilitation fees for surveyors in terms of Transport and accommodation to be charged per kilometre or a fixed rate be introduced in the CBD and an extra charge per kilometre outside the CBD.
- vi.** Fixed Boundaries- Ksh 10,000 standard charge then extra Ksh 2,500 per beacon
- vii.** Levy on idle land- be specific per acres and introduce penalties.
- viii.** Impounded building items- specify number of items per day.
- ix.** Branding- know how branding is done in Uasin Gishu County.

- x. On street/pavement/road reserve- Business people to be given civic Education
- xi. Have existing law on fire management law

### **TRADE, INDUSTRIALIZATION AND TOURISM**

- i. Categorize Betting. That is what also the committee suggested that betting be categorized.
- ii. Pool Table- Kshs 1,000 Application Fees -Kshs 10,000 Annual Fee
- iii. Stall rent to be reviewed
- iv. Transfer of business premise to be reviewed.
- v. Large, medium and small should be very specific –They should not base on only the number of employees.
- vi. Vi. Small posho mill charges were Kshs 3200- to kshs2000.
- vii. Milk ATM- Rural Kshs 5,000, rural areas since milk is in plenty in rural areas and Market is limited.
- viii. Small dairies (direct from the farm) to be reviewed.
- ix. Small Kinyozi-Ksh 1,500 from Kshs 3,400, they used to charge Kshs 3400 but we said that Kshs 1,500 would be fair.
- x. Furniture show rooms to be reviewed.

### **COMMITTEE'S RECOMMENDATIONS**

The committee recommends that this County Assembly adopt the First Report of the First Session (Second Assembly) with or without amendments.

Signed by the chair.

Mr. Speaker Sir, I would want to talk about this Finance Bill that was for 2017/ 2018. It is good and clear that as per the statements that we have read it shows that this Finance Bill ought to have been passed before this assembly begun but due to lack of quorum by the chair who was the then chair who was Mheshimiwa Jeremiah it didn't go through. After that also we went to electioneering period which it almost took the all year.

As we now talk about this Bill this means that this Bill has been overtaken by events but because we have to follow the Law we went to and wrote this report and we were supposed to

have presented to this House. So, those ones are the findings of this committee. These ones I can say are the findings of the committee when we went through that Bill that was 2017/2018. As we are talking now the executive are preparing another Finance Bill for 2018/2019 and the recommendations that you had or the recommendations that the committee made are the ones that we recommended that those ones, when they are making the 2018/2019 Finance Bill, be considered and I think this House will go through the report and as we go through the report we recommend that this House also supports the committee and make sure that the executive gives us the Finance Bill for 2018/2019 within the said period of the 90 days.

So, I urge this House to fully support this report. I will give my deputy chair who is honourable Yego to second. Welcome.

**Temporary Speaker:** Honourable Yego Member of Barsombe!

**Hon. Yego:** Thank you, Mr. Speaker Sir, for giving me this opportunity to give my contribution on the report. I wish to say that as we all gone through the report we realized that the Finance Bill 2017/2018 was not passed because of the technicalities that were as per that time.

As we all know that the government is working on the rules and regulations and basically when it comes to finances, the County government has to work on the Finance Bill which actually we have given the report as a committee.

Also I wish to say that in our recommendation there are some comments that we have made relating to various departments which we are actually trying to put to balance to reach a breakeven point between the tax payers and the government itself. As said, also we have the renovation of 64 Stadium which is essential for our youths in terms of sporting.

I wish to urge this honourable House to pass this report so that we can effect the running and the management of the County government. Thank you, Mr. Speaker Sir.

**Temporary Speaker:** Honourable Members, a Motion has been moved and seconded and I now propose a question.

*(Question proposed)*

**Temporary Speaker:** Ensuing debate!

Honourable Kesumo!

**Hon. Kesumo:** Mr. Speaker Sir, I want to thank you for giving me this chance to support the report from the Finance committee and also to congratulate the chair and the deputy chair for this. As we have heard from the chairman that this report is overtaken by the events, but we want to say that we have realigned our activities with the Constitution and therefore I stand to support the report.

Thank you so much, Mr. Speaker Sir.

**Temporary Speaker:** Thank you. Honourable Leah Menjo!

**Hon. Sambai:** Mr. Speaker Sir, I also stand to support the financial report by first thanking the chair for actually making effort to bring this report to the House. We know the work of finance is a very difficult task but they have tried. After going through this budget the report that this people are dealing with Finances, they deal also with budgeting revenue, planning and development including statistics. So, we would really wish as Members of this assembly or we are requesting them to adopt this report so that we can move forward in our County as we do a lot on issues of Finances. So I stand here to support this report.

Thank you, Mr. Speaker.

**Temporary Speaker:** There being no other Member who wish to contribute, I now put a question.

*(Question put and agreed to)*

*(Applause)*

**Temporary speaker:** Honourable Members, I would like to make an appeal to the County that indeed this vote has been passed but this was a serious oversight. Such a thing if you get people it can stop the government from collecting revenue. This is a very, very important Bill and I want to urge the chair the 30 days that you have indicated in your report kindly please pursue it immediately so that the same should not happen.

## **ADJOURNMENT**

**Temporary Speaker:** Honourable Members, there being no other business this House stands adjourned until tomorrow at 2:30 PM.

The House rose at 3:42 PM.

