

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, 11TH SEPTEMBER, 2024

Morning Sitting

3rd County Assembly

3rd Session

COUNTY ASSEMBLY OF BUNGOMA

THE DAILY HANSARD

WEDNESDAY, 11TH SEPTEMBER, 2024

The House met at the County assembly Chamber at 9:30 a.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

MOTION

REPORT BY THE SECTORAL COMMITTEE ON LANDS, URBAN PHYSICAL PLANNING AND HOUSING ON THE BUNGOMA COUNTY VALUATION AND RATING BILL 2024

Hon. Francis Chemion (Chairman Lands Committee): Thank you, Hon. Speaker. On behalf of the Committee on Lands, Urban Physical Planning and Housing, I am here to present a report on Bungoma County Valuation and Rating Bill 2024. We have the table of content then next

Executive Summary

The Bungoma County Valuation and Rating Bill, 2024; was first read on the floor of this House on 15th May, 2024 and consequently committed to the Sectoral Committee on Lands, Urban, Physical Planning and Housing for processing and feedback to the House. The proposed Bill was prepared pursuant to the provisions of Article 185 (2) of the Constitution of Kenya 2010 that confers powers to make legislation through County Assemblies.

The Bill seeks to provide for a legal framework for effective valuation and equitable mechanisms for taxation of property in the County and establish a mechanism to reliably raise revenue in the County to enable the County Government to govern and deliver services effectively to the public. The Bill further seeks to promote the principles of taxation of fairness and equity as envisioned in the constitution of Kenya 2010.

This Bill was subjected to public participation through the print media on 9th May, 2024 as per the advertisement in the Daily Nation Newspaper inviting the public to submit memorandum, as attached (annexure 2). The Committee received memoranda by 4th June, 2024 from Kenya workers' Rights and Harmonization program whose valuable input has formed part of this report as annexed herein.

The committee therefore wishes to present this report on the Bungoma County Valuation and Rating Bill, 2024 for noting and adoption by this Honorable House.

Preface

Establishment and the mandate of the Committee

The sectoral Committee on Lands, Urban, Physical Planning and Housing is constituted pursuant to the provisions of Standing Order No.217 (5).

Committee Membership

The Committee on Lands, Urban Physical Planning, and Housing as currently constituted comprises of the following members:-

- | | | |
|-----|------------------------|------------------|
| 1. | Hon. Francis Chemion | Chairperson |
| 2. | Hon. Linda Kharakha | Vice-chairperson |
| 3. | Hon. Ali Machani | Member |
| 4. | Hon. James Mukhongo | Member |
| 5. | Hon. Hentry Nyongesa | Member |
| 6. | Hon. George Makari | Member |
| 7. | Hon. Busolo Sudi | Member |
| 8. | Hon. Eunice Kirui | Member |
| 9. | Hon. Metrine Nangalama | Member |
| 10. | Hon. Wafula Waiti | Member |
| 11. | Hon. Edwin Opwora | Member |
| 12. | Hon. Polycarp Kimeta | Member |
| 13. | Hon. Cornelius Makhanu | Member |
| 14. | Hon. Mildred Barasa | Member |
| 15. | Hon. Jeremiah Kuloba | Member |

Objectives and Terms of Reference

At the end of the exercise, the committee was determined to achieve the following;

1. To consider proposals from the public participation fora and other stakeholders;
2. To consider and make recommendations from the proposals received from the stakeholders;
3. To ensure that the proposed Bill does not contravene the Constitution or any other statute; and
4. To consider and present to the House the proposed amendments on the Bungoma County Valuation and Rating Bill, 2024.

Acknowledgement

The Committee is grateful to your Office and that of the Clerk of the County Assembly of Bungoma for the support received as it discharged its mandate.

The Committee equally appreciates the department of Lands , Urban, Physical Planning, Housing and Municipalities, members of the Civil Society Organisations and other

stakeholders for their valuable input to ensure timely collection and collation of the information incidental to the preparation of this report.

The significant role played by the Committee Members and Secretariat for their steadfastness in the compilation and completion of this report cannot be overlooked.

It is now my pleasant duty and privilege, on behalf of the members of the Committee to present to this House the Committee's report on the Bungoma County Valuation and Rating Bill, 2024 for consideration and adoption. Signed on 7th August 2024 by Hon. Francis Chemion, Chairperson Committee on Lands, Urban Physical Planning, Housing and Municipalities

Background Information

The first reading of Bungoma County Valuation and Rating Bill, 2024 (Bungoma County Bill No. 5), sponsored by Hon. Francis Chemion and published on 11th April, 2023 was tabled on the 15th of May 2024 pursuant to Standing Order No. 139 of the Bungoma County Assembly standing orders.

The Bill was committed to the Committee on Lands, Urban, Physical Planning and Housing for processing and facilitation of public participation in accordance with Standing Order 140 of the Bungoma County Assembly Standing Orders read together with the provisions of Article 196 of the Constitution of Kenya, 2010.

The committee did consider the bill and the views from the public and has come up with amendments to the Bill which will be moved during the committee of the Whole House. The Bill does not delegate legislative powers to any party

Salient Features of the Bill

To give effect to the provisions of Article 209(3) of the Constitution, the Bungoma County Valuation and Rating Bill, 2024 was drafted to provide a comprehensive legal framework providing for the imposition of rates on land, buildings and other immovable property in the county.

In its scrutiny of the Bill, the committee noted that the Bill is in accord with the relevant provisions of the Constitution and it does not infringe on the provisions of any other written law.

Purpose and Objective of the Bill

The Bungoma County Valuation and Rating Bill, 2024 seeks to;

- a) Provide an objective and equitable mechanism for taxation of property in the County; and
- b) Establish a mechanism to reliably raise revenue in the County to enable the County Government to govern and deliver services effectively.

The Bill is divided into two areas namely the Valuation and Rating:

Part I of the bill deals with title, application and interpretation.

Part II deals with administration of the bill. It entails the object and purpose of the Bill, establishes a County Rating and Valuation Office, provides for officers for the County Rating office and provides for the County Rating Officer who shall be the authorized officer.

Part III entails preparation and amendment of the valuation roll and preparation of a supplementary roll. It further highlights on the contents of a valuation roll. The bill provides for the power of entry and inspection, basis for valuation and exempted properties. It entails excluded public areas and provides for deposit and inspection of a valuation roll and supplementary rolls.

Part IV provides for objections and appeals. It contains the procedures for objections of the valuation roll and the supplementary rolls and the circumstances for withdrawal of the objections and appeals. It establishes a valuation complaints committee to tackle complaints and provides for the procedures for the conduct and administration of the committee. It further provides for the certification and coming into force of a valuation roll.

Part V entails rating and describes the forms of rating, provides for imposition of rates, adoption of the forms of rates and determination of rates. It also outlines what requires to be done when the rates are due, persons liable to pay and the role and power of the County Executive Committee Member to discount rates. The part also stipulates action to be taken for unpaid rates and the need for statement on rates. It further provides for the officer to value land and ensure service of documents.

Part VI outlines miscellaneous provisions which include rules and regulations and transitional provisions.

The Bill provides the Memoranda of objects and reasons which clearly outlines the issues contained in the Bill. It further provides the statement of delegation of legislative powers, and a statement as to whether the Bill is a money Bill or not within the meaning of Article 114 of the Constitution read with Section 21(4) of the County Governments Act, 2012.

Statement of compatibility or statutory harmony with Human Rights

The Bill has been assessed on the compatibility with the human rights and freedoms as envisioned under Chapter Four of the Constitution of Kenya and the Bill is considered compatible and does not limit any fundamental rights and freedoms.

Financial Implications

In line with Article 114 of the Constitution of Kenya 2010 read with section 21(4) of the County Governments Act, 2012, the Bill is not a money Bill and its enactment into law shall not occasion additional expenditure of public funds.

Article 114(3) of the Constitution of Kenya 2010 stipulates that:

In this Constitution, ‘a money Bill “means a Bill other than a Bill specified in Article 218, that contains provisions dealing with-

a) Taxes;

- b) The imposition of charges on a public fund or the variation or repeal of any of those charges;*
- c) The appropriation, receipt, custody, investment or issue of public money;*
- d) The raising or guaranteeing of any loan or its repayment; or*
- e) Matters incidental to any of those matters.*

Constitutional and Legal Framework

Article 185 of the Constitution of Kenya, 2010 provides that;

- 1) The legislative authority of a county is vested in, and exercised by, its county assembly.
- 2) A County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the functions and exercise of the powers of the county government under the fourth schedule.

Additionally, Article 209(3) of the Constitution of Kenya, 2010 states that a county may impose-

- a) Property rates;
- b) Entertainment taxes; and
- c) Any other tax that it is authorized to impose by an act of parliament.

Further, Section 21(1) of the County Governments Act, 2012 provides that, a County Assembly shall exercise its legislative power through Bills passed by the County Assembly and Assented to by the Governor.

Further, the provisions of the said Act on procedure for the exercise of legislative powers are replicated in Part XX more particularly Standing Order Nos. 128,132, 135,139, 140-155 of the Bungoma County Assembly Standing Orders.

Comparative Analysis of the Bill

The committee noted that the drafting process of the Bill involved several key processes which are essential for establishing a legal framework for property valuation and rating within the county. The need for a Valuation and Rating Bill was identified based on the County government's goals and requirements for property taxation and revenue generation. Further, the structure and content of the Bill was planned to address the unique needs and circumstances of the county.

In the spirit of best practices, the committee made a comparative research and analysis of the Bungoma County Valuation and Rating Bill vis a vis other valuation bills and the areas that were considered include; Valuation process, rating and taxation mechanisms and dispute resolution mechanisms. The committee has made observations and recommendations following its findings for consideration by the department.

a. The County Governments Act,2012

The County Governments Act, 2012 is an Act of Parliament that gives effect to Chapter Eleven of the 2010 Constitution to provide for county government's powers, functions and responsibilities to deliver services and for connected purposes. The Act provides for the

powers, functions and responsibilities of the county governments to deliver services and development to the Kenyan people.

In line with these purposes, the Act has relevant provisions which empower county governments with both legislative and executive powers and functions. Section 5 (2) of the Act states that the responsibilities of a County government shall include;

- i. County legislation in accordance with Article 185 of the 2010 Constitution;
- ii. Exercising executive functions in accordance with Article 183; and
- iii. Functions provided for under Article 186 and assigned in the Fourth Schedule of the Constitution.

The Act recognizes the two organs of the county governments as their respective county assemblies and county executive committees. The county assemblies are the legislative organs of the counties responsible for county legislation and the county executive committees are responsible for implementing county legislation. For the county plans and policies to be achieved, there is need for a proper implementation of the county legislation which includes the enforcement of county laws. Proper enforcement of county laws is one of the ways through which county governments can achieve the objects of devolution as set out under Article 174 of the 2010 Constitution.

Public Participation

The decision of the Committee to conduct public participation on the bill is a constitutional requirement drawn from Article 196 of the Constitution which provides that the County Assembly shall-

- a) *Conduct its business in an open manner and hold its sittings and those of its Committees', in public; and*
- b) *Facilitate public participation and involvement in the legislative and other business of the assembly and its committees.*

In the spirit of the 2010 constitution, once read a first time, the Committee before which a Bill is referred has a constitutional duty pursuant to Standing order no.140 (2) read with Article 196 of the constitution to facilitate public participation on the Bill and to incorporate views from members of the public or groups who are likely to be affected by the proposed legislation through appropriate mechanisms including;

- a) Inviting submission of memoranda
- b) holding public hearings
- c) consulting relevant stakeholders in the sector
- d) consulting experts on technical subjects

Summary of the Views from the Public

Following the invitation for submission of memoranda from the public as contained in the advert in the Daily Nation on 9th May, 2024, the Committee received memoranda from one entity. The proposals were deliberated on and considered by the Committee. Below are the views from the Kenya Workers Rights and Harmonization program, observations and recommendations of the Committee.

1. There is need to integrate digital platform with the National platform for land transactions so that transactions are effectively and accurately registered and previous owners are not constantly issued rating invoices by different authorities.
2. There is need for issuance of guidelines guiding which properties would be exempt for rates, or enjoy waivers preferably at the same time that stakeholder engagement for the bill is ongoing.
3. There is need for provision in the bill linking assessment and payment of rates to provision of essential services by the county such as Water, Sewerage and sanitation. This will ensure value for taxation and promote accountability.
4. There is an outline of valuation complaints committee which has no representative from marginalized groups which is against the Bill of Rights as enshrined in the 2010 constitution of Kenya.
5. Penalties on any delayed or unpaid rate on land should have specified penalties and time frame supported with written documents.

In considering the stakeholder proposals submitted by the said group, the committee observed that apart from submission number 4, the rest are finer details and the committee recommends that they should be captured by the department while formulating the regulations.

Consideration of the Bungoma County Valuation and Rating Bill, 2024/ Proposed Amendments and Recommendations

Having considered the memoranda on each of the clauses, the Committee proposes the following amendments.

The committee considered the bill and in the spirit of Article 196 of the Constitution of Kenya, 2010, the committee agreed to the majority of the clauses in the Bill and came up with amendments to some clauses as outlined in the table below;

ITEM NO.	CLAUSE	AMENDMENT	JUSTIFICATION
	Long Title	Agreed to without any amendments	
1.	Short Title	Agreed to without amendments	
2.	Application of the Act	Agreed to without amendments	
3.	interpretation	Amended by reframing the following clauses- (i)by deleting “letter 2” appearing immediately after the word schedule and inserting the word “the second” immediately after the word “of”, so as to read, the Second Schedule.	For clarity

		(ii)by deleting “letter 1” appearing immediately after the word schedule and inserting the word “the First Schedule” immediately after the word of, so as to read, the First schedule	
		(iii)by deleting “letter 3” appearing immediately after the word schedule and inserting the word “the Third” immediately after the word of, so as to read, the Third schedule.	
		(iv)by deleting the words “given by” appearing immediately after the word ‘meaning’ and inserting the words “assigned to it”, so as to read, assigned to it	
		(v) by deleting letter “3” appearing immediately after the word schedule and inserting the word “third” immediately after word “of” so as to read, the Third schedule. (vi) By deleting the statement “includes any improvement on, in or under the land” appearing immediately after the word land in their entirety and inserting therein the following statement “the solid part of the surface of the earth.	
4.	Objective and Purpose of the Act	Clause 4 of the Bill be amended by introducing two new objectives to cater for valuation (a)provide for a legal framework for effective valuation and property rating in the county (b) Enhance efficiency, accountability and transparency in administration of land valuation and rating.	The bill had not captured the objective of valuation
5.	Establishment of County Rating and valuation office	Sub-clause 5(2) be amended by inserting the word “County” immediately before the word ‘valuation’ so as to read ‘county valuation’ Sub-clause 5(3)(a) &(b) be deleted in their entirety	To cure an ambiguity/a gap Sub-clause 5(3)(a)&(b) can be

			qualified by clause 5(3)(c)
6.	Officers of the County Rating and Valuation office	Agreed to without amendments	
7.	Functions of County valuation and rating office	A mended by inserting the word “the” immediately before the word ‘county’ so as to read ‘the county’	To fill a gap
8.	Expenditure of County valuation office	Amended by inserting the word “the” immediately before the word ‘county’ so as to read “the county”	To fill a gap
9.	Receiver of revenue to collect revenues	Agreed to without amendments	
10.	Rates to be paid to the receivers of revenue	a) Sub-clause 10(1) amended by inserting the word “Land” immediately after the word ‘all’ and further inserting the word “other property” immediately after the word ‘any’ so as to read ‘All Land and any other property’ b) Sub-clause 10(2)(b) be a mended by inserting the word” the” immediately after the word by so as to read ‘by the’	For clarity
11.	Preparation of a valuation roll	Agreed to without any amendments	
12.	Amendment of valuation roll	Agreed to without amendments	
13.	Supplementary valuation roll	Agreed to without amendments	
14.	Contents of valuation roll	Agreed to	
15.	Power of entry and inspection	Clause 15(4) of the bill be amended by separating it into two distinct parts, one to cater for failure to comply and one for falsifying	For clarity

		information	
16.	Basis of valuation	Agreed to without amendments	
17.	Exempt properties	Agreed to without amendments	
18.	Excluded public areas	Agreed to without amendments	
19.	Deposit and Inspection of draft valuation roll and supplementary valuation rolls	Clause 19(7) of the act be amended by deleting(2) appearing immediately after the word section and inserting thereof the number “3”	To cure a mis-match and for proper alignment
20.	Objections on draft valuation roll and Appeals	Clause 20(1)(b) be amended by deleting the word “ascribed” appearing immediately after the word value in its entirety and inserting the word ‘described’	To cure an ambiguity and for clarity
21.	Withdrawal of objection	Agreed to	
22.	Uncontested draft valuation roll and supplementary valuation rolls	a) Clause 22(1) be amended by deleting number ‘21(5)’ appearing immediately after the word section in its entirety and inserting number 20(1)(c) b)Clause 22(2) of the Act be amended by inserting letter “a’ ’immediately after the word ‘publish’	a)Clause 21(5) referred to herein does not exist b)For clarity
23.	Establishment of valuation complaints committee	Agreed to	
24.	Quorum of the valuation	Clause 24(2) of the Act be amended by inserting letter “a” immediately before the word chairperson	For clarity
25.	Conduct of members	Agreed to	

26.	Procedure of valuation complaints committee	Clause 26(5) be amended by inserting letter “s” at the end of the words, “objection” and “finding” appearing immediately after the word ‘assessment’	Insertion necessitated by the need for clarity
27.	Determination of Objections	a) Clause 27(1) of the Act be amended by deleting number “21” appearing immediately after the word section and inserting number “20” thereof b) Clause 27(6) be amended by inserting the word “with necessary changes” immediately before the word ‘apply’ and further, by deleting word “mutatis mutandis” appearing immediately before ‘apply’ in its entirety	a) For proper alignment b) To cure ambiguities
28.	Certification of valuation roll	Clause 28(4) be amended by inserting letter “a” immediately after the word ‘publish’	Amendment necessary for clarity purposes
29.	Coming into force of valuation roll	Agreed to without amendments	
30.	Appeals	Clause 30 be amended by deleting the word ‘subordinate’ appearing immediately before the word ‘court’ and further by deleting the words ‘presided by a magistrate’ appearing immediately after the word court and substituting thereof the word “of competent jurisdiction”	For clarity
31.	Cases stated	Agreed to without amendments	
32. Valuation roll not to be challenged or set aside		Agreed to without amendments	
33.	Forms of Rating	Clause 33(1) be amended by= a) deleting the word “schedule” and number “1” appearing immediately after the word ‘in’	A) For clarity and standardization

		<p>and substituting the same with the word ‘the First schedule’</p> <p>b) deleting the word “schedule” and number “1” appearing immediately after the word ‘in’ and substituting therefore the word ‘the second schedule’</p> <p>c) deleting the word “schedule” and number “3” appearing immediately after the word ‘in’ and inserting the word ‘the Third schedule’</p>	<p>b) as above</p> <p>c) as above</p>
34.	Imposition of Rates and adoption of a form of rating	Agreed to	
35.	Adoption of forms and methods in existence	Agreed to	
36.	Payable rates to be determined annually	Clause 36(2) be amended by deleting the word “schedule” and number “4” appearing immediately after the word ‘in’ and inserting therein the word “the Fourth schedule”	For clarity
37.	Effect of default in determining annual rate	Agreed to	
38.	When rates are due	Agreed to	
39.	Person liable to pay rate	Agreed to	
40.	County Executive to determine discount rates	Clause 40 be amended by inserting the word “committee” immediately after the word Executive	To cure an omission
41.	Power to allow discount	Agreed to without amendments	
42.	Unpaid rate to be recoverable as	Clause 42(3)(b) be amended by deleting the word “and” appearing immediately before the	For clarity

	summary debt	word ‘prima facie’ and substituting therefore the word “as”	
43.	Notice and its effect where rate is unpaid	a) Clause 43(1) be amended by deleting the word “and” appearing immediately after the word ‘county’ b) Clause 43(2)(a) be amended by deleting the number “12” appearing immediately after the word section and inserting therein the number “10” “1”	A) To cure an ambiguity b) For proper alignment since there’s no provision for interest and penalties under clause (12) of the bill
44.	Unpaid rate to constitute a charge on Land	Clause 44(2) of the Act be amended by deleting the word “and” appearing immediately after the word county	For clarity
45.	Statement on rates	Agreed to	
46.	Service of documents	Agreed to	
47.	Rules and Regulations	Clause 47(1) be amended by: a) Inserting the word “committee” immediately after the word ‘county’. Further, by deleting letter ”s” appearing at the end of the word “ratings”	a) To cure an omission b) For clarity
48.	Transitional provisions	Agreed to without any amendments	

Committee’s Observations

The Committee made the following observations

1. **THAT** the Bill is well drafted as per the standards of Bill drafting.
2. The Bill once enacted shall provide Legal framework for the enforcement of laws in the County.

Committee’s Recommendations

The Committee recommends that this House adopts this report with the proposed amendments on the Bungoma County Valuation and Rating Bill, 2024. Further, the committee recommends that the Bill moves to the next stage.

We have the adoption schedule signed by majority of the members. We also have the annexures; The Bungoma County Valuation and Rating Bill 2024, the advert for public participation and the memoranda from the public.

Having moved this motion for noting, I have a very a senior h member in the committee who is Hon. Wafula Waiti, he is going to second this report for noting.

Mr. Speaker: Thank you Hon. Chemion Francis for moving the report. Allow me invite Hon. Wafula Waiti to second the report of the committee. Hon. Waiti, proceed!

Hon. Wafula Waiti: Thank you Mr. Speaker for giving me this chance to say something on the motion. Before that, I wish to thank my able chair of the committee Hon. Chemion for eloquently moving the report. I wish to draw the attention of this House that The Valuation and Rating Bill first came into existence in this country on 29th of October 1964, so it's not a new thing but we are deliberating on it today because it's among the shared functions on the devolved units.

Once this bill is passed, it will empower the local county governments to value land for the purposes of rates.

Again, this will assist to apply to all rateable property within the respective areas within this county except the freehold lands.

The Bill will enable the County Government to collect revenue other than sending all collected monies to National Government especially something to note like the 2 % of stamp duties and other related taxes.

I think most of the members in this House have gone for the title deeds and that is where am talking about the 2 % rating of the stamp duties.

This will enable the county department of lands to deploy an officer to keep watch and seal the loopholes on revenue meant for the County Government for example the department of physical planning which is among the devolved functions of the County Governments upon sharing of the functions after amalgamation of the constitution.

It is not the first county that is coming up with this rating and valuation bill, we have other counties like Kakamega County which came up with Kakamega County Valuation and Rating Bill 2023, which commence operation on the first day of January of this year. The rating authority shall by notice in the gazette specify the date when a rate becomes payable and may publish that day in two newspapers of national circulation so that the public are made aware. So I want to second this motion by urging the House to consider what is in the report .

Mr. Speaker: Thank you, Hon. Waiti. Hon. Members, a motion has been moved and seconded that this House notes the report by the sector committee on Lands, Urban and Physical Planning and Housing on The Bungoma County Valuation and Rating Bill 2024 laid on the table of the House on 4th September 2024.I propose.

(Question Proposed)

Hon. Joseph Nyongesa: Thank you, Mr. Speaker. You know I do not know why Hon. Waiti is getting amused. Although it is just for noting but again as the key stakeholders of this County, nowadays you know we are very keen and we should also at least do enough scrutiny to see that actually what we pass or approve should be helpful to our people, because as I am aware we have the National law which governs this issue that is before us, so my only worry is, shall we have double taxation or what will happen because National Government is doing some taxation on it. So will the County Government also do the same and if it's so, shall it be a burden to our people? Just a concern

Mr. Speaker: Hon. Sudi! He has already taken his seat, so you will just contribute. Proceed!

Hon. Isaiah Sudi: Hon. Speaker, before I make my contribution, I want to inform our Majority Leader that....

Mr. Speaker: If he is willing to get your information. Please Proceed!

Hon. Isaiah Sudi: This is positive information Mr. Speaker.

Mr. Speaker: It is delayed but it will be delivered. Proceed!

Hon. Isaiah Sudi: Because the National Government is not taxing lands. That one was completely devolved and the County Government is also not taxing because it does not have a law that will guide because you have seen Governors giving waivers in counties that enacted this law. This one is what guides. Like if you have property in town, it has an annual rate that you are supposed to pay. That one is collected by the County .We are not collecting to the maximum because we do not have a law to guide.

The National Government is not collecting rates, so I want to beseech the House that for us to enhance our revenue base. Let us pass the law because it will guide. It is already controlled, not that it will operate in a vacuum. There are other principles that guide because whether you like it or not and you have property within the municipalities, the jurisdiction of the County Government, we need to have a law that will guide our people. In fact the law has come very late. I want to urge the House that we pass it because our own source revenue like now the revenue from Nairobi has been reduced by almost half a billion. We may use this law and other laws so that we see how we can compensate the revenue from Nairobi that has been reduced so that our people get services because the revenue collected is not put in one's pocket. It is for the people of Bungoma for service delivery.

I want to urge the house that we pass it because it will also guide the valuer, now that we want to employ the valuer, how is he going to work? We have been saying we put money in lands department and they don't buy plots that we want just because of the valuer. This is a tool that the valuer will use to carry out his/her work, like now when you want to buy land for a dispensary or an ECDE, it will apply because we are now paying the National Government and we do not get that money but if we now have our own valuer, the money will come to us.

We shall pay our own county and that money will remain in our County. It will be part of our own source revenue. I rest my case there. I want to urge this House to pass this document.

Mr. Speaker: Hon. Sudi, there is nothing to be passed here. We are only noting. What you want to add on in whichever language, spare it for the Committee of the Whole House.

Hon. Isaiah Sudi: Thank you, Mr. Speaker. I stand corrected.

Mr. Speaker: Hon. Hon. Aggrey Mulongo,

Hon. Aggrey Mulongo: Thank you, Mr. Speaker Sir for catching my eye to contribute to this noble bill. I take this opportunity to thank the Lands Committee. This bill is overdue, with the municipalities in this Bungoma County, we can collect a lot of revenue but now this is the best time that we now have the guideline to give us a leeway to reach and each and everybody that is going to collect a title deed. Like Kimilili municipality has been collecting rates but when it comes here, things are divided, the same way Bungoma Municipality has been collecting and waiving rates but with these guideline now we are going to collect according to the law and we shall receive a lot of money because all of us here have land and will subdivide, so those taxes are going to raise our own revenue. I stand here to support the bill.

Mr. Speaker: Thank you. Hon. Ipara!

Hon. Johnston Ipara: Thank you, Mr. Speaker. I also rise to support this particular bill based on the importance that it will bring to the County. First, its revenue generation. When you talk about low revenue collection by the County, it's caused by lack of such instruments that may assist particularly as the Surveyors who are sited in front of me here who have talked about valuation; every property is valued and we value to understand the proper value of that particular item. In the absence of this Bill, we are losing a lot.

For fairness it also gives the right rating of a property and if we support this it will bring value to all us the county, the people and the investors. It will attract investors because there is a law that will guide acquisition of a property or leasing of property in a given part of this county.

For purposes of budgeting, it will also give us a proper way knowing well that we shall be able to collect this amount of money from this sector. Lastly, it will bring equity and fairness in the way properties are valued across the county. I support this Bill Mr. Speaker.

Hon. Ali Machani: Thank you, Hon. Speaker for allowing me to give my views on this Bill. First, I want to thank the committee for processing the document before this House. As a county government we rely much on national funding to actualize our budget and operations in the county. What we are supposed to do as a County Government is to give services to the residents. As a government, we must collect revenue procedurally through a structured

manner. I think we want to domesticate what the National Government used to do as guiding tool to enable us collect revenue.

This issue falls under the Department of Lands, Urban Planning, Housing and Municipalities and now that we have municipalities like Kimilili and Bungoma bearing in mind that Webuye and Chwele will soon also be municipalities; they will operate under the Urban and Cities Act. We must have a guiding tool that will assist those in authority whether today or tomorrow on how to collect revenue from our community. The problem that we have been experiencing like today when you advise this county to collect revenue in terms of rates you can get a Governor who can give waivers.

There are people owning properties in these urban areas but we are collecting too little from them. We estimate that this year we must get this money to service development but if we have not collected the same money then it means there is no development that we can realize. Therefore, this documents acts as a mediator between the community and the revenue collectors.

During defunct local councils they used to check and advice on how to rate and right now there are no by-laws. The national government has its own laws and as a county government we must have a tool to guide such collections because there will be variances because what you collect in Bungoma is not what you will collect in Chwele, so this will now assist us on revenue collection. So there will be a win-win situation for both the county government and the property owners. I support and time will come when we shall adjust some areas.

Hon. Francis Chemion: Thank you, Hon. Speaker. I will respond to a few areas. The first issue was raised by the Leader of Majority who wanted to know whether we are doing something that is in law. In the report we have the legal framework; we have the County Governments Act and the Constitution of Kenya Article 209 (3). If you look at Article 209 (3) of CoK states what a county government can do. Therefore, it has given us the backing.

You look at the County Governments Act, it also supports what we are doing and therefore this bill will help us. The way honourable Members have indicated we have been operating without this act and now we have a tool that will help us regulate whatever happens in this county.

If you look at the purposes and the objects of the bill it is clear Hon. Speaker. The Bungoma County Valuation and rating Bill, 2024 seeks to provide an objective and equitable mechanism for taxation of property in the county. Two, it is there to establish a mechanism to reliably rise revenue in the county to enable the County Government to govern and deliver services. These are the two major objectives of the bill.

We have hard issues with revue collections and whatever we get. If this bill will go through we will be required to come up with valuation roles which will help us know on the number of properties that we will charge and at how much. If we have the valuation county we will be able to know how much we expect from that area. Other than saying we will collect from

here and we don't know the number of plots and the much we expect per plot so that we can estimate and get to know what we are going to pass as budget the way honourable Members have said.

Otherwise, that is what I want to respond to; others we comments in support of the noting of the bill. If you have anything Members you can bring it during the Committee of the Whole so that we can all look at it.

Mr. Speaker: Thank you, Hon. Chemion. As said by the Hon. Chemion the House takes note of the contents of the report. At appropriate time during Committee of the Whole House, you will give your input.

Next item,

BILLS

THE BUNGOMA COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2024, Second Reading

Mr. Speaker: Hon. Members as per Standing Order 142 (1) a bill having been read a second time shall stand committed to the Committee of the Whole House. Subsequently, the House will collapse into the Committee of the Whole House.

Let's us be upstanding to move to the Committee of the Whole House.

COMMITTEE OF THE WHOLE HOUSE

(Order of the Committee Read)

[The Speaker (Hon. Emmanuel Situma) left the Chair]

IN THE COMMITTEE

[Temporary Chairman (Hon. Stephen Wamalwa) in the Chair]

THE BUNGOMA COUNTY PUBLIC PARTICIPATION AND CIVIC EDUCATION BILL, 2024

Hon. Stephen Wamalwa (Chairperson Committee of the Whole House): Honourable Members you are welcome to the Committee of the Whole House. We shall be guided by the Standing Order 145 and observing the sequence as per Standing Order 144. We start off; I now want to welcome you to consider Bungoma County Public Participation and Civic Education Bill, 2024. I call upon the table Clerk to read out the parts of the bill in the procedure provided under Standing Order 144.

Clause 3: Object and Purpose of the Bill

Clause 4: Application

Clause 5: Guiding Principles

Hon. Jack Wambulwa: (*On a point of information*) thank you Hon. Chair. I thought we were supposed to start with the second reading before we move to the clauses. We need to be guided.

Hon. Job. Mukoyandali: Thank you Hon. Chair. The second reading was already done and right now we are in the Committee of the Whole House.

Hon. Ali Machani: Already the Speaker has indicated that the second reading has been done. You are now supposed to guide that it has been read for the second time so that we proceed.

Chairperson: Thank you, Hon. Mutoka. Members, let us proceed.

Question proposed that Clauses 3, 4, 5,6,7,8 and 9 be part of the Bill;

Question put on the above clauses and agreed to

Clause 10: Notification of Members of the public

Question proposed that clause 10 as read be part of the bill;

(Question put and agreed to)

Clause 10: Public participation and civic education methods.

Question that clause 10 be part of the Bill;

Hon. Jack Wambulwa: Thank you Hon. Chair. I now move that Clause 10 of the Bill be amended by re-numbering the repeated clause 10 as 11 and Clause 11 as 12 onwards. Thank you Hon. Chair. I call upon Hon. Caleb Wanjala to second.

Hon. Caleb Wanjala: Thank you Chairman. I rise to second.

Question proposed that clause 10 be amended as proposed

(Question put and agreed to)

Question proposed that clause 10 as amended be part of the Bill;

(Question put and agreed to)

Clause 11: Civic education forums

Question proposed that clause 11 be part of the Bill;

Hon. Jack Wambulwa: Thank you, Hon. Chairman. I rise to move that clause 11 of the Bill be amended in sub-clause 2 by inserting the words " for when need arises" after the word "you. I call upon Hon Caleb Wanjala to second.

Hon. Caleb Wanjala: Thank you Chairman. I rise to second.

Question proposed that clause 11 be amended as proposed;
(*Question put and agreed to*)

Question proposed that clause 11 as amended be part of the bill;
(*Question put and agreed to*)

Clause 12: Stakeholders engagements

Question proposed that clause 12 be part of the bill;
Question put and agreed to

Hon. Ali Machani: Hon. Chairman, I had a concern which I thought should be captured. What will be link between the executive and elected leaders at the Assembly on public participation. They are talking about stakeholders; who are the people that are targeted...

End of take 3

Chairperson: I now propose the question that the long title be part of the Bill.

(*Question proposed*)

(*Question put and agreed to*)

Clause 2: Interpretation

Chairperson: Hon. Members, I now propose the question that clause 2: Interpretation be part of the Bill and I call upon the chair Public Administration and ICT. .

Hon. Jack Wambulwa: Thank you, Hon. Chair. I now move that clause 2 of the Bill be amended by deleting the word department after the word County and replaced with the word ‘directorate’ so as to read, county directorate. I call upon Hon. Caleb to second.

Hon. Caleb Wanjala; Thank you chair I rise to second that clause (2) be amended as proposed

Chairperson: Hon. Members I now propose the question that clause 2 interpretation be amended as proposed.

(*Question proposed*)

(*Question put and agreed to*)

Now members, I propose the question that clause 2, interpretation as amended be part of the Bill.

(*Question proposed*)

(*Question put and agreed to*)

Hon. Members, I now call upon the chair person Public Administration to move report. Chair,

Hon. Jack Wambulwa: Hon. Chairperson, pursuant to Standing Order 45, 16 I beg to move that the committee do report to the House its consideration of the Bungoma County Public Participation and Civic Education Bill 2024, I call upon Hon. Caleb to second.

Hon. Caleb Wanjala: Thank you chair, I raise to second

Chairperson: Thank you. Honourable members all me put the question that the committee do report to the House its consideration

(Question put and agreed to)

At this level I now ask the orderlies of the House to inform the Speaker so that we can resume the House.

(Committee of Whole House ends)

(Normal sitting resumes)

(Hon. Emmanuel Situma in the Chair)

Mr. Speaker: Hon. Members, allow me be able to invite the chair of the committee of the whole House pursuant to Standing Order 147 so that we are able to get the report from the committee of the whole House accordingly, Hon. Chair of the committee, you proceed and give us a report.

REPORTING RESOLUTIONS OF THE COMMITTEE OF THE WHOLE HOUSE

Hon. Stephen Wamalwa (Chairperson Committee of Whole House): Thank you, Hon. Speaker. Under the standing order number 147 report of the committee of the whole House. The Committee of the Whole House considered the Bungoma county Public Participation and Civic Education Bill 2024 as follows;

Clause 3: Object and purpose of the bill was approved without amendments

Clause 4: Application was approved without amendments

Clause 5: Guiding principles was approved without amendments

Clause 6: Designation of public participation officer was approved without amendments

Clause 7: Was approved without amendments

Clause 8: Opportunities for public participation was approved without amendments

Clause 9: Factors to be considered in conducting public participation and civic education was approved without amendments

Clause 10: Notification to members of the public was approved without amendments

Clause 10: Public participation and civic education methods was approved without amendments

Clause 11: Civic education forums was approved with amendments

Clause 12: Stakeholder's engagements was approved without amendments

Clause 13: Stakeholder engagement plan was approved without amendments

Clause 14: Stakeholder mapping was approved without amendments

Clause 15: Standards and good practices was approved without amendments

Clause 16: Public participation methods was approved without amendments

Clause 17: Electronic governance was approved without amendments

Clause 18: Citizens duties and responsibilities was approved without amendments

Clause 19: Financial provisions was approved without amendments

Clause 20: Annual report was approved without amendments

Clause 21: Petition to county assembly and executive was approved without amendments

Clause 22: Regulations was approved without amendments

Clause 23: Repeal was approved without amendments

Clause 1: Short title and commencement was approved without amendments

Long title was approved without amendments

Clause 2: Interpretation was approved with amendments.

That is the end of the presentation.

Mr. Speaker: Thank you. The sitting chair of the Committee of Public Administration and ICT, Hon. Jack Wambulwa, I see you have the move the motion. Proceed.

Hon. Jack Wambulwa: Thank you, Hon. Speaker. I propose the question that pursuant to Standing Order 148, I beg to move that the House does agree with the committee in the said report. I request hon. Caleb to second.

Mr. Speaker: Hon. Caleb, you have the honour.

Hon. Caleb Wanjala: Thank you, Hon. Speaker. I rise to second.

Mr. Speaker: Hon. Members, a motion has been moved and seconded that the house does agree with the report from the Committee of the Whole House.

(Question put and agreed to)

The House has agreed with the report arising from the committee of the Whole House accordingly.

ADJOURNMENT

Hon. Members those were the two items we had on our Order Paper. We will adjourn now for our sitting and resume back at 2.30 p.m. session accordingly.

The House rose at 11:27a.m.