



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SECOND SITTING

THURSDAY, SEPTEMBER 24, 2020 AFTER THE 10.00 A.M. SITTING

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** = $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$

...../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	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%) $\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$
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	Basic share index $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$
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.

9*. COMMITTEE OF THE WHOLE HOUSE

The Public Service (Values and Principles)(Amendment) Bill (National Assembly Bill No. 29 of 2019)

(The Hon. Andrew Mwadime, M.P.)

10*. THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 27 OF 2019)

(The Hon. Benjamin G. Mwangi, M.P.)

Second Reading

(If not concluded on Thursday, September 24, 2020 – First Morning sitting)

11*. THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2019)

(The Hon. Kimani Ichung'wah, M.P.)

Second Reading

12*. THE LAND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 54 OF 2019)

(The Hon. Simon King'ara, M.P.)

Second Reading

13*. THE CROPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2019)

(The Hon. Kassim Sawa Tandaza, M.P.)

Second Reading

*** Denotes Orders of the Day***

..... /Notices*

NOTICES

I. THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 29 OF 2019)

- 1) Notice is given that the Member for Mwatate (Hon. Andrew Mwadime) intends to move the following amendments to the Public Service (Values & Principles) Amendment Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment of
section 16 of
No. 1A of 2015.

2. The Public Service (Values and Principles) Act is amended in section 16—

- (a) in subclause (3), by inserting the following paragraph immediately after paragraph (d)—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, age, county of birth, county of residence, ethnicity and whether they are persons living with disabilities.”

- (b) by inserting the following new subsection immediately after subsection (3)—

(4) An authorised officer who fails to prepare a report under subsection (1) may be subjected to disciplinary action in accordance with the laid out procedures.

- 2) Notice is given that the Chairperson of the Departmental Committee on Administration and National Security intends to move the following amendments to the Public Service (Values & Principles) Amendment Bill, 2019 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by deleting the proposed new paragraph (da) and substituting therefor the following new paragraph—

“(da) details on the human resource establishment within the Service Commission outlining the total number of employees and highlighting their gender, place of birth and whether physically challenged”

II. 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*

NOTICE PAPER

Tentative business for

Thursday (Afternoon), September 24, 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 Thursday (Afternoon), September 24, 2020-

- A. MOTION - APPROVAL OF APPOINTMENT OF THE REGISTRAR AND ASSISTANT REGISTRARS OF POLITICAL PARTIES**
(The Chairperson, Departmental Committee on Justice and Legal Affairs)
- B. 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)
- C. THE COUNTY STATUTORY INSTRUMENTS BILL (SENATE BILL NO. 21 OF 2018)**
(The Chairperson, Committee on Delegated Legislation)
Second Reading
- D. THE STATUTORY INSTRUMENTS (AMENDMENT) BILL (SENATE BILL NO.24 OF 2018)**
(The Chairperson, Committee on Delegated Legislation)
Second Reading
- E. THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO.69 OF 2019)**
(The Chairperson, Committee on Parliamentary Broadcasting and Library)
Second Reading
- F. MOTION - SPECIAL AUDIT REPORT ON PROCUREMENT OF PRE-EXPORT VERIFICATION OF CONFORMITY TO STANDARD SERVICES BY KENYA BUREAU OF STANDARDS**
(The Chairperson, Public Investments Committee)
- G. MOTION - REPORT ON THE STATUS OF IMPLEMENTATION OF LEGISLATIONS, PETITIONS AND RESOLUTIONS**
(The Chairperson, Committee on Implementation)
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...../Appendix

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: -

QUE NO.

QUESTIONS BY PRIVATE NOTICE

QPN

025/2020

The Member for Suna West (Hon. Peter Masara, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government:-

- (i) Could the Cabinet Secretary explain the circumstances that led to violent confrontations between the police and residents of *Got Kwer* village in Suna West Sub County during a religious pilgrimage by the *Legion Maria* faithful on 14th September 2020 where several people were killed and many others injured?
- (ii) What is the status of the investigations into the incident and what measures are in place to ensure that action is taken against police officers who misuse their firearms or use excessive force while controlling crowds?
- (iii) What measures have been put in place to ensure that security is provided during religious gatherings in the country, including during pilgrimages by the *Legion Maria* faithful?
- (iv) When will the affected families be compensated for the losses incurred including loss of lives of loved ones, and could the Ministry consider meeting the cost of medical bills for those in hospitals?

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

QPN

026/2020

The Member for Gem (Hon. Elisha Odhiambo, MP) to ask the Cabinet Secretary for Foreign Affairs: -

- (i) What steps have been taken by the Ministry to facilitate the retrieval of the body of the late *James Osala Nyadenge*, a resident of *East Gem Ward*, Gem Constituency who was murdered while fishing in Lake Victoria, on the Tanzania territory of the waters on 31st August, 2020 and his body thrown into the lake?
- (ii) What diplomatic measures have been put in place to ensure peaceful co-existence between the communities living in all Countries that share Lake Victoria waters so as to guarantee their safety and in particular safety of Kenyan fishermen who solely depend on fishing as a source of livelihood?

(To be replied before the Departmental Committee on Defence and Foreign Relations)

ORDINARY QUESTIONS

189/2020

The Member for Awendo (Hon. Walter Owino, MP) to ask the Cabinet Secretary for Tourism and Wildlife -

- (i) What measures has the Ministry put in place to avert the closure and subsequent collapse of the Hotels & Hospitality Industry in the country, particularly the reported intended closure of the Inter Continental Hotel in Nairobi?
- (ii) What measures has the Ministry put in place to ensure that the permanent closure of the Hotel does not impact negatively on Kenya's standing as an international hospitality investment center?

(To be replied before the Departmental Committee on Sports, Culture and Tourism)

196/2020

The Member for Meru County (Hon. Bishop Kawira Mwangaza, MP) to ask the Cabinet Secretary for Labour and Social Protection:-

- (i) What measures has the Ministry put in place to ensure that all jobless youths in Meru County benefit under the National Hygiene Initiative dubbed "*Kazi Mtaani*" particularly during the COVID-19 pandemic period?
- (ii) What criteria is used in selecting the youth to be employed under the *Kazi Mtaani* programme in Meru County?
- (iii) What are the terms of employment under the programme, specifically, the amount of monies paid and duration of engagement once a youth is employed?

(To be replied before the Departmental Committee on Labour and Social Welfare)

204/2020

The Member for Loima (Hon. Jeremiah Lomorukai, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary explain the inordinate delays in the completion of the *Lodwar- Nadapal- Naluoyapong- Lorengippi* Road?
- (ii) Could the Cabinet Secretary provide the amount of money that has been paid so far for the said road, indicating all the budgetary allocations and disbursement schedules since inception?
- (iii) When is the project expected to be completed?

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

206/2020

The Member for Teso North (Hon. Oku Kaunya, MP) to ask the Chairperson of the Teachers Service Commission: -

- (i) Could the Commission provide a list of all the teachers who will have attained the mandatory retirement age this year and those who were awarded job contracts after attaining the

mandatory retirement age?

- (ii) What was the rationale in awarding retired teachers job contracts despite there being so many unemployed registered teachers?
- (iii) What measures has the Teachers Service Commission put in place to ensure that the regulations guiding the issuance of these contracts are not abused?

(For Written Reply by the Teachers Service Commission)

208/2020

The Member for Vihiga County (Hon. Beatrice Adagala, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development: -

- (i) Could the Cabinet Secretary explain why the construction of *Kisumu- Kakamega* Road, especially around *Majengo Town* has numerous design gaps including huge open drainages, lack of foot bridges and pedestrian walkways which leads to numerous road accidents and waterborne diseases in the area?
- (ii) Would the Ministry consider compensating the victims of road accidents that result from the said poor road designs?
- (iii) When will the rehabilitation works on the *Stand Kisa- Kima-Khumusalaba* road which is in a deplorable state be carried out?

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

215/2020

The Member for Lurambi (Hon. Titus Khamala, MP) to ask the Cabinet Secretary for Education: -

- (i) What is the status of preparedness in regard to for opening of schools and all other learning institutions in the country during the Covid-19 pandemic period?
- (ii) What measures has the Ministry put in place to ensure that schools and all other learning institutions conform to the set Covid-19 protocols?

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

218/2020

The Member for Alego Usonga (Hon. Samuel Atandi, MP) to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:-

What plans has the Ministry put in place to rehabilitate and operationalize Gombe Airstrip in Alego Usonga Constituency so as to

serve the over 1,000,000 residents in the region as well as facilitate tourism, air evacuations and transportation of farm produce in the area?

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