



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FOURTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 24, 2020 (SECOND SITTING)

1. The House assembled at thirty-five minutes past ten O'clock.
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **PAPERS LAID**

The following Papers were laid on the Table of the House: -

- a) Reports of the Departmental Committee on Finance & National Planning on its consideration of –
 - (i) The President's Memorandum on the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 45 of 2019)
 - (ii) The Public Finance Management (Amendment) Bill (Senate Bill No. 3 of 2019)
(Chairperson, Finance & National Planning Committee)
- b) Report of the Constitutional Implementation Oversight Committee on its consideration of the Public Fundraising Appeals Bill (National Assembly Bill No. 66 of 2019)
(Vice Chairperson, Constitutional Implementation Oversight Committee)

5. **QUESTIONS**

The following Questions were asked –

QUESTIONS BY PRIVATE NOTICE

- (i) Question No.QPN025/2020 by the Member for Suna West (Hon. Peter Masara) regarding 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 *Legion Maria* faithfuls on 14th September 2020 where several people were killed and many others injured.

(to be replied to by the Cabinet Secretary for Interior & Coordination of National Government before the Departmental Committee on Administration & National Security)

- (ii) Question No. QPN026/2020 by the Member for Gem (Hon. Elisha Odhiambo) regarding the steps being taken by the Ministry of Foreign Affairs 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.

(to be replied to by the Cabinet Secretary for Foreign Affairs before the Departmental Committee on Defence & Foreign Relations)

ORDINARY QUESTIONS

- (iii) Question No. 189/2020 by the Member for Awendo (Hon. Walter Owino) regarding measures the Ministry has put in place to avert the closure and subsequent collapse of the hospitality industry in the country, particularly the reported intended closure of the Inter-Continental Hotel in Nairobi.

(to be replied to by the Cabinet Secretary for Tourism & Wildlife before the Departmental Committee on Sports, Culture & Tourism)

- (iv) Question No. 196/2020 by the Member for Meru County (Hon. Kawira Mwangaza) regarding measures put in place by the Ministry of Labour & Social Protection to ensure that all jobless youth in Meru County benefit under the National Hygiene Initiative dubbed "*Kazi Mtaani*" during the COVID-19 pandemic period.

(to be replied to by the Cabinet Secretary for Labour & Social Protection before the Departmental Committee on Labour & Social Welfare)

- (v) Question No. 204/2020 by the Member for Loima (Hon. Jeremiah Lomorukai) regarding the inordinate delays in the completion of the *Lodwar-Nadapal-Naluoyapong- Lorengippi Road* and an indication of the amount paid and disbursement schedule since inception.

(to be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development before the Departmental Committee on Transport, Public Works & Housing)

- (vi) Question No. 206/2020 by the Member for Teso North (Hon. Oku Kaunya) regarding 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.

(for written reply of the Chairperson of the Teachers' Service Commission)

- (vii) Question No. 208/2020 by the Member for Vihiga County (Hon. Beatrice Adagala) regarding the construction of *Kisumu-Kakamega Road* that 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.

(to be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing & Urban Development before the Departmental Committee on Transport, Public Works & Housing)

(viii) Question No. 215/2020 by the Member for Lurambi (Hon. Titus Khamala) regarding the status of preparedness in regard to opening of schools and all other learning institutions in the country during the Covid-19 pandemic period.

(to be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education & Research)

(ix) Question No. 218 by the Member for Alego Usonga (Hon. Samuel Atandi) regarding plans being put in place by the Ministry of *Transport, Infrastructure, Housing, Urban Development & Public Works* 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.

(to be replied to by the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development & Public Works before the Departmental Committee on Transport, Public Works & Housing)

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

Motion made and Question proposed -

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** = $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^1 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$

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

	<p>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	$\text{UrbanIndex}_i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$

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.

(Chairperson, Budget & Appropriations Committee)

Debate arising;

(Change of Chair from the Deputy Speaker to the Second Chairperson)

Rising in his place on a Point of Order pursuant to Standing Order 95, the Member for Malava (Hon. Moses Injendi) claimed to move “that the Mover be now called upon to reply”;

And the Speaker having acceded to the claim;

Question put and negatived;

Debate resumed.

And the time being one O’clock, the Second Chairperson adjourned the House without Question put pursuant to the Standing Orders.

7. HOUSE ROSE - at one O’clock.

MEMORANDUM

The Speaker will take the Chair on today,
Thursday, September 24, 2020 at 2.30 p.m.