



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

THURSDAY, SEPTEMBER 24, 2020 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. SPECIAL MOTION - APPROVAL OF THE THIRD BASIS FOR SHARING OF NATIONAL REVENUE ALLOCATED TO COUNTIES

(The Chairperson, Budget & Appropriations Committee)

THAT, pursuant to the provisions of Article 217(1) and (4) of the Constitution on Allocation of the Share of National Revenue among the Counties, this House **concurs** with the Senate and **approves** the Third Basis for the Annual Allocation of the Share of National Revenue to the county level of government for the Financial Years 2020/2021 to 2024/2025, which 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** = $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^1 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$

...../8*(Cont'd)

¹ Land Area capped at 7%

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

Where,

Parameter	Indicator of Expenditure Need
Health services	<p>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%)</p> $\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$
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	<p>Basic share index</p> $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$
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	$\text{Urban Index}_i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$

AND FURTHER RESOLVES THAT, 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.

*(Resumption of debate interrupted on Thursday, September 24, 2020 – Second Morning sitting)
(Balance of time – 30 minutes)*

9*. SPECIAL MOTION – APPROVAL OF APPOINTMENT OF THE REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the *Vetting of the Nominees for Appointment as Registrar and Assistant Registrars of Political Parties, laid on the Table of the House on Thursday, September 24, 2020*, and pursuant to the provisions of paragraph 6 of the Sixth Schedule to the Political Parties Act, 2011, this House -

(a) **approves** the appointment of the following persons to the Offices 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 Biry** - **Assistant Registrar; and**

(b) **rejects** the appointment of **Mr. Makorre Wilson Mohochi** to the office of Assistant Registrar of Political Parties.

10*. COMMITTEE OF THE WHOLE HOUSE

- (i) Consideration of the **President's Reservations** to the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019)
(The Leader of the Majority Party)
- (ii) The Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019)
(The Chairperson, Departmental Committee on Finance & National Planning)

11*. MOTION - REPORT ON THE STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS
(The Chairperson, Committee on Implementation)

THAT, this House adopts the Report of the Committee on Implementation on the status of Implementation of Legislations, Petitions and Resolutions passed by the House, *laid on the Table of the House on Tuesday, June 30, 2020.*

12*. THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

Second Reading

13*. THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

14*. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

(The Chairperson, Departmental Committee of Administration and National Security)

Second Reading

15*. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY THE KENYA BUREAU OF STANDARDS

(The Chairperson, Public Investments Committee)

THAT, this House **adopts** 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, *laid on the Table of the House on Tuesday, June 02, 2020.*

*** Denotes Orders of the Day***

NOTICES

I. PRESIDENT'S RESERVATIONS TO THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2019)

(Recommended Text)

Notice is given that the Leader of the Majority Party intends to move the following amendment in respect of the reservations contained in the Presidential Memorandum to the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019) at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be deleted.

II. THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILL NO. 3 OF 2019)

Notice is given that Chairperson of the Departmental Committee on Finance and National Planning intends to move the following amendments to the Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019) at the Committee Stage-

CLAUSE 2

THAT, clause 2 of the Bill be amended-

(a) in the proposed new section 160A -

(i) by inserting the words "within one year from the coming into force of this Act.", immediately after the words "collection system" in sub-section (1);

(ii) by inserting the following new subsection immediately after subsection (1) -

(1a) The county revenue collection system shall -

(a) be transparent, efficient, effective and verifiable;

(b) be simple and easy to use;

(c) be easy manage and control to ensure accountability;

- (d) be adequately secure to prevent and fraud, losses or any other violations;
- (e) respect and promote the distinctiveness of national government and the county government; and
- (f) provide for separate accounting and reporting.

- (iii) by inserting the words “within one year and” immediately after the expression “sub-section (1)” in sub-section (2);
- (iv) by deleting sub-section (3).

(b) in the proposed new section 160B—

- (i) by deleting the words “submit bi-annual statements and an annual report” appearing in sub-section (1) and substituting therefor the words “submit quarterly statements and a quarterly report”;
- (ii) by deleting the words “copies of the bi-annual statements and an annual report” appearing in sub-section (2) and substituting therefor the words “copies of the quarterly statements and quarterly report”;
- (iii) by deleting the words “the bi-annual statements and the annual report” appearing in sub-section (3) and substituting therefor the words “the quarterly statements and the quarterly report”;

(c) by deleting the proposed section 160C and substituting therefor the following new section—

Failure to implement the revenue collection system.

160C. The National Treasury may, on the recommendation of the Senate, and pursuant to Article 225(3) of the Constitution, stop the transfer of a county’s share of revenue raised by the national government, if the County Treasury fails to—

- (a) implement a county revenue collection system; or
- (b) report on the status of the county revenue collection and performance,

as required under this Act.

(d) by inserting the following new section immediately after the proposed section 160D—

Funds for functions
transferred between
levels of government.

160D. (1) Where a level of government transfers a function to another level of government in accordance with Article 187 of the Constitution—

- (a) the level of government transferring the function shall allocate adequate funds for the duration of the transfer to enable the other level of government to perform the function;
- (b) the budget for each function transferred shall be a separate vote;
- (c) the Treasury of the level of government to which a function is transferred shall stand authorized to withdraw any funds budgeted for the function from the Consolidated Fund or the County Revenue Fund, as the case may be, with the prior written approval of the Controller of Budget.

(2) The approval of the Controller of Budget to withdraw money from the Consolidated Fund or the County Revenue Fund, together with written instructions from the Treasury of the level of government to which a function has been transferred shall be sufficient authority for—

- (a) the Central Bank of Kenya to pay amounts from the National Exchequer Account in accordance with the approval and instructions provided; or
 - (b) the approved bank where the County Exchequer Account is held to pay amounts from the account in accordance with the approval and the instructions.
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III. PROPOSED AMENDMENTS TO THE MOTION ON 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

- 1) Notice is given that the Member for Homa Bay Town (Hon. Peter Kaluma) intends to move the following amendment to the Motion on 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: -

THAT, the Motion be amended by inserting the following words after the figure “2020”-

“Subject to the following-

- a) deletion of **Recommendations (ii), (iii) and (iv)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 61 of the Report; and,
- b) deletion of **Recommendation (v)** appearing under ‘Committee Recommendations’ under Chapter 5 on page 63 of the Report and substitution thereof with the following recommendation-

(v) The Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) should expeditiously investigate the circumstances under which the KEBS entered into contract with M/s EAA Company Limited and M/s Auto Terminal Japan and report their findings to the National Assembly.

- 2) Notice is given that the Member for Makueni (Hon. Daniel Maanzo, MP) intends to move the following amendment to the Motion on 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: -

THAT, the Motion be amended by inserting the following words after the figure “2020”-

“Subject to deletion of Recommendations (ii), (iii), (iv) and (v) appearing under ‘Committee Recommendations’ under Chapter 5 on pages 61 to 63 of the Report.”

...../Notices (cont'd)*

IV. The House resolved on Tuesday, September 8, 2020 as follows-

Limitation of debate on Bills, Motions, Sessional Papers and Committee Reports

THAT, pursuant to the provisions of Standing Order 97(1) and notwithstanding the resolution of the House of February 18, 2020, during the Sittings of the House of **September 8, 2020 up to and including October 15, 2020**, each speech in **debate on Bills, Motions** (*including Special Motions*), **Sessional Papers and Committee Reports**, shall be limited as follows:- a maximum of **two and half hours** with not more than ten (10) minutes for the Mover in moving and five (5) minutes in replying and a maximum of five (5) minutes for any other Member speaking, except for the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Committee who shall be limited to a maximum of ten (10) minutes, and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and Chairperson of the relevant Committee, in that order.

NOTICE PAPER

Tentative business for **Tuesday, September 29, 2020**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Tuesday, September 29, 2020-

A. THE COUNTY ALLOCATION OF REVENUE BILL, 2020

First Reading

(If received from the Senate)

B. THE COUNTY ALLOCATION OF REVENUE BILL, 2020

Second Reading

(If received from the Senate)

C. COMMITTEE OF THE WHOLE HOUSE

The County Allocation of Revenue Bill, 2020

(The Chairperson, Budget & Appropriations Committee)

(If received from the Senate)

D. MOTION - REPORT ON THE STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS

(The Chairperson, Committee on Implementation)

(If not concluded on Thursday, September 24, 2020)

E. THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 69 OF 2019)

(The Chairperson, Committee on Parliamentary Broadcasting and Library)

Second Reading

(If not concluded on Thursday, September 24, 2020)

F. THE PUBLIC FUNDRAISING APPEALS BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2019)

(The Chairperson, Constitutional Implementation Oversight Committee)

Second Reading

(If not concluded on Thursday, September 24, 2020)

G. THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILL NO. 13 OF 2018)

(The Chairperson, Departmental Committee of Administration and National Security)

Second Reading

(If not concluded on Thursday, September 24, 2020)

H. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BYKENYA BUREAU OF STANDARDS

(The Chairperson, Public Investments Committee)

(If not concluded on Thursday, September 24, 2020)

I. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)

(The Chairperson, Committee on Delegated Legislation)

Second Reading

J. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO. 24 OF 2018)

(The Chairperson, Committee on Delegated Legislation)

Second Reading

APPENDIX

ORDER NO.7 - QUESTIONS

Pursuant to the provisions of Standing Order 42A (5) the following Members will ask questions for reply before the specified Departmental Committees: -

QUESTIONS BY PRIVATE NOTICE

QUE NO.

QPN

027/2020

The Member for Kuresoi North (Hon. Moses K. Cheboi, MP) to ask the Cabinet Secretary for Lands and Physical Planning-

- (i) Could the Cabinet Secretary provide details of the ownership status of *Kabianga Apple Farm*, L.R. number 10694/3 in *Kamara* Location in Kuresoi North Constituency?
- (ii) When will the Ministry issue title deeds to the owners of the said parcel of land?
- (iii) Could the Cabinet Secretary facilitate the conversion of the parcel of land from leasehold to freehold?

(To be replied before Departmental Committee on Lands)

ORDINARY QUESTIONS

239/2020

The Member for Mosop (Hon. Vincent Tuwei, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary provide details of all the roads in *Mosop* Subcounty whose construction has been completed in the last three years, including distance and construction costs?
- (ii) Could the Cabinet Secretary explain why the construction of *Kaiboi - Chepterwai - Kapkatembu - Kipkaren River Road* in Mosop Constituency has stalled?
- (iii) Could the Ministry consider engaging a new contractor as the previous contractor, who has since abandoned the site has failed to meet his contractual obligations?
- (iv) What measures is the Ministry putting in place to ensure that this very important road in the region, and which is currently in deplorable state is completed to the set standards within the stipulated time frame?

(To be replied before the Departmental Committee on Transport, Public Works and Housing)

209/2020

The Member for Igembe South (Hon. John Paul Mwirigi, MP) to ask the Cabinet Secretary for Energy: -

- (i) When will public institutions in Igembe South Constituency including *Kalamane Dispensary, Akui Primary School, Thubai Primary School, Gatai Tea Buying Centre and Auki Dispensary* be connected to the National Power Grid in line with the Government Policy under the Last Mile Connectivity programme?
- (ii) What measures have been put in place to ensure that all the public institutions in Igembe South Constituency, which are yet to be connected to the National Grid are connected as soon as possible?

(To be replied before the Departmental Committee on Energy)

221/2020

The Member for Sigowet-Soin (Hon. Kipsengeret Koros, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) What is the current status of the leases for police vehicles being used in policing operations in the Country?
- (ii) Could the Cabinet Secretary give a breakdown of the distribution of police vehicles in *Sigowet/Soin* Sub-County in Kericho County?
- (iii) Could the Ministry consider facilitating and providing the Officer Commanding Police Division (OCPD) in *Sigowet/Soin* Sub-County with an office, adequate personnel and a police vehicle to enable him execute his duties effectively given the sensitive and demanding nature of his area of jurisdiction?

(To be replied before the Departmental Committee on Administration and National Security)

223/2020

The Member for Runyenjes (Hon. Eric Muchangi, MP) to ask the Cabinet for Water, Sanitation & Irrigation-

- (i) Could the Cabinet Secretary provide the status of the construction of *Tuchi Dam* located in *Iriari Sub-location* along Runyenjes and Chuka-Igambangombe Constituencies?
- (ii) What is the total expected cost of the construction of the said dam, how much has been spent to date, and when is it expected to be completed?
- (iii) What measures has the Ministry put in place to ensure that the construction of the said dam is fully funded?

(To be replied before the Departmental Committee on Environment and Natural Resources)

224/2020

The Member for Igembe Central (Hon. Kubai Iringo, MP) to ask the Cabinet Secretary for Industry, Trade and Cooperatives:-

- (i) What steps is the Ministry taking to market *Miraa*, commonly known as *Khat*, particularly within the country, in Somalia, in the Eastern African Region and the European Markets, considering it is the main source of livelihood for the residents of Igembe Central, Igembe North and Igembe South Constituencies?
- (ii) What steps is the Ministry taking to ensure that Somalia Market is opened as a matter of urgency?
- (iii) Considering that the Crops Act, 2013 as amended in July 2014 included *Miraa* as a cash crop and it was subsequently *gazetted* as a scheduled cash crop in 2016, what measures have been put in place by the Government to cushion farmers from losses suffered as a result of lack of markets?

(To be replied before the Departmental Committee on Trade, Industry and Cooperatives)

225/2020

The Member for Laisamis (Hon. Arbelle Marselino Malimo, MP) to ask the Cabinet Secretary for Education: -

- (i) Could the Cabinet Secretary explain the circumstances that led to the closure of two primary schools in Laisamis subcounty, namely; *Loglogo and Losidan*, which were closed under unclear circumstances before the outbreak of Covid-19 pandemic?
- (ii) What measures have been put in place to curb rising cases of indiscipline among students and teachers in schools in Laisamis Constituency?

(To be replied before the Departmental Committee on Education and Research)

226/2020

The Member for Kabondo Kasipul (Hon. Eve Obara, MP) to ask the Cabinet Secretary for Energy:-

- (i) What steps is the Ministry taking to ensure that the numerous complaints against Kenya Power and Lighting Company in Kasipul Kapondo Constituency relating to among other things, low and loose hanging power lines, frequent power outages, defective and broken-down transformers, inflated power bills, and delays in addressing reported incidents and in particular faulty transformers installed over 7 years ago in *Kadie Clean Water, Orera School, Sian Secondary and Chegerere, Nyandolo and Oriri Primary Schools* and are yet to be commissioned, are addressed urgently?

(ii) Could the Cabinet Secretary assure the residents of their safety with regard to defective transformers and collapsed poles particularly the transformer located at *Atela Dispensary*?

(iii) Could the Cabinet Secretary consider compensating customers for the power surges and intermittent outages in the area for losses incurred, and for payment for inflated bills?

(To be replied before the Departmental Committee on Energy)

241/2020

The Member for Subukia (Hon. Samuel Gachobe, MP) to ask the Cabinet Secretary for Energy:-

(i) Could the Cabinet Secretary explain why the Kenya Power and Lighting Company has been interrupting and disconnecting customers' electricity supply for days in Subukia Constituency without prior notice for the last three months?

(ii) What steps has the Government taken to ensure that Kenya Power does not breach contractual obligations with its customers?

(iii) What measures has the Government put in place to ensure consistent provision of electricity by Kenya Power especially during the Covid-19 pandemic period?

(To be replied before the Departmental Committee on Energy)

242/2020

The Member for Garissa Township (Hon. Aden Duale, MP) to ask the Cabinet Secretary for Education: -

(i) Could the Cabinet Secretary provide the categories of scholarships, both local and international, that Kenyan students can access through the Ministry of Education, and Ministry of Foreign Affairs indicating the number of available spaces under each category?

(ii) How many scholarships were offered between 2013 and 2019 to students across the Country?

(iii) Could the Cabinet Secretary provide a list of students from pastoralist communities specifically from Samburu, Turkana, Wajir, Marsabit, Mandera and Garissa Counties, who have benefited from scholarships offered by the Government from 2013 to date, indicating the names of the beneficiaries and the type of scholarships offered?

(To be replied before the Departmental Committee on Education and Research)
