

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Wednesday 30th November, 2016

Assembly Building

The House met at 10.00am

[The Speaker (Hon. Susan Kihika) in the Chair]

PRAYERS

THE COMMITTEE OF THE WHOLE

(Order of the Committee read)

[The Speaker (Hon. Susan Kihika) left the Chair]

IN THE COMMITTEE

[The Chairperson (Hon. Stephen Kiarie) took the Chair]

NAKURU COUNTY FINANCE BILL NO. 6 OF 2016

The Chairperson (Hon. Stephen Kiarie): Honourable Members, we reminded you that we were going to have this Finance Bill and we asked you to bring your copies.

Clause 3

(Question that Clause 3 be part of the Bill proposed)

(Question that Clause 3 be part of the Bill put and agreed to)

Clause 4

(Question that Clause 4 be part of the Bill proposed)

(Question that Clause 4 be part of the Bill put and agreed to)

Clause 5

(Question that Clause 5 be part of the Bill proposed)

(Question that Clause 5 be part of the Bill put and agreed to)

The Chairperson (Hon. Stephen Kiarie): Honourable Members, because the document is very big we will go straight to Clauses that have amendments as I have been advised. Clauses 6 to 18 have no amendments.

(Question that Clauses 6 to 18 be part of the Bill proposed)

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(Question that Clauses 6 to 18 be part of the Bill put and agreed to)

Clause 19

THAT Clause 19 of part 1 be amended by deleting the hours “5:00pm to 11:00pm” and substituting thereof the hours 4:00pm to 11:00pm.

(Question that Clause 19 as amended be part of the Bill proposed)

(Question that Clause 19 as amended be part of the Bill put and agreed to)

The Chairperson (Hon. Stephen Kiarie): Honourable Members, again Clauses 20 to 28 have no amendments.

(Question that Clauses 20 to 28 be part of the Bill proposed)

(Question that Clauses 20 to 28 be part of the Bill put and agreed to)

Clause 29

THAT Clause 29 of part 1 be amended by deleting the heading title “royalties” and substituting thereof the heading title word “Mining Royalties” Fees and Charges (Mining Act No. 12 of 2016)”

(Question that Clause 29 as amended be part of the Bill proposed)

(Question that Clause 29 as amended be part of the Bill put and agreed to)

The Chairperson (Hon. Stephen Kiarie): Honourable Members, again Clauses 30 to 47 have no amendments.

(Question that Clauses 30 to 47 be part of the Bill proposed)

(Question that Clauses 30 to 47 be part of the Bill put and agreed to)

Clause 48

THAT Clause 48 be amended by deleting the entire Clause and inserting thereof Clause 22 and Clause 23 in the proper numerical sequence to read as follows;

Clause 22: Section 3 of the Nakuru County Revenue Administration Act under the definition ‘Revenue law’ is amended by deleting the word “The Act providing for annual County finances” in paragraph “(d)” and inserting the words “The Nakuru County Finance Act”.

Clause 23: Part ii of the Nakuru County Revenue Administration Act is amended by inserting the following section immediately before section 5 to follow in the proper numerical sequence.

The Executive Committee Member in charge of revenue may by order published in The Kenya Gazette amend any of the schedules in the Finance Act in force.

- a) Any order made under sub-section (1) shall be laid before the County Assembly within fourteen days and unless a resolution approving the order is passed by the County

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Assembly within the next twenty one days on which it sits after the order is so laid, the order shall lapse, but without prejudice anything done previously there under.

(Question that Clause 48 as amended be part of the Bill proposed)

(Question that Clause 48 as amended be part of the Bill put and agreed to)

FIRST SCHEDULE

THAT PART III of the First Schedule in the agricultural produce cess be amended by deleting the unit of measure “1% of turnover” and substituting thereof the unit of measure to “1% of the gross turnover”.

THAT part IV of the of the First Schedule on Environment, Water and Natural Resources be amended by inserting the year “2016” after the legislation “*mining Act*” and further as follows:

Within the County

- i) **THAT item** 1/2502 for royalties of sand within the County for lorry capacity of 7-10 tons be amended by deleting the charge of Kshs. 1 500 and substituting thereof the charge Kshs. 1 300.
- ii) **THAT item** 2503 for royalties of stones within the County for lorry capacity of 7-10 tons be amended by deleting the charge of Kshs. 1 500 and substituting thereof the charge Kshs. 1 300.
- iii) **THAT item** 2504 for royalties of ballast within the County for lorry capacity of 7-10 tons be amended by deleting the charge of Kshs. 1 500 and substituting thereof the charge Kshs. 1 300.
- iv) **THAT item** 2505 for royalties of murrum within the County for lorry capacity of 7-10 tons be amended by deleting the charge of Kshs. 1 500 and substituting thereof the charge Kshs. 1 300.
- v) **THAT item** 2506 for royalties of pumice within the County for lorry capacity of 7-10 tons be amended by deleting the charge of Kshs. 1 500 and substituting thereof the charge Kshs. 1 300.

Outside the County

- vi) **THAT item** 2507 for royalties of sand outside the County be amended as follows;
 - a) Amend the royalties for sand for canter by deleting charge Kshs. 800 and substituting thereof a charge of Kshs. 700.
 - b) Amend the royalties for sand lorry capacity of 7-10 tons by deleting charge Kshs. 1 000 and substituting thereof a charge of Kshs. 800.
 - c) Amend the royalties for sand for lorry capacity above 10 tons by deleting charge Kshs. 2 500 and substituting thereof a charge of Kshs. 2 200.

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- vii) **THAT** item 2508 for royalties of stones outside to be amended as follows;
- a) Amend the royalties for stones for canter by deleting charge Kshs. 800 and substituting thereof a charge of Kshs. 700.
 - b) Amend the royalties for stones for lorry 7-10 tons by deleting charge Kshs. 1 000 and substituting thereof a charge of Kshs. 800.
 - c) Amend the royalties for stones for lorry capacity above 10 tons by deleting charge Kshs. 2 500 and substituting thereof a charge of Kshs. 2 200.

Hon. Moses Kamau: (On a point of information) Mr. Chair, the Chairman for Finance is misleading us by what he is reading. Let us go back to our Bill page 24; he is reading the wrong code and also giving us the wrong new charges to the wrong trucks. For instance if you go to code 1-2502 the lorry capacity between 7-10 tons has been given Kshs. 400 and the Chairman is insinuating that instead of the Kshs. 400, it was Kshs. 1 500 to now Kshs. 1 300.

(Loud Consultations from some Members of the Finance Committee)

No listen! You need to first of all understand. Let honourable Members who are in the Finance Committee understand first of all. Can we go to the Bill to understand what I am saying? Page 24. Let us start with code 2502; it should not be the lorries capacity of 7-10 tons but should read lorries above 10 tons.

I think you have understood; but at the same time Mr. Chairperson, even if we now say a lorry above 10 tons be charged from Kshs 1 500 to Kshs. 1 300 when I do calculations here it is not adding up because you cannot charge a lorry between 7-10 tons Kshs. 400 and charge a lorry above 10 tons Kshs. 1 300 which is almost four times. At least we should charge that lorry Kshs. 1000 which will be two and a half times.

(Applause)

So my amendment is that the lorry above 10 tons be charged Kshs. 1000 and the other lorries 7-10 tons to read as it is; Kshs. 400. It should now read; within the County where there is lorry capacity between 7-10 tons we delete from no. 1-5 to above 10 tons where it is reading lorry capacity between 7-10 tons to read above 10 tons. And then charges from Kshs 1500 to Kshs 1000 Mr. Chairperson.

Hon. John Gicamu: Clarification kindly, currently this is not a new charge, currently all the Lories above ten tones are charged Kshs 1500 and that is why we proposed a lesser Kshs 200 to read Kshs 1300 and our amendment was from Kshs 1500 to Kshs 1300 that was through public participation. We sat with them and they are happy, and I agree with the chairperson that there is an anomaly here between the canter and the Lories between 7 and 10 tones ,this are lories that are not supposed to be charged Kshs 400,it was supposed Kshs 800.

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Hon. Peter Mwangi: Mr. Chairperson, I think there is a difference between a canter which is less than 5 tones and a lorry which is between 7 to 10 tones. What we have in our amendments here in item one is 7 to 10 tones to be charged not Kshs 1500 but Kshs 1300, the current payment for the 7 to 10 tones is Kshs 400, that is what they were paying last year per trip.

If you say that 7 to 10 tones will pay Kshs 1300 per trip, if you are the lorry owner and you are paid 3500, and if you remove Kshs 1300 you remain with 2200, the lorry consumes 2000 for fuel.

You are crippling this sector and we are headed for elections, we are not going to talk because in Bahati this is the core business. The 7 to 10 tones Lorries have been paying 400 but now it has increased to 1300.

The Chairperson (Hon Stephen Kiarie): Can we ask the chairman to clarify this?

Hon. Peter Mwangi: the chairman does not understand the difference between a ten wheeler which is 20 tones and a six wheeler which is 7 to 10 tones. The ten wheeler was charged Kshs 1500 previously, if you look at this Bill they are going to charge Kshs 2200 which is an increase of 700, the 7 to 10 tones was paying 400 and now it will be rise to Kshs 1300 which is an increase of 900.

The Chairperson (Hon Stephen Kiarie): Can we have the chairperson to give us clarification.

Hon. John Gicamu: Kindly, the honorable Member from Bahati is reading the wrong code, because we have the Lorries that are actually within Nakuru County and there are Lorries that are in the county travelling outside the county.

Hon Stephen Muiruri: An amendment has been moved by honorable Moses and since we do not want to get lost, I think we should dwell on it so that the Members can pass or reject it, I think it will be prudent that we take a vote on this?

The Chairperson (Hon Stephen Kiarie): Before we do that, suppose we say that capacity above ten tones, instead of writing 7 to 10 it should be capacity above ten tones.

Hon Stephen Muiruri: do what? Because there is also a trailer can we be specific then.

The Chairperson (Hon Stephen Kiarie): There is a Clause down there for trailers and pickups.

Hon Stephen Muiruri: So that we are clear, honorable Moses should put a limit for example between 10 tones to 24 tones are going to pay 1000 because he has already moved an amendment that we come from 1500 to 1000.

Hon. Moses Kamau: I want to be understood properly, I am saying that we amend lorry capacity of 7 to 10 tones to read lorry above 10 tones from number one to number five, and I think the chairman; Honorable Gicamu can agree because there was an error. The lorry between 7 to 10 tones are charging 400. Another amendment for number one to five, my argument is that if the lorry between 7 to 10 tons in the Bill are charged 400 shillings, canter and above is 300 shillings. Then I am saying if the 7 to 10 is 400, let us double because even there was a public participation, this charges are pushed to consumers who are our people and I remember there was a protest, let us charge Kshs 1000.

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I differ with the chairperson because he is saying that they were paying Kshs 1500, the cost of construction shot very high and the people have been complaining, those Lorries would have accepted Kshs 1500 because they pushed the transport cost to the people and the people have been complaining. In Elementaita we normally get building materials from Bahati and people from Kuresoi and Molo get sand from Kaptembwa and Mzee Wanyama area.

The lorry owners could be comfortable because they pushed the cost to the people who have been complaining. Let us agree to charge Kshs1000 and I request the Members here to support me.

Hon. John Gicamu: I want to say categorically and I want to repeat what I am saying, this charges were negotiated and all the traders and all the transporters were available in Bahati sub county and Naivasha and...

(Loud consultations)

The Chairperson (Hon Stephen Kiarie): Let the Chairman finish, this is a House of rules and procedures

Hon. John Gicamu: this Lorries above 10 tons actually was Kshs 1000 and they agreed and they are the majority in the county. Currently they are paying 1500 but we reduced to 1300 shillings.

Remember this Finance Bill is supposed to fund the Budget that the chairperson for Budget Committee proposed in this House, if at all we go below those charges we will not be able to fund that budget.

The Chairperson (Hon Stephen Kiarie): Honorable Kuria.

Hon. Stephen Muiruri: First and foremost I want to correct the chairman for Finance Committee who is a good friend of mine, the collection of royalties is not one of our major revenue stream, furthermore the role of this County Assembly is to legislate, whatever we are doing now is we are legislating, we are correcting the mistakes that we have seen in this. Mind you we are approaching a very sensitive period and honorable Moses is not only moving an amendment that is going to help the people of Elementaita but the entire County.

Materials move from Bahati to Kuresoi and from Bahati to Naivasha and we should be able to support such an amendment because it is a noble one and it is the role of this County Assembly at the level of the Committee of the Whole House to address the issues we are having.

The Chairperson (Hon Stephen Kiarie): Honorable Karuri, I will come back to you honorable Tonui.

Hon. Joel Maina: Thank you Mr. Temporary Speaker, I come from Biashara ward and one of our major activities is quarrying and I am talking as an insider representing those people who depend on this industry. What has been happening when they are paying Kshs1500 is that it could be said that they are comfortable but then that is not the situation, what happens is at times we have rogue county enforcement officers or revenue officers. What is happening now is that if you are a transporter you pay Kshs1000 to the county enforcement officers and you are not given a receipt.

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Eventually that money does not come to the county but to the pockets of those rogue enforcement officers, my humble prayer before this House is that we need to see a situation that we are maximizing on collection, this House should not be preoccupied by putting charges very high in a way we are not able to enforce it. We need to do like Kshs 1000 because even the transporters will be comfortable paying that and demanding a receipt. That is my humble request, thank you.

The Chairperson (Hon Stephen Kiarie): Honorable Tonui.

Hon. Samuel Tonui: Thank you, I also want to make some comments and support the chairman on what he said, most of the Members have said that even if we reduce to 1000, to 800 and as Honorable Karuri said it can be reduced to 200, do not expect this people to pay. The enforcement will ask them to pay them 100 instead of paying 200.

This people will never be comfortable and as a Finance Committee Member, we sat down with them and negotiated and they said that they are comfortable paying 1500. Even if you want to cry for the people in *mashinani*, I can assure you this people will never reduce the prices they are charging the people even if you reduce for them.

There is nowhere you will follow them to see if they have reduced the price, this people are very much comfortable paying Kshs 1500 and we shall be comfortable too because we shall get the revenue. I want to correct my friends saying that this is not the only source of revenue, today if you refuse to agree on what we have negotiated as Finance Committee with those stakeholders and you want to say that you can shoot it down, what if another source of revenue is reduced, how will we get revenue in this county to pay for services.

There are other things which we can compromise but paying revenue..., unless you want this county to collapse, we have to stick on what we negotiated with them and agreed, I beg you Members... I am still contributing and my contribution is also very important.

Let us look at this issue in all aspects as we are sure we have to pay the taxes, what we need from the Members is to support the work of the Finance Committee, thank you very much.

The Chairperson (Hon Stephen Kiarie): Honorable Florence.

Hon. Florence Njoroge: thank you, I want to correct the Member who was on the floor, who is a Member of the Finance Committee that the essence of having the Committee of the Whole House is to fine tune the findings of a specific committee

(Applause)

Sincerely chairman, you cannot tell us that because you met with the people on the ground and negotiated that is the final draft, what is the essence of us sitting here?

We do agree and we give the Finance Committee a pat on the back because of the work they have done but again there are those Nitty gritty issues which cannot escape the eyes of fellow Members who are not part of that committee and that is why we are here.

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If we agree to amend and reduce that amount and for your information Mr. Chairperson I do not think there is any issue in Nesuit ward and the Member from there may be arguing out of ignorance of the fact that he does not have the mines, but us we are speaking from reality.

In Elburgon ward we are speaking from reality, we know the complains from the people and could be those people who were supposed to come during the public participation never availed themselves and that is why we are here to represent them so that we can stand on behalf of them and then ...

(Loud consultations)

The Chairperson (Hon Stephen Kiarie): Order Members, orders Members, honorable Steve you have point of order?

Hon. Stephen Kihara: (On a point of order) thank you, how I wish that order prevails because when someone is on a point of order it is not for us the Members of this House to direct the Speaker on what to do, the Speaker is wise enough to be give the direction.

Mr. Chairperson, honorable Florence is out of order by referring on Honorable Tonui that he comes from Nesuit and there are no quarries in Nesuit. It is important for Members to understand that this materials are not consumed where quarries are, and this materials are consumed all over the County and for honorable Florence to purport that in Nesuit there no quarries and Honorable Tonui does not have what it takes to debate and talk about quarries is inappropriate and I propose that Honorable Florence before she continues must withdraw that statement.

Hon. Florence Njoroge: let me wind up Mr. Chairperson but at the same time it is my wish that the Member for Nesuit to confirm whether there are quarries, if he does so I will be ready...

The Chairperson (Hon. Stephen Kiarie): Order! Order! We cannot have two Members standing. It is out of order.

Hon. Florence Njoroge: thank you for protection, all in all I want to support the amendment by the Chair budget. We are failing on the ground and those people we are representing are feeling it. But anyway if I have offended the Member from Nesuit I apologize.

(Loud Consultation)

The Chairperson (Hon. Stephen Kiarie): Order! Order Members! We have a point of order from Hon. Tonui and this is going to be the last one.

Hon. Samuel Tonui: Thank you Hon. Chairman, I was mentioned by Hon. Florence and I am not happy.

(Loud Consultation)

She has apologized but I want to make a comment. She asked if there are quarries in Nesuit Ward. I want to tell her that I have got three quarries.

I also want to confirm to her that I know what I was talking about, even if I did not have quarries I have been moving around and seeing many quarries in other Wards. I am a Hon. Member who knows what is supposed to be said in this House and what is not supposed to be said. Thank you.

The Chairperson (Hon. Stephen Kiarie): Hon. Members we will take the amendments. Hon. Nderitu be the last person then we take amendments from Hon. Musa and then we move on.

(Loud Consultation)

Please we are taking too long let this be the last one, so that we can proceed.

Hon. Peter Mwangi: Thank you Hon. Chairman, here we are talking about transporters because all the charges go to the transporters, they do not even go to the quarries but if our County Government, if judged in reference to what happened in the local Government. Let us start from there. In Bahati a 7 to 10 tons of lorry was paying Kshs 350 per day, as cess levies. When we devolved to Counties. Mr. Chairman they are making noise.

(Loud Consultation)

The Chairperson (Hon. Stephen Kiarie): Hon. Members consult quietly.

Hon. Peter Mwangi: In 2013 they were charged 500 per trip.

The Chairperson (Hon. Stephen Kiarie): Let us hear what the Hon. Member is saying.

Hon. Peter Mwangi: an average lorry does about five trips a day. In 2013 that went to Kshs 2500 per day. If you compare that to what they used to pay in 2012 that is Kshs 350 per day, the increase was more than Kshs 800. We are not doing them a favor by reducing Kshs 1500 a trip to Kshs 1300 a trip. If that lorry does 5 trips a day, it is culminating to Kshs 6500 a day. That is for a lorry that is above 10 tons which used to pay Kshs 1000 per day during the local government era. It is just prudent to put yourself in the shoes of a local person, we are not talking about very rich people. These are people who have gone out of their ways and bought a lorry worth Ksh 800,000 who only want to make about Kshs 2000-3000 a day. But we are taking a whole chunk of what they are making in the name of Finance Bill, Mr. Chairman.

We are not going to develop this County by oppressing these small businessmen coming up. So as he proposed in his amendment let us make it at least Kshs 1000 a trip for now. Which will be Kshs 5000 per lorry a day. Thank you.

The Chairperson (Hon. Stephen Kiarie): Let us take those amendments now. Hon. Simita you are late please.

(Loud Consultation)

No let us have Hon. Musa.

Hon. Moses Kamau: Mr. Chairman as I had said I am moving an amendment 1-2502 to 2506 where we are saying we delete the words “*capacity of 7-10 tons*” and replace with “*10 tons*” and

then deleting the charge of “Kshs. 1,500” and substituting thereof the charge “Kshs. 1,300” from code 2502 to 2506

(Question on amendment proposed)

(Division)

Ayes 11

Nay 7

(Question that First Schedule be part of the Bill put and agreed to)

Hon. John Gicamu: THAT item 1-2508 for royalties of stone outside the county be amended as follows:

- a) Amend for royalties for stones for canter by deleting charge Kshs. 800 and substituting therefor a charge of Kshs. 700
 - b) Amend for royalties for stones for lorry 7-10 tons by deleting charge Kshs. 1,000 and substituting therefor a charge of Kshs. 800
 - c) Amend for royalties for stones for lorry above 10 tons by deleting charge Kshs. 2,500 and substituting therefor a charge of Kshs. 2,200
- i. **THAT** item 1-2509 for royalties of ballast outside the county be amended as follows:
- a) Amend for royalties for ballast for canter by deleting charge Kshs. 800 and substituting thereof a charge of Kshs. 700
 - b) Amend for royalties for ballast for lorry 7-10 tons by deleting charge Kshs. 1,000 and substituting therefor a charge of Kshs. 800

(Loud Consultation)

The Chairman (Hon. Stephen Kiarie): Order! Members, we cannot even hear what the Member is saying, Hon. Langat please honor the House, sit down

- c) Amend for royalties for ballast for lorry above 10 tons by deleting charge Kshs. 2,500 and substituting thereof a charge of Kshs. 2,200
- ii. **THAT** item 1-2510 for royalties of murram outside the be amended as follows:
- a) Amend for royalties for murram for canter by deleting charge Kshs. 800 and substituting thereof a charge of Kshs. 700
 - b) Amend for royalties for murram for lorry 7-10 tons by deleting charge Kshs. 1,000 and substituting thereof a charge of Kshs. 800
 - c) Amend for royalties for murram for lorry above 10 tons by deleting charge Kshs. 2,500 and substituting thereof a charge of Kshs. 2,200

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iii. **THAT** item 1-2511 for royalties of pumice outside the county be amended as follows:

- d) Amend for royalties for pumice for canter by deleting charge Kshs. 800 and substituting thereof a charge of Kshs. 700
- e) Amend for royalties for pumice for lorry 7-10 tons by deleting charge Kshs. 1,000 and substituting therefor a charge of Kshs. 800
- f) Amend for royalties for pumice for lorry above 10 tons by deleting charge Kshs. 2,500 and substituting thereof a charge of Kshs. 2,200

(Question on amendment proposed)

(Question that first schedule as amended be part of the Bill put and agreed to)

SECOND SCHEDULE

Hon. John Gicamu: Thank you, I want to move an amendment

1. **THAT** 300 series Brim code of the second schedule on transport, storage and communications be amended by inserting new brim code to cater for driving school as follows
 - a) By inserting Brim code 316 for driving school with vehicles above 6 to charge a trade license of Kshs. 30,000 across the county.
 - b) By inserting Brim code 317 for driving school with vehicles between 2 to 5 to charge a trade license of Kshs. 10,000 across the county.
2. **THAT** Brim code 650 in the second schedule on professional, technical and financial services be amended by deleting the word “ small” in the second column and substituting thereof the word “ medium”

(Question on amendment proposed)

(Question that second schedule as amended be part of the Bill put and agreed to)

Hon. Stephen Muiruri: Mr. Chairman I want to know what happened to the amendments that I had proposed yesterday because now I can see we are in the Sixth Schedule and they have not been captured.

The Chairperson (Hon. Stephen Kiarie): Hon. Kuria what is your concern, we are already done with the Second Schedule.

Hon. Stephen Muiruri: Mr. Chairman my brim code were very specific.

The Chairperson (Hon. Stephen Kiarie): Are you back on Second Schedule? That is where we introduced brim codes.

Hon. Stephen Muiruri: But they have not been captured here.

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The Chairperson (Hon. Stephen Kiarie): Why?

Hon. Stephen Muiruri: They are neither here nor...

The Chairperson (Hon. Stephen Kiarie): Let us proceed Hon. Steve, we are in Schedule Six, because these are brim codes and he has introduced new brim codes.

Hon. Stephen Muiruri: But a Member of this Assembly is free to introduce any amendment that he has an issue in this Finance Bill Mr. Chairman.

The Chairperson (Hon. Stephen Kiarie): Okay then go ahead.

Hon. Stephen Muiruri: I had an issue with page 31 yesterday and I made it very clear.

The Chairperson (Hon. Stephen Kiarie): Hon. Gicamu you listen so that you can respond.

Hon. Stephen Kihara: Mr. Chairman I have an issue. As my colleague is seeking guidance I also want to seek your guidance. The issues that he is complaining about are in Schedule Two which we are done with and a question has already been put. Will it be procedural again to go back to that schedule that has been done away with and we have progressed to the next schedule?

The Chairperson (Hon. Stephen Kiarie): It is not in order Hon. Steve. Hon. Kuria if it has been captured why are you dragging us back again?

Hon. Stephen Muiruri: Mr. Chairman let us be very specific. Unless I am not a Member neither all of us are not Members. A Member is free to move an amendment even our Standing Orders says so. My amendments were not captured here and that is why yesterday when we were negotiating this document, I moved my intention and I also served the office of the Clerk and the Chairman. I notified them that I am going to move those amendments. Luckily they are not here and the ones that I am talking about is food handlers. Whether it is in that schedule or not, we cannot pass things like that.

Procedurally we are supposed to read this Bill Clause by Clause

The yellow book, but now Mr. Chairman we are reading what the chair Finance Committee has brought. So we are jumping the gun... *Ni ukweli!*

(Loud consultations)

Hon Samuel Tonui; point of order!

The Chairperson (Hon Stephen Kiarie): Yes allowed

Hon Samuel Tonui:(On point of order) Thank you chair, Hon. Members in fact what he is saying is somehow relevant, but although they are genuine concerns, instead of the Hon. Members moving forth and backward, what Hon. Member is raising has already been captured and I do not see any reason for us to go backward instead of moving forward. He should have done what Hon. Moses did and it was captured...

(Loud consultations)

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The Chairperson (Hon Stephen Kiarie): Order! Hon Members

Hon Samuel Tonui: Chairperson, I do not know why when I have permission to talk in this House, most of the time I have a problem. Let me say Hon Florence is always undermining me. Protect me...

The Chairperson (Hon Stephen Kiarie): Kindly finalize on your contribution

Hon Samuel Tonui: Let me say Hon. Florence is always undermining me. I beg that you protect me Mr. Chair!

The Chairperson (Hon Stephen Kiarie): Hon Members, you do not interrupt a Member when he or she is making contribution. Can you finish Hon. Tonui?

Hon Samuel Tonui: Yes, let me finish by saying that my fellow, the Hon. Member is already late for him to raise any objection.

The Chairperson (Hon Stephen Kiarie): Alright Members; Hon Steve was on the floor. Were you through? Let him finish

Hon. Stephen Muiruri: Honorable Chair, you know I am a Member of this County Assembly

The Chairperson (Hon Stephen Kiarie): There is no question about that

Hon Stephen Muiruri: No, I have a point to make; we have made so many laws and I want everyone to get me correctly that all laws that we pass, we read Clause by Clause. However, now because my amendment has not been captured in the Chairman Finance Report, and we are not in agreement, you should have allowed me to move the amendment so that Members can either vote for it or reject it

The Chairperson (Hon Stephen Kiarie): Honorable Members are you listening to what Hon Steve is saying

Several Hon. Members: Yes

Hon Stephen Muiruri: Yesterday I notified the House that I had a little amendment on Brim code no 3101 on page 31. I was proposing that.

The Chairperson (Hon Stephen Kiarie): Now hon Kuria, are this changes you are talking about part of Schedule Two

Hon Stephen Muiruri: Specifically we are not talking about medical examination bit in this report and unfortunately it has not been captured and I am having an issue with it. I just hope that...

The Chairperson (Hon Stephen Kiarie): What Clause is it?

Hon Stephen Muiruri: It is Brim code no 3101.

The Chairperson (Hon Stephen Kiarie): So that is part of Schedule 2. Yes carry on;

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Hon Stephen Muiruri: Mr. Chairperson, as I was alluding earlier, this was not captured. It is neither in the chairman report nor in front of this House but yesterday I did make it very clear. I wish I could be given time to prepare my point...

The Chairperson (Hon Stephen Kiarie): Hon Steve what is your point of order?

Hon Stephen Kihara: I want to believe that the concern of Hon Steve from Biashara Ward has been addressed before hand because the proposed Finance Bill has reduced that particular levy halfway from Kshs 600 to Kshs300. That issue has been captured by the proposed Bill and not in the report as an amendment.

The Chairperson (Hon Stephen Kiarie): Alright; I am going to make a ruling now. Hon Members sit down! When we have gone through and a matter has been put to question no Member shall speak on any question after the same has been put by the Speaker. Those amendments have been captured we have only put question and have been overtaken by events. We are now going to Schedule Three.

(Loud consultations)

Schedule 3

(Question proposed that schedule 3 be part of the Bill)

(Question that Schedule 3 be part of the Bill put and agreed)

The Chairperson (Hon Stephen Kiarie): Now what is happening?

Hon Florence Njoroge: Mr. Chair, my proposal is on the issue raised by Hon Kuria. Let us understand that we represent a people and at the end of the day once the Bill goes back to the people we will be hard hit. Why don't we allow him to write a memorandum which will be captured when the final Bill is drafted because we cannot go back?

The Chairperson (Hon Stephen Kiarie): Because our hands are tied and we have put a question, we can take that proposal by Hon Florence. So Hon Kuria you can bring the amendment. There is a window during the Third Reading. Thank you Hon Florence for that suggestion.

(Loud consultation)

Hon Jane Munka: Thank Mr. Chair, I want to remind our colleague that the Bill that we are reading today has already gone through public participation and they have participated in it. I do not believe we can move forth and backward and yet the community has approved the contents of the Bill

(Loud Consultation)

The Chairperson (Hon Stephen Kiarie): Order Members!

Hon Moses Kamau: (On a point of order) Mr. chairman, in the constitution which supersedes all laws in Kenya, I am a representative of *Wanjiku* and democratically elected and therefore nobody can tell me that the document was subjected to public participation, what is the purpose of this

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document being brought to this House for us to countercheck and also do amendments and I must be given time to interrogate it

The Chairperson (Hon Stephen Kiarie): Hon Members; we are representatives of the people and so it should be clear to all of us that those changes we make here, represent the people and the amendments can be done here. Let us carry on

(Applause)

The Chairperson (Hon Stephen Kiarie): Alright. Let us listen to Hon Muchiri and thereafter, we have the Chairperson Finance to give us direction to avoid this confusion.

Hon Peter Muchiri: Mr. Chairman I have a concern that it would be shameful to amend a Bill. I was in this House yesterday, when Hon Kuria raised the same issue. He was urging the House that let us correct various sections of the Bill and then somebody somewhere, claims that the issues raised by the Hon Member have been overtaken by events; It is very shameful

The Chairperson (hon Stephen Kiarie): Order Hon Member!

Hon Peter Muchiri: Chairman I concur, you see, *tumekuja hapa sababu ya watu wetu* so I concur with what Hon Florence has said that we have another window opportunity but next time let us be patient to hear what a Hon Member is telling the House

The Chairperson (Hon Stephen Kiarie): I thought we had passed that section when we brought in a window opportunity. You are drawing us back.

Hon John Gicamu: Thank you chair, I totally agree with Hon Florence sentiments and also Hon Kuria that they can write a memorandum to Finance Committee and we can see how to factor them.

The Chairperson (Hon Stephen Kiarie): That is why as Hon Members, the law allows us to make any changes that we want

Hon Moses Kamau : Mr. chair are we in order when we are asking Hon Kuria to write a memorandum and what happens if the Finance Committee rejects it, can he introduce the amendments in the Third Reading because the document is in the House?

(Loud consultations)

The Chairperson (Hon Stephen Kiarie): Order Members! Give us time to consult. Sit down! Hon Members please give us time to consult. *Kila mtu weka mikono chini!*

SCHEDULE 4

(Question proposed that Schedule Four be part of the Bill)

(Question that Schedule Four be part of the Bill put and agreed to)

SCHEDULE 5

(Question proposed that Schedule 5 be part of the Bill)

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(Question that Schedule Four be part of the Bill put and agreed to)

SCHEDULE 6

Hon John Gicamu: I want to move an amendment in the Sixth Schedule we proposed that the Alcoholic drink license in the sixth schedule be amended by merging Brim code 8000 application of Liquor licensing Brim code 8001 Application and Inspection Liquor Licensing with a charge of Kshs 2000.

(Question proposed that the Sixth Schedule as amended be part of the Bill)

(Question that Sixth Schedule as amended be part of the Bill put and agreed to)

CLAUSE 2: Interpretation

(Question proposed that Clause 2 be part of the Bill)

(Question that Clause 2 be part of the Bill put and agreed to)

CLAUSE 1: Short Title

(Question proposed that Clause 1 be part of the Bill)

(Question that Clause 1 be part of the Bill put and agreed to)

Memorandum OF Reasons and Objectives

(Question proposed that memorandum of reasons and objectives be part of the Bill)

(Question that memorandum of reasons and objectives be part of the Bill put and agreed to)

The Chairperson (Hon Stephen Kiarie): Mover; hon Gicamu

PROGRESS REPORT

THE NAKURU COUNTY FINANCE BILL No.6, 2016

Hon John Gicamu: Mr. Chairperson, I beg to move that the committee do report to the Assembly its consideration of The Nakuru County Finance Bill No 6, 2016 thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Speaker (Hon Susan Kihika) in the chair]

The Speaker (Hon Susan Kihika) the chairperson you may proceed

REPORT

THE NAKURU COUNTY FINANCE BILL No. 6, 2016

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Chairperson (Hon Stephen Kiarie): Hon Speaker I beg to report that the committee of the Whole House has considered the Nakuru County Finance Bill No 6, 2016 and its approval thereof with amendments.

The Speaker (Hon Susan Kihika): Thank you chairman. The mover you may proceed

Hon John Gicamu: Thank you Hon Speaker; I beg to move that the House do agree with the committee on the said report

(Question proposed)

(Question put and agreed to)

The Speaker (Hon Susan Kihika): The mover you may proceed

Hon John Gicamu: Thank you Madam Speaker; I beg to move that the Nakuru County Finance Bill No 6, 2016 be now read a Third Time

(Question proposed)

(Question put and agreed to)

(The Nakuru County Finance Bill No 6, 2016 was accordingly read a Third Time)

The Speaker (Hon Susan Kihika): Seeing that the Bill has passed it shall be forwarded to the Governor for assent.

ADJOURNMENT

We stand adjourned until 2.30 this afternoon.

(House rose at 11.35 am)