



TWELFTH PARLIAMENT , FOURTH SESSION

THE NATIONAL ASSEMBLY



The following is a **highlight of some of the key Business** considered by the National Assembly during the week ending Friday, September 25, 2020.

A. Communication from the Chair

On Thursday, September 24, 2020, the Speaker issued guidance on **the consideration of amendments to the Motion on the Special Audit Report by the Public Investments Committee on the Procurement of Pre-Export Verification of Conformity to Standard Services.**

In the guidance, **the Speaker disallowed amendments to the Report that intended to punish or cause investigations on the staff of the Office of the Auditor-General and Kenya Bureau of Standards (KEBS) who led in carrying out the Special Audit.**

In the guidance, the Speaker observed that it would be unlawful and very unusual for Parliament to seem to want to punish or cause investigations on the Auditor-General for exercising his powers under the law. A copy of the Report is available on <http://www.parliament.go.ke/the-national-assembly/house-business/communication-from-the-chair>

B. Requests for Statements pursuant to Standing Order 44(2)(c)

During the week, several Members requested for various Statements from the different Departmental Committees. One of the key Statements requested is that by the Member for Mvita, **the Hon. Abdulswamad Sheriff Nassir, MP** who requested for a Statement from the from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the alleged merger of Kenya Ports Authority (KPA), Kenya Railways Corporation (KRC) and Kenya Pipeline Company Limited (KPC) under the coordination of the Industrial and Commercial Development Corporation (ICDC).

Particularly, the Member sought to have the Chairperson provide details of the Executive Order by H. E. President He also sought to have the Chairperson explain how the Ministry of Transport, Infrastructure, Housing, Urban Development intends to implement the Order.

In addition, he wanted to know whether the Presidential Order amounted to a merger of the said State Corporations, and if so, whether it was subjected to public participation as required by the provisions of Article 118 of the Constitution?

C. The County Wards (Equitable Development) Senate Bill No. 34 of 2018)

The House *negated* the Second Reading of the County Wards (Equitable Development) Senate Bill No. 34 of 2018). This Senate Bill introduced in the National Assembly by the Chairperson of the Select Committee on the National Government Constituencies Development Fund seeks to provide a framework for the promotion of equitable growth in the wards within the counties by providing for the allocation of funds for ward-based development projects.

With the House having rejected the Second Reading of the Bill, **the Bill will now be subjected to mediation.** This means that that the Speakers of the two Houses must now form a Mediation Committee in the manner contemplated by Article 112 of the Constitution and Standing Order 149. If the Mediation



Committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the Committee is rejected by either House, the Bill is defeated.

D. Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Kiambu County

The **Ninth Report of the Special Funds Accounts Committee on the Audited Financial Statements for the national Government Constituencies Development Fund (NG-CDF) for Constituencies in Kiambu County** was adopted by the adopted by the House. A copy of the Report is available on <http://www.parliament.go.ke/the-national-assembly/committees/12/public-investments-committee>

E. Approval of the Third Basis for Revenue Sharing among the County Governments (Third Generation Formula)

On Thursday, September 24, 2020, the National Assembly on **considered and approved** the Third Basis for Revenue Sharing among the County Governments **in the form as determined and approved by the Senate without amendments**;

The formula shall consist of the Allocation *Ratio* and the *Formula*, where-

- (i) **Allocation Ratio**= the shareable revenue allocated to the counties in the financial year 2019/2020.
- (ii) **Formula** = $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^1 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$

¹ Land Area capped at 7%

² The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Where,

Parameter	Indicator of Expenditure Need
Health services	Health index- health facility-gaps (20%), three years average number of primary health care visits to levels 2 and 3 health facilities (60%) and three years average in-patient days in levels 4 and 5 hospitals (20%)
	Facility gap factor _i = $\frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$
	Primary health care factor _i = $\frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$



	$\text{In - patient days factor}_i = \frac{\text{No. of in - patient days in county } i}{\sum_{i=1}^{47} \text{No. of in - patient days in county } i}$
Agriculture services	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$
Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$
Minimum share	$\begin{aligned} &\text{Basic share index} \\ &= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i} \end{aligned}$
Land	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$
Roads	$\text{Roads index}_i = \frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$
Poverty level	$\text{Poverty index}_i = \frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$
Urban service	$\text{Urban Index}_i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$

The Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government for the financial years 2020/2021 to 2024/2025 shall be applied as follows-

(a) Equitable Share for 2020/2021

County Allocation = Allocation Ratio + 0(Formula).

(b) Equitable share for 2021/2022 to 2024/2025 of Kshs.370 billion and above

County Allocation = 0.5 (Allocation Ratio) + (((Equitable Share - 0.5 (Allocation Ratio))*(Formula)).



Provided that, for the duration of the operation of the Third Basis for allocating revenue among the counties, no county shall receive in any financial year an amount of shareable revenue that is less than the amount of shareable revenue received by the county in the financial year 2019/2020.

F. Approval of Nominees for Appointment to Offices of the Registrar and Assistant Registrar of Political Parties

Pursuant to the provisions of paragraph 6 of the Sixth Schedule to Political Parties Act, 2011, the National Assembly considered the proposed appointment of the Registrar and Assistant Registrars of Political Parties, and in accordance with said provisions, by a Resolution made on Thursday, September 24, 2020 –

- (i) **approved** the appointment of the following persons to the Office of the Registrar and Assistant Registrars of Political Parties –
- | | | |
|--------------------------------------|---|--|
| (i) Ms. Ann Nderitu | - | Registrar of Political Parties; |
| (ii) Mr. Ali Abdullahi Surraw | - | Assistant Registrar; |
| (iii) Ms. Florence Tabu Birya | - | Assistant Registrar; and |
- (ii) **rejected** the appointment of **Mr. Makorre Wilson** Mohochi to the Office of Assistant Registrar of Political Parties.

G. Consideration of the President's Reservations to the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019)

The House considered the **President's Reservations to the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019)** in the Committee of the whole House and passed, without amendments.

On August 05, 2020, the National Assembly passed the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019). The Bill was sponsored by the Leader of the Minority Party, the Hon. John Mbadi, MP. Following its passage, the Speaker presented the Bill for Assent to H.E. the President in accordance with the provisions of the Constitution and the Standing Orders. However, in exercise of the powers conferred under Article 115(1)(b) of the Constitution, H.E. the President, by way of a Memorandum dated September 07, 2020, referred the Bill back to the National Assembly for reconsideration.

In his Memorandum, H.E. the President expressed reservations to Clause 2 of the Bill which sought to amend section 8 of the Parliamentary Pensions Act (Cap. 196) to provide for an entitlement for former Members of Parliament who served between 1st July, 1984 and 1st January, 2001 to a monthly pension of one hundred thousand shillings.

H.E. the President had recommended deletion of Clause 2 of the Bill, which as a matter of fact, is the primary content of the Bill.

H. Next sitting



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The **House will hold its next sitting, tomorrow, Tuesday, September 29, 2020 at 2.30 p.m.**, wherein the House is expected to consider the Report of the Committee on Implementation on the status of Implementation of Legislations, Petitions and Resolutions passed by the House. In addition, the House will also consider the following business-

(i) **Second Reading** of the following Bills –

- (a) The Public Participation Bill (National Assembly Bill No. 69 of 2019);
- (b) The Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019);
- (c) The County Governments (Amendment) Bill (Senate Bill No. 13 of 2018);
- (d) The County Statutory Instruments Bill (Senate Bill No. 21 of 2018);
- (e) The Statutory Instruments (Amendment) Bill (Senate Bill No. 24 of 2018);
- (f) The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019);
- (g) The National Disaster Management Authority Bill (National Assembly Bill No. 10 of 2019);
- (h) The Land (Amendment) Bill (National Assembly Bill No. 69 of 2019); and
- (i) The Crops (Amendment) Bill (National Assembly Bill No. 25 of 2019).

(ii) **Committee of the Whole House** on the following Bills

- (i) The Refugees Bill (National Assembly Bill No. 62 of 2019);
- (ii) The Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No. 29 of 2019)

- (iii) The Report of the Public Investment Committee on its consideration of the Special Audit Report on Procurement of Pre-Export Verification of Conformity to Standard Services for Used Motor Vehicles, Mobile Equipment and Used Spare Parts by the Kenya Bureau of Standards.

MICHAEL SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY