**COUNTY ASSEMBLY**

**OFFICIAL REPORT**

**Wednesday 8th May 2019**

The House Met at 2:30 P.M

*[(The Deputy Speaker in the Chair)*

*Hon. (Mr. John Killo Dawe) in the Chair]*

**PRAYERS**

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for the Committee Read)*

*(Loud Consultations)*

**COMMUNICATION FROM THE CHAIR**

**Hon. Speaker:** Honourable Members, we have been debating on Second Reading this morning but we paused so that we can continue in the afternoon. We can now continue from where we left. Any additions before we proceed to the Committee of the whole House?

**Hon. Konchora Abduba:** Mr. Speaker, mine is a slight amendment from what I said this morning. I think with Committee’s recommendations, I said that persons living with disability be charged 20% less than those who are not disabled. I would like to correct that it is not 20 but 25%. Thank you.

**(Then)**

**COMMITTEE OF THE WHOLE HOUSE**

*(Order for Committee read)*

*[The Deputy Speaker (Hon. Killo) left the Chair]*

*(Mace is lowered)*

**IN THE COMMITTEE**

MARSABIT COUNTY FINANCE BILL, 2018

**Hon. Daud Tamasot:** Honourable Members, this is the time for any amendments on top of amendments made by the Finance Committee. I am sure Honourables Guyo, Kiya and Leakono had an amendment. This is the time.

***(Loud consultations)***

**Hon. Kiya Jillo Chana:** Mwenyekiti, asubuhi nilisema tukipitisha shillingi 7,500 kwa usajili ya ardhi yaliyo mjini...hata Bunge iliyotangulia iliidinisha kiwango huu. Moyale kutoka kwa wamiliki wa ardhi takriban elfu moja, chini ya asilimia tano tu ndio wamesajiliwa. Hii ina maana kuwa kiwango hichi cha pesa ni mzigo sana kwa Wananchi.

Hata sasa Bunge hili likipitisha sheria hii ikiwa na kiwango huu ya 7,500, nina hakika chini ya asilimia hio ndio watajisajili na Kaunti hii haitapata mapato. Ili Kaunti hii iweze kupata mapato itabidi tupunguze kiwango hicho cha pesa kwa shilingi elfu tano au nne. Natumai Waheshimiwa wataniunga...ningependa iwe 5000 kutoka kwa 7,500.

**The Chairman:** Honourable Kiya, you need to specify the Clause and also the Schedule.

**Hon. Kiya Jillo Chana:** Registration fee...First Schedule Part 2, (g) plot registration fees individual registration urban. It was 7,500 Committee recommendations remain the same. My proposed amendment is reducing it to Kshs. 5,000 from Kshs. 7,500.

***(Loud consultations)***

I don’t know the recommendations of the Committee but for rural what I can see here is Kshs.2000 and the proposal is Kshs.4,000. Is there any amendment from the committee? Oh the committee reduced to Kshs. 2500 from Kshs. 4000 for the rural.

***(Loud consultations)***

**Hon. Hassan Wako Jarso:** I think this House has the duty to practice its mercy for the populace it represents. Even for rural, it should be Kshs. 2000.

**Hon. Kiya Jillo Chana:** My last amendment is Second Schedule, Part 1, and code 125 on shops, *miraa* store and those small services. The current fee is Kshs. 2,500 and the current proposal is Kshs.2,500 and the Committee proposal remains the same. Charging mama *miraa* this amount...!

***(Loud consultations)***

If this is annual charges it is fair and I am okay with the Committee proposal. I was thinking this was monthly.

**Hon. Sadia Araru:** Mr. Speaker, I want to know where the charges for plot rates are! Do we have those charges here both for rural and urban for the existing plots? There are commercial plot rates and individual plot rates. Also the charges for recreational facilities are not there!

***(Loud consultations)***

**The Chairman:** The Budget Committee can tell us on this. They have gone through this for years.

**Hon. Sadia Araru:** Mr. Speaker, I am asking this because there was a time a problem arose because a recreational facility owner had an issue and the police were asking for the licence. He had to travel to Embu because there is no provision for one in the County.

***(Loud consultations)***

**Hon. Hassan Wako Jarso:** Mr. Speaker, I also have a concern. Most of the plots in urban areas are connected with taps. Whether they ran or not, there are subscriptions on monthly basis of about KES 500 if there is a provision in place, we can do some comparisons but if not and people are paying for dry taps...the there is a gap because this is a revenue collected and we also want to know the provisions from the executive.

**Hon. Sadia Araru:** Mr. Speaker, also there are Houses that belongs to the County Government which are occupied by people. Have the rents been changed? I don’t know if it has been captured here?

***(Loud consultations)***

I am also proposing removal of penalties for failure to pay plot rents on time though I can’t see the penalty captured here. People should not be penalised for lateness in paying rates or rents.

***(Loud consultations)***

**Hon. Hassan Wako Jarso:** Mr. Speaker, I was suggesting that there is penalty for late payment of annual trade licence on page 12. The first column, the current charges is 30% plus licence, proposed charges is 100% then amendment is 50% plus licence amount. The percentage given is inclusive of the figures stated.

The same charges for land and plot applications where the same percentage has been listed according to the column. I think the most crucial thing we need to know is whether the figures indicated against the percentage is inclusive of the given percentage.

There is also this issue of second schedule...trade licence fees for various businesses on page 13, second column...

***(Loud consultations)***

**The Chairman:** Honourable Hassan, these copies has no pages indicated. So instead we are trying to look into the document...

***(Loud consultations)***

**Hon. Hassan Wako Jarso:** My suggestion is that you know there are certain businesses which are not conducted in... *(inaudible)* as suggested by Honourable Bashir in the morning. Same we cannot deal with items which have been coded yet we don’t know what the code stands for...

***(Loud consultations)***

**Hon. Daud Tamasot Arakhole:** The codes are in the Bill. For example code 102 says Supermarkets/mini markets. Code 105 is large trader shops. Code 120 is Kiosk or temporary construction. Code 135 is workshop/bakeries/welding/cosmetic shops/stationeries.

***(Loud consultations)***

**Hon. Hassan Wako Jarso:** Looking at code 102 which is supermarkets and minimarkets. The current charge is 15,000 in urban and the proposed charge is 18,000 and amendments is 15,000. If you compare the same for rural, the current charge is 10,000, proposed is 15,000 and the amendments is 12,000. I wanted to say this so that the status quo should remain. If we give an advantage to those to those in urban, we must also for those in rural and therefore it should be 10,000. We must look at the welfare of rural poor.

***(Loud consultations)***

I was saying if we are taking care of big business people in urban, why can’t we also take care of the poor in rural? I think it’s in order!

***(Loud consultations)***

**Hon. Daud Tamasot Arakhole:** Honourable Hassan, the supermarket and the mini market guys are making a lot of money...

**Hon. Hassan Wako Jarso:** I was not for supermarket...I was taking care of the ones for the rural...

***(Loud consultations)***

**The Chairman:** Let us also ensure that the County benefits as we make amendments.

**Hon. Guyo Dub Yaro:** I want the County to benefit so that we can get the revenue...Mr. Speaker page 10...fire fighting and other services. Page 10 of the bill...

***(Loud consultations)***

Part 4, fire fighting and other services part C...bunts...in my opinion we need to increase that amountat least from 5,000 to 8,000 or 10,000. That is my opinion.

For that of political rallies it should be increased from 8,000 to 10,000 because they are only doing it once and they use County utilities. Page 11 part 6, impounding and demolition charges… Is this per day or per goat? If these rates are high and there is no market when livestock is the backbone of our livelihood, I don’t see the reason as to why we should increase this. It is already at 100 and cattle at 150. I think we should leave it as it was- goats at 100, cattle/donkeys 150.

***(Loud consultations)***

**Hon. Daud Tamasot Arakhole:** Honourable Member, these are not market charges. It is when you handle the given animal. There is that time when you transport these animals.

***(Loud consultations)***

There is a place written livestock market fee per head- number 21(b)….

***(Hon. Sadia interjects)***

**Hon. Sadia Osman Araru:** Honourable Chair I am still coming back to you. On page 26 – part 5, fees for land valuation, land rates and property management? Part H has ground rates. I don’t know what that means. Per standard area we have Kshs. 4,500. Then K, rates clearance certificate per plot Kshs. 2,500. I would like someone to clarify on what this means because I need to know how much we are charging for private and commercial plots.

I also insist that if there is any penalty for those who have not paid before, it has to be erased. They normally penalize people when they come to pay and the penalty is not here. This happens especially in Moyale.

Someone to record those penalties for late payment of plots either in urban or rural areas should be erased. This is not in the bill. Honourable Kiya was also penalized when he bought a piece of land in Moyale town. He paid Kshs. 18,000 and the penalty is not here. I don’t know where that money goes to. Is it going to someone’s pocket or the County revenue? We are not sure.

**Hon. Daud Tamasot Arakhole:** Part K talks about rates and clearance certificate. When someone buys a piece of land, there are those charges that are paid to get clearance. The other one I think is plot rates.

**Hon. Femina Hussein Intalo:** What I understand about land rates is when one completes paying land rates, that is when he or she is given rates clearance certificate and that is what they are charging Kshs. 2,500 here. Land rates are normally paid to the County Government.

***(Loud consultations)***

**Hon. Sadia Osman Araru:** So, we need to amend or put rates for commercial, residential and individual plots that are owned within the town. Like now my father’s plot in Moyale town, I am not seeing any plot rates that are charged here but we are paying. That should be indicated.

There are two types of plots- residential and commercial. They are not mentioned here.

**The Chairman:** The Chair for Budget, please capture those.

**Hon. Daud Tamasot Arakhole:** We can capture this but may be they are using another term. Then give us the figures to be charged.

**Hon. Kiya Jillo Chana:** I don’t know for commercial but we pay 1,000 annually for residential plots.

**Hon. Hassan Wako Jarso:** Honourable Members, I think we need to come out clearly. Commercial plot charges should go by the status and positions. When it comes to residential, I think currently we are not supposed to pay for this. If actually we have been paying, then we were just enriching some people.

May be what I foresee is that if we are going to have a municipality, then we are going to pay for the residential because of the services that are going to be provided. So as to see far, we have to include both of them in the Bill. We cannot pass certain legislations without having background information. That is going to hurt us and our people.

What Honourable Sadia said is a genuine concern. The three of them should be categorized and allocated some fee. For commercials, I think the department that drafted the Bill must also have some information about it. I don’t know if they have jumped it while typing…

***(Hon. Sadia interjects)***

**Hon. Sadia Osman Araru:** They have copy pasted it from other Counties.

**Hon. Hassan Wako Jarso:** But we must have some references to it. We cannot move on without having references. In law you must quote a thing and out of that you must have a body for those provisions. Adopting this report in the absence of those clauses will not be possible.

**Hon. Daud Tamasot Arakhole:** So what is the amount that we can suggest for commercial plots?

***(Loud consultations)***

**Hon. Chairman:** Silence Honourable Members. Everyone is just shouting! Just come in front and contribute.

**Hon. Daud Tamasot Arakhole:** You said commercial rates were 2,000 and rural 1,000?

***(Loud consultations)***

**Hon. Hussein Abdi Wako:** There is difference between waiving and removing it totally. You can ask the Governor to waive all the previous charges and then start it afresh. If we say that we are removing the penalty, this will encourage people not to pay. The reason why it was placed there is to make sure that people pay.

**Hon. Kiya Jillo Chana:** But there is no penalty that is provided for here. There is none! The only penalty that is captured is on transfer of the forms.

***(Loud consultations)***

**Hon. Stephen Lterias Leado:** Look at the Seventh Schedule, Part three- agricultural services that is on Page 36. I know there are amendments that were made. Part 7(b) reads ploughing old land. This is usually Kshs. 1,500 and you amended it to be Kshs. 1,200. So, I suggest that we reduce it further to Kshs. 1,000.

Then on code 145, Saloon, pedicure and massage. It is good that we define this. We also have *kinyozis*. We have to separate those found in urban and rural areas. You cannot charge someone with a saloon in an urban town and another in Lontolio the same amount of money.

The combination of a barber shop, saloon and all that 1s Kshs. 5,000. Let that remain the same.

***(Loud consultations)***

**Hon. Chairman:** Honourable Leado, the first two columns are for urban towns, the previous charges and the proposed ones. The second two columns are for rural areas. So, work it out from there.

***(Loud consultations)***

Honourable Members there is something that you need to understand. All this information is being captured. So, everything should be orderly.

***(Question of the amendment proposed)***

***(Question put and agreed)***

*(House resumes)*

*[The Deputy Speaker (Hon. Killo) left the Chair]*

*[Hon. Speaker (Hon. Loltome) took the Chair]*

**Hon. Speaker:** Honourable Members we are just from the Committee of The Whole House.

**Hon. John Kilo Dawe:** Thank you Mr. Speaker. I wish to report the Committee of the Whole House has considered the Marsabit County Finance Bill, 2018 and approved the same with amendment. Thank you.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. I wish to report the Committee of The Whole House has considered the Marsabit County Finance Bill, 2018 and approved the same with amendment. Thank you.

***(Question proposed)***

***(Question put and agreed)***

*Third Reading*

THE MARSABIT COUNTY FINANCE BILL 2018.

**Hon. Daud Tamasot Arakhole:** Thank you Mr. Speaker. I would like to move a Motion on Third Reading of Marsabit County Finance Bill, 2018; An Act of the County Assembly of Marsabit to provide for the imposition on variation of various taxes, fees, licenses, rents or rates for services and for connected purposes.

Having considered the views of the community and other stakeholders during the public participation we now request the Honourable Members to adopt this report of the Finance Bill 2018.

There were some terminologies which were raised in this Bill and we really had some hard time to understand some words. At times we had to call the Departments to explain some technical words which were not relevant to the Members. At long last we managed to finish the report and I urge the Members also in their input and adopt. I really appreciate my Committee for the tedious work.

If the Committee followed the wishes of the Committee , we could not raise any revenue for the county. We considered both sides to adjust. I ask the Honourable House to adopt the report, thank you.

**Hon. Konchora Abduba:** Thank you Mr. Speaker. I support the Bill in total. As I have said this morning most of the Counties we consulted have adopted this Bill with considerations of special interest people. Samburu, Turkana and Vihiga Counties specifically have considered the special interest people. This Finance Bill gives a little cross to those carrying a heavy cross throughout their life. As a Committee we suggested and agreed in a common voice that we should be mindful to all persons living with disability. They should pay 25 percent less for all registration fees on levies charged under this Act. We have done enough consultation with the people concerned and especially Mr. Dabasso. Thank you.

**Hon. Hassan Wako Jarso:** thank you Mr. Speaker. Just as I said in the morning, I want to appreciate the committee of budget for a good job. It is good that this Honourable House has given leeway to people living with disabilities. We are able to make a favourable atmosphere for our people to do business. We have also put into consideration that our County generate its revenue. The people will know their legislators have actually represented them well in this House. Thank you Honourable Members for doing the best for our people.

**Hon. Abdirahman Sheikh Bashir:** Thank you Mr. Speaker. Let me give some overview remarks of what we observed during public participation, in our interviews with the departments and while compiling this report. We noticed that revenue collection is very high. A goat on sale from Dabel will be charged at order for cess, at the market the buyer and the seller are also charged. The same goat is charged at the slaughter and by the public health inspecting. The butchery man is also paying for the license monthly. This is too much collection. The hotels too are charged too much.

A lot is being collected but why is money not there. We were told all those collections which are being made, none are submitted to this county. The department of urban and planning, Agriculture and Health could not properly account for the monies they collect. These revenue collections should be utilised. The cess collectors even overcharge.

They told us that they have introduced automation at the water point next to us, and in one month they are already collecting six hundred thousand. We have challenged them to introduce similar innovation in all the collection centre. We should be willing to spend more on those machines to make high returns on our taxes. I support. Thank you.

**Hon. Hussein Abdi Wako:** Thank you Mr Speaker. I also stand to support the Bill. At the hospitals and dispensaries there are monies collected called the Cost Sharing. That money doesn’t reach here-the Headquarter. It will be used directly at the source. For lands, there is no single register to track what the departments have collected for land levies. As representative of the people, we must ensure that people’s money collected are accounted for. The money collected by Department of Agriculture has never been submitted to the County coffers. Let us do a thorough oversight to curb the embezzlement. I stand to support. Thank you.

***(Question proposed)***

***(Question put and agreed to)***

***The Assembly rose at 5.40pm***