



NATIONAL ASSEMBLY

e-NEWS

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Association Seeks to Invest
in Dodoma**

**Slow Pace of Implementation
of House Resolutions
Slowing Down War on Craft**

**Demistifying The
Finance Bill 2019**

**Understanding
the Budget Process
(The Budget Cycle)**



Foreword



I am delighted to welcome you to the 2nd issue of National Assembly E-Newsletter (No.002 of 2019).

The lead article on this edition is the Budget Estimates for the Financial Year 2019/2020. We give readers the highlights of the Budget Estimates, policy underpinning, the overall fiscal framework for 2019/2020 and demystify the budget making cycle.

We have also carried articles on the Finance Bill, 2019 and the process of mediation of Bills.

During the period covered in this edition, the departmental committees of Justice and Legal Affairs, that on Education, Research and Technology and that on Health undertook various activities which have been covered.

The Departmental Committee on Education, Research and Technology tabled a report on school unrest giving the causes and possible solution to the problem.

On another education related matter, the Departmental Committee on Justice and Legal Affairs put top officials at the Attorney General's office and the Kenya School of Law (KSL) to task over mass failure at the KSL.

This edition also carries an article on the proposed Commonwealth Parliamentary Association's (Africa Region) investment in Dodoma Municipality, where the Speaker of the National Assembly, Hon. Justin Muturi who is also the Chairperson of the Executive Committee of the CPA (Africa Region) led board members on an inspection visit.

Importantly, we have carried a pictorial page that offers the stories of Hon. Members transacting various businesses of the House and its Committees through photos.

I hope you will enjoy the read.

Mr. Michael R. Sialai, EBS
Clerk of The National Assembly of Kenya

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NATIONAL GOVERNMENT: KEY BUDGET DOCUMENTS

BUDGET DOCUMENT	DATE OF ISSUE/SUBMITTED	RELEVANT LEGISLATION	FUNCTIONS/ PURPOSE
Budget circular by CS, National Treasury to all national government entities setting out guidelines to be followed on the budget process.	Not later than 30 th August, each year.	Public Finance Management Act (PFMA), Sections 35(1) & (2) and 36(2)	<p>Process starts with integrated development plan, which includes both long-term and medium-term planning,</p> <p>-Review and determination of financial and economic policies and priorities at the national level over the medium term.</p> <p>-Preparation of the overall estimates in the form set out in the Budget Policy Statement (BPS) of national government revenues and expenditures.</p> <p>-Adoption of BPS by Parliament and preparation of budget estimates for national government.</p>
County Budget Review and Outlook Paper (CBROP).	By 30 th September each year.	PFMA, 2012, Section 26(1)	<p>Update on actual economic and fiscal performance for previous year compared to budget appropriation for that year.</p> <p>The update on macro-economic and financial forecasts carries sufficient information to show changes in the most recent BPS and how financial performance for the previous year might have affected compliance with fiscal responsibility principles or the financial objectives in the latest BPS</p>
Budget Policy Statement	15 th February each year.	PFMA 2012, Section 25(2)	Submission of BPS to the Cabinet for approval.
Debt Management Strategy Paper	On or before 15 th February each year	PFMA, 2012 Section 33(1)	CS, National Treasury submits to Parliament a statement setting out the debt management strategy of national government over the medium term, showing actual liability and potential liability in respect of loans and guarantees and how it plans to deal with them
Budget estimates of national government entities, excluding those for Parliament and Judiciary	30 th April each year	PFMA, Section 37(2)	Budget estimates and other documents necessary to support implementation of national government budget are submitted to the National Assembly. They exclude those of Parliament and Judiciary



1) Budget estimates for Parliamentary Service Commission	30 th April each year	PFMA, 2012 Section 37(3)	Clerk of the Senate/ Secretary, Parliamentary Service Commission, submits to the National Assembly budget estimates for Parliament including proposed appropriations, with copies to National Treasury
2) Budget estimates for the Judiciary	30 th April, each year	PFMA, 2012 Section 37(4)	The Chief Registrar, Judiciary submits to the National Assembly budget estimates for Judiciary, including proposed appropriations, with copies to National Treasury Note: In both institutions, i.e. 1 & 2, accounting officer, PSC and Chief Registrar, Judiciary must:- i) Ensure members of the public are given an opportunity to participate in the preparation process; and ii) Make and publish rules to be complied with by those who wish to participate in the preparation process.
Comments of CS, National Treasury on budgets of PSC and Judiciary	Not later than 15 th May each year	PFMA, 2012 Section 37(6)	CS, National Treasury submits comments on the budgets proposed by accounting officer PSC and Chief Registrar Judiciary to National Assembly.
Appropriations Bill and other bills except the Finance Bill	Upon approval of budget estimates by National Assembly each year	PFMA, 2012 Section 37(9)	National Assembly considers budget estimates of national government entities including those of Parliament and Judiciary with a view to approving them with or without amendments in time for approval of Appropriations Bill and other bills to pave way for the law to implement the budget to be assented to by 30 th June each year, except the Finance Bill. Details of other budget documents to accompany budget estimates before approval of the Appropriations Bill are specified in PFMA, 2012 Section 38.
Finance Bill	Not later than 90 days after passing the Appropriations Bill.	PFMA, 2012 Section 41	National Assembly shall consider and pass the Finance Bill with or without amendments. Budget policy highlights and revenue raising measures and other requirements which are pertinent before approval of the Finance Bill for national government entities are enumerated in PFMA, 2012 Section 40. National Assembly also takes into account provisions of Section 114 of the Constitution.



UNDERSTANDING THE BUDGET PROCESS : BUDGET CYCLE



Former Treasury CS Henry Rotich presents the 2019/2020 National Budget highlights

NO.	ACTIVITY	DEADLINE		RESPONSIBLE INSTITUTION
		NATIONAL GOVERNMENT	COUNTY GOVERNMENT	
1.	Issue Budget Guidelines: To Include	End of July	End of July	National Treasury/County Treasuries
	Updated sector composition, budget calendar, and key milestones			
	Preliminary resource allocation based on MTEF allocations			
2.	Strategic Planning	End of August	End of August	State Department for Planning
	Progress report on implementation of Vision 2030 MTP (2008-12)	Mid-August	Mid-August	State Department for Planning
	Expenditure Review Update of strategic plans based on new mandate. Preparation of annual plans	September 1st	September 1st	Line Ministries
3.	Formulation of Macro-fiscal Framework	End of October	End of October	National Treasury /County Treasuries

4.	Draft Budget Review Outlook Paper (BROP) Update of the macro fiscal framework; Estimation of the resource envelope (indicative); Determination of policy priorities; Consultations with the Commission on Revenue Allocation (CRA) (including Equalization Fund); and Resource allocation to national and county governments, sectors, Judiciary and Parliament	Mid-August	Mid-August	Macro Working Group
	Stakeholders' consultation	End of August	End of August	National/County Treasuries
	Update BROP based on stakeholders' comments	Mid-September	Mid-September	Macro Working Group (MWG)
	Circulate to Budget and Economic Council (BEC) and Budget and Economic Forum (BEF) members	Mid-September	Mid-September	National/County Treasuries
	BEC/BEF Meeting	End of September	End of September	National/County Treasuries
	Submission to National/County Executive	Mid-October	Mid-October	Cabinet/County Secretary for Finance
	Approval by National/ County Executive	End October	End October	
	<i>Development of budget proposals</i>	<i>Mid December</i>	<i>Mid December</i>	<i>Sector Working Group</i>
	Launch of sector working group	Mid-August	Mid-August	National/County Treasuries
	Preparation of MTEF budget proposals	Mid-October	Mid-October	Line ministries
	Public Participation	End October	End October	Sector Working Group
	Draft sector reports	Mid-November	Mid-November	Sector Working Group
	Submit to Treasury	Mid-December	Mid-December	Sector Working Group Chairman
	Review of proposals	Mid-December	Mid-December	National/County Treasuries
5.	<i>Development and approval of Budget Policy Statement (BPS)/County Fiscal Strategy Paper (CFSP), Division of</i>	<i>Mid-February</i>	<i>Mid-February</i>	<i>National Treasury (MWG, CRA, BEC, BEF)/County Treasuries</i>

	Updating macro fiscal framework Sharing of resources			
	Circulate draft BPS to BEC and BEF	Mid-January	Mid-January	National Treasuries
	BEC/BEF meeting	End January	End January	National/County Treasuries
	Update BPS to incorporate councils' comments	End January	End January	MWG
	Develop Division of Revenue and County Allocation of Revenue Bills	End January	End January	National Treasury
	Consultations with CRA	Mid-February	Mid-February	National/County Treasuries
	Submission of BPS to Parliament and CFSP to county assembly for approval	End January	End January	National/County Treasuries
	Approval by Parliament/County Assembly	Mid-February	Mid-February	Parliament/County Assemblies
6.	<i>Preparation and approval of programme budgets</i>	<i>End of June</i>	<i>End of June</i>	<i>Line ministries, National and County Treasury, National and County Assemblies</i>
	Issue guidelines	Mid-February	Mid-February	National/County Treasuries
	Submission to treasuries (and to National Assembly of Judiciary and Parliament budgets)	Mid-March	Mid-March	Line ministries/county departments
	Consolidation	Mid-April	Mid-April	National/County Treasuries
	Submission of budget estimates to National Assembly and County Assemblies for approval	30 th April	30 th April	Cabinet/County Cabinet Secretary for Finance
	Submit views on the budgets for Judiciary and Parliament to National Assembly	15 th May	15 th May	National Treasury
	Public hearing	Mid-May	Mid-May	Relevant Committee of Parliament
	Review by relevant committee of Parliament	End of May	End of May	Relevant committee of Parliament
	Committee of supply	End of June	End of June	Relevant committee of Parliament
	Consolidation of national government budget	End of June	End of June	National Treasury

6	Appropriation Bill passed	End of June	End June	National/County Assemblies
	Finance Bill passed	Within 90 days of passing of Appropriation Bill	Within 90 days of passing of County Appropriation Bill	
	Vote on account	End of June	End of June	National/County Assemblies
7.	Budget implementation	Continuous	Continuous	COB, National Treasury and County Treasuries
	Submission of reports on budget implementation to COB	15 th day of each quarter	15 th day of each quarter	Line ministries
	Submission of reports on budget implementation to National/County Assemblies	45 th day of each quarter	45 th day of each quarter	Controller of Budget (COB)
	Submit supplementary budget for approval by National/County Assemblies	February or two months after spending	February or two months after spending	National/County Treasuries
8.	Accounting and audit	March	March	National/County Treasuries, Auditor General
	Submission of final accounts to Treasury and Auditor General	September	September	Line ministries
	Submission of consolidated annual accounts to Auditor General	October	October	National/County Treasury
	Submit audited accounts to National /County assembly	December	December	Auditor General
	Review audit reports by National /County assembly	March	March	National/County Assembly

SCHOOLS' UNREST IN KENYA: THE EDUCATION COMMITTEE REPORTS ON CAUSES AND POSSIBLE SOLUTIONS.



Students of Watuka Secondary School after a dormitory at the institution was burnt down on July 26, 2016

Despite the various commendable milestones achieved in the Education Sector, cases of student unrest in Kenya have become an unfortunate phenomenon witnessed in the country annually, mostly during the second term.

In the year 2018, a total of 108 schools out of 8,900 public and 1,800 private secondary schools were affected by various forms of unrest. In the month of July only, the country experienced an unprecedented wave of arson (63 cases); walkouts (23 cases); sit-ins (8); and breakdowns (14 cases) in public secondary schools.

It is due to these and other previous cases, that the National Assembly's Departmental Committee on Education chaired by Tinderet MP, Hon. Julius Melly, resolved to conduct a long-drawn inquiry spanning months, to establish the underlying causes of students' unrest and to determine the necessary measures to take to stem out the unfortunate culture that has had severe implications to the students, learning institutions, and the government.

COMMITTEE FINDINGS

In its Report tabled before the National Assembly on 4th July 2019, the findings by the committee point-

ed out limited professional guidance and counseling for the students as the greatest contributor to recurrent disciplinary cases among learners, fuelled by increased societal permissiveness and advocacy for liberties even in learning institutions.

The committee also reported that, "Examination stress caused by the numerous exams conducted in schools, as well as the unlawful expectation or promise of exam leakages most often than not, culminated into schools' unrest in situations where these did not come forth." This was noted to be worsened by the extensive learning period that is the second term.

Further, broken communication between parents, teachers and learners also creates a gap that makes it hard for learners to effectively communicate their problems and request the much needed support, hence causing bottled up anger.

"In certain situations, the schools are under-staffed and students do not have enough people to attend to them, due to the also diminished role of teachers as mentors and managers" quotes the 35-page report, which also cites lack of co-curricular activities and insufficient sleep as adversely affecting the physical and mental health of the learners.

The Investigations also revealed that deplorable living conditions and poor infrastructure in schools, subject learners to inhumane treatment, leading to resentment and anger that is a recipe for destruction of property as a way to channel out their frustrations, and in the hope of acquiring newer and better facilities.

“The government does not regularly and satisfactorily supervise basic education institutions, as schools that are left to operate without supervision easily deviate from accepted standards and would suffer student unrest easily.” reads an excerpt from the Committee’s report.

From the various presentations made before the committee by the schools’ administrators, it was clear that drug and substance abuse is very high in the Kenyan society, making these easily accessible to learners. Drugs use and abuse cause direct physical and psychological effects on the users, and occasional failure to access them elicits withdrawal symptoms, often characterized by unrest.

Based on cases presented before the committee during its inquiry, Sexual harassment is rampant in some schools, causing untold psychological pain to the victims, who according to the Committee find-

ings, also results in violent behavior in attempts to protest their tragedy and ostensibly punish the society as it were.

“Some institutions fail to adhere to procurement laws by allowing teachers to do business with the institutions they work for.” Read part of the report by the Hon. Melly-led committee, which emphasizes that this creates discontent among those who feel left out, and in turn causes unrest at the first available opportunity.

One of the most outstanding findings by the Committee is the establishment that some school Principals collude with education officers to swindle money raised by schools from various avenues such as hiring of premises, buses, farming, bakery, etc. The unjust sharing of these monies amongst some members of staff to the exclusion of others, definitely causes discontent and triggers unrest in schools.

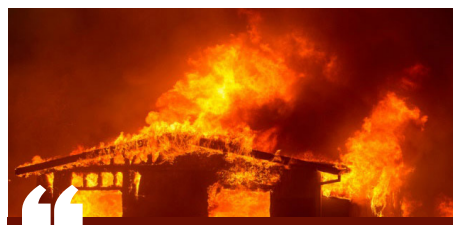
COMMITTEE RECOMMENDATIONS

Following the outlined adverse findings on the possible causes of schools unrest, the Committee on Education issued thirty five recommendations, one of them being that intelligence officers be involved in management of these situations.

“The National Intelligence Service should take an active role in gathering security intelligence information from schools on students’ activities/security and sharing the same with the School administration and advice on preventive measures to avert students’ unrests,” reads the report.

The Committee further advised that the Ministry of Education, Science & Technology should ensure there are adequate resources in secondary schools as enabled by the review of fees for boarding schools, disbursement of funds in time to avoid the financial challenges, decongestion of the overcrowded dormitories in boarding schools, formulation of a policy on the establishment of boarding schools such on minimum number of students in a school, and formulation of schools’ development funding policy based on schools’ needs and the National Plan for all categories of Secondary Schools; with a major intention to improve infrastructural development of all schools .

On Management of schools, the committee directed that Parliament reviews the Education Act to take care of the number of board members to be reduced to nine or less, while co-opting Government administration officials such as County Commissioners, their assistants and Chiefs in Boards of membership,



“The National Intelligence Service should take an active role in gathering security intelligence information from schools on students’ activities/security and sharing the same with the School administration and advice on preventive measures to avert students’ unrests,”



A dormitory that was razed down at Kirobon Girls Secondary School.

and that discipline procedures be reviewed to make the students take responsibility for their actions.

The Ministry of Lands, according to the recommendations, should fast track the issuance of land title deeds to schools as this is also a source of conflict and students are used to settle such scores.

Recommendations on teaching and school leadership outline that TSC should establish a framework for career growth based on teachers' interest too, and for all new school leaders to undergo preparatory training for effective school leadership, as well as regular capacity building programmes.

The Report also recommends enshrinement of proper guidance and counseling programmes in all schools by the Ministry to help students with various issues ,and that schools' administrators should organize termly seminars to sensitize parents on their role in the upbringing on their children. The head-teachers have also been advised to pursue dialogue (through regular barazas and suggestion boxes) as an appropriate approach in handling issues affecting schools, and to also involve students and teachers in decision making.

For proper Management of internal examinations, the committee recommends that teachers should ensure that the syllabus is cleared within stipulated time as scheduled to help build confidence amongst the learners and candidates during exam periods.

To ascertain the required standards of schools' Security the report called on the Ministry of education

to provide funds and resources to enhance security measures, allocate funds for development of staff quarters, and to assist schools with the necessary mechanisms to detect drug and substance abuse.

The Ministry of Interior and National Government Coordination should put in mechanisms where every private firm offering security is vetted, to meet certain standards to be able to manage current students.

Addressing matters on discipline of students the Committee suggested that the Ministry Of Education should use the National Education Management information system (NEMIS) system to track cases of indiscipline, formulate various forms of punishments of disciplining students corresponding to their offences committed, and support every school to establish a Chaplaincy Department to take care of the spiritual needs of the parents, teachers and students.

Having cited disgruntled non-teaching staff as part of the problem, the Committee recommended that the MOE should review the salaries and wages of non-teaching staff, develop their structured code of regulations and clear guidelines on staffing norms for use by schools.

In conclusion, the report underscores the need for role of models in schools by stating "Every school should establish mentorship programmes to inculcate student's confidence, self-esteem and skills that they need to be successful in school and in life. These would also contribute to strong and healthy communities."

JLAC QUESTIONS TOP OFFICIALS OVER MASS FAILURE AT KENYA SCHOOL OF LAW



The Chairperson Committee on Justice and Legal Affairs Hon. W. Cheptumo address a sitting of the Committee.

The Departmental Committee on Justice and Legal Affairs (JLAC) chaired by Hon. William Cheptumo grilled the Deputy Solicitor General (Mrs. Christine Agimba), CEO, Kenya School of Law (Dr. Henry Mutai) and CEO Council of Legal Education (Dr. Jacob Gakeri) on the alleged mass failure at the Kenya School of Law (KSL).

The Committee Members noted that performance by students at the School was a matter of national importance and concern. While reviewing the statistics, the Chairperson observed that since 2015 there has been an increase in the percentages of students who fail the bar exam. "In 2017, 77 per cent of the students failed, while in 2018 this increased to 80 per cent. If this trend continues we are looking at a possibility of 100 per cent failure rate in the near future", he said.

Members wondered how students who had passed examinations all through their education life were not able to pass a postgraduate diploma course exam. It was noted that Bachelor of Laws admits top students in the Kenya Certificate of Secondary Educa-

tion (KCSE) examination and therefore are among the top brains in the country. According to the latest results released in November 2018, 82 per cent of the students did not qualify to be admitted into practice. Out of the 1,572 candidates, only 290 passed and therefore qualified.

However, in her presentation, Mrs. Agimba gave the view that people were being alarmist by saying that there was mass failure at the KSL. She explained that the system at the School works in such a way that a student must pass all the nine units. Failure in one unit is considered a fail in the entire exam.

In her analysis of the 2018 results she said, "The pass rate was much higher per unit compared to the overall pass rate". In the said results, the unit with the highest pass rate is ATP 104 (Trial Advocacy) which had 94 per cent of the students passing and the worst performing unit is ATP 107 (Conveyancing) at 39.3 per cent pass.

The Committee was further concerned with the arrangement at the School where teaching is done by



A section of Members of JLAC from L to R: Hon. W. Cheptumo, hon. P. Kaluma, hon. W. Mwamkale, hon. J. Shamalla, hon. A. Yussuf and hon. O. Aluoch at a sitting of the Committee.

one institution, exams set by another and marking of the exams done by yet a different one. They observed that as a result of this arrangement, there is bound to be a missing link which could be the cause of the poor performance by students.

The Council of Legal Education (CLE) CEO, Dr. Gakeri told the Committee that the Council had no capacity to set and mark exams. The Council he said, “relies on professionals from different fields whose skills are relevant in the practice of law to manage the exams taken by students at the KSL”. He also informed the Committee that judges of the Supreme Court were amongst the professionals who moderate the exams.

On his part, the CEO of KSL, Dr. Mutai told the Committee that they had noted the concerns about the failure rate and had appointed a task force to look into the matter with a view of realizing improvement in student performance.

Apart from the poor results, Members felt that the fees charged by the institution were too high. The school charges Kshs. 200,000 for the nine units a student is required to take and pass, supplementary exams attracts a fee of Kshs. 10,000 per unit and to remark a single unit exam costs Kshs. 15,000.

In yet another meeting on the same issue, the Com-

mittee directed the Attorney General, Hon. Kihara Kariuki to propose changes to the two legislations that established the Kenya School of Law and the Council of Legal Education as independent institutions.

The Committee observed that this will arrest the mass failure of students. The Attorney General Paul Kariuki, the also AG informed the departmental Committee that the quality of training at the KSL had been undermined by cases of undeserving people being absorbed into the school. This he said was a result of “weaknesses in legal training program”.

In an effort to halt the challenges facing the school, a task force on Legal Sector Reforms has in a report submitted to the departmental committee recommended that the oral and project examination modes used at the school be abolished. Further, the task force recommends that the Council of Legal Education develops and publishes guidelines on minimum course content for students at the school.

In the Committee’s bid to address this crisis at the Premier legal training institution, the Chairperson, Hon. William Cheptumo has since directed Dr. Gakeri and Dr. Mutai to ensure that steps are taken to redeem the image of the Kenya School of Law.

REGIONAL PARLIAMENTARY ASSOCIATION PLANS TO INVEST IN DODOMA



The iconic Nyerere Square in Dodoma

The Executive Committee of the Commonwealth Parliamentary Association (CPA-Africa Region) plans to plug into the ongoing capital development in the City of Dodoma in Tanzania, through an investment they hope will make the association self-sufficient, financially.

This was revealed early this month when the chairperson of the CPA (Africa Region) Executive Committee and Speaker of the National Assembly, Hon. Justin Muturi led the Board Members of the Commonwealth Parliamentary Association Investment Limited on a site visit to the association's parcel of land in Dodoma.

CPA Investment Company is a special purpose vehicle for investment on behalf of the Commonwealth Parliamentary Association (Africa Region) and reports to the CPA (Africa Region) Executive Committee which Speaker Muturi chairs. The association currently relies on Member Countries' subscriptions, which often are not sufficient to fund the body's activities due to payment defaults.

The members who were impressed with the rate of development in the Municipality of Dodoma, were taken through the ambitious on-going government projects setting the pace for the execution of Tanzania's President, John Magufuli's directive of moving the government to the capital before 2020 when his term ends.

Speaking when he was received by the Speaker of the National Assembly of Tanzania, Hon. Job Ndugai, at

Dodoma Airport, Speaker Muturi thanked the Government of Tanzania, and indeed the National Assembly of Tanzania for electing to not only host the Africa Region Headquarters but for their facilitation towards the acquisition of the 11 acre piece of land. He observed that the ongoing infrastructure development in Dodoma would make it quite attractive for investment.

"I am really impressed by the kind of developments going on here in Dodoma. I am therefore confident that the efforts of the government of Tanzania to develop infrastructure in this towns makes it quite attractive for strategic development", said Speaker Muturi.

The land, bought at a subsidized fee from the Government of the Republic of Tanzania, neighbours the area set aside for the development of Key government institutions including the ambitious Government City Project.

Speaker Ndugai on his part urged the board members to consider investing in Dodoma, noting that the envisaged investment; a 5 star hotel and conference facilities was well thought out as the well planned City was soon taking shape and there would be demand for such services soon. At the moment there are only a handful of such facilities in the Town, where the country's Legislature is situated. Already, the government of Tanzania has urged Dodoma residents to make the best out of the mass shifting of the government offices and migration of officials from Dar es Salaam to invest in service provision.

"We will even have embassies and foreign missions here, we need serious investments. The government has already started with the expansion of the airport, but we need five star hotels here and other top-notch services... that is an opportunity for the locals here to explore," he said.

President Magufuli has often expressed his determination to accomplish Mwalimu Julius Nyerere's plan of making Dodoma the Tanzanian capital. The decision to move to Dodoma was taken in 1973 by first President Julius Nyerere owing to the centrality of Dodoma.

The board Members were accompanied by the Mayor of Dodoma Municipality, Prof. David Mwamfupe.



Pictorial



1) The Speaker of the National Assembly of Tanzania Hon. Job Njugai (centre left) receives the Chairperson of the CPA (Africa Region) Executive Committee and Speaker of National Assembly, Hon. Justin Muturi, upon his arrival in Dodoma Tanzania.

2. The Speaker of the National Assembly of Tanzania Hon. Job Njugai (centre) introduces the Mayor of Dodoma Municipality, Prof. David Mwamfupe to the Chairperson of the CPA (Africa Region) Executive Committee and Speaker of National Assembly, Hon. Justin Muturi, upon his arrival in Dodoma Tanzania.

3. Hon. Patrick Mariru, Member, Speaker's Panel receives the Speaker of the Egyptian House of Representatives H.E (Dr.) Ali Abdel Aal, at the National Assembly. He's flanked by Egypt's Ambassador to Kenya H.E Khaled Elabyad.

4. The Speaker of the National Assembly Hon. Justin Muturi receives his counterpart from the Egyptian House of Representatives H.E (Dr.) Ali Abdel Aal, who was on a 3-day official visit to Parliament.

5. The Leader of the Majority Party in the National Assembly, Hon. Aden Duale receives the Botswana President, H.E. Mokgweetsi Eric Keabetswe Masisi, when he came to pay his respects to the mausoleum of Kenya's Founding President, Mzee Jomo Kenyatta. Looking on is the National Assembly Deputy Speaker, Hon. Moses Cheboi.

6. Hon. Moses Cheboi welcomes the Botswana President as the Speaker of the Senate Hon. Kenneth Lusaka looks on.





8. The then Cabinet Secretary Treasury, Henry Rotich arrives in Parliament to Present his Budget Highlights for the Financial Year 2019/2020

9. The then Cabinet Secretary Treasury, Henry Rotich is received by the Leader of the Majority Party in the National Assembly when he came to present his Budget Highlights.

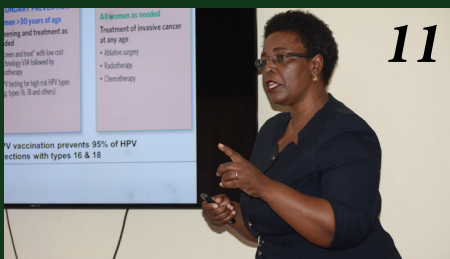
10. The then Cabinet Secretary Treasury, Henry Rotich is received by (from left) the Chairperson, the Departmental Committee on Finance and National Planning, Hon. Joseph Limo, the Leader of Majority, Hon. Aden Duale, the Chair, Budget and Appropriations Committee, Hon. Kimani Ichungwa, the Leader of the Minority, Hon. John Mbadi and Treasury PS, Kamau Thugge, shortly after arriving in Parliament to make present his budget highlights.

11-13) The Health Committee

The National Assembly's Committee on Health, chaired by Muranga Woman Representative Hon Sabina Chege, on 3rd July 2019, held a breakfast meeting with the Kenya AIDS NGOs Consortium (KANCO) to deliberate on Vaccines Immunization, Nutrition, and Universal Health Coverage.

The Committee was enlightened by KANCO on the status of Funding, Implementation, and Successes and Failures of these Organisations, in an effort to boost the Government's intention to ensure better Health for all.

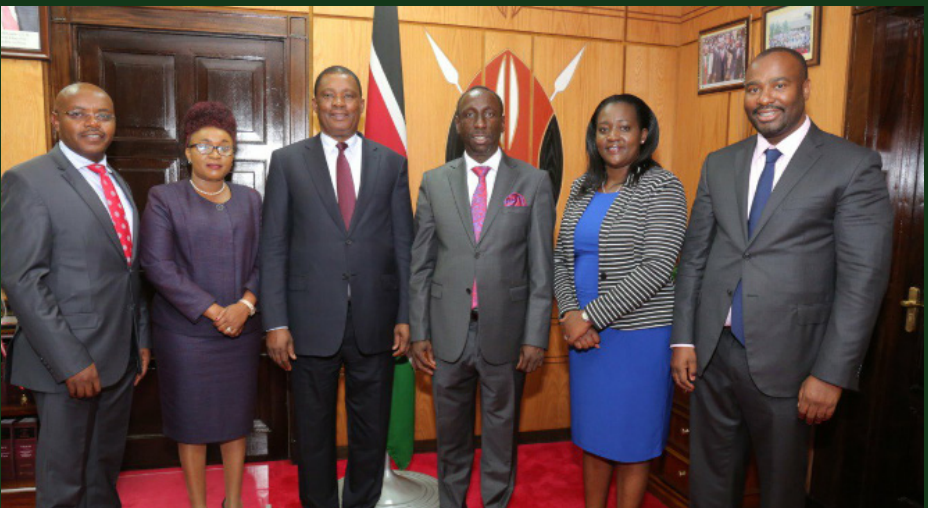
The Consortium gave the chair an award during the meeting in appreciation of the N. Assembly Health committee's continued support of their work, and for championing the Agenda to achieve UHC for all, in line with the Government's Big 4 Agenda.





The Committee on Education, chaired by Tinderet MP Hon Julius Melly, held a consultative Sitting with its Counterpart Committee on Education, Research and Technology Assessment of the German Bundestag on Wednesday 10th July 2019.

The purpose of the meeting was to exchange ideas and share experiences on issues related to the education sector in both countries and the role of the legislature in advancing and advocating for quality education



The Speaker of the National Assembly poses with the Members of the Speaker's panel, from left, Hon. Patrick Mariru (Laikipia West), Hon. Jessica Mbalu (Kibwezi East), Deputy Speaker, Hon. Moses Cheboi (Kuresoi North), Hon. Soipan Tuyu (Narok CWR) and Hon. Christopher Omulele (Luanda).

DEPARTMENTAL COMMITTEE INSTRUCTS MINISTRY OFFICIALS TO EXPEDITE COMPENSATION TO LAND OWNERS



The Departmental Committee on Transport, Public Works and Housing chaired by Hon. David Pkosing has called on the Ministry of Transport, Infrastructure, Housing and Urban Development to expedite the compensation for properties acquired for infrastructure projects under the the Ministry of Transport throughout the country.

Speaking when they met with Ms. Esther Koimett, Principal Secretary State Department for Transport, Mr. Julius Korir, Principal Secretary, State Department for Infrastructure and Ms. Kabale Tache Ag. CEO National Land Commission, the legislators decried the high number of cases of delayed compensation, noting that it had grossly affected the livelihoods of those affected. The lawmakers had instructed the officials to appear before the Committee after receiving complaints from persons with properties in affected areas whose houses had been demolished for road construction, expansion and construction of standard gauge railway and were yet to receive compensation.

The Committee has since instructed the various stakeholders from the Ministry of Transport, Infra-



structure, Housing, Urban Development and Public Works, Kenya National Highway Authority and the National Land Commission to fast track valuation of properties in affected areas and ensure affected persons are compensated.

A few weeks ago, residents of Nkoroi, Ongata Rongai through their Member of Parliament, Hon. Joseph Manje confronted the officials of the National Lands Commission after the demolition of their houses to pave way for the Standard Gauge Railway (SGR).

The residents accompanied by their legislator met officials of the Commission amid claims that they were never given any notice to pave way for the SGR.

SPEAKER MUTURI DEcriES SLOW IMPLEMENTATION OF HOUSE RESOLUTIONS ON GRAFT WAR AS APNAC LAUNCHES 5-YEAR STRATEGIC PLAN



Speaker Muturi congratulates Kisumu East MP, Hon. Shakeel Shabir (who is also the APNAC Chair-Local Chapter) during the organization's strategic plan launch

The Speaker of the National Assembly, Hon. Justin Muturi has decried the slow pace of the implementation of House decisions by the Executive, noting that they had slowed down the fight against graft.

Speaking during the launch of the Strategic Plan of the African Parliamentary Network Against Corruption (APNAC) at the Intercontinental Hotel, Nairobi, Speaker Muturi noted that it was frustrating that House recommendations emanating from , in particular, the three investigatory committees; the Public Accounts Committee, the Public Investments Committee and the Special Audit Committee, have not been implemented and even those the House has received the status report on their implementation, have not been executed satisfactorily. He in particular took issue with agencies mandated to investigate and prosecute graft cases, noting that their non-ac-

tion on House resolutions was slowing down the war on corruption.

“World over, oversight Committees make recommendations to the Executive wing of government. Unfortunately here, the implementation status reports that we receive are not useful. We continue to make recommendations year in year out yet we do not see the handcuffs,” Speaker Muturi observed.

He was however quick to add that Parliament and more so APNAC should never give up on the fight against graft, noting that the first and the second liberation heros never gave up when they fought for open governance and transparency and freedoms enjoyed in the country in the present day. He further accentuated the need to strengthen the office of the Auditor General, given its role at the crux of the war on graft.

He lauded the APNAC members who he referred to as his champions of the war against graft in the legislature. He noted that though there were only 40 members from among the 418 MPs, the network was more interested in the quality of membership rather than the quantity.

Speaking at the same forum, former Vice President and ANC Party Leader, Hon. Musalia Mudavadi bemoaned that the country has been bogged down by state capture. He questioned policy development in the country and wondered whether it was informed by graft.

“Is our policy driving corruption or is corruption driving our policy formulation?” he posed

He called upon Parliament to ensure that the institutions mandated to fight corruption receive sufficient budgetary allocations even as Parliament allocates its own share.

Hon. Mudavadi also urged for new strategies and approaches on the fight against corruption noting that corruption had multiplied in Kenya in quantum figures. He further expressed concerns following the recent attempts to privatize the Port of Mombasa, and called for transparency on the matter

On his part, APNAC Kenya Chapter chairperson Hon. Shakeel Shabir noted that the network recog-

nizes corruption as hindrances to development, adding that the membership was very passionate about bringing an end to the scourge of corruption in the country. He noted that they were doing what they could using the “Humming Bird” approach.

Former Minister, Hon. Musikari Kombo who founded the organization in 1999, also added his voice on the ongoing war on graft, but expressed his sadness following reports on the heightened scale of corruption in the country. Others present in the forum were EACC Commissioner, Dr. Dabar Maalim, Member, National Anti-corruption Campaign Steering Committee Adan Wachu, and the Kenya Human Right Commission’s George Kegoro, all who noted that it was now time for the country to walk the talk on the war against graft.

APNAC, an affiliate of the GOPAC was founded 20 years in Uganda, in a bid to strengthen African Parliaments commitment and capacity to fight corruption.

It further aims at building the commitment and capacity of African Parliaments and Parliamentarians to ensure transparency and accountability with particular emphasis on financial matters

Members share information on lessons learned and share best practices to control and fight corruption in their countries.



UNPACKING THE PROCEDURE ON THE MEDIATION OF BILLS



What happens when a Bill is considered by one House and is further considered by the other House, but one House does not agree to the amendments passed by the other House?

Take a Bill; let us call it the Coffee Bill. The Bill originates from the National Assembly and the Speakers concur that the Bill concerns county governments. The Bill goes through all the stages— First Reading, Second Reading, Committee of the whole House, Third Reading— and is then transmitted to the Senate. The Senate considers it. During the Committee of the whole House, the Senate passes a number of amendments to the Coffee Bill. Third Reading is then done and the Bill is then transmitted back to the National Assembly through a Message.

The amendments will then be transmitted to the relevant Departmental Committee; in this case, the Departmental Committee on Agriculture and Livestock. The Committee considers the Senate amendments to the Coffee Bill and after some time it may agree to some of the Senate amendments and reject others or even reject all the amendments. Its report will indicate this and it will be tabled in the House for approval.

So what happens to the rejected Senate amendments? The Constitution provides that a mediation commit-

tee will seek to develop an agreed version of the Bill.

Article 113 of the Constitution provides that the Speakers of the Senate and the National Assembly shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.

In this case, the mediation committee on the Coffee Bill will have say three Senators and three Members of the National Assembly. They will look at the rejected clauses and try to build consensus and come up with a version that they agree to. If they do, they will prepare their report which will be tabled in each House together with an agreed version of the Coffee Bill. Both the National Assembly and the Senate will be required to vote to approve or reject the mediated version of the Coffee Bill. If this happens, then the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.

What if the mediation committee isn't lucky? It will have thirty days to persuade each other and build consensus. But not a day more. After thirty days, our Coffee Bill will be stale. It will be defeated.

For more information, you can read one of our publications on the Mediation Process in Law Making [here](#).

DEMISTIFYING THE FINANCE BILL 2019



What is the Finance Bill?

The Finance Bill is a bill prepared by the National Treasury providing ways through which the government will raise additional revenue to fund the deficit in the budget. It also identifies tax incentives and states administrative changes in the financial sector of the country. Unlike other bills that are considered in twenty-one (21) days, the Finance Bill is considered in a period of ninety (90) days. This is because it has a direct impact on the citizens and the government and therefore extensive public participation is done.

Finance Bill, 2019

The Finance Bill, 2019 was submitted by the Cabinet Secretary for National Treasury and Planning and formulates the proposals announced in the Budget for 2019/20 relating to liability to, and collection of taxes and for matters incidental thereto. The Finance Bill, 2019 seeks to among others formulate the proposals announced in the Budget for 2019/2020 relating to liability to, and collection of taxes and for matters incidental thereto by amending the Income Tax Act Cap 470, Value Added Tax Act No. 35 of 2013, Excise Duty Act No. 23 of 2015, Tax Procedures Act No. 29 of 2015, and Miscellaneous Fees and Levies Act No. 20 of 2016.

The Bill also seeks to amend the following laws:-

- 1.The Privileges and Immunities Act (Cap. 179): the Bill seeks to amend the Fourth Schedule to the Act to exempt goods and services imported or locally purchased by privileged organizations for their official use from taxes.
- 2.The Capital Market Act (Cap. 485): the Bill seeks to amend the Act to provide for financial penalties imposed by the Authority to be considered as civil debts with the Capital Markets Authority mandated to recover them in line with provisions for the recovery of decretal sums. The amendment is intended to enhance enforcement and recovery of financial pen-

alties imposed by the Authority.

- 3.The Banking Act (Cap. 488): the Bill seeks to amend the Act by repealing section 33B to remove the caps on interest charged on loans. This is aimed at encouraging the banks to provide credit to Small and Medium Enterprises (SMEs).

- 4.The Standards Act (Cap. 496): the Bill seeks to amend the Act to provide for registration of consolidators of air and sea cargo.

- 5.The Retirement Benefits Act (No. 3 of 1997): the Bill proposes to activate the benefits and other accrued income of members of retirement benefits schemes who cannot be traced and that were rendered redundant with the enactment of the Unclaimed Financial Assets Act, 2011. The amendment also intends to provide time limit in which approved issuers shall transfer scheme funds in guaranteed funds to one (1) year to protect the interests of members by reducing the exposure to low returns over an extended transfer period.

- 6.The Employment Act (No. 11 of 2008): the Bill seeks to introduce the definition of “basic salary” to guide on the base amount for computing the levy payable to the National Housing Development Fund. The amendment also seeks to delete the definition of “employee’s earnings”, words which have not been used in the Act.

- 7.The Accountants Act (No. 15 of 2008): the Bill proposes to remove the requirement for the students to register with ICPAK before qualifying as accountants.

- 8.The Proceeds of Crime and Anti-Money Laundering Act (No. 9 of 2009): the Bill seeks to designate lawyers, notaries and other independent legal professionals as amongst reporting entities to whom Anti-Money Laundering/Combating Financing of Terrorism obligations shall apply.

In considering the Bill, the Departmental Committee on Finance and National Planning will seek for comments from the public on the Bill in accordance with Article 118 of the Constitution and Standing Order 127(3). The Committee will then hold public hearings before coming up with a report that will be tabled in the House.

HOUSE CALL ON THE MINISTRY OF EDUCATION TO DEVELOP A CURRICULUM ON ROAD SAFETY TO CURB THE INFLUX OF ROAD ACCIDENTS



Legislators in the National Assembly have approved a motion calling on the Ministry of Education to develop a curriculum on road safety for both primary and secondary schools as one of the means of combating road accidents. While making their contributions during a debate on a motion sponsored by South Mugirango M.P. Hon. Silvanus Osoro, Members decried the high number of deaths resulting from the influx of road accidents in the country which have placed Kenya among the countries with the highest road carnage globally with an estimated cost of in excess of Kshs. 300 billion annually; according to the National Transport Safety Authority (NTSA) Road Safety Status Report (2015).

Through his motion titled “Development and Imple-

mentation of a Curriculum for Training Students and Pupils in Schools on Road Safety”, Hon. Osoro urged his colleague lawmakers to approve his proposal, which if implemented would see road safety introduced as a compulsory and examinable subject in schools so as to teach young people the importance of observing traffic rules. Contributing to the debate, a majority of the M.Ps, who supported the motion during its debate argued that when children grow up with knowledge of road safety tips, they are likely be keener on road safety and in the observance of traffic rules, hence leading to a decline in road accidents in the country.

While moving the motion, Hon. Osoro pointed out that schools provide the largest and most concentrat-



ed group of members of the public who can benefit from road safety education. He expressed his deep concern that with 3,000 victims of road accidents annually and with many other victims injured and maimed as a result, the House needed to offer a sustainable solution to this menace.

“Aware that legislation and policies in place to a large extent addresses the key road safety risk factors and the challenge is in implementation and enforcement; cognizant that road safety awareness would help in combating road accidents in the country; this House resolves that the National Government urgently develops and implements a mandatory and examinable curriculum for training of students and pupils in Primary and Secondary Schools on road safety” read part of his moving notes.

Seconding the motion, Embakasi East M.P., Hon. Babu Owino reiterated that poor training on driving skills as well as on traffic rules had contributed to the rise in the death toll from accidents, adding that introducing the curriculum will be a shot in the arm in the efforts towards improved road safety as it would offer students practical skills as they grow.

“Most road accidents in our nation are caused by careless driving. This is as a result of some drivers who learnt driving through the backdoor or on road signs. You find that the drivers in the so-called *mtaas*

in our are people who drive on a “squad basis” (this is where a trained driver or a semi-trained matatu driver on reaching a particular stage leaves the vehicle to another person to take over). Most people in our society get trained on such basis. Experience and continuous studying of road rules and regulations will enable us to follow them in the foreseeable future and minimise such road accidents”, the Member noted.

Nominated Member Hon. David Ole Sankok pointed out that road carnage had continued to contribute to the number of people living with disability in the country. He noted that those maimed through road accidents were adding on to the responsibility of the country for people living with disability by increasing the competition for the resources and benefits accorded to people with disability thus denting the growth of the economy. On his part, the Leader of the Minority Party, Hon. John Mbadi underscored the importance of the motion noting that it was calling for the actual implementation to sensitizing and educating the populace of the country to understand and appreciate the importance of rules and safety on our roads. He further noted that a poor regulatory framework for boda bodas had led to huge loss of life.

“You will find four school-going children being carried without helmets on a motorcycle that is driven at high speed. This is posing serious danger to not only those children, but to other road users. It is therefore important that we start from early stages of life to educate our children on the importance of road safety so that they can grow up knowing what they need to do. In that case, they will grow up cultured in a manner that they would avoid risky ventures that will expose their lives to danger”, he noted.

Earlier in May this year, the Standard Newspaper reported that the Automobile Association of Kenya (AAK) had urged the government to include road safety subjects in the new school curriculum as a way of addressing the rampant road carnage that the country faces annually.

It was reported the AAK, Chairman, Jinaro Kibet while speaking during the 100 years celebration and Annual General Meeting in Nairobi, underscored the need to integrate road safety lessons so as to sensitize pupils and students on road safety early in their lives. He urged the society to broaden its minds and find ways to include road safety subjects into the new curriculum noting that these subjects should form part of the basic Education.

NUCLEAR BILL: COMMITTEE RECEIVES VIEWS FROM WANANCHI



Public hearing meeting by the Committee on Energy in Mombasa.

between 8th April, 2019 and 16th, May, 2019.

During the hearings, the Committee noted that there was concern amongst the members of the public that the period given for public participation on the Bill was too short and thus they could not adequately interrogate it. Presenters proposed that in future the Committee and Parliament should use various platforms for communication, including vernacular FM radio stations and not just newspapers alone. This would enable a wider reach and as a result get more public input towards Bills.

The Committee further learnt

The National Assembly Departmental Committee on Energy has undertaken public hearings on the Nuclear Regulatory Bill (2018) pursuant to Article 118 of the Constitution on public participation.

The Nuclear Regulatory Bill which was published in November 2018 was read a first time on 4th December, 2018. It was thereafter, committed to the Departmental Committee on Energy and for consideration and later, report to the House.

The Bill intends to repeal the Radiation Protection Act (Cap 243) and provide a comprehensive regulatory framework for radiation and nuclear safety. Its main aim is to protect people, property and environment from the harmful effects of exposure to radiation.

According to the Report of the Committee tabled in the House by the Vice Chair Hon (Dr.) Robert Pukose on 6th June, 2019, the Committee undertook public hearing in 12 counties. These are; Kajiado, Nakuru, Kericho, Kisumu, Busia, Uasin Gishu, Nairobi, Kwale, Kilifi, Mombasa, Kiambu and Kitui. These public hearing meetings took place on various dates

that the nuclear energy was not well understood by a majority of people. Members of the public therefore recommended that constant engagement be undertaken with a view of demystifying nuclear energy and in return increase the levels of acceptance of this alternative source of power.

Some presenters raised issues with the qualification requirements for appointments to the Authority noting that the minimum qualification of 10 years' experience would deny a majority of Kenyans the chance to serve in the Authority. Proposals were made to the Committee to reduce this requirement to a minimum of five years.

In addition, they expressed the need for the Bill to include provisions for compensation of residence in cases of loss of livelihood, displacement or loss of lives as a result of exposure to the harmful effects of nuclear energy. They emphasized that any negative effects of exposure to nuclear energy must be compensated in accordance with the best practices.

The Committee undertook to look into the matters raised by the members of the public and take appropriate action.

Rest In Peace



HON. KEN ODHIAMBO OKOTH
1978 - 2019
MEMBER OF PARLIAMENT
KIBRA CONSTITUENCY



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