

**KERICHO COUNTY ASSEMBLY**

**THE HANSARD**

**Second Assembly**

**Fourth Session**

**Wednesday, 9<sup>th</sup> September 2020**

*(The House met at 9.30 a .m.)*

*[Speaker (Hon. Dominic Rono) in the Chair]*

**PRAYERS**

**The Speaker (Hon. Dominic Rono):** Let's proceed!

**THE KERICHO COUNTY REVENUE ALLOCATION BILL,  
2020 SECOND READING**

**The Speaker (Hon. Dominic Rono):** Chairman, Finance and Economic Planning!

Hon. Alex Bett (Chairman Finance and Economic Planning): Thank you Honorable Speaker for giving me this opportunity that I may present this Bill for second reading. The main object of this Bill is to establish the Kericho County Revenue allocation into which an amount of 45% of the total County Government annual revenue shall be used to facilitate development at ward level, by ensuring the specific portion of county annual budget is devoted to the purposes of development and particular the fight against poverty at the ward level.

Part one of the Bill sets the preliminary matters including the commencement dates and definition of various terms used in the Bill.

Part three of the Bill outlines the financial procedures with respect to administration and use of the funds. Part four provides for the submission of the ward projects proposal by elected Member of County Assembly. The part outlines the format for presentation of projects to be undertaken under the final and also provides the manner of sharing of the money from the allocation which shall be based at 60 percent equal and 15 percent based on population and other factors.

Part five of the Bill provides for the type of project that may be included for funding under this ACT in particular. This part provides that same projects must be development based, this part also set out a minimum number of projects to be funded so as to ensure distributions of projects within the ward and a maximum number in a bid to avoid spread out iron out the eligibility of some projects for funding such as counter-part funding which is also addressed in this part.

Part seven of the Bill provides for the procedure to be followed in the implementation of the ward based projects. It is proposed in the Bill that actual implementation of the ward based projects be done by the relevant county department in award. Part eight of the Bill provides miscellaneous clauses to ensure proper utilization of funds and also provides for penalties against any person who misappropriate any funds meant for development projects under the Bill. Thank you.

**THE KERICHO COUNTY REVENUE ALLOCATION BILL,  
2020 COMMITTEE OF THE WHOLE HOUSE.**

*(The Speaker leaves the Chair)*

*(The Chairman takes the Chair)*

**The Chairman (Hon Evance Kibet):** Welcome honorable members to the Committee of the Whole House; let's go to page four part two.

That Clause 4 Sub Clause 2 be amended by inserting the words “**conditional and non-conditional grants**’ immediately after the word fund

**The Chairman (Hon Evance Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman for this opportunity, members we are in Kericho County Revenue Allocation Bill 2020, and if you may go to that page you will see that part two, clause four, sub clause two, reads the amount referred to in section two shall be calculated on the basis of the most recent audited accounts of revenue received and shall exclude the facility improvement fund. You see those wants are those funds which we normally do not touch while we are appropriating amounts for developments, but we realized it should also include conditional and non-conditional grants because those ones are donor funds.

So that is why we are adding the word conditional and non-conditional. Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**The Chairman (Hon. Evance Kibet):** Part three!

### **PART III**

THAT Clause 6 Sub Clause 1 of the Bill be amended by adding the word ‘**committee**’ immediately after the word Executive and wherever else it appears.

THAT Clause 6 Sub Clause 2 (d) of the Bill be amended by adding the word “**this**” immediately after the word “**under**”

THAT Clause 6 Sub Clause 2 (f) of the Bill be amended by adding the word “**and**” immediately after the word “**review**”.

THAT Clause 10 of the Bill be amended by adding the word “**member**” immediately after the word “**committee**” and wherever else it appears.

**THAT Clause 12 Sub Clause 4 of** the Bill be amended by deleting the word “**allocated**” and substituting with the words “**re-allocated within the same Ward**” immediately after the words shall be

**THAT Clause 12 Sub Clause 6** of the Bill be amended by deleting the word “**county assembly member**” immediately after the word “**area**” and replacing with the word “**Member of County Assembly**” and wherever else it appears.

**The Chairman (Hon Evance Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman for giving me this opportunity once again so that I take the members through the amendments. The first one is;

THAT Clause 6 Sub Clause 1 of the Bill be amended by adding the word ‘**committee**’ immediately after the word Executive and wherever else it appears. I think that is to give the correct wording because we usually say the county executive committee member but in Bill it only showing executive member so we are adding the word committee to give it the right wording.

THAT Clause 6 Sub Clause 2 (d) of the Bill be amended by adding the word “**this**” immediately after the word “**under**”. This is just to give the right grammatical meaning.

THAT Clause 6 Sub Clause 2 (f) of the Bill be amended by adding the word “**and**” immediately after the word “**review**” That is also to give the correct grammatical, so that it reads, ensure timely submission of the County Assembly for various returns this reports and information as required under the ACT so that is the grammatical correction. We go to THAT Clause 10 of the Bill be amended by adding the word “**member**” immediately after the word “**committee**” and wherever else it appears. Clause 10 that is on page five, on approval of the projects, it reads the

county executive committee, it only says county executive committee, you realize there that it excluded the word member so it should be eth county executive committee member shall scrutinize and approve for funding those projects proposals that are consistent with the Act,so that it also gives the right wording.

THAT Clause 12 Sub Clause 4 of that is page six the second line there it says unspent funds shall be allocated to any eligible project and such project may be new or ongoing at the end of the financial year. You see here while the Bill was being developed we realized that, once the funds are returned, the unspent funds should be reallocated back to the same ward. So we are changing to include the word the unspent funds shall reallocate within the same ward, so that the money goes back to where it was initially allocated.

THAT Clause 12 Sub Clause 6 of the Bill be amended by deleting the word “county assembly member”, you realized that is not the correct wording, the correct wording is “**Member of County Assembly**”, so that is just the correct wording.

*(Question proposed)*

*(Question put and agreed to)*

**The Chairman (Hon Evance Kibet):** Part four!

#### **PART IV**

THAT Clause 13 Sub Clause 3 of the Bill be amended by adding the word “**or County Statistics Department**” immediately after the word “**statistics**”

THAT Clause 14 Sub Clause 3 of the Bill be amended by adding the word “**Administrator**” immediately after the word “**Ward**”

THAT Clause 14 be further amended by deleting Sub Clause 5 and substituting it with the following Sub Clause 5,

**“(5) Subject to Section 14 (1) the County Executive Committee Member may make regulations on the projects to be submitted for funding”**

**The Chairman (Hon Evance Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman once again we are on page 6 part 4 where we are talking about subject to clause 13,( 2) above the parameters will be updated at every Census for the economic survey by the Kenya National Bureau of Statistic to reflect the changes in the word democratic variables. We realized that sometime some of this statistic that come from national government may delay so we thought we should also include the county statistic department so that incase the figures from national government may delay we also have our own statistic from the county. That one will help us to move first.

Then that clause 14 sub clause 3 of the Bill be amended by adding the word **administrator** immediately after the word ward that is only to give correct reading because it reads if the list of the project is submitted for funding is in contravention in sub section 2.

The same shall be referred back to the ward so it is not just right to say to ward but the ward administrator so that it gives the correct wording. The last one there is, that clause 14 be further amended by deleting **sub clause 5** and substituting with the following **subject to sub section 14(1) the County Executive Committee Member may make regulation of the project to be submitted for funding**. We realized on this clause 5 it reads subject to section 14 (1) above the following allocation may be use as follows,

An amount not exceeding 3% may be used for sport at ward level

An amount not exceeding 3% may be used for disability

An amount not exceeding 7% may be used for bursary and allocated project. You realize that this one will tie us in case the figures may vary we will always be tied by this percentages. We

realize that we should correct that angle normally by just introducing that clause which we are introducing here that says subject to section 14 which is already talking about some of this parameters that we are using to distribute funding so we realized that we don't need to put any more figures in this. Thank you Chairman.

*(Question proposed)*

**The Chairman (Hon Evance Kibet):** Yes Hon. Erick Bii!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chair for this opportunity. I want to say that part for allocation criteria, there is that amendment of adding administrator to be ward administrator. I think when I read part 4 section 3 clause 3 (2) the above parameter will be updated after every census and economic survey by the Kenya Nation Bureau of Statistics to reflect changes in the ward demography variable. This is not referring to the person so if we add administrator we shall have changed the meaning of the wording demography variable. So addition of the word administrator will divert the meaning of the word demographic variable. Chair I don't support the addition of placement of the word administrator to be **ward administrator democratic variable** because we are not referring to an individual. These are the statistics which have been done and the analysis has been done in the national level. Putting the word administrator will not fit the meaning of the word demographic variable. It is referring to the analysis being done in the ward level and not an administrator doing the same analysis. Thank you chair.

**The Chairman (Hon Evance Kibet):** Chairman please respond.

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you chairman I really don't see the honorable member relating clause 14(3) with that one talking about statistics. I am not seeing how two are relating because here we are talking about clause 14 and where we are talking about statistic in clause 13(3) so I really don't see why we should not amend it to read the ward administrator because it is talking about sub section 2. Sub section 2 is talking about it shall be responsibility of the county executive committee member to ensure that the list of the

project submitted for funding complies with the provision of the act and the total cost doesn't exceed the allowed ceiling for the particular ward or is not below that ceiling. So here we are not referring to clause 13 sub section 3 so I think Chairman I don't see how the honorable member related word with the one talking about statistics in clause 13 sub section 3.

**The Chairman (Hon. Evance Kibet):** Ok Chairman. I hope the honorable member is satisfied.

*(Question put and agreed to)*

## **PART V**

THAT Clause 15 Sub Clause 4 (c) of the bill be amended by deleting the sentence **"Agriculture Livestock and Fisheries Development"** and replacing with the sentence **"Agriculture, Livestock and Fisheries Development"**.

THAT Clause 15 Sub Clause 4 (d) of the bill be amended by deleting the sentence **"Trade, Markets, and Cooperatives Development"** and replacing with the sentence **"Trade, Markets and Cooperatives Development"**.

THAT Clause 15 Sub Clause 4 (e) of the bill be amended by deleting the sentence **"Road Infrastructure and street lighting"** and replacing with the sentence **"Roads, Infrastructure and Street Lighting"**.

THAT Clause 15 Sub Clause 4 (h) of the bill be amended by deleting the sentence **"sports, people living with disability and bursary"** and replace with **"Youth, Persons with Disability and Women Empowerment programmes"**

THAT Clause 15 Sub Clause 5 of the bill be amended by deleting the word **"political"** appearing for the second time and be further amended by deleting the word **"religious"** appearing for the second time.



THAT Clause 16 Sub Clause 1 of the bill be amended by adding the word “County” immediately after the word “relevant”.

**The Chairman (Hon Evance Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman for giving me this opportunity, we are in part 5, part 5 is from page 7. While we are correcting the typos here at that clause 15 sub clause (4c) be amended by deleting the sentence **Agriculture Livestock and Fisheries Development** and replacing with the sentence **Agriculture, Livestock and Fisheries Development**. Introducing the commas we are just correcting the typos the same thing also to clause 15(d) it talks about trade market, market and cooperative development here we are correcting it to read **market** we are removing a comma which should not actually be there and making it the correct way and saying **Trade, Market and Cooperatives Development** that is just a typo.

THAT Clause 15 Sub Clause 4 (e) of the bill be amended by deleting the sentence ‘**Road Infrastructure and street lighting**’ and replacing with the sentence ‘**Roads, Infrastructure and Street Lighting**’. We realize that there were no ‘s’ that should give it the right reading to the department Roads, Infrastructure and Street Lighting, that is how it should be read.

THAT Clause 15 Sub Clause 4 (h) of the bill be amended by deleting the sentence “**sports, people living with disability and bursary**” and replace with ‘**Youth, Persons with Disability and Women Empowerment programme**’ We see that it is not the way it should actually read, reading should be Youth, Persons with Disability and Women Empowerment Programmes. That should be the correct reading of that Bill.

THAT Clause 15 Sub Clause 5 of the bill be amended by deleting the word “**political**” appearing for the second time and be further amended by deleting the word “**religious**” appearing for the second time. It reads funds provided under this act shall not be used for the purpose of supporting political bodies or the political activities or for supporting religious bodies

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or for religious activities. That is a repetition we are just correcting it because it just the same thing so we are removing one to leave one wording so we are correcting grammatical error that we are correcting there.

THAT Clause 16 Sub Clause 1 of the Bill be amended by adding the word “**County**” immediately after the word “**relevant**” sub clause 1 the county executive member shall make appropriate consultation with the relevant government department. Here we are adding the word county government department because we are just talking about our county so we are just correcting it to give correct reading. Thank you Chairman.

*(Question proposed)*

*(Question put and agreed to)*

## **PART VI**

That Clause 19 be amended by deleting the words “**select committee**” appearing immediately after the word assembly and;

That Clause 19 (a) be amended by deleting the word “**month**” appearing immediately after the word preceding.

**The Chairman (Hon. Evans Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** We are in part VI and that is still on page 8, The Clause 19 be amended by deleting the words “**select committee**” appearing immediately after the word assembly. The County Executive Committee members shall, on a quarterly basis submit a report to the County Assembly select committee. You see it is not usual that any report from the executive is not tabled on a select committee but it is supposed to be tabled to the particular committees in the Assembly. So we are correcting it to read, “The County Executive Committee member shall on a quarterly basis submit a report to the County

Assembly committee for detailing and; that Clause 19 (a) be amended by deleting the word "**month**" appearing immediately after the word preceding. A summary of the works, projects proposal received from the wards in the proceedings month and indicating the approval status of such projects, here...

**The Chairman (Hon. Evans Kibet):** Honorable Collins!

**Hon. Collins Biegon:** Thank you Chairman, I think there is that part of "Clause 19 (a) be amended by deleting the word "**month**" appearing immediately after the word preceding" so if you put the question and you have not deleted the first part, it would go like this, so I think we should first delete the amendment before we put the question.

**The Chairman (Hon. Evans Kibet):** The Honorable members are we all in agreement by maintaining the word "month"?

*(Members tapped their feet in agreement)*

*(Question put and agreed to)*

## **PART VII**

THAT clause 20 Sub Clause 1 be amended by deleting the words "**for the time being in force**" immediately after the word regulations.

THAT clause 20 Sub Clause 2 be amended by deleting the words "**equipment**" and replacing with the word "**asset**" immediately after the words "**of**" and "**such**" respectively.

THAT Clause 20 Sub Clause 3 of the bill be amended by deleting the word '**committee**' immediately after the word '**Assembly**'

THAT Clause 20 Sub Clause 4 of the bill be amended by deleting the words '**fixed and movable**' and be further amended by deleting the words "**including equipment**" and be amended further by deleting the words "**for use by the ward administrator**" and be also

amended by deleting the words “**to be**” and replacing with the words “**and shall be**” “immediately after the word ‘Government’.

THAT Clause 21 be amended by inserting the word “**Assets**” immediately after the word and be further amended by replacing the figures 2005 with **2015**.

**The Chairman (Hon. Evans Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman, we are in Part VII of the bill on the implementation of the projects that Clause 20 (1) be amended by deleting the word “for the time being in force” immediately after the word regulations. Clause 20(1) reads “projects under this Act shall be implemented with the assistance of the relevant department of County Government and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations for the time being in force” we are deleting the word here “for the time being in force” immediately after the word regulations; so that it reads “projects under this Act shall be implemented with the assistance of the relevant department of County Government and all payments through cheques or otherwise shall be processed and effected in accordance with government regulations. So that it ends there, so that we don’t need to say for the time being in force. The next is:

THAT clause 20 Sub Clause 2 be amended by deleting the words “**equipment**” and replacing with the word “**asset**” immediately after the words “**of**” and “**such**” respectively. Clause 20 Sub Clause 2 where a project in a ward involves the purchase of equipment such equipment shall remain for the exclusive use of that ward. When we talk about equipment, there are some equipment falls under either Assets, I think here we were trying to look at various assets that are usually in the wards. We thought the proper wording here should be Asset because even asset includes equipment. So if we only put equipment, there are properties in the ward that are not equipment but they fall under Assets. So we thought the proper word here should be asset to give the Bill the proper wording so that it reads “Where a project in a ward involves the purchase of Asset instead of equipment such asset shall remain for the exclusive use of that ward.

20(3) “The County Executive Committee member shall be responsible for monitoring the implementation of projects and shall submit a report on the on-going projects to the County Assembly committee” here we are just correcting the grammar to read instead of repeating the word committee; we are deleting the committee after Assembly so that it remains County Assembly instead of a particular committee it is just the report being tabled to assembly and not a particular committee.

Clause 20 (4) of the bill be amended by deleting the word “**fixed and Movable assets**” and be further amended by deleting the words “**excluding equipment**” and be amended further by deleting the words “**for use by the ward administrator**” and be also amended by deleting the words “**to be**” and replacing with the words “**and shall be**” immediately after the word Government. You see those ones are just grammatical, some of them are repetitions. So we are just correcting it to give a grammatical meaning.

THAT Clause 21 be amended by inserting the word “**Assets**” immediately after the word and be further amended by replacing the figures 2005 with **2015**.

We are in 21, all works and services relating to projects under this Act shall be procured in accordance with the provisions of the public procurement and disposal Act 2005. That Act is not for 2005 but it is 2015. So we are just giving that one the correct wording. In the Bill we are given 2005 but it should be 2015. Thank you.

*(Question proposed)*

**The Chairman (Hon. Evans Kibet):** Hon. Denis Kirui!

**Hon. Denis Kirui:** Thank you Chairman. On Part 7 Clause 20 (3) The County Executive Committee member shall be responsible for monitoring the implementation of projects and shall submit a report on the on-going projects to the County Assembly Committee. Chairman, I would wish that we add a time frame where this County Executive Committee Member shall be submitting a report to the County Assembly. Like when we see part six (6) The County

Executive member shall, on a quarterly basis, submit a report to the County Assembly Select Committee detailing the following. Then I would wish that the same be added here the County Executive Committee member shall be responsible for monitoring the implementation of projects and shall submit a report on the on-going projects to the County Assembly on quarterly basis, we add the word ‘on quarterly basis’ after the word Assembly,. That is my proposal chair.

**The Chairman (Hon. Evance Kibet):** Ok that is okay Honorable Denis Kirui.

**Hon. Denis Kirui:** Thank you Chairman, I would wish to ask Hon. Bett to second.

**The Chairman (Hon. Evance Kibet):** Hon Eric Bett!

**Hon. Eric Bett:** Thank you Chair I do second. Since it does not change the meaning and also supports part six, I think the addition of quarterly basis is consistent with the Bill so I do support the amendment.

*(Question put and agreed to)*

## **PART VIII**

THAT Clause 22 Sub Clause 1 be amended by deleting the words **“for the smooth running of the** “and replacing with the words **“to operationalize this”** immediately after the word regulations.

THAT Clause 24 Sub Clause 1 be amended by deleting the words in **“in the first instance”** and replacing with the words **“for determination”**

THAT Clause 24 Sub Clause 3 be amended by deleting the words **“in the first instance”** and replacing with the words **“for determination”**

**The Chairman (Hon. Evance Kibet):** Chairman!

**Hon Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman. Sub clause be amended by deleting the word “**for smooth running of the**” and replacing with the words “**to operationalize this**” immediately after the word regulations.

That is on page nine, so that it reads that the member of County Executive Committee may make regulations for the smooth running of the act and such regulations shall be approved by the County Assembly. We are removing the word smooth running and replacing with the operationalize, so it gives the act its meaning, so that whatever the County Executive Committee member makes, instead of putting the word smooth running we are putting the word to operationalize, that is to operationalize the Bill. The next is that clause 24 sub clause 1, clause 24 is on page 10. All complaints and disputes by persons arising due to the administration of this act shall be forwarded to the County Executive Committee member in the first instance so we are removing the word there in the first instance and putting the word, determination. So that it reads all complaints and disputes by persons arising due to administration of this ACT shall be forwarded to the County Executive Committee member for determination. I think that it should read. That clause 24 sub clause 3 be amended by deleting the word in the first instance and replacing with the word for determination. Sub clause 3 there reads disputes of civil nature shall be referred to the County Executive member, instead of the word for instance. We are saying for determination and where necessary an arbitration panel whose cost shall be bound by the parties to the disputes shall be appointed by consensus of the parties to consider and determine the matter before the same is referred to the court. Thank you chairman.

*(Question proposed)*

*(Question put and agreed to)*

## **MEMORANDUM OF OBJECTS AND REASONS**

THAT Part IV of the Bill on memorandum of objects and reasons be amended by deleting the word “**fifteen**” and replacing with the word “**thirty**” and be further amended by deleting the

words “**other factors**” and replacing with the words “**ten percent on land area**” immediately after the word “and”.

**The Chairman (Hon. Evance Kibet):** Chairman!

**Hon. Alex Bett (Chairman Finance and Economic Planning):** Thank you chairman. THAT Part IV of the Bill on memorandum of objects and reasons be amended by deleting the word “**fifteen**” and replacing with the word “**thirty**” and be further amended by deleting the words “**other factors**” and replacing with the words “**ten percent on land area**” immediately after the word “and”.

I think that was just correction of typing errors that was in the Bill. Thank you.

*(Question proposed)*

*(Question put and agreed to)*

**The Chairman (Hon. Evance Kibet):** Chairman!

**Hon Alex Bett (Chairman Finance and Economic Planning):** Thank you Chairman. I now beg to move that the committee do report to the assembly its consideration of the Kericho county revenue allocation Bill 2020, Assembly Bill no.1 of 2020 and its approval thereof with amendments. Thank you.

*(Question put and agreed to.)*

*(The Chairman leaves the Chair)*

*(The Speaker takes the Chair)*

*(The House Resumes)*

**The Speaker (Hon. Dominic Rono):** Chairman!



**The Chairman (Hon. Evance Kibet):** Thank you Mr. Speaker. I now beg to move that the Committee do report to the Assembly its consideration of the Kericho County Revenue Allocation Bill 2020, Assembly Bill no.1 of 2020 and its approval thereof with amendments. Thank you.

**The Speaker (Hon. Dominic Rono):** Mover!

**Hon. Alex Bett:** Thank you Hon. Speaker I beg to move that the House do agree with the Committee on the said report and I request Hon. Eric Bett to second. Thank you.

**The Speaker (Hon. Dominic Rono):** Hon. Eric Bett!

**Hon. Eric Bett:** Mr. Speaker I do second the approval of the Bill based on what we discussed.

*(Question proposed)*

*(Question put and agreed to)*

**The Speaker (Hon. Dominic Rono):** Mover!

**Hon Alex Bett (Chairman Finance and Economic Planning):** Thank you Hon. Speaker. I now beg to move that the Kericho County Revenue Allocation Bill 2020, Assembly Bill no.1 of 2020 be now read a third time. And I request Hon Hezborn Tonui to second.

**The Speaker (Hon. Dominic Rono):** Hon Hezborn Tonui!

*(Hon.Hezborn bows in secondment)*

*(Question proposed)*

*(Question put and agreed to)*

**THE KERICHO COUNTY REVENUE ALLOCATION  
BILL, 2020.**

A Bill for an act of the County Assembly of Kericho to provide for the establishment, administration and use of the county revenue allocation and for connected purposes

*(Adjournment)*

**The Speaker (Hon. Dominic Rono):** Thank you. That brings us to the end of this session. The Assembly stands adjourned till 2:30 pm in the afternoon.

*(The house rose at 11:45am)*