

# MURANG'A COUNTY ASSEMBLY

## THE HANSARD

Tuesday, 23<sup>rd</sup> February 2016

The House met at 2:34 p.m.

*(The Speaker Hon. Nduati Kariuki in the Chair)*

### PRAYERS

#### COMMUNICATION FROM THE CHAIR

#### DEFERRED PUTTING OF THE QUESTION ON ADOPTION OF REPORT OF COMMITTEE ON IMPLEMENTATION ON IMPLEMENTATION STATUS OF MURANG'A COUNTY SYMBOLS ACT 2015

**The Speaker:** Hon. members as far as the first item of the agenda is concerned on Thursday 18<sup>th</sup> February 2016 during the sitting, pursuant to standing order 54 (3) the Chair deferred putting of the question on adoption of the report on committee on implementation on implementation status of Murang'a county symbols Act 2015 on the basis that the report did not contain the observations.

In view of the above and further to scrutiny of the said report it is evident that the report does not contain the committee's observation on the matter.

The Chair hereby rules that the report be referred back to the committee for inclusion of observations and the motion to be listed for debate next week. Next order

#### MURANG'A COUNTY REVENUE ADMINISTRATION BILL-SECOND READING

**Hon. Samuel Wandia:** Thank you Mr. Speaker; let me take this opportunity to present Murang'a County revenue administration bill before this house for discussion as a motion.

This motion is very important because previously we never had one and now it has come into being. This Bill was brought to finance committee where it was discussed and subjected to public participation as required by constitution.

I take this opportunity to take the members through some of the sections of this motion because I cannot go reading the whole Bill Mr. Speaker. If the Bill is passed by this hon. House it will become an Act and once it becomes an Act, it will be used as a guide on collection, receipt and administration of revenues.

The purpose of this Act is to provide for a legal framework through which the County Government of Murang'a will start collecting and administering the revenue that is collected or any other revenue that will find its way in this county.

Part one of this Bill it defines the various officers who will be expected to manage revenue. Part two discusses the establishment of revenue unit and the officers to man that unit Mr. Speaker.

Section three of the same Act it expresses the revenue administration and offices which will be established to administer and collect the revenue. It further indicates the powers of such officers. Also the same, and this is very important if it is implemented in this county, because this Act provides that the county government of Murang'a is allowed to hire services of an agent to collect revenue for the county and only pay commission to the agent. If that is done the county government of Murang'a will be relieved from collecting revenue.

Also in the same Act, it discusses about record management. Record management is very important because a record gives the history of the event which has happened Mr. Speaker.

The same Act discusses about the refund. How to refund taxes collected from the citizens in Murang'a and the mechanism of handling the refunds. On the same Act it has given a provision where the members of the public would rise an appeal for any mismanagement, let

me put it the citizens of Murang'a will have a room in which to raise appeals on taxes and any other fees which does not please them.

It also discusses about waiver and here it describes very properly on when to give waiver. It states that once the waiver is given a list of beneficiaries should be put down and presented before this Assembly.

Part four of the same it discusses on the appointment of enforcement officers. That is very important and also it gives a provision when those enforcement officers can confiscate goods and materials from members. It has given room for forfeit.

Part five of the same Act provides for formation of regulations to back up the Act. So this is the way to go and I pray that in all other areas of this county the county government should come up with Act and present them to this assembly. I thank you Mr. Speaker

**The Speaker:** Thank you, seconder

**Hon. Samuel Wandia:** Hon. Kirigwi

**Hon. Charles Kirigwi:** I second.

*(Question proposed)*

*(Silence)*

**The Speaker:** If there are no contributions I will ask the mover to respond.

**Hon. Samuel Wandia:** I thank you Mr. Speaker I think silent means they ----

**The Speaker:** Consent

**Hon. Samuel Wandia:** Yeah, Thank you very much members for accepting the Act and I hope the Act will help citizens of Murang'a. I thank you very much Mr. Speaker.

*(Question put and agreed to)*

#### MURANG'A COUNTY RATING BILL NUMBER 2 OF 2015- SECOND READING

**Hon. Duncan Njuguna:** I beg to move the following motion;-

That; the Murang'a County Rating Bill No 2 of 2015 be now read a second time.

The said Bill has undergone the first reading, we have gone through public participation, we also collected views from the members of the public through memorandums and going out to meet the people and enlightening them.

This was done on 4<sup>th</sup> and 5<sup>th</sup> of February and the response from the members of the public was very good and they put us to task on various issues, they seem to have understood the Bill. Today, I am here to take the Hon. Members through the rating Bill although it is in their files and request them to support the Bill so that we can have a Rating Act of our own. This is because anything to do with Valuation, rating Surveying, mapping and planning is devolved.

The objectives of the Bill are to provide a legal framework for the rating process of the county government in order to enhance revenue collection on the section of the lands department. The rates under use are absolute, with the enactment of this act, we will be able to enhance revenue collection, promote transparency and efficiency in the land rating process because knowing very well that private lands not devolved, public land, community land is a devolved function.

The Bill has five parts in it, it is in the members file and we have 24 Clauses in it, in Part 1 is to ensure effectiveness and efficiency in administration of rates on land and ensuring equated fairness on the rating process. This will be effected after doing the Valuation Bill which is on the way because the Valuation of Murang'a County was a bit late and that is why we decided to enact the rating Bill first and then await the Valuation Bill

Part 2 provides for the Administration Framework, the department responsible for these matters. With this Bill, we will help the personnel in the department in ensuring that the rates are properly levied and paid.

Part 3, is a long one that involves the methods of area rating and the process of collecting the payments. Towards the end of the last day in 2015, we brought a motion in this house requesting the CEC Finance and all the departments to enhance revenue collection through getting the personnel up to sub-county level, although it was defeated, the spirit of the motion was to make sure that each department stands on its own in revenue collection so that there can be a follow-up on Assets and payments.

Part 4 has the general provisions that include the powers of the executive to make regulations, this is important because without regulations, the implementation of the Act will be affected.

Part 5 is on miscellaneous, the Bill provides Valuation of Property where the Bill will provide for valuation and compilation of a valuation register as stated earlier. The executive will bring the Valuation Bill by April. The register will inform the rates and enhance effective implementation of this Bill. At the moment, even if we were to affect the Rating Act, it will be updated because the land rates, the County government should adopt the most applicable and fair method of implementing this Act. If the members can go through the Bill, they will be able to understand it since it has been done in a format that everyone can understand the Bill when they go through it because it has been done in language and format that will be understood by everyone. I call upon Hon. Catherine Mugo to second the motion. Thank you Mr. Speaker, Sir.

**Hon. Catherine Mugo:** Thank you Hon. Speaker, I rise to second the Motion. I am a Member of this Committee on Lands and I would just like to say that the purpose of this Act has been clearly outlined in Section 3, as the Chairman has rightly put it. We have been complaining that the national government has not been giving counties enough money but I believe that once we have this Act in place, we will be in a position to collect revenue which will add up to the chunk of money that we are getting from the National Government.

It is therefore a very good Act and I urge Members to support our Committee. If you look at the rates that are collected today, they have actually been collected without an Act in place. Now that we have one, we will find that if we have a property in Kahuro, the rates that will apply there will be uniform with a property that we have here in Murang'a, depending on the schedule that the County Executive Committee (CEC) Member will come up with. We will be uniformly distributed as the Act has actually talked about, regarding equity and fairness in land rating systems. Depending on the area that people come from, they will be in a position to know the kind of rates they should pay. Given that this is a very good Act that will also add to our revenue in the County, I ask members to support the motion. Thank you,

*(Question proposed)*

**Hon. Duncan Njuguna:** On a point of order Mr. Speaker

**The Speaker:** Yes.

**Hon. Duncan Njuguna:** It is on decorum, Mr. Speaker, you are going to agree with me that it is very hot and maybe La- Nina is with us. That, however, does not mean that Hon. Jane should take off her jacket and place it on the seat where members should sit. We have not also taken off our coats despite it being very hot. Is it in order?

**The Speaker:** It is not in order. Can the affected member maybe go out and correct the situation before coming back.

*(Applause)*

*(Hon. Jane Ndegwa walked out of the Chamber)*

Continue.

**Hon. Mary Waithira:** Mr. Speaker, I want to comment on no. 14 that is on the payment of rates and interests. It is written in no. 2 that any rates that remain unpaid within the stipulated time shall attract a charge of simple interest at the rate of 3% per month.

As much as we would want our members to be paying the rates within the stipulated time as per the due dates for the rates, my feeling is that this percentage is very little and we might not manage to get a penalty to make sure that our members pay their rates on time so that we can finance---

**Hon. Charles Kirigwi:** On a point of order, Mr. Speaker, ---

**The Speaker:** What is the point of order?

**Hon. Charles Kirigwi:** Is it in order for Hon. Mary Waithira to discuss the Act clause by clause as if we are in the Committee of the Whole. I believe that the House business has provided that we are going to deliberate each and every input. I need your guidance because I think she should just talk about the Bill; not specifics of the Bill because we have the Committee of the Whole coming soon.

**The Speaker:** Hon. member, she has just started and we do not know how far she is going. You are assuming that she is going to quote many clauses but she has just begun. Carry on.

**Hon. Mary Waithira:** Thank you Mr. Speaker for that defence. Mine was only on that so that we at least have our people paying on time and maybe have a stipulated percentage instead of giving room which might be abused. Thank you Mr. Speaker.

**The Speaker:** I ask the mover to respond.

**Hon. Duncan Njuguna:** Thank you Mr. Speaker, I also thank the Hon. member who has just contributed to the motion. I want her to know that her point is noted and what needs to be done will be done either during the amendments or will be taken care of thereafter because as she has stated, especially on the rates, that can be abused.

All the same, I will echo the word of Hon. Wandia that silence means consent. Members have read the Bill and we were with them during the public participation on 4<sup>th</sup> and 5<sup>th</sup> February whereby they took members through areas that they did not understand. I therefore hope that they are going to support the Motion so that we can proceed to the Committee of the Whole House. Thank you very much Mr. Speaker..

**The Speaker:** I hope the silence is not because it is too hot.

*(Question put and agreed to)*

#### ADJOURNMENT

**The Speaker:** Hon. Members, we are now adjourned until tomorrow at 2:30 p.m. Thank you.

*The House rose at 3:01 p.m.*