

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 1st November, 2017

The Assembly met at the County Assembly chambers at 9:00 a.m.

The Deputy Speaker, County Assembly of Samburu, (hon. Jonathan Lemoosa) in the Chair

PRAYER

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Thank you Mr. Speaker. Pursuant to Standing Order No. 46 (4), the County Assembly approves the report of the Finance, Economic Planning and Marketing on the consideration of the Samburu County Finance Bill 2017. I call upon hon. Adamson Lanyasunya to second.

MCA Loosuk Ward, (hon. Adamson Lanyasunya): Thank you Mr. Speaker, I second the report. Thank you.

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you hon. Members, I now propose the question, **THAT**, Pursuant to Standing Order No. 46 (4), the County Assembly approves the report of the Finance, Economic Planning and Marketing on the consideration of the Samburu County Finance Bill 2017.

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Thank you Mr. Speaker. I stand to table the report of the Samburu County Finance Bill 2017. The Constitution has placed a significance responsibility on the legislature over the management of the public resources. The legislature has particularly enhanced responsibility with regard to resource mobilization, allocation, monitoring and control. This is specifically anchored in Chapter 12 of the Constitution in the Public Finance Management Act 2012.

It is worth for the members to note that the County annual revenue recently had improved by the last Assembly is one of the key revenue sources for the local revenue. Article 207 and 209 of the Constitution 2010, allows the counties to impose properties taxes, charges and imposition of other charges for service that the county provides.

To facilitate the local revenue collection therefore, it is necessary to have in place requisite county legislation and other necessary tools earlier approved by the Assembly under section 133 of the Public Finance Management Act. This Committee is bestowed with responsibility to examine money related Bill and in particular, the Finance Bill.

The consideration of the Samburu County Finance Bill 2017; pursuant to Article 185 of the Constitution, the Committee on Finance, Economic Planning and Marketing performed and scrutinized findings and recommendations of the Samburu County Finance Bill 2017 in the six sittings. The Committee received both oral and written evidences. Additionally, the Committee

deliberated at length on the evidences and finally made recommendations and both the written and the recorded formats are in the custody of the Clerk of the County Assembly.

These public hearings were conducted in accordance with the provisions of Article 196 of the Constitution of Kenya, 2010 and the Standing Orders to allow the members of the public to participate in law process especially on matters that affect them.

The legal basis of our select committees in section 14 of the County Government Act 2012 to effect the execution of money, the select committees apply provisions of 195 and 196 of the Constitution with regard to procedure and practice rely upon and apply on provisions of Standing Orders No. 177.

It is worth noting that the money bills have their own procedures of introduction to the House. Section 21 (3) of the County Government Act 2012 provides that the County Assembly can only proceed in accordance with the recommendations of the relevant committees in the Assembly after taking into account the views of the County Executive Committee Member responsible for finance.

In view of this, the Committee held a total of two sittings held in Samburu Guest House in Maralal from 30th – 31st October, 2017. During this period, the committee had ample time to take a review of the implementations of the previous finance Act in order to put an input to this Finance Bill 2017.

From an informed background, the Committee also took into account public views which were collected during public participation exercise carried in three sub-counties on 12th – 21st November, 2017 and later submissions from stakeholders, religious groups and resource community.

Mr. Speaker, allow me to thank the members of the public and the stakeholders who took their time to participate during public participation, public consultations and also those who took time to do written and oral submissions to this committee whose views we have taken into account in this report.

The committee is greatly indebted to the office of the hon. Speaker and that of the Clerk of the Assembly for the logistical support received during the exercise. For the members of this House who participated on the exercise of public hearings.

Lastly the Committee is also obliging to positive contributions by the Chief Officer, CEC of the department who took their time to take the Committee through a review implementation of the previous Finance Bill.

It is therefore my pleasure and duty, on behalf of the Committee to table this report and recommend it to the Assembly for adoption. The Committee during its submission held several meetings across the county. Having toured the three sub-counties and having taken views from the public and stakeholders, the Committee filed the findings and input in the report attached. This part of the report addresses the challenges and shortcomings that service in the course of dealing with the task.

There are key challenges:

1. There were sufficient evidences that there was collectable revenue which was not captured in the system in the last financial year, 2016.
2. In order to apportion the rates for taxing business especially kiosks, clear definition is to be made on different sizes. There was a lot of public outcry on the charges that were levied against kiosks without clear definition of the sizes and the proportion of the business.
3. All the provisions and accounting of finance in 2016 were not fully enforced
4. The public was not given enough time to study and familiarize themselves with the Finance Bill 2017 prior to the public hearing.
5. The County Government lacks inspectorate enforcement department that oversees the collection and safe custody of collected tax revenue.
6. The Assembly was increasingly under pressure in the attempts to balance between their legislative role and representation to an extent that it was affecting the kind of legislation that was enacted.
7. In some Bills, there was lack of provisions to enable the making of regulation to ensure smooth implementation.

Upon consideration of all evidences received, the Committee made the following recommendations:

1. The Executive should move with speed to expand the tax bracket to ensure eligible payers are accommodated.
2. Sufficient civic education on the responsibility of the citizens in paying taxes is enhanced. During our public hearing we found out that many of our citizens are not aware of the revenue collection and how the county revenue department office collects taxes.
3. The County Executive should establish inspectorate enforcement department to oversee the collection and safe custody of revenue.
4. The Assembly should make every effort to balance between legislation and representation so as to ensure they make good laws for the county as they educate the public on the importance of paying taxes.
5. Every effort should be made to ensure that timely, adequate distribution of content of the Bill meant for public hearing as this will result in enhanced public participation.
6. The committee urges the Executive to establish an award to be given as a motivation to those sectoral areas that will have achieved their revenue collection targets.
7. The committee urges the Executive to introduce the rating Trade Bill to ensure smooth implementation and tabulation.

In conclusion, on behalf of my colleagues with whom we spent long hours to execute the task that this House has charged us to execute, I wish to assure you and the House that the recommendations we presented in this report will go a long way in ensuring that our county collects sufficient revenue to meet our requirements. This hence will only be realized upon the full and effective implementation of four recommendations. Further effective and efficient implementation of our recommendations requires that the Assembly and the Executive work hand in hand and I therefore urge my colleagues in the House to be vigilant in ensuring that these roles of oversight and accountability are executed as required. It is my pleasure therefore to present this report and its recommendations to the House fully recommending and urging the House to adopt it in the same time I urge the Executive to implement it fully, thank you hon. Speaker.

The Deputy Speaker, (hon. Jonathan Lemoosa): Thank you hon. Members. I now put the question.

(Question put but there is confusion in the House as the members remain silent)

MCA Lodokejek Ward, (hon. Jerias Leshoomo): Mr. Speaker, it is time for the members to deliberate on the report before putting the question.

The Deputy Speaker, (hon. Jonathan Lemoosa): I totally agree with that and I am cognizant to it but after reading members seemed to have been ok with the report and the silence meant that they do not have any issue. That is why I had to put the question because I thought immediately after you read it, members would react. Anyway, welcome members.

MCA Suguta Marmar Ward, (hon. Shadrack Lesoipa): Thank you Mr. Speaker, I also wish to thank the Committee for the good work done. The only thing that made me believe that this report will see the light of the day is the observation of the Committee and some of the recommendations that the Committee tabled.

I therefore believe, if these recommendations are the things to go by, and they will be implemented then we will go a long way in ensuring that revenue collected will be safe and will serve the purpose it is intended.

For example, we have been collecting revenue for the last four and half years in this County, but as per the projection of the budget, this local revenue collection has been dropping year in year out and therefore, the projections brought to this House by the finance department have never been realized since the establishment of the county governments.

As per the recommendation No. 3 which states that *'the County Executive should establish inspectorate and enforcement department to oversee the collection and safe custody of revenue'*, so the Committee did identify some of the gaps in our revenue collection. The Committees of this House in charge of implementation should ensure the recommendation will be implemented to the latter. I did not have the time to go through the whole report but I have noticed that the rates being charged are fair and I therefore thank the Committee and the hon. Chair for identifying the things which have been affecting this County's revenue collection. Thank you.

MCA Maralal ward, (Hon. Fred Kiragu): Thank you Mr. Speaker. I wish to support the report as it is but I have some few observations. It is very hard with the level of awareness created for the importance of tax payment if the tax payers don't see any benefit from the taxes they pay. Awareness alone is not going to do much, what will do is action or implementation after they see the benefits. Were it not for law, Maralal town residents would have not had the benefits from the taxes they pay as far as they are for now according to me. Rubbish collection is for the poor; the town is dirty while every business in Maralal pays Kshs.1,000 for a dustbin but you end up getting one dustbin for a plot with 20 to 50 residents. How would you convince these people to pay Kshs.1,000 for a dustbin they share? The rubbish is not collected daily and the collectors demand Kshs.200 for lunch while they have already paid for the services.

The Committee should ensure that the tax payers get the benefits, how will people in estates like Loikas, Allamano and around Cereal's Board pay if there is no street lights since devolution. It is the County government's duty to show people the services and it will entice them. Yes, tax collection is poor but are we sure that the residents are not paying? Am sure the collectors demand maybe Kshs.3,000 and not pay the Kshs.7,000, we are in the biblical days where the tax collectors were collecting taxes but not remitting it to Caesar. Speaking from experience, I wish I had recorded the complaint from the business men because they are harassed to give Kshs.2,000 or Kshs.3,000 and they are not issued with receipts.

As the Committee recommends, it is important that we have a serious inspectorate and a system that ensures that money reaches the County government's account. There is a proverb that says *menapai nkiri naao* (you cannot take roasted meat to another person). When one is given cash and there is no receipt, they will find a way of sub-remitting them. Improvement of the services in Maralal town is the only way to encourage these people to pay taxes. Thank you Mr. Speaker

MCA Elbarta ward, (Hon. Peter Lempei): Thank you Mr. Speaker. I rise to support the motion; I first congratulate the Chairperson of the Committee, Hon. Jerias Leshoomo and his Committee for the job well done. It is important to observe that in the event that such a big document is supposed to be tabled in this House, it is imperative that we get a long and ample time because it is about finances, we need a secretariat that has the duty to get these documents in time particularly when they are bulky because they focus so much on their livelihoods and money

Mr. Speaker, my contributions will be very brief. First, looking at the findings of the report I get a little bit perplexed and surprised that the core functions of the Executive in ensuring that we get proper finances has been left out. There would be no way that in the previous years you would collect finances when the report of the Committee of this House finds out that a lot of that revenue have not been captured in the system. Mr. Speaker, it means it is in somebody else pocket and with the findings of this Committee on the not captured revenue we should go forward as we investigate where it went and it's good that we have a capable Chairperson. Honestly per this report, if there were provisions for a recall of a report previously given to recommend a CEC was there before and there were uncollected revenue, I would be glad to recall and disapprove.

Observation three, that the Finance Act 2016 was not fully enforced, Mr. Speaker the difference between the Finance Act 2016 and this one is minimal so if the Executive could not observe the Act at that time it is the time that the Committee of this House observes that because that is what runs the entire finance and if not observed then we get everything wrong.

Mr. Speaker, we do not even have an enforcement agency so we send our people out there to collect money like Bishops without an agency that will ensure that nobody parts with money, that is why in the City of Nairobi there is an agency and inspectorate department that makes sure that everything goes well. If the Chairperson says that the final recommendations will be pursued to ensure that it is properly done then it is great, I support the motion on the strength that there were strong findings that the Committee will do.

Mr. Speaker, I have observations from the schedule and I will like to refer the Committee to the first schedule of the report which deals with what we charge. It would be fatal if we spend money that we do not have; we got two sources of money; from the national government and from our local sources which is what we are regulating here. If we propose that a foreigner or an international tourist camps in our lodge for two dollars which is Kshs.2,000, Mr. Speaker I pay 2,000 each time I sleep in lodging in Maralal. I don't know what would be the much value of that kind of revenue specifically at the camping fee section of this report. When you look at the entirety of that particular item and the things captured there in, Mr. Speaker you realize that the revenue collected will be so small that we may not be able to meet our own expenditures if the national government decides to hold money.

I looked at our CPROP and our ADP (Annual Development Plan), the projection of what we will get is a deficit of Kshs.230 million as hon. Lesoipa observed. That is not a small amount if we fall short of that target Mr. Speaker particularly if you review your strategy in quarterly basis to see if you realized it, no wonder everything is got to be supplemented. We have our local revenue which was initially used to run this place when it was Samburu District of which was run so well since it had profits and it was the second in the Country. But now that we have been subsidized with Kshs.4.6 billion by the national government and we have loses, surely there is something going on in the revenue department. The revenue department should have a director accountable to ensure that we realize the losses at the first quarter before the second quarter to avoid accumulation to Kshs.230 million.

Mr. Speaker, the schedules gone through here reflects a total parity little money compared to all the expenditures as hon. Kiragu said all those cannot be netted with the reflections given here in, what we can expect therefore is the same more game, players and strategies with wrong results, that is what will entirely happen with the proposals given there.

The remedy therefore is as proposed by hon. Leshoomo and his Committee is drastic strategies to ensure that revenue is collected, proposed drastic plans with which the Executive to make sure that it is realized and drastic strategies for amendments in the event that losses are realized in the short term, we really need to review everything and I propose that the Committee be met by the revenue department so that they explain how they arrived to these figures. I support the motion and wish to commend hon. Leshoomo and his Committee for the job they did in spite of my observed reservations

MCA Ang'ata Nanyokie Ward, (Hon. Paul Leshimpiro): Thank you Mr. Speaker, I rise to support this motion although I have some concerns.

One, just as the other hon. Members said concerning the recommendations, I think that these are just copy and pasted findings year in year out. If I were to do some research, I would look at the previous years I am certain that the same findings and recommendations would be there so it has become a chorus that each year we have them and as a requirement we just put them in the report without acting on them.

Two, as hon. Lempei said that the revenue collection target are too low, it is a fact that I tend to believe that the collection is not the problem but the custody or the remittance. As much as we support this bill we still task the Committee to do a thorough investigation and improve both the collection and custody of the revenue collected. I thank the Committee

Specially Elected Member, (Hon. Osman Dube): Asante sana Mheshimiwa Spika, naunga mkono kamati hii kwa kufanya kazi nzuri. Nawasihi wanakamati kwamba kuna tofauti tunapopitisha hapa na kule nje madukani. Mwaka uliopita tulipitisha mswada kuhusu ushuru kutozwa maduka lakini yako tofauti. Tunaomaba kamati kwamba yanayopitishwa hapa yafwatiliwe ili yatendeka huko nje.

Cha pili ni kwamba, waangalie kwamba walemavu ambao wako na biashara waangaliwe vyema na kwa makini kwani wanafanya bidii sana kulisha familia zao na kulipa ushuru. Wamekuwa wakisumbuliwa kwa mfano wakati wa Yare hawapewi nafasi ya kuwa na maduka mpaka nikaingilia kati. Asante Mheshimiwa Spika.

Specially Elected Member, (Hon. Antonella Lobura): I rise to support the motion; the Committee on Finance did a credible job. In my observation, most of the people out there do not see the importance of paying taxes especially the ones owning kiosks and plots. They lack awareness. We would like the Committee to support civic education for the people so that they get to know the importance of rent collection. We task the Committee of finance to oversee inspectorate Committee to ensure that our revenue goes up, thank you Mr. Speaker

Specially Elected Member, (Hon. Silapia Lenamatiyo): Thank you hon. Speaker, I support the motion and add some issues according to the schedules.

Looking at slaughter houses and markets it is evident that they are charged a lot, the charges for a cow is Kshs.250, calculating the total charges per week it will amount to so much money, for example one trader selling ten cows and paying the charges for each cow. The Committee on finance should look at this and be fair to our people because they are charged Kshs.150 per goat and they are not given security, toilets are not there. For example Lolkuniani is big but there are no toilets, garbage collection and they are not performing their duties. I urge the Committee to look at that.

It happens that people in Maralal Town do not pay taxes. For example, if it is an MCA's shop, he does not and that is not fair. Please look at that because we are here to represent our people. Look at the people in livestock markets because they pay a lot of money. In a year paying per cow, one pays Kshs.7,200 while a person with a supermarket here in Maralal pays Kshs.7,000. The seller and the buyer pay Kshs.7,200 per year so both pay Kshs.14,400. Both the livestock sellers and buyers pay Kshs.7,000 per transaction and a person in Maralal selling at his/her shop everyday Kshs.7,000. I support the motion.

Specially Elected Member, (Hon. Zamzam Ismail): I stand to support and thank the Committee for the good work they have done. When we talk about hawking you can see from the Second schedule under single business permit hawkers pay Kshs.1,500, hawking and selling items on the streets is driving others out of the market it is something that should be abolished because they make the Town dirty by throwing paper bags around.

Mr. Speaker, we need to have controlled prices in our town because people are being exploited. For example from one shop you can buy a kilogram of sugar at Kshs.100, while in another one you buy at Kshs.150, price control will be fair for us. Talking from experience on the issue of single business permit, for example in a wholesale there might be five employees who you pay Kshs.5,000 each and you still pay Kshs.7,000 for the permit which is low. Some of us live in rental houses charging Kshs.15,000 monthly while the permit is annual. We should come up with maybe bills or something to fix the rates for example for wholesale we pay Kshs.25,000-30,000 because in such shops one gets a lot of money because you have enough to pay the employees.

I want to shade light on the report's findings and the challenges the Committee encountered, people pay taxes but there are loopholes that need us to come up with strategies to seal them to ensure that the money collected reaches the destination. For this reason, we need to be serious and focused so that the collected money is put to work somewhere, thank you.

MCA Loosuk Ward, (Hon. Adamson Lanyasunya): I rise to support the report and make a few observations and recommendations.

- 1) We have markets at the ward levels like Loolkuniani but I will make reference to Loiborngare which is a big market. I complained about sanitation in that market in the

last Assembly. There are no toilets, there are a lot of litter all over and the County government has been collecting cess.

- 2) I want to propose that each major centres within the wards to have slaughter houses constructed, Loosuk Ward is a big town and the goats are still hanged on trees when slaughtered but the cows are slaughtered on the ground because they are heavy to hang.
- 3) Just like any in other pastoralists' county, livestock trade is the major economic earner. I remember doing research and found out that during colonial era we had a very well streamlined marketing structure where every district had holding grounds which had very good infrastructures in terms of hay, veterinary services and water when the livestock were being either transported along the trade routes but this has declined and that is why they do not have market nor prices for our animals being sold because the buyers are worried that the animals are not disease free. I also propose an introduction of an Abattoir in our County or in...*(Point of Order by Hon. Peter Lempei)*

MCA Elbarta Ward, (Hon. Peter Lempei): Mr. Speaker, I thought we are discussing on the report of finance, economic planning and marketing and I think the hon. Member is now discussing about livestock sell and livestock yard which is a bill which will come as Samburu livestock sell yard at a later stage so Mr. Speaker I think we better stick to the relevance of the topic.

MCA Loosuk Ward, (Hon. Adamson Lanyasunya): Thank you hon. Speaker, I think the Member hon. Lempei is not informed that we are discussing on finance bill which concerns revenue collections and allocation of cess and fees and we are also discussing on areas that can improve revenue collections in our County which he also contributed that we need to add more areas. I think areas such as Kisima airstrip can also be improved to become an addition of revenue earner to our County, introducing parking fee for example a motorbike can be Kshs.20 per day, vehicle Kshs.50 or Kshs.100 because I see that other Counties charge parking fee, like hon. Leshimpiro said the finance bill has been containing the same items year in year out so we need to improve on other areas to add revenue. Close to Kshs.10 million or more are collected on daily basis in Loiborng'are and the communities are complaining about the structures. I propose to the Committee to have policies that what we discuss in this house can be directed to the relevant ministries so that they can be implemented.

Deputy Speaker, (Hon. Jonathan Lemoosa): Very well, I think it is in order that hon. Adamson was trying to give some aspects that the County can do in order to increase revenue collection, we collect our revenue through livestock, agricultural products and so on. I think the Chairperson is noting, I know he is a very able Chair. hon. Leitore

MCA Wamba West, (Hon. Benjamin Leitore): I rise to support the bill, Mr. Speaker it is a copy and paste from the previous years' and I think the able Chair for finance who is in his second term serving the Committee should take note of this because it gets to some point as the Members have...that we need to increase or decrease the cost charged per service depending on the size of the business because in consideration to some other upcoming businesses like the donkey selling business that is now highly in our markets especially in Loolkunani, I heard that this business is one of the most prominent businesses there, such kind of new businesses should come up with new regulations and charges because I think we should not charge the same prices for both a donkey and a cow because you know, at some point Samburus prohibit selling of a donkey and I can at some point say it is a black market because people used to steal a lot of donkeys from the rest and take them to the market. For us to curb that, we need to come up with at least a higher price compared to that of a cow. Mr. Speaker, I would like the chair for finance to know this because it is not good to continue charging for slaughtering of animals in the slaughter houses especially the goats and cows in small markets in reference to Loosuk, Lesidai, Lodung'okwe, Loolkuniani and Nyiro.

We should make sure that the hygienic conditions are met to ensure that the services are good to our people, the public health officers in these small towns...inspection, they are paid for those services and the County government of Samburu collects revenue when they are slaughtered but the basic services that the County government should provide, even establishment of a slab in order to make sure that we adhere to those hygienic conditions are not there. I recommend and the Chair should take this seriously that within the shortest time possible, we would like to see slabs in these slaughter houses despite the number of cows or goats being slaughtered.

Mr. Speaker, I observed that the charges for the livestock markets are not met and I would like to request that this house at one point visit Loolkuniani market which is one of the biggest livestock markets in East and Central Africa. I can see my learned friend from Suguta laughing, you know he has never gone to Loolkuniani, I would like to welcome him courtesy of the Member for

Wamba East, and I would like to request the hon. Member to make sure that the hon. Member from Suguta visits Lookuniani to ascertain what I said.

The number of livestock brought to these markets is so many and it doesn't make sense when it is compared to the collections because we have a lot of loopholes to this livestock revenue. I suggest that the Chairperson to this Committee should frequently make quarterly reports to inform this House on the progress of this particular bill when it comes to charges on livestock prices because we have adequate staff on the ground collecting revenue but we do not see their efforts otherwise we should not be having bills with all these figures and targets and it is not realistic

The Deputy Speaker, (Hon. Jonathan Lemoosa): Very well, I think the Chairperson has some inputs before I also give my observations, please chairperson

Chairperson Committee on Finance, Economic Planning and Marketing (Hon. Jerius Leshoomo): Mr. Speaker, it is a process the Chairperson is given a chance to conclude after the report.

Mr. Speaker, let me thank the Members, both men and ladies who participated in the Finance Bill, 2017. Let me also highlight some of the challenges that were echoed by the CEC and the head of revenue on some issues regarding the illegalities of revenue collection. They said that there are some laws that this County Assembly should enact and pass for them to be able to collect revenue and take some legal backing. The Licensing Bill and Cess Bill are bills that were not passed in this Assembly. I urge the hon. Members that when such Bills are brought in the House, we should pass them for the benefit of the Revenue department.

We also have challenges on the targets that were raised by the National Government. In this County, we have a target of Kshs.400 million that we are supposed to collect yearly. In the report, it is indicated that we have challenges while collecting revenue. Some of this...

(Point of information from Hon. Fred Kiragu)

The Deputy Speaker, (Hon. Jonathan Lemoosa): What is it hon. Kiragu?

MCA Maralal Ward, (Hon. Fred Kiragu): The hon. Member is talking about the business district, the probase that he is quoting benefits everyone in this County. It is not specifically for

the residents of Maralal Ward. If it is only for Maralal Ward, then it should have been extended to Ngari, Loikas and all this other places. We also do not have street lights in Ngari, Loikas and Milimani. When I talk about Maralal town, it should be seen as Maralal Ward.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Mr. Speaker, about the benefits, I mean that some of our wards also need the *probases* and street lights just like Maralal town. Maralal Ward has benefited much more than any other ward in this County. These are the benefits that all wards should enjoy, not just Maralal. This *probase* does not benefit everybody but Maralal Ward.

The Deputy Speaker, (Hon. Jonathan Lemoosa): Hon. Leshoomo, let this not raise a debate. We are concluding and appreciating the rule.

MCA Lodokejek Ward, (Hon. Jerias Leshoomo): Mr. Speaker I also use this *probase* once a week when I come to Maralal. I do not use it frequently. I was only highlighting the benefits that Maralal Ward has. Hon. Member raised the issue of implementation; we have an Implementation Committee in this House. It is their responsibility to ensure that the Bill is implemented to the latter. I also take note on the issue of disability as raised by hon. Dube, there are laws that govern the disables in this Country. Some of these laws are practiced in Maralal town. The disables are not supposed to pay taxes to some quarters; this is adhered to the latter. I urge hon. Members to forward there amendments to the Clerk so that we can include them during the Committee of the Whole House when we deliberate on the Finance Bill.

I thank the hon. Members for their contributions. I and my Committee have taken note of that and we will include them in the findings in the report.

The Deputy Speaker, (Hon. Jonathan Lemoosa): Very well Chairman. Before I put the question, I have a few observations to make; hon. Members are hesitant to raise their hands. Feel free, this is your House. Nobody is right procedurally, you always have room. The House is lively when we put our hands up promptly to debate. Secondly, the official language of the House is Kiswahili and English, no other language is accepted. Let us adhere to the rules of the House. Thirdly, hon. Members should not address each other directly, this is not an argument.

There are strong emerging issues from the Members that I would like to communicate. This is for the benefit of the Committee, our department and the Members. Hon. Lesoipa and Lempei were reserved because all the recommendations from the Committee will be implemented. It is for this House to let it go if they so wish. This House is mandated to do oversight.

There is a standing Committee of this House that is formed according to Standing Order number 188 (1), it reads that, there shall be a select Committee to be known as the Committee on implementation. Secondly it reads that, the Committee shall scrutinize the resolutions of the Assembly including adopted Committee reports, these are petitions and the undertakings given by the County Executive Committee and examine whether or not such decisions and undertakings of such decisions are to be implemented, why they are implemented, the extent to which they have been implemented and whether such implementations have taken place within the minimum time necessary; whether or not the legislation passed by the Assembly has been operationalized, why it has been operationalized and the extent to which the operationalization has taken place within the minimum time necessary. The Committee may propose to the Assembly sanctions against any Member of the County Executive Committee who fails to report to the relevant select Committee on the implementation status without justifiable reasons. If we use our Committees well, there will not be an issue that this has not been done. Members have raised an issue on this report and others that, there is the issue of copy pasting every year. I salute the House for noting that this has been going on.

Committees should actually scrutinize the policy and all that such that they avoid such reports to be shut down due to the issue of copy pasting. I am happy that the House is satisfied with this kind of report. The Chairman has talked about the issue of KCB account where it should be passed through Public Participation or through any other way. The House has also observed the issue of the enforcement body which I think that it is not there.

The Chairman welcomed to a Public Participation here in Maralal, he has mentioned the issue of dustbins that was raised by the business community. They said that they share a dustbin that they have paid a thousand shillings for. They say that there is no taxation without legislation. I think that it is this House that legislates and makes sure that the taxation is justifiable and goes to the benefit of the people. Hon. Leitore has called for quarterly report not only in this department since it is a law. It is a law that every department gives this Assembly gives a quarterly report.

This law is given by the Constitution and the County Government Act that calls for quarterly reports to ensure follow ups. I thank the Committee for doing a superb job. Hon. Members, I now put the question.

(Question put and motion passed)

MOTION ON APPOINTMENT OF NOMINEES TO THE SPEAKER'S PANEL

MCA Wamba East, (Hon. Lucas Lekwaale): Hon. Speaker, I beg to move a motion that pursuant to Standing Order 6 section 3, I wish to move a motion that the County Assembly approves the list of nominees for the Speaker's panel. I ask hon. Antonella Lobura to second the motion.

(Hon. Antonella bows in seconding the motion)

The Deputy Speaker, (Hon. Jonathan Lemoosa): Very well. hon. Members, I now propose the question that pursuant to Standing Order number 16 (3), the County Assembly approves the list of the nominees for the Speaker's panel as tabled by the Majority Leader.

Mr. Speaker, Pursuant to the provisions of Standing Order number 16 (1) (3) the House business Committee received and considered the names of the nominees for the Speaker, Mr. Speaker and the House Business Committee pursuant to Standing Order number 16 (5) considered the relative party and minority in this House as well represented of both genders.

The Committee hereby tables a list of the following Members to be referred pursuant to Standing Order 16 (1) as follows: The first Chair of the Committee is hon. Peter Lempei. The second person of the Committee is hon. Shadrack Lesoipa and the third is hon. Stephanie Lanyasunya. Looking at what the select Committee has done, they have actually factored in and they have quoted 16 (5) to read; in nominating the Members of the Speaker's panel, the Speaker and the House Business Committee shall have regard to the relative party numbers in the House and shall ensure so far as shall be practicable that at least one Member of the panel is from either gender.

Specially Elected MCA, (Hon. Osman Dube): Mheshimiwa Spika, ninaposimama, unajua kuna jambo na watu wanacheka. Ninapoangalia vile kamati huundwa katika bunge letu, naona kuwa

akinamama wamezingatiwa lakini nikama walemavu hawako. Katika katiba, kuna asilimia tano ya walemavu. Isiwekuwa kila wakati tunazingatia kina mama na kusahau walemavu, asante.

MCA Wamba East, (Hon. Lucas Lekwaale): Thank you Mr. Speaker. I would like to contribute that the Select Committee has done a good job. I would like to concur with hon. Dube on what he says. We looked at various things among them is the skills of the Members and the gender issue. These are the things that we were looking for while we were selecting the Speaker's panel, thank you Mr. Speaker.

MCA Maralal Ward, (Hon. Fred Kiragu): Thank you Mr. Speaker. I think that we have nothing against the selected Members. The Chair has some knowledge on law that pertains to that law. Hon. Lesoipa once took that seat where he did a good job. He is fit to be in that panel. The one that considers gender makes me happy because it considers Democratic Congress. I propose that we pass this without much ado, thank you Mr. Speaker.

MCA Lodokejek Ward, (Hon. Shadrack Lesoipa): Thank you Mr. Speaker. I support the Speaker's panel list. I agree with hon. Fred Kiragu for supporting the panel. It is true that the three nominees are competent. The procedures were followed since hon. Lempei comes from the North and the gender issues were also considered in this case, particularly, in the other parties and not Jubilee. Thank you.

Specially Elected MCA, (Hon. Osman Dube): Mheshimiwa Spika, katika chama namba moja kuna Kanu, Jubilee wako na Mheshimiwa Lempei, wakati mwingine pia wewe Mheshimiwa Spika ungejua.

The Deputy Speaker, (Hon. Jonathan Lemoosa): The hon. Member has a point. Kwa minajili yetu, ningependa kueleza nyumba hili kuwa sheria nambari 16 (1) linadhihirisha wazi jinsi ya kuteuwa hawa ndugu zetu waheshimiwa ambao watakuwa kwa Speaker's panel. Ninafuraha kwa vile Mheshimiwa amesema ya kuwa, kama linazingatia moja hadi sita, sisemi kuwa yale yamesemwa na Mheshimiwa Dube si kweli bali kuna nafasi nyingine wakati mwingine. Wao pia wanaweza. Sheria limeongoza shughuli yote ya leo. Kama hakungekuwa na shughuli, tungesema vingine. Naomba kuwa tuweke swali ili tuweze kurudia kikao hiki baadae.

(Question put and motion passed)

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Hon. Members, the time being 8 minutes past 11 o'clock and there being no other business, this Assembly adjourns until November 1st at 2:30 pm. Thank you.