

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Tuesday, 3rd August, 2021

The House met at 10.20 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

PAPERS LAID

REPORT ON CONSIDERATION OF THE MACHAKOS
COUNTY TAX WAIVERS ADMINISTRATION BILL, 2020

Hon. Mwanthi: Hon. Speaker, pursuant to Standing Order 120(4), I beg to lay the following Paper on the table of the House today, Tuesday 3rd August, 2021; the Report of Committee on Finance and Revenue Collection of the consideration of the Machakos County Tax Waivers Administration Bill, 2020. Thank you Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mwanthi. Hon. Kisini or any other Member standing in for Hon. Kisini. It is just laying the Paper. Hon. Dominic.

HALF YEAR STATUS REPORT ON
AFFORESTATION PROGRAM FOR 2020/2021

Hon. Ndambuki: Hon. Speaker, I wish to lay the following Paper on the floor of the House today, Tuesday 3rd August, 2021; the report of Committee on Environment, Energy, Lands and Natural Resources on the half year status report on afforestation program for the Department of Environment and Natural Resources for the FY 2020/2021. Thank you Hon. Speaker.

(The Paper was laid on the Table)

NOTICE OF MOTION

HALF YEAR STATUS REPORT ON
AFFORESTATION PROGRAM FOR 2020/2021

Hon. Ndambuki:

Hon. Speaker, that aware that Article 69(1) of the Constitution of Kenya, 2010 provides for sustainable exploitation, utilization, management and conservation of the environment and natural resources;

Further aware that Article 183(3) of the Constitution of Kenya, 2010 provides that the County Executive Committee shall provide the County Assembly with full and regular reports on matters relating to the County;

Informed that in exercise of the functions vested on County Assembly under Article 185(3) of the Constitution, 2010, the County Assembly, through the Committee of Environment, Energy, Lands and Natural Resources requested for the half year performance report for the Department of Environment and Natural Resources specifically afforestation program for the FY 2020/2021;

Cognizant that pursuant to Standing Order 190(5) the Committee analyzed the section of the report on the implementation of afforestation program, conducted site visits and consequently compiled a report;

Hon. Speaker, I wish to give Notice of Motion that this Hon. House discusses and approves the report of the Committee on Environment, Energy, Lands and Natural Resources on the half year status report on afforestation program for the Department of Environment and Natural Resources for the FY 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Kamitu.

STATEMENT

BUSINESS FOR THE HOUSE FOR 3RD TO 10TH AUGUST, 2021

Hon. Kamitu: Hon. Speaker, the House Business Committee met on Monday, 2nd August, 2021 to ballot business for the House pursuant to the provisions of Standing Order 151(5). The Committee balloted business for the House as follows:

Tuesday, 3rd August, 2021

Morning at 10.00 a.m.

The Machakos County Tax Waivers Administration Bill, 2020; Second Reading by Hon. Stephen Mwanthi, Chairperson of Finance and Revenue Collection Committee

Afternoon at 2.30 p.m.

- (a) The Machakos County Tax Waivers Administration Bill, 2020; Second Reading by Hon. Stephen Mwanthi, Chairperson of Finance and Revenue Collection Committee. Continuation of Debate.
- (b) Statement Response on a Statement requested by Hon. Peter J. Mutiso on status of staffing in the mental health department by Hon. Cosmus Masesi, Chairperson, Health and Emergency Services Committee.

Wednesday, 4th August, 2021

Morning at 10.00 a.m.

Report of Ward Projects Committee on Investigation on the implementation status for Ward Priority Projects under the Department of Health and Community Outreach for FY 2020/2021 by Hon. Justus Katumo, Chairperson of Ward Projects Committee.

Afternoon at 2.30 p.m.

- (a) The Machakos County Tax Waivers Administration Bill, 2020; Committee of the Whole House by Hon. Stephen Mwanthi, Chairperson of Finance and Revenue Collection Committee.
- (b) The Machakos County Tax Waivers Administration Bill, 2020; Third Reading by Hon. Stephen Mwanthi, Chairperson of Finance and Revenue Collection Committee.

Tuesday, 10th August, 2021

Morning at 10.00 a.m.

Report of Trade and Industrialization Committee on the status report on the performance of ADP for the Department of Economic Planning for the First Quarter FY 2020/ 2021 by Hon. Cosmas Kieti, Chairperson of Trade, Economic Planning and Industrialization.

Afternoon at 2.30 p.m.

Report of Report of Environment, Energy, Lands and Natural Committee on Inquiry Report on the Status of Afforestation Program for the Department of Environment for the first half of FY 2020/2021.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Kamitu, before you leave, the Table Clerk, can you confirm which Member is going to present that report under business No. 6. It needs to be captured on the HANSARD.

Hon. Kamitu: Hon. Speaker, this should be by Hon. Kisini, the Chairperson for Environment, Lands, Energy and Natural Resources. Thank you very much.

Hon. Speaker: Thank you.

BILL

Second Reading

THE MACHAKOS COUNTY WAIVERS ADMINISTRATION BILL 2020

Hon. Mwanthi: Thank you Hon. Speaker, pursuant to Standing Order 121(1), I wish to move the motion that the Machakos County Waivers Administration Bill 2020 be now read a second time. Thank you, Hon. Speaker. I call upon Hon. Moffat Maitha to Second.

Hon. Maitha seconded.

Hon. Speaker: Thank you. Hon. Mwanthi, you have been seconded; you didn't notice? Proceed.

Hon. Mwanthi: Thank you, Hon. Speaker. With your permission, I would request I go through the membership then straight to No. 3.

Hon. Speaker: That is in order.

Hon. Mwanthi: The Finance and Revenue Collection Committee, as currently constituted is comprised of the following Members---

Hon. Mitaa: Point of Order, Madam Speaker.

Hon. Speaker: Point of Order from Ho. Chief Whip.

Hon. Mitaa: Thank you, Hon. Speaker. I think last week, we requested that before reports are read, we are either provided with the copies or they work on the internet and what has surprised us today is that without notice we have seen labels of passwords and yet as per the norm, we had left behind our iPads. I don't know how we can be assisted.

Hon. Speaker: I had not seen the password that notification WiFi and that means it is one step forward but now its apparent disturbs your planning. So Hon. Mitaa you are proposing---

Hon. Mitaa: We can get copies; I thought they would arrange for us copies at least for us to be at par with the chairman.

Hon. Speaker: Do we have copies available? I can see Hon. Angela has one, Hon. Kamitu; how long will it take to get the copies. There is also another alternative Hon. Members because I know you may have stopped carrying your iPads. What do you propose we do because it is important you understand what you are debating? Hon. Mitaa, what do you propose? That we take time you get copies? Yes, that is the direction I want to hear and then we come back what time so that you can look at the reports? Yes, and you need to be more organized Table Clerk; actually you are also the director of Assembly proceedings because this communication needed to have been given to the members while back.

Now Hon. Members, going forward, don't be leaving behind your iPads; it should always be in your pocket. Now you need to be bringing them. We had to read the Riot Act to some people to make sure we have WiFi. Yes Hon. Mwanthi, *hebu simama*.

Hon. Mwanthi: We can use Smartphones.

Hon. Speaker: Another proposal is that you can use your smart phones, Hon. Chief Whip, Mitaa, what is your thinking?

Hon. Mitaa: We only need a way to be at par with the Chair and if our phones can work then we can proceed Hon. Speaker; everyone has a phone.

Hon. Speaker: I have looked at the report and for me I found it is a simple report, of course there is nothing simple when you are legislating but if we can access through our phones now and as they also make a few more copies for those who will not have access to smartphones so that we can just continue and finish the reading. What do you think?

Hon. Mitaa: Hon. Speaker, I think majority have, we can proceed.

Hon. Speaker: So Hon. Members, you are now able to access the report electronically and also for those who have printed hard copies we continue. Hon. Mwanthi, in the same manner you had proposed that you present the report.

Hon. Muendo: Point of order.

Hon. Speaker: Yes, Point of Order Hon. Muendo,

Hon. Muendo: Thank you, Hon. Speaker. I think it is not much, we can start with introduction because there are some constitutional matters. I think it is not much it is only one page.

Hon. Speaker: Sure.

Hon. Muendo: Because this is a bill and sometimes it needs to be captured well in the HANSARD.

Hon. Speaker: And well understood.

Hon. Muendo: Thank you, Hon. Speaker.

Hon. Speaker: Go ahead Hon. Mwanthi on that proposal.

Hon. Mwanthi: Thank you, Madam Speaker. I will start with the introduction. Hon. Speaker, Article 185(1) of the Constitution vests legislative authority of a County its County Assembly. In addition, Article 185(2) of the Constitution provides that a County Assembly may make any laws that are necessary for and incidental to the effective performance of the functions and exercise of the powers of the County Government under the Fourth Schedule of the Constitution.

Hon. Speaker, Article 209(3) of the Constitution provides for the taxes which a County may impose and they include property rates, entertainment taxes and (c) any other tax that the County is authorized to impose by an Act of Parliament. In addition, Article 209(4) of the Constitution give County Governments powers to impose charges for the services they provide. Further, Article 210 of the Constitution provides that no taxes or licensing fees may be imposed, waived or varied except as provided by legislation.

Hon. Speaker, the Machakos County Tax Waivers Administration Bill, 2020 seeks to give effect to Article 210 of the Constitution as regards waiver of various charges, fees and taxes that the County Government is authorized by the Constitution to collect and their administration. In addition, the Bill seeks to ensure transparency and accountability in the administration and waiving of taxes and other revenue. The Bill will further provide for the requirements and procedure for tax waivers.

Committal of the Bill to the Committee

Hon. Speaker, the Machakos County Tax Waivers Administration Bill, 2020 (Machakos County Bills No. 6) underwent the first reading in the House on 27th April, 2021 pursuant to Standing Order 119. The Bill was committed to the Finance and Revenue Collection Committee pursuant to Standing Order 120(1) which provides that, "a Bill having been read a First Time shall stand committed to the relevant sectoral Committee without question being put."

Public Participation

Hon. Speaker, Pursuant to Article 196(1)(b) of the Constitution of Kenya and Standing Order 120(3) of the County Assembly of Machakos Standing Orders, the Committee conducted public participation in two centres per sub-county on 3rd and 4th June, 2021

Mandate of the Committee

Hon. Speaker, the Finance and Revenue Collection Committee is one of the sectoral committees of the Assembly established pursuant to the County Assembly of Machakos Standing Orders. Standing Order 190(5)(g) defines one of the functions of a Sectoral Committee to include making reports and recommendations to the Assembly as often as possible, including recommendation of proposed legislation. In addition, the Second Schedule of the County Assembly Standing Orders defines the mandate of the Finance and Revenue Collection Committee to include all matters relating to the management of County public finance and revenue collection.

Committee Membership

Hon. Speaker, the Finance and Revenue Collection Committee as currently constituted comprises of the following Hon. Members:

- | | |
|--------------------------|--------------------|
| 1. Hon. Stephen Mwanthi | - Chairperson |
| 2. Hon. Josephat Kasyoki | - Vice Chairperson |
| 3. Hon. Betty Nzioki | -Member |
| 4. Hon. Brian Kisila | “ |
| 5. Hon. Caleb Mule | “ |
| 6. Hon. Fredrick Muthoka | “ |
| 7. Hon. Justus Kitengu | “ |
| 8. Hon. Judas Ndawa | “ |
| 9. Hon. Moffat Maitha | “ |
| 10. Hon. Phoebe Koki | “ |
| 11. Hon. Hellen Ndeti | “ |
| 12. Hon. Grace Mutwiwa | “ |
| 13. Hon. Cosmus Masesi | “ |

Acknowledgement

Hon. Speaker, I would like to register my appreciation the Committee for their cooperation in the consideration of the bill. Their dedication, sacrifice and input have been vital in processing the Bill promptly amid the challenges of Covid-19. I also thank all Hon. Members for participation in the discussion of the Bill and explaining the same to *wananchi* during public participation.

Hon. Speaker, I wish to acknowledge the Members of the public for turning up in large numbers during public participation and their valuable views given. In addition, I thank the County Executive Committee Member for Finance and his team which included the Chief Officer Finance and Revenue Collection for their input towards ensuring the Act if passed was implementable.

Hon. Speaker, I also would like to thank for your wealth of advice offered during the discussion of the Bill with Hon. Members and during public participation and for your support to the Committee during its meetings and retreats to consider the Bill. I also wish to appreciate the Clerk and his team for support and advisory offered from the drafting stage of the Bill, pre-publication scrutiny, and publication to consideration of the Bill at the Committee and public participation.

Hon. Speaker: Before you go to three, guide or make a reference to 2.0; what does it relate to for the HANSARD record? Without reading everything.

Hon. Mwanthi: It is the provisions of the constitution of Kenya.

Hon. Speaker: And by headings, what are they?

Hon. Mwanthi: Legal provisions relating to the Bill, the Constitution of Kenya, Public Finance Management Act, 2012.

Hon. Speaker: Now you can proceed and finalize.

Hon. Mwanthi: Number three is the County Assembly of Machakos Standing Orders.

Hon. Speaker: Now you are done so we continue.

Hon. Mwanthi: The Machakos County Tax Waivers Administration Bill 2020.

Consideration of the Bill by the Committee

The Committee discussed the Bill and also facilitated public participation pursuant to Standing Order 120(3) in two centres per sub-county in the County. The Committee also held a forum with the Executive Committee Member Finance who gave their recommendations on the Bill.

Public Hearing and Receipt of Memoranda

Hon. Speaker, pursuant to Article 196(1)(b) of the Constitution of Kenya 2010 and Standing Order 120(3) of the County Assembly of Machakos Standing Orders, the Assembly published an advertisement in the Daily Nation newspaper of Thursday, 27th May, 2021 informing the public of the venues where the public hearings (public participation) in connection with the Machakos County Tax Waivers Administration Bill, 2020 will be conducted at the sub-counties.

The Assembly also made daily radio announcements on Mbaitu FM calling the public to attend the hearings for oral submissions or presentations of memoranda from 28th May to 3rd June, 2021. The public were also called upon to send their memoranda through the Assembly email (assemblymks@gmail.com) on or before Wednesday, 9th June, 2021. Further, announcements were made in churches and other public places.

The table 3.1 below shows sub-county, venue and time where public participation was held. Madam Speaker, that is as per the table below.

Hon. Speaker: I think you can just refer to the sub-counties.

Hon. Mwanthi:

On 3rd June, 2021, we went to Matungulu with venue at AIC Tala and Kisukioni redeemed Church at 10.00 a.m.

On the same date we were in Masinga, Kithyoko Chiefs Camp and Kiatineni outside the MCAs office at 10.00 a.m.

On the same date again we were at Yatta Sub County, Kithimani AIC and Katangi DOs office, both at 10.00 a.m.

Again on 3rd June, 2021, we were in Kangundo at ABC Kalimani church and Kangundo West outside MCAs office.

In Mwala, 3rd June, 2021, we were at Wamunyu Baptist Church and Mbiuni Social Hall.

On 4th June, 2021, we were in Kathiani, Mitaboni Catholic Church Social Hall and Kaani Lions Primary School Social Hall.

In Mavoko 4th June, 2021 we were at Mlolongo Chiefs/DOs office and Joska Market.

On 4th June, 2021 we were in Machakos at Machakos Social Hall and Makaveti MCAs Office all at 10.00 a.m.

Public views

Hon. Speaker, Members of the public gave views during public participation facilitated by the Assembly on 3rd and 4th June, 2021 in two venues in each of the eight sub-counties. The views of the members of the public have been summarized and presented below:

1. In section 5(3), there is need to review timelines of 60 days for presentation of the waiver to the Assembly. Members of the public felt that such days were too many.
2. In section 5(4) of the Bill which states that any person may apply for waiver, there was need for the word person to be defined under the interpretation section. This will ensure that the Bill was clear on what category of persons (natural or artificial) was subject to the waiver.
3. The Act ought to include the criteria for waiving taxes and the procedure should as well be made public and the categories of tax to be waived.
4. There should be a clause providing for persons who were unable to clear their debts during the waiver period owing to some challenges to be allowed to pay three months after the closure of the waiver.
5. The waiver should be announced to all people up to village level since publication and gazettelement was not enough to make people aware of the waiver.
6. The waiver should be for a period of 15 working days.

Discussion of the Bill by the Members of the Assembly

Hon. Speaker, the Committee facilitated a discussion of the Bill with all the Members of the Assembly on 9th June, 2021 and Hon. Members gave their proposals. Hon. Members observed that Article 210 of the Constitution was the basis of the Bill as it clearly stated that, if any tax was to be waived, there had to be a law allowing that. The reasons to waive taxes should be something which was advantageous to the County Government in terms of collecting more revenue.

In addition, the Honorable Members observed that the Public Finance Management Act Section 159 gave the powers to waive taxes to County Executive Committee Member of Finance and not the Governor and this should be the practice once the Bill was approved.

The Hon. Members gave the following proposals for amendment of the Bill:

1. The words “with approval of the Assembly” should be added to the end of sub-clause 5(4) to ensure that the Bill was not abused. The sub-clause seems to give the CEC exclusive powers to approve a waiver requested by an individual.
2. The period of 60 days given to present a proposal for waiver to the Assembly in sub-clause 5(3) was too long and therefore it should be shortened to 30 days.
3. On the application for waiver to the Executive Committee Member by an individual in sub-clause 5(4), there should be an additional sub-clause providing for an option of seeking a statement, bringing a Petition or a motion to the Assembly for a waiver. Once the petition or the motion was approved, it can be forwarded to the department for implementation.

4. There was a need to include a clause stating that any tax waivers given before the enactment of this law are hereby revoked.
5. There was need to provide for Persons with Disabilities to be exempted of paying taxes just as was provided in the National laws.
6. There was need to review sub-clause 7(a) on the period of 14 days required for publishing the intention of the waiver in Gazette before the intended date of waiver to be done before the bill was submitted to the Assembly. The publishing was for the purpose of public participation and it should come before the waiver was brought to the Assembly.
7. Sub-clause 7(e) should be amended to require the CEC to submit the request of the waiver together with evidence that public participation was done and also the comments of the public on the waiver.
8. There was need to include another Clause to provide for publishing of the details of the waiver by CEC after approval by the Assembly. This was important as the Assembly may amend the proposal of the waiver.
9. There was need to provide a clause on discount for those who pay tax promptly.

Submissions of Department of Finance and Revenue Collection on the Bill

Hon. Speaker, the Committee invited submissions from the Chief Officer, Finance and Revenue Collection vide letter ref: MKSCA/PSC/CMM/FRC/VOL.8/4 dated 8th July, 2021. The Chief Officer was also to appear before the Committee on 26th July, 2021 for a discussion on the Bill. The Chief Officer forwarded the following memorandum for consideration by the Committee:

1. The 60 days proposed for presentation of the waiver to the Assembly in section 5(3), be reduced to 15 days.
2. We suggest that the term 'person' in section 5(4) of the bill be clearly defined. The section states that 'any person may apply for waiver. Does this term refer to artificial persons such as companies and other corporate organizations, or natural persons? There is need for clear definition.
3. In addition to the requirement to publish in gazette as stipulated in section 7(a), there should also be requirement to publicize waivers in local radio stations and other local media outlets in order to ensure the information reaches the widest possible audience.
4. We propose that a clause be added to the bill, to allow the CEC Member Finance, in situations of emergency, to issue waivers then seek approval of the same, within 15 days of issue of such waiver.

Hon. Speaker, the Committee considered the proposals of the Department of Finance and Revenue Collection and made the following observations:

- a. That the proposal to shorten the period of 60 days to 15 days for presentation of the waiver by CEC to the Assembly in section 5(3) of the Bill was too short to enable the House consider and approve the waiver. The Committee observed that the 30 days proposed by the Members of the public was more achievable.
- b. That the need to interpret the term 'person' had also been proposed by the Members of the public. The Committee observed that even though the term 'person' was the same as interpreted in the Constitution, there was need to provide for its interpretation in the Bill for avoidance of doubt.
- c. That the waiver needed to have as much publicity as possible so as to achieve the intended purpose, thus the need to publicize it in radio stations and other local media outlets.

- d. That having a clause to allow the CEC Member finance, in situations of emergency to issue a waiver then seek approval of the same within 15 days of the issue would defeat the purpose of approval. The time period of 30 days provided in section 5(3) doesn't mean that the waiver needs to wait for the 30th day; it can be approved even on the second day. The CEC Member needs to explain the urgency and marshal the Assembly for prompt approval of the waiver. The Committee has considered the possibility of having the CEC extend the waiver for not more than 30 days if there is good reason that more revenue can be raised.

COMMITTEE OBSERVATIONS

Hon. Speaker, The Committee considered the views of the public collected during public participation, Memoranda submitted by various bodies, views of the Honorable Members and submissions of the CEC Member for Finance and Economic Planning. The Committee observed the following:

1. That the period of 60 days provided in sub-clause 5(3) was too long as waivers were meant for expediency and financial advantage. When the waiting period for a waiver is too long, it may bring about uncertainties in revenue collection whereby traders may even stop paying taxes awaiting approval of the waiver.
2. That term 'person' in the bill applied to both the natural and artificial person as defined in the Constitution and there was no need to interpret it further in this bill. For avoidance of doubt, there should be a provision on the interpretation of the term.
3. The Bill under clause 9 provides for making of regulations which will provide among other things categories of tax waivers and procedure of application of tax waivers. In addition, section 7 provides for public participation whereby the County Executive Committee Member will be required to make the waiver public before forwarding the waiver to the Assembly for approval. This means that there is no need to have clauses providing for categories of tax or procedure for waiver.
4. Members of the public requested that persons who are not able to clear their debts during the waiver period due to some challenges be allowed up to three months to clear their debts. The Committee observed that, this proposal will defeat the purpose of the waiver thus it was not admissible. However, the Committee observed that the CEC may be given some powers to be able to extend the period of the waiver by not more than thirty (30) days if in his opinion that such an extension will assist in collecting more revenue or there were circumstances that interfered with the period of the waiver such as systems failure, staff strike among other reasons. The extension should be reported to the Assembly within 15 days of such extension.
5. Members of the public also proposed that the waiver be announced up to the village level. The Committee observed that the CEC Member should publicize the waiver widely thus the need to provide for use of radio stations and other local media outlets.
6. On the proposal by public that the waiver should be for 15 days, the committee observed that each waiver requested will have its own period depending on its objective or targeted client.
7. In sub-clause 5(4) which provides that any person may apply to the CEC Member for a tax waiver; the Committee observed that the sub-clause seems to be give the

- CEC Member powers to approve waiver solely and thus there was need to add the words ‘with approval of the Assembly’.
8. On the proposal that a sub-clause be added after section 5(4) providing for seeking of a statement, bringing up of a petition or moving a motion in the Assembly, the Committee observed that these were ways of representation and were well provided in other laws including Standing Orders and did not require a provision in this Bill.
 9. The Committee further observed that it was important to have a transitional clause that any waiver which may have been granted before the enactment of the law be revoked. Such waivers are (or were) not as per the provisions of Article 210 of the Constitution and section 159 of the PFM Act.
 10. On the proposal that the Bill provides for exemption of waiver to PWDs, the Committee observed that the PWD Act was sufficient and it was already being implemented and PWDs were not paying taxes and fees to the County Government.
 11. On the need to review sub clause 7(a) to ensure that publishing the intention of the waiver in the Gazette, the Committee observed that the CEC Member needed to publish the waiver in the Gazette before submitting the request to the Assembly. The CEC Member should attach the Gazette and views of the public to the request of approval of the waiver to the Assembly.
 12. The Committee also observed that after the Assembly approves the waiver, the CEC should first gazette the approved waiver before commencing its implementation. This serves as a legal notice that the Finance Act was being amended for a short period when the waiver is in force. The CEC Member should publicize the waiver widely.
 13. On the need to provide a discount on those who pay taxes, promptly, the Committee observed that such provisions can only be prescribed in the Finance Act.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, based on the views of the public and Hon. Members and Committee observations, the Committee makes the following recommendations to be considered by the House during the Committee of the Whole House to amend the Bill:

1. That the term ‘person’ be provided for in the clause 2 on interpretations. The meaning should be the same as is provided in the constitution and should include both the natural and artificial person.
2. That sub-clause 5(3) be amended by deleting sixty (60) days and substituting thereof with thirty (30) days.
3. That sub-clause 5(4) be amended by adding the words, ‘with approval of the Assembly’ after the word waiver.
4. That sub-clause 7(a) be amended by deleting the words in the whole sub-clause and substitute thereof with the words, ‘publishing the intention to waive in the Gazette before the intended waiver was submitted to the Assembly for Approval.’
5. That sub-clause 7(e) be amended by deleting the words in whole sub – clause and substitute thereof with the words, ‘take into consideration the views of the public in submitting a request of waiver approval to the Assembly and attach evidence of public participation’

6. That a new clause be added after clause 7 stating that, the CEC Member should publish the approved waiver in the Gazette, radio stations and other local media outlets before implementing the waiver.
7. That a new clause be added after clause 7 that the CEC Member may extend the period of the waiver if in his opinion, there is such a compelling need to extend the waiver and such extension should not exceed 30 days. The extension should be reported in the Assembly within 15 days of such extension. The reasons include, in the opinion of the CEC Member, the extension will yield to more revenue collection or unforeseen event such as break down of revenue system, unrest or lockdown interfered with revenue collection during that period.
8. That a new clause which is a transitional clause be added after clause 9 in the bill providing that any waiver which may have been granted before the enactment of this Act is hereby revoked.

CONCLUSION

Hon. Speaker, the Machakos County Tax Waivers Administration Bill, 2020 gives effect to the principles set out in the Constitution by providing for the conditions of a tax waiver. The Bill if enacted it will be a tool which the County Executive Committee Member for Finance will be able to use to achieve equity in case unforeseen events affecting businesses as has been the case with Covid-19.

The CEC Member will also be able to use the Act to aid in collecting more revenue by waiving some penalties or interest for some revenue sources such as land rates. In addition, the Act may be used to attract strategic investors where certain fees may be waived. Hon. Speaker, I therefore urge the Honorable House to approve the bill together with the proposed amendments. Thank you, Hon. Speaker.

Hon Speaker: Thank you, Hon. Stephen Mwanthi.

(Question proposed)

So, Hon. Members, that is the proposed question that means that the matter is now owned by the House and there is a proposal that at this point because of some matter that needs to be handles as per the balloted business, that we proceed with the debate in the afternoon. Is there any objection to that? Members, what are your views? I am being guided by the Table Office that the debate proceeds in the afternoon as per the balloted business. Hon. Whip.

Hon. Mitaa: Thank you, Hon. Speaker. I would agree with balloting how it has been arranged because what the chair finance has taken us through is very important and we need again to sit down and go through the report. Hon. Speaker, as you are aware Madam Speaker, matters related to tax waivers are not only in our County but also across the country have been misused. We have seen situations whereby waivers have been without approvals of the Assemblies and we have a very important role in such matters.

So, I would request on behalf of my colleagues we are given time now that the report has been read officially then we go through the report so that in the afternoon plenary we will be able to make our contributions. Thank you.

Hon. Speaker: Thank you, Chief Whip. That makes a lot of sense I also noted that the published Bill is now supplied to you as we proceeded with this reading of the report. So you will be able to go through the report *vis-a-vis* the published Bill that is supplied to you.

ADJOURNMENT

Hon. Speaker: So, at this point Hon Members, this sitting will be adjourned and it will proceed on the third day of August 2021 at 2.30 p.m. Thank you.

The House rose at 11.13 a.m.