

Scanned.

PARLIAMENT  
OF KENYA  
LIBRARY



REPUBLIC OF KENYA

*Approved*  
*12/4/23*

*Rt. Hon. Speaker*  
*You may approve*  
*for tabling.*  
*12/04/23*

THIRTEENTH PARLIAMENT - SECOND SESSION

THE SENATE

STANDING COMMITTEE ON FINANCE AND BUDGET

REPORT ON THE EQUALIZATION FUND APPROPRIATION BILL,  
2023 (SENATE BILLS NO.3 OF 2023)

PAPERS LAID	
DATE	12/4/2023
TABLED BY	V. chair Finance.
COMMITTEE	Finance & Budget
CLERK AT THE TABLE	S. Nyala

Clerk's Chambers,  
Parliament Buildings,  
NAIROBI.

April, 2023

## Table of Contents

<b>LIST OF ABBREVIATIONS/ACRONYMS</b> .....	3
<b>PREFACE</b> .....	4
<b>ESTABLISHMENT AND MANDATE OF THE COMMITTEE</b> .....	4
<b>MEMBERSHIP OF THE COMMITTEE</b> .....	5
<b>CHAIRPERSON’S FOREWORD</b> .....	6
<b>Acknowledgement</b> .....	8
<b>CHAPTER ONE</b> .....	10
<b>Introduction</b> .....	10
<b>Contents of the Equalisation Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023)</b> .....	10
<b>CHAPTER TWO</b> .....	12
<b>SUBMISSIONS BY STAKEHOLDERS</b> .....	12
<b>I. The National Treasury and Economic Planning</b> .....	12
<b>II. The Council of Governors</b> .....	13
<b>III. The Commission on Revenue Allocation</b> .....	14
<b>IV. University of Nairobi African Women Studies Research Centre</b> .....	15
<b>CHAPTER THREE</b> .....	16
<b>SUMMARY OF STAKEHOLDERS SUBMISSIONS</b> .....	16
<b>CHAPTER FOUR</b> .....	18
<b>OBSERVATIONS AND RECOMMENDATIONS</b> .....	18
<b>Observations</b> .....	18
<b>Recommendations</b> .....	19

**LIST OF ABBREVIATIONS/ACRONYMS**

- CoB - Controller of Budget
- CoG - Council of Governors
- CRA - Commission on Revenue Allocation
- EF - Equalization Fund

## **PREFACE**

### **ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

Article 124 (1) of the Constitution of Kenya provides that each house of Parliament may establish committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

Parliamentary committees consider policy issues, scrutinize the workings and expenditures of the national and county governments and examine proposals for legislation. The end result of any process in Committees is a report, which is tabled in the House for consideration.

The Senate Standing Committee on Finance and Budget is established under Section 8(1) of the Public Finance Management (PFM) Act, 2012 and standing order 228 of the Senate Standing Orders and is mandated to-

- a) investigate, inquire into, and report on all matters relating to coordination, control, and monitoring of the county budgets and examine -
  - (i) the Budget Policy Statement presented to the Senate;
  - (ii) the report on the budget allocated to constitutional Commissions and independent offices;
  - (iii) the Division of Revenue Bill, the County Allocation of Revenue Bill, the County Governments Additional Allocations Bill, and the cash disbursement schedules for county governments;
  - (iv) all matters related to resolutions and Bills for appropriations, the share of national revenue amongst the counties, matters concerning the national budget, including public finance and monetary policies and public debt, planning, and development policy; and

- b) Pursuant to Article 228 (6) of the Constitution, to examine the report of the Controller of Budget on the implementation of the budgets of county governments.

#### **MEMBERSHIP OF THE COMMITTEE**

Following the constitution of the Standing Committees of the Senate of the Thirteenth (13<sup>th</sup>) Parliament on Thursday, 13<sup>th</sup> October, 2022, the Senate Standing Committee on Finance and Budget as currently constituted comprises the following Members-

- |   |   |                         |
|---|---|-------------------------|
| 1) Sen. (Capt.) Ali Ibrahim Roba, EGH, MP | - | <b>Chairperson</b>      |
| 2) Sen. Maureen Tabitha Mutinda, MP       | - | <b>Vice-Chairperson</b> |
| 3) Sen. (Dr.) Boni Khalwale, CBS, MP      | - | Member                  |
| 4) Sen. Joyce Chepkoech Korir, MP         | - | Member                  |
| 5) Sen. Tabitha Karanja Keroche, MP       | - | Member                  |
| 6) Sen. Mohamed Faki Mwinyihaji, MP       | - | Member                  |
| 7) Sen. Richard Momoima Onyonka, MP       | - | Member                  |
| 8) Sen. Shakila Abdalla Mohamed, MP       | - | Member                  |
| 9) Sen. Eddy Gicheru Oketch, MP           | - | Member                  |

## **CHAIRPERSON'S FOREWORD**

The Equalization Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023) was published on 31<sup>st</sup> January, 2023 via Kenya Gazette Supplement No. 7 and read for a First Time in the Senate on Tuesday, 7<sup>th</sup> March, 2023. Thereafter, pursuant to standing order 145 of the Senate standing orders, the Bill was committed to the Standing Committee on Finance and Budget for consideration.

The Equalization Fund is established under Article 204 (1) of the Constitution to facilitate provision of basic services including water, roads, health facilities and electricity to marginalized areas to bring the quality of these services to the level enjoyed by the rest of the nation. The total number of marginalized areas spread across the 34 counties as provided in the Second Policy for identifying and sharing of resources from the Equalization Fund, as determined by the Commission on Revenue Allocation (CRA) are 1,424.

The Equalization Fund Appropriation Bill, 2023 provides a total appropriation of Kshs.13,893,791,644 which comprises allocation of Kshs.6,825,317,433 for the FY 2021/22 and Kshs.7,068,474,211 for the FY 2022/23. Annexed to the Bill is a Schedule on Equalisation Fund Allocations to the marginalized areas in the identified 34 Counties.

The passage of this Bill will provide a legal framework for transfer of the funds from the Equalization Fund to counties in which marginalized areas fall.

In considering the Bill, the Committee held meetings and received views from the following stakeholders-

- a) The National Treasury and Economic Planning;
- b) The Council of Governors;
- c) The Commission on Revenue Allocation; and

- d) University of Nairobi-African Women's Economic Empowerment Hub.

### **Committee Observations**

The Committee considered the Bill and made several observations including-

- a) The equalisation fund entitlement of Ksh. 6,825,317,433 for FY 2021/22 was reduced by Ksh. 3,563,474,211 leaving only Ksh. 3,261,843,222 for appropriation. Thus, the total amount available for appropriation is Ksh. 10,330,317,433.
- b) The total statutory entitlement to the Fund since inception as per the Constitution is Ksh. 54,035,184,050 as at FY 2022/23. The total funds availed to the Fund is Ksh. 26,293,791,644. However, this was further reduced by Ksh. 3.56 billion during the FY 2022/23 Supplementary Budget I.
- c) Project identification and implementation under the second policy on marginalisation is yet to be undertaken and will commence immediately after the approval of the Equalisation Fund Appropriation Bill 2023. Given that there are three months remaining before the financial year lapses, there is need to expedite the approval of the Bill.
- d) Some of the projects under the first marginalization policy are yet to be completed due to the delay occasioned by the stoppage of expenditure from the Fund after a High Court ruling which declared the Equalisation Fund guidelines as unconstitutional, null and void. There is need to expedite completion of these projects so that the benefits are realised in the 14 marginalised counties.

### **Committee Recommendations**

The Committee having considered the Bill recommends as follows-

- a) That, the Bill be approved with amendments, as follows-
  - Clause 2 be amended to provide that the sum of money appropriated is Kshs. 10,330,317,433.
  - deletion of the schedule and substituting it with a new schedule whose total appropriated is Kshs. 10,330,317,433.

- b) That the National Treasury should by the end of April 2023, submit to Parliament, a framework showing a clear action plan of how the pending Fund entitlements/arrears will be recovered.

#### **Acknowledgement**

I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful.

I also wish to thank the offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment.

Lastly, I wish to thank the stakeholders who submitted written memoranda and who appeared before the Committee to present their comments on the Bill.

It is now my pleasant duty, pursuant to standing order 148 (1) of the Senate Standing Orders to present the Report of the Standing Committee on Finance and Budget on the Equalization Fund Appropriation Bill, 2023, (Senate Bills No.3 of 2023).

Signature.....



Date.....

12<sup>th</sup> April 2023

**SEN. MAUREEN TABITHA MUTINDA, MP  
VICE-CHAIRPERSON,  
STANDING COMMITTEE ON FINANCE AND BUDGET**

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON  
FINANCE AND BUDGET ON THE EQUALIZATION FUND  
APPROPRIATION BILL, 2023 (SENATE BILLS NO.3 OF 2023)**

---

**We, the undersigned Members of the Senate Standing Committee on Finance and Budget, do hereby append our signatures to adopt this Report-**

	<b>Name</b>	<b>Designation</b>	<b>Signature</b>
1.	Sen. Capt. Ali Ibrahim Roba, EGII, MP	<b>Chairperson</b>	
2.	Sen. Maureen Tabitha Mutinda, MP	<b>Vice-Chairperson</b>	
3.	Sen. (Dr.) Boni Khalwale, CBS, MP	Member	
4.	Sen. Tabitha Karanja Keroche, MP	Member	
5.	Sen. Joyce Chepkoech Korir, MP	Member	
6.	Sen. Mohamed Faki Mwinyihaji, MP	Member	
7.	Sen. Richard Momoima Onyonka, MP	Member	
8.	Sen. Shakila Abdalla Mohamed, MP	Member	
9.	Sen. Eddy Gicheru Oketch, MP	Member	

## CHAPTER ONE

### Introduction

1. The Equalisation Fund is established under Article 204 of the Constitution with a specific purpose which is to provide basic services including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.
2. In line with article 204(1) of the Constitution, each year, the Fund receives one half percent (0.5%) of all revenue collected by the national government; calculated on the basis of the most recent audited accounts of revenue received, as approved by the National Assembly. These funds are distributed to the marginalized areas in line with a pre-determined policy determined by the Commission on Revenue Allocation (CRA) as mandated in Article 216(4) of the Constitution.
3. Currently, the second marginalization policy is under implementation. This policy has identified **1,424** marginalized areas, distributed across 34 counties. Each of the marginalised areas is allocated its share of funds based on an allocation factor determined by CRA.

### Contents of the Equalisation Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023)

4. The Equalisation Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023) proposes to appropriate a total allocation of **Kshs 13,893,791,644** which comprises of the FY 2021/22 entitlement of **Kshs 6,825,317,433**; and the FY 2022/23 entitlement of **Kshs 7,068,474,211**.
5. The Bill proposes to share this allocation of Kshs. **13,893,791,644** amongst thirty-four (34) benefiting counties based on the Second Policy on Marginalization. To this extent, the Bill provides allocation across the 34 identified counties further segregated up to ward level.
6. Additionally, there is an allocation of Ksh. **416,813,749** for recurrent board expenses. This constitutes three percent of the annual equalization fund allocation in line with

regulation 10(3) of the Public Finance Management (Equalisation Fund Administration) Regulations, 2021.

7. The Bill has also provided some conditions for the usage and operations of the appropriated funds. These conditions include-
  - a) the funds appropriated under the Act are excluded from being paid into the County Revenue Fund. This condition is anchored on the provisions of Article 207(1) of the Constitution and section 109(2) (c) of the Public Finance Management Act, 2012. Regulation 30(4) of the Public Finance Management (Equalisation Fund Administration) Regulations, 2021, provides that all the withdrawals made from the Fund shall be deposited into the respective spending counties accounts.
  - b) the approval granted does not lapse until all the projects identified in each of the specified counties are completed. Thus, all the projects identified in each ward shall be undertaken until completion without the need for further authorization by Parliament even if implemented beyond one financial year.
  - c) any withdrawal from the fund is subject to authorization from the Controller of Budget along with written instructions from the secretary of the Equalisation Fund Advisory Board through the National Treasury.

## CHAPTER TWO

### SUBMISSIONS BY STAKEHOLDERS

This chapter entails submissions by the following stake holders;

- i. The National Treasury and Economic Planning;
- ii. The Council of Governors;
- iii. The Commission on Revenue Allocation; and
- iv. African Women Studies Research Centre (University of Nairobi).

#### **I. The National Treasury and Economic Planning**

The CEO Equalization Fund Board representing the Cabinet Secretary, National Treasury and Economic Planning, appeared before the Committee and submitted as follows-

8. Article 204(1) of the Constitution provides for the establishment of the Equalization Fund which requires that one half per cent (0.5%) of all the revenue collected by the national government each year, calculated on the basis of the most recent audited revenue received, as approved by the National Assembly, to be paid into the Fund.
9. Article 204(3) provides that the national government may use the Equalization Fund either directly or indirectly through conditional grants to counties which have marginalized communities.
10. In the first three Financial Years after the Equalization Fund establishment there were no allocations made into the fund. In addition, the first policy which identifies marginalized areas had not been developed.
11. The Fund entitlement is Ksh 54,035,184,050 since it was established but the total allocation of the Fund is Ksh 26,293,791,644 of which Ksh 12,400,000,000 was appropriated through the Equalization Fund Appropriation Act, 2017 and the rest re-appropriated in the Equalization Fund Appropriation Act, 2018.

12. KSh 13,893,791,644 which comprises of KSh 6,825,317,433 for FY 2021/22 and KSh 7,068,474,211 for FY 2022/23 has been appropriated in the Equalisation Fund Appropriation Bill, 2023.
13. The National Treasury noted that the Equalization Fund Appropriation Bill, 2023 is the first attempt to fully appropriate and utilize the Equalization Fund after the National Treasury was directed by the High Court to develop Statutory Instruments for the administration of the Equalization Fund.
14. Under the first policy, a total of KSh. 10,867,109,208 (942,313,944 + 6,937,847,293 + 2,466,411,814 + 520,536,157.15) had been disbursed in FYs 2016/17, 2017/18, 2018/19 and 2022/23 to the MDAs implementing the identified projects in the 14 marginalized counties. Thus, payment of pending bills of First Marginalization Policy projects was ongoing.
15. The Equalization Fund Appropriation Bill, 2023 has been prepared and submitted to Parliament for consideration and approval. The Bill captures KSh 13,893,791,644 which comprises of KSh 6,825,317,433 and KSh 7,068,474,211 for FY 2021/22 and FY 2022/23 respectively for implementation of Second Policy on Marginalization. However, in the FY 2022/23 Supplementary Budget I, the allocation to the fund for the FY 2021/22 was reduced to KSh 3,261,843,222.

## **II. The Council of Governors**

The Council of Governors represented by the Vice-Chairperson, submitted as follows to the Committee-

16. The Council commended the Senate for resolution on the utilization of the Equalization Fund indirectly as conditional grants to counties in line with Article 204 (3)(b) of the Constitution and Regulation 24 (1) of the PFM (Equalization Fund Administration) Regulations, 2021.
17. The Council requested the Senate to fast track the approval and subsequent appropriation of the remaining amount of the Fund entitled to county governments.

18. The Council also appealed to the Senate to support the withdrawal of the Equalization Fund Bill in the National Assembly which is a claw back to the gains already made on the administration and management of the Fund.
19. Further, the Council requested the Senate to ensure completion of the ongoing and stalled projects under the first marginalization policy. To ensure value for money the projects may be transferred to the respective county governments.
20. The Senate should explore mechanisms of extending the sunset clause provided under Article 204(6) of the Constitution.

### **III. The Commission on Revenue Allocation**

The Commission appeared before the Committee and submitted as follows-

21. There is need for amendment of clause 1 of the Bill which will change the duration of the Bill application. The Commission recommends that the Bill shall apply for financial year 2021/22 and 2022/23 by deleting the phrase "shall be deemed to have come into force on 1st July, 2022." This means that the appropriations from the Equalization Fund will be allocated for two years instead of one.
22. That clause 4 of the Bill be amended to provide clarity on where the appropriated funds are deposited if excluded from the County Revenue Fund.
23. That Clause 7 be amended to provide that unutilized funds should not lapse at the end of the financial year. This clause states that any unexpended money in the Special Purpose Fund at the end of a particular financial year shall remain in that account for use in accordance with Article 204, clauses (2) and (3) during any subsequent financial year.
24. Introduce a new clause to provide that every quarter the board shall publish exchequer releases to marginalized areas and submit a copy to the CRA, office of CoB and Parliament.

#### **IV. University of Nairobi African Women Studies Research Centre**

The AWSRC made the following written submissions to the Committee;

25. That in the future draft policy when determining the poverty index, the Commission should feminize the poverty criteria. This is because most women and girls face secondary discrimination and their needs remain unrecognized thus the need to put them to consideration.
26. There is need for an additional column between the constituency column and the ward column, indicating the specific amounts to be set aside for each basic service thus helping in monitoring and evaluation of services delivered.

## CHAPTER THREE

### SUMMARY OF STAKEHOLDERS SUBMISSIONS

This section presents stakeholders' proposals, committee resolution and justification.

#### **I. Monitoring and Evaluation**

27. The introduction of separate column on the specific basic services rendered will increase accountability of the funds disbursed and the services given. The Committee noted the projects to be funded are yet to be identified. The identification may only be done after appropriation.
28. The recommendations by the Commission on Revenue Allocation on introduction of clause 8 on quarterly reports, the Committee notes that the proposal is already provided for under Regulation 27 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021.

#### **II. Establishment of Special Accounts**

29. There is need for clarity on where appropriated funds are deposited if excluded from County Revenue Fund by creating a special fund where funds will be deposited directly from Central Bank of Kenya. The Committee notes that one of the conditions attached to this funding is that beneficiary counties must open county special purpose bank accounts at the Central Bank of Kenya.

#### **III. Reduction of Funds Available**

30. The funds proposed for appropriation is Kshs. 13,893,791,644. However, the Committee notes following the FY 2022/23 Supplementary Budget I, the funds available for appropriation is Ksh. 10,330,317,433.

#### **IV. Sunset Clause**

31. The Committee noted that according to Regulation 31 of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, the sunset clause may be extended 18 months before the lapse of twenty years.

## **V. Funds Entitlement and First Policy Schedule**

32. The Fund is entitled to have Ksh 54,035,184,050, the total allocation to the Fund since inception is Ksh 26,293,791,644 of which Ksh 12, 400,000,000 was appropriated through the Equalization Fund Appropriation Act, 2017 and the Equalization Fund Appropriation Act, 2018. The balance is yet to be availed in the Fund for utilization.
33. The Committee directed the National Treasury to submit to the Senate a schedule indicating how the arrears to the fund will be recovered to ensure implementation of Article 204 of the Constitution.

## CHAPTER FOUR

### OBSERVATIONS AND RECOMMENDATIONS

#### Observations

34. The Committee made the following observations-

- a) The equalisation fund entitlement of Ksh. 6,825,317,433 for FY 2021/22 was reduced by Ksh. 3,563,474,211 leaving only Ksh. 3,261,843,222 for appropriation. Thus, the total amount available for appropriation is Ksh. 10,330,317,433 and not Ksh. 13,893,791,644 as contained in the Bill.
- b) The total statutory entitlement to the Fund since inception as per the Constitution is Ksh. 54,035,184,050 as at FY 2022/23. The total allocation to the Fund (approved by Parliament) is Ksh. 26,293,791,644. However, the actual amount appropriated is Ksh. 12,400,000,000. Thus, Ksh. 27,741,392,406 is yet to be allocated to the Fund and Ksh. 41,635,184,050 is yet to be appropriated. The Committee is concerned that there appears to be no clear commitment towards addressing this shortfall. Indeed, the reduction of the FY 2021/22 fund entitlement by Ksh. 3.56 billion when the Fund is clearly in arrears is a testament to this fact.
- c) Project identification and implementation under the second policy on marginalisation is yet to be undertaken and will commence immediately after the approval of the Equalisation Fund Appropriation Bill, 2023. Given that there are three months remaining before the financial year lapses, there is need to expedite the approval of the Bill and consequently identification and implementation of these projects.
- d) Some of the projects under the first marginalization policy are yet to be completed due to the delay occasioned by the stoppage of expenditure from the Fund after a High Court ruling which declared the Equalisation Fund guidelines as unconstitutional, null and void. There is need to expedite completion of these projects so that the benefits are realised in the 14 marginalised counties.

- e) There are only seven (7) years remaining before the Equalisation Fund lapses as provided in Article 204(6) of the Constitution. There is need to ensure therefore that the arrears are met and appropriations undertaken expeditiously to ensure that the fund is able to meet its objective.

### **Recommendations**

35. The Committee considered the Bill and submissions from stakeholders and recommends as follows-

- a) That, the Bill be approved with amendments as follows-
- Clause 2 be amended to provide that the sum of money appropriated is Kshs. 10,330,317,433.
  - deletion of the schedule and substituting it with a new schedule whose total appropriated fund is Kshs. 10,330,317,433.
- b) That the National Treasury should by 21<sup>st</sup> April 2023, submit to Parliament, a framework showing a clear action plan of how the pending Fund entitlements/arrears will be recovered.
- c) That, the Equalization Fund Secretariat should fast-track the completion of Equalisation Fund projects under first Marginalization Policy as provided under the Equalisation Fund Appropriation Act, 2018.

12<sup>th</sup> April, 2023

The Clerk of the Senate  
Parliament Buildings  
NAIROBI

**RE: COMMITTEE STAGE AMENDMENTS TO THE EQUALIZATION FUND  
APPROPRIATION BILL, SENATE BILLS NO. 3 OF 2023**

NOTICE is given that Sen. Maureen Tabitha Mutinda, Vice-Chairperson, Committee on Finance and Budget intends to move the following amendment to the Equalization Fund Appropriation Bill, Senate Bills No. 3 of 2023, at the Committee Stage-

**CLAUSE 2**

THAT clause 2 of the Bill be amended by deleting the words “thirteen billion, eight hundred ninety-three million, seven ninety-one thousand, six hundred forty-four (Ksh 13,893,791,644)” appearing immediately after the words “Kenya Shillings” and substituting therefor the words “ten billion, three hundred thirty million, three hundred seventeen thousand, four hundred thirty-three (Ksh 10,330,317,433)”.

**SCHEDULE**

THAT the Bill be amended by deleting the schedule and substituting therefor the following new schedule-

**SCHEDULE**

(s.3)

(1)	(2)	(3)	(4)
	<i>Recurrent Expenditure</i>		KSh
Equalisation Fund Secretariat	The amount required in the year ending 30 <sup>th</sup> June, 2023 for Equalisation Fund Secretariat expenses		309,909,523
	<i>Sub-class total</i>		309,909,523
	<i>Development Expenditure</i>		KSh
<b>COUNTY</b>	<b>CONSTITUENCY</b>	<b>WARD</b>	<b>FY 2022/23</b>
<b>BARINGO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Baringo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		595,027,100
	BARINGO NORTH	BARTABWA	22,921,731
		BARWESSA	23,936,801
		SAIMO/SOI	6,363,974
		<b>Constituency Total</b>	<b>53,222,506</b>
	BARINGO SOUTH	ILCHAMUS	24,112,158

(1)	(2)	(3)	(4)
		MOCHONGOI	22,324,514
		MUKUTAN	36,186,775
		<b>Constituency Total</b>	<b>82,623,447</b>
	MOGOTIO	EMINING	10,755,928
		KISANANA	90,230,957
		<b>Constituency Total</b>	<b>100,986,885</b>
	TIATY	CHURO/AMAYA	44,574,876
		KOLLOWA	50,341,633
		LOIYAMOROK	34,908,168
		RIBKWO	43,910,522
		SILALE	42,103,838
		TANGULBEI/KOROSSI	71,997,784
		TIRIOKO	70,357,440
		<b>Constituency Total</b>	<b>358,194,262</b>
<b>BOMET</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Bomet County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>19,215,175</b>
	CHEPALUNGU	CHEBUNYO	6,383,013
		NYANGORES	6,450,150
		SIGOR	6,382,011
		<b>Constituency Total</b>	<b>19,215,175</b>
<b>BUNGOMA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Bungoma County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>58,779,836</b>
	MT ELGON	CHEPYUK	20,683,167
		ELGON	12,599,687
		KAPKATENY	18,899,531
		KAPTAMA	6,597,450
		<b>Constituency Total</b>	<b>58,779,836</b>
<b>BUSIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Busia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>17,979,656</b>
	BUDALANGI	BUNYALA SOUTH	5,971,174
		<b>Constituency Total</b>	<b>5,971,174</b>
	TESO NORTH	ANG'URAI SOUTH	5,766,757
		MALABA NORTH	6,241,725
		<b>Constituency Total</b>	<b>12,008,482</b>

(1)	(2)	(3)	(4)
<b>ELGEYO MARAKWET</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Elgeyo Marakwet County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>65,114,751</b>
	KEIYO SOUTH	METKEI	5,558,332
		<b>Constituency Total</b>	<b>5,558,332</b>
	MARAKWET EAST	EMBOBUT/EMBULOT	31,214,638
		ENDO	10,374,150
		KAPYEGO	6,435,119
		SAMBIRIR	5,785,796
		<b>Constituency Total</b>	<b>53,809,703</b>
	MARAKWET WEST	LELAN	5,746,716
		<b>Constituency Total</b>	<b>5,746,716</b>
<b>GARISSA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Garissa County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>630,912,260</b>
	BALAMBALA	BALAMBALA	33,253,796
		DANYERE	49,166,237
		JARAJARA	16,231,091
		SAKA	22,784,451
		SANKURI	36,290,988
		<b>Constituency Total</b>	<b>157,726,562</b>
	DADAAB	ABAKAILE	15,989,598
		DADAAB	8,631,598
		DAMAJALE	22,434,738
DERTU		15,861,337	
LABISIGALE		8,752,845	
LIBOI		21,927,705	
<b>Constituency Total</b>		<b>93,597,821</b>	
FAFI	BURA	19,966,707	
	DEKAHARIA	22,444,759	
	FAFI	14,193,938	
	JARAJILA	16,928,513	
	NANIGHI	15,294,181	
	<b>Constituency Total</b>	<b>88,828,097</b>	
GARISSA TOWNSHIP	TOWNSHIP	14,722,014	
	<b>Constituency Total</b>	<b>14,722,014</b>	
IJARA	HULUGHO	39,591,717	
	IJARA	66,750,085	
	MASALANI	33,877,066	
	SANGAILU	36,476,365	
	<b>Constituency Total</b>	<b>176,695,234</b>	
LAGDERA	BARAKI	15,772,155	

(1)	(2)	(3)	(4)
		BENANE	16,963,584
		GOREALE	8,051,415
		MAALAMIN	16,908,472
		MODOGASHE	18,102,907
		SABENA	23,544,000
		<b>Constituency Total</b>	<b>99,342,533</b>
<b>HOMA BAY</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Homa Bay County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>131,603,304</b>
	HOMA BAY TOWN	HOMA BAY WEST	6,420,089
		<b>Constituency Total</b>	<b>6,420,089</b>
	NDHIWA	KABUOCH NORTH	6,171,582
		KABUOCH/PALA	14,395,348
		KANYADOTO	6,668,595
		KANYAMWA KOSEWE	13,712,957
		KWABWAI	33,027,334
		<b>Constituency Total</b>	<b>73,975,817</b>
	SUBA NORTH	GEMBE	12,900,300
		MFANGANO ISLAND	5,391,993
		<b>Constituency Total</b>	<b>18,292,293</b>
	SUBA SOUTH	GWASSI NORTH	19,445,644
		KAKSINGIRI WEST	13,469,461
		<b>Constituency Total</b>	<b>32,915,105</b>
<b>ISIOLO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Isiolo County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>166,157,751</b>
	ISIOLO NORTH	BURAT	14,470,501
		CHARI	5,290,786
		CHERAB	41,602,817
		NGARE MARA	6,690,640
		OLDONYIRO	31,820,874
		<b>Constituency Total</b>	<b>99,875,619</b>
	ISIOLO SOUTH	GARBATULLA	27,385,832
		KINNA	20,108,997
		SERICHO	18,787,302
		<b>Constituency Total</b>	<b>66,282,131</b>
<b>KAJIADO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kajiado County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>414,765,595</b>

(1)	(2)	(3)	(4)
	KAJIADO CENTRAL	DALALEKUTUK	47,780,411
		MATAPATO NORTH	47,051,926
		MATAPATO SOUTH	32,976,230
		PURKO	16,028,678
		<b>Constituency Total</b>	<b>143,837,245</b>
	KAJIADO SOUTH	ENTONET/LENGISM	26,676,386
		IMBIRIKANI/ESSELENGEI	13,775,084
		KUKU	15,391,379
		ROMBO	7,295,874
		<b>Constituency Total</b>	<b>63,138,723</b>
	KAJIADO WEST	EWUASO KEDONG	32,858,991
		KEEKONYOKIE	19,682,127
		MAGADI	83,135,491
		MOSIRO	21,666,171
		<b>Constituency Total</b>	<b>207,789,627</b>
<b>KERICHO</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kericho County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>60,882,122</b>
BURETI	CHEPLANGET	6,648,555	
	<b>Constituency Total</b>	<b>6,648,555</b>	
KIPKELION WEST	CHILCHILA	6,386,019	
	<b>Constituency Total</b>	<b>6,386,019</b>	
SIGOWET/SOIN	SOIN	19,165,072	
	SOLIAT	28,682,476	
	<b>Constituency Total</b>	<b>47,847,548</b>	
<b>KILIFI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kilifi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>539,901,714</b>
GANZE	BAMBA	86,290,924	
	GANZE	26,899,842	
	JARIBUNI	33,546,392	
	SOKOKE	46,257,306	
	<b>Constituency Total</b>	<b>192,994,464</b>	
KALOLENI	KALOLENI	41,669,954	
	KAYAFUNGO	36,727,878	
	MARIAKANI	7,554,401	
	MWANAMWINGA	22,227,316	
	<b>Constituency Total</b>	<b>108,179,549</b>	
KILIFI NORTH	MATSANGONI	7,123,523	
	<b>Constituency Total</b>	<b>7,123,523</b>	

(1)	(2)	(3)	(4)
	MAGARINI	ADU	57,755,748
		GARASHI	61,039,443
		GONGONI	21,433,698
		MAGARINI	23,211,322
		MARAFI	21,112,042
		<b>Constituency Total</b>	<b>184,552,252</b>
	MALINDI	GANDA	6,833,933
		JILORE	6,348,944
		KAKUYUNI	20,007,790
		<b>Constituency Total</b>	<b>33,190,667</b>
	RABAI	MWAWESA	6,776,816
		RURUMA	7,084,443
		<b>Constituency Total</b>	<b>13,861,259</b>
<b>KISUMU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kisumu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>24,333,610</b>
MUHORONI	CHEMILIL	5,823,873	
	OMBEYI	6,577,410	
	<b>Constituency Total</b>	<b>12,401,283</b>	
NYANDO	AWASI/ONJIKO	6,145,529	
	KABONYO/KANYAGWAL	5,786,798	
	<b>Constituency Total</b>	<b>11,932,327</b>	
<b>KITUI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kitui County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>397,477,349</b>
KITUI EAST	CHULUNI	6,469,189	
	ENDAU/MALALANI	43,687,066	
	MUTITU/KALIKU	6,088,413	
	VOO/KYAMATU	45,169,088	
	ZOMBE/MWITIKA	31,371,959	
	<b>Constituency Total</b>	<b>132,785,714</b>	
KITUI SOUTH	ATHI	7,003,278	
	IKANGA/KYATUNE	18,838,406	
	KANZIKO	41,859,340	
	MUTHA	24,505,961	
<b>Constituency Total</b>	<b>92,206,985</b>		
MWINGI CENTRAL	NGUNI	38,785,072	
	NUU	13,868,274	
	WAITA	6,014,261	
	<b>Constituency Total</b>	<b>58,667,607</b>	
MWINGI NORTH	KYUSO	24,609,171	

(1)	(2)	(3)	(4)
		MUMONI	18,696,116
		NGOMENI	25,911,827
		THARAKA	6,058,351
		TSEIKURU	38,541,576
		<b>Constituency Total</b>	<b>113,817,042</b>
<b>KWALE</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Kwale County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>292,590,513</b>
	KINANGO	CHENGONI/SAMBURU	29,801,758
		KASEMENI	27,753,582
		KINANGO	15,056,697
		MACKINON ROAD	22,188,236
		MWABILA	14,519,602
		NDAVAYA	30,949,097
		PUMA	22,843,572
		<b>Constituency Total</b>	<b>163,112,542</b>
	LUNGA LUNGA	DZOMBO	8,653,642
		MWERENI	24,939,846
		PONGWE/KIKONENI	23,462,834
		VANGA	23,222,344
	<b>Constituency Total</b>	<b>80,278,667</b>	
	MATUGA	MKONGANI	22,456,783
		TSIMBA GOLINI	7,691,681
		WAA	6,383,013
		<b>Constituency Total</b>	<b>36,531,478</b>
	MSAMBWENI	RAMISI	12,667,826
		<b>Constituency Total</b>	<b>12,667,826</b>
<b>LAIKIPIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Laikipia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>119,303,227</b>
	LAIKIPIA NORTH	MUGOGODO EAST	37,204,851
		MUGOGODO WEST	26,657,347
		SEGERA	12,785,065
		SOSIAN	35,351,071
		<b>Constituency Total</b>	<b>111,998,334</b>
	LAIKIPIA WEST	SALAMA	7,304,893
		<b>Constituency Total</b>	<b>7,304,893</b>
<b>LAMU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Lamu County for development expenses		<b>57,614,460</b>

(1)	(2)	(3)	(4)
	(provision of basic services including water, roads, health facilities and electricity)		
	LAMU EAST	BASUBA	14,237,025
		FAZA	5,251,707
		KIUNGA	6,165,570
		<b>Constituency Total</b>	<b>25,654,302</b>
	LAMU WEST	HINDI	6,204,650
		MKUNUMBI	6,920,108
		SHELLA	5,639,497
		WITU	13,195,903
		<b>Constituency Total</b>	<b>31,960,158</b>
<b>MACHAKOS</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Machakos County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>12,923,347</b>
	MASINGA	KIVAA	6,153,545
		MUTHESYA	6,769,802
		<b>Constituency Total</b>	<b>12,923,347</b>
<b>MANDERA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Mandera County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>753,408,998</b>
	BANISSA	BANISSA	17,661,006
		DERKHALE	17,946,588
		GUBA	16,935,527
		KILIWAHERI	18,488,693
		MALKAMARI	25,984,976
		<b>Constituency Total</b>	<b>97,016,791</b>
	LAFEY	ALANGO GOF	8,326,976
		FINO	16,182,993
		LAFEY	23,906,739
		LIBEHIA	59,075,439
		SALA	7,951,210
		WARANKARA	36,861,150
		<b>Constituency Total</b>	<b>152,304,508</b>
	MANDERA EAST	ARABIA	31,524,269
		BULLA MPYA	32,653,572
		KHALALIO	39,280,081
		NEBOI	18,412,538
		TOWNSHIP	6,671,602
		<b>Constituency Total</b>	<b>128,542,063</b>
	MANDERA NORTH	ASHABITO	38,818,140
		GUTICHA	34,847,044

(1)	(2)	(3)	(4)
		MAROTHILE	15,904,425
		RHAMU	14,826,227
		RHAMU DIMTU	38,223,928
		<b>Constituency Total</b>	<b>142,619,763</b>
	MANDERA SOUTH	ELWAK NORTH	15,252,095
		ELWAK SOUTH	16,153,934
		KOTULO	55,226,592
		SHAMBIR FATUMA	36,731,886
		WARGADUD	16,336,305
		<b>Constituency Total</b>	<b>139,700,812</b>
	MANDERA WEST	DANDU	25,207,391
		GITHER	26,338,698
		LAGHSURE	8,562,457
		TAKABA	8,430,187
		TAKABA SOUTH	24,686,329
		<b>Constituency Total</b>	<b>93,225,061</b>
<b>MARSABIT</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Marsabit County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>469,644,478</b>
	LAISAMIS	KARGI/SOUTH HORR	34,785,919
		KORR/NGURUNIT	45,447,656
		LAISAMIS	39,702,944
		LOGOLOGO	12,100,670
		LOIYANGALANI	54,123,343
		<b>Constituency Total</b>	<b>186,160,531</b>
	MOYALE	BUTIYE	19,079,899
		GOLBO	50,990,957
		HEILLU/MANYATTA	14,388,334
		OBBU	6,828,922
		URAN	16,893,441
		<b>Constituency Total</b>	<b>108,181,553</b>
	NORTH HORR	DUKANA	33,070,422
		ILLERET	9,236,831
		MAIKONA	42,154,943
		NORTH HORR	37,347,141
		TURBI	25,532,053
		<b>Constituency Total</b>	<b>147,341,389</b>
	SAKU	KARARE	19,142,025
		MARSABIT CENTRAL	4,056,270
		SAGANTE/JALDESA	4,762,710
		<b>Constituency Total</b>	<b>27,961,005</b>

(1)	(2)	(3)	(4)
<b>MERU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Meru County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>29,927,013</b>
	IGEMBE SOUTH	AKACHIU	12,010,486
		<b>Constituency Total</b>	<b>12,010,486</b>
	SOUTH IMENTI	ABOGETA EAST	6,083,402
		<b>Constituency Total</b>	<b>6,083,402</b>
	TIGANIA EAST	KARAMA	5,584,385
		MUTHARA	6,248,739
<b>Constituency Total</b>		<b>11,833,125</b>	
<b>MIGORI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Migori County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>177,764,414</b>
	KURIA WEST	NYAMONSENSE'KOMOSOK O	7,129,535
		<b>Constituency Total</b>	<b>7,129,535</b>
	NYATIKE	GOT KACHOLA	13,277,068
		KALER	13,950,441
		MACALDER/KANYARUAN DA	19,058,856
		MUHURU	30,405,990
		NORTH KADEM	32,923,121
	<b>Constituency Total</b>	<b>109,615,476</b>	
	SUNA WEST	WASIMBETE	27,055,158
		WIGA	20,856,521
		<b>Constituency Total</b>	<b>47,911,679</b>
	URIRI	NORTH KANYAMKAGO	13,107,723
		<b>Constituency Total</b>	<b>13,107,723</b>
	<b>MURANG'A</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Murang'a County for development expenses (provision of basic services including water, roads, health facilities and electricity)	
GATANGA		ITHANGA	5,679,579
		<b>Constituency Total</b>	<b>5,679,579</b>
<b>NAKURU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Nakuru County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>6,435,119</b>
	RONGAI	SOIN	6,435,119
		<b>Constituency Total</b>	<b>6,435,119</b>

(1)	(2)	(3)	(4)
<b>NANDI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Nandi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>116,745,012</b>
	NANDI HILLS	KAPCHORUA	12,396,273
		<b>Constituency Total</b>	<b>12,396,273</b>
	TINDERET	CHEMILIL/CHEMASE	11,752,961
		SONGHOR/SOBA	80,933,001
		TINDERET	11,662,777
		<b>Constituency Total</b>	<b>104,348,739</b>
<b>NAROK</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Narok County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>771,670,228</b>
	EMURUA DIKIRR	ILKERIN	7,709,718
		KAPSASIAN	7,289,862
		MOGONDO	7,335,956
		<b>Constituency Total</b>	<b>22,335,536</b>
	KILGORIS	ANGATA BARIKOI	38,538,570
		KEYIAN	25,170,315
		KILGORIS CENTRAL	37,383,214
		KIMENTET	40,547,666
		LOLGORIAN	61,296,968
		SHANKOE	12,311,099
		<b>Constituency Total</b>	<b>215,247,832</b>
		NAROK EAST	ILDAMAT
	KEEKONYOKIE		13,337,191
	MOSIRO		53,086,229
	<b>Constituency Total</b>		<b>91,212,959</b>
	NAROK NORTH	MELILI	33,483,263
		NAROK TOWN	6,955,180
		NKARETA	14,518,600
		OLOKURTO	41,520,649
		OLORROPIL	20,907,625
		OLPOSIMORU	34,216,759
		<b>Constituency Total</b>	<b>151,602,076</b>
		NAROK SOUTH	LOITA
	MAJI		85,235,773
	MOTO/NAROOSURA		
	MELELO		7,681,661
	OLOLULUNG'A		13,716,965
	<b>Constituency Total</b>		<b>171,090,808</b>
	NAROK WEST	ILMOTIOK	7,715,730

(1)	(2)	(3)	(4)
		MARA	22,240,342
		NAIKARRA	38,825,154
		SIANA	51,399,790
		<b>Constituency Total</b>	<b>120,181,017</b>
<b>SAMBURU</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Samburu County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>649,686,536</b>
	SAMBURU EAST	WAMBA EAST	33,931,177
		WAMBA NORTH	44,142,996
		WAMBA WEST	69,663,024
		WASO	41,981,589
		<b>Constituency Total</b>	<b>189,718,785</b>
	SAMBURU NORTH	ANGATA NANYUKIE	41,136,867
		BAAWA	50,270,488
		EL BARTA	40,074,702
		NACHOLA	42,815,289
		NDOTO	55,582,317
		NYIRO	76,601,169
		<b>Constituency Total</b>	<b>306,480,832</b>
	SAMBURU WEST	LODOKEJEK	38,189,859
		LOOSUK	26,675,384
		MARALAL	19,579,918
		PORRO	48,950,797
		SUGUTA MARMAR	20,090,960
		<b>Constituency Total</b>	<b>153,486,918</b>
<b>SIAYA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Siaya County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>31,973,185</b>
	BONDO	CENTRAL SAKWA	6,461,173
		WEST SAKWA	6,183,607
		<b>Constituency Total</b>	<b>12,644,779</b>
	GEM	SOUTH GEM	6,459,169
		WEST GEM	5,770,765
		<b>Constituency Total</b>	<b>12,229,934</b>
	RARIEDA	SOUTH UYOMA	7,098,472
		<b>Constituency Total</b>	<b>7,098,472</b>
<b>TAITA TAVETA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Taita Taveta County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>13,335,187</b>

(1)	(2)	(3)	(4)
	TAVETA	CHALA	6,336,919
		<b>Constituency Total</b>	<b>6,336,919</b>
	VOI	KASIGAU	6,998,268
		<b>Constituency Total</b>	<b>6,998,268</b>
<b>TANA RIVER</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Tana River County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>442,122,368</b>
	BURA	BANGALE	30,649,486
		CHEWELE	30,434,047
		HIRIMANI	27,216,487
		MADOGO	45,183,116
		SALA	26,077,164
		<b>Constituency Total</b>	<b>159,560,300</b>
	GALOLE	CHEWANI	29,376,892
		KINAKOMBA	48,519,919
		WAYU	42,932,528
		<b>Constituency Total</b>	<b>120,829,338</b>
	GARSEN	GARSEN CENTRAL	34,596,533
		GARSEN NORTH	33,342,977
		GARSEN SOUTH	13,954,449
		GARSEN WEST	19,449,653
		KIPINI EAST	25,707,410
		KIPINI WEST	34,681,707
		<b>Constituency Total</b>	<b>161,732,729</b>
<b>THARAKA NITHI</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Tharaka Nithi County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>44,005,716</b>
	MAARA	MWIMBI	11,345,130
		<b>Constituency Total</b>	<b>11,345,130</b>
	THARAKA	CHIAKARIGA	12,392,264
		GATUNGA	7,180,639
		MUKOTHIMA	13,087,682
		<b>Constituency Total</b>	<b>32,660,586</b>
<b>TRANS NZOIA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Trans Nzoia County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>7,478,246</b>
	ENDEBESS	CHEPCHOINA	7,478,246
		<b>Constituency Total</b>	<b>7,478,246</b>

(1)	(2)	(3)	(4)
<b>TURKANA</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Turkana County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>1,144,091,494</b>
LOIMA	KOTARUK/LOBEI		43,519,725
	LOIMA		33,203,693
	LOKIRIAMA/LORENGIPPI		61,050,465
	TURKWEL		71,724,226
	<b>Constituency Total</b>		<b>209,498,110</b>
TURKANA CENTRAL	KALOKOL		24,652,259
	KANGATOTHA		40,338,239
	KERIO DELTA		64,534,569
	<b>Constituency Total</b>		<b>129,525,067</b>
TURKANA EAST	KAPEDO/NAPEITOM		38,892,291
	KATILIA		25,700,396
	LOKORI/KOCHODIN		52,685,411
	<b>Constituency Total</b>		<b>117,278,098</b>
TURKANA NORTH	KAALENG/KAIKOR		63,605,675
	KAERIS		39,533,598
	KIBISH		46,736,283
	LAKEZONE		69,789,282
	LAPUR		66,630,842
	NAKALALE		31,063,330
	<b>Constituency Total</b>		<b>317,359,009</b>
	TURKANA SOUTH	KALAPATA	
KAPUTIR			13,987,517
KATILU			33,181,648
LOBOKAT			7,043,360
LOKICHAIR			33,714,735
<b>Constituency Total</b>			<b>113,920,253</b>
TURKANA WEST		KAKUMA	
	KALOBYEI		46,852,520
	LETEA		60,067,461
	LOKICHOGIO		30,562,308
	LOPUR		16,495,630
	NANAAM		44,202,116
	SONGOT		32,744,758
	<b>Constituency Total</b>		<b>256,510,957</b>
	<b>WAJIR</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in Wajir County for development expenses (provision of basic services including water, roads, health facilities and electricity)	
ELDAS	DELLA		25,376,736
	ELDAS		16,741,131

(1)	(2)	(3)	(4)
		ELNUR/TULA TULA	39,053,620
		LAKOLEY/BASIR	16,015,652
		<b>Constituency Total</b>	<b>97,187,138</b>
	TARBAJ	ELBEN	31,562,347
		SARMAN	25,184,344
		TARBAJ	32,853,980
		WARGADUD	31,830,895
		<b>Constituency Total</b>	<b>121,431,566</b>
	WAJIR EAST	BARWAQO	7,780,863
		KHOROF/HARAR	38,510,513
		WAGBERI	8,083,480
		<b>Constituency Total</b>	<b>54,374,856</b>
	WAJIR NORTH	BATALU	23,316,536
		BUTE	23,442,794
		DANABA	25,005,980
		GODOMA	16,187,001
		GURAR	23,258,418
		KORONDILE	24,758,476
		MALKAGUFU	13,259,032
		<b>Constituency Total</b>	<b>149,228,236</b>
	WAJIR SOUTH	BENANE	55,378,903
		BUR-DER	23,184,266
		DADAJA BULLA	7,562,418
		DIFF	23,322,548
		HABASWEIN	26,985,015
		IBRAHIM URE	31,897,029
		LAGBOGHOL SOUTH	38,118,714
		<b>Constituency Total</b>	<b>206,448,894</b>
	WAJIR WEST	ADEMASAJIDE	7,786,875
		ARBAJAHAN	24,385,716
		GANYURE	31,268,749
		HADADO/ATHIBOHOL	29,207,546
		WAGALLA	8,848,039
		<b>Constituency Total</b>	<b>101,496,925</b>
<b>WEST POKOT</b>	The amount required in the year ending 30 <sup>th</sup> June, 2023 in West Pokot County for development expenses (provision of basic services including water, roads, health facilities and electricity)		<b>1,021,690,952</b>
	KACHELIBA	ALALE	112,433,221
		KAPCHOK	17,871,435
		KASEI	63,185,819
		KIWAWA	67,886,402
		KODICH	44,499,723
		SUAM	44,851,440

(1)	(2)	(3)	(4)
		<b>Constituency Total</b>	<b>350,728,040</b>
	KAPENGURIA	ENDUGH	79,322,718
		KAPENGURIA	17,951,598
		MNANGEI	10,429,262
		RIWO	106,316,751
		SOOK	54,105,306
		<b>Constituency Total</b>	<b>268,125,636</b>
		POKOT SOUTH	BATEI
	CHEPARERIA		65,290,109
	LELAN		6,231,705
	TAPACH		25,928,862
	<b>Constituency Total</b>		<b>145,221,067</b>
	SIGOR	LOMUT	84,135,530
		MASOOL	45,481,725
		SEKERR	49,808,546
		WEI WEI	78,190,409
		<b>Constituency Total</b>	<b>257,616,210</b>
	<i>Sub-class total</i>		<b>10,020,407,910</b>
	<b>Total Equalisation Fund</b>		<b>10,330,317,433</b>

Dated.....15<sup>th</sup> April.....2023.



Maureen Tabitha Mutinda,  
Vice-Chairperson,  
Committee on Finance and Budget.



**MINUTES OF THE TWENTY-FIFTH MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON WEDNESDAY, 29<sup>TH</sup> MARCH 2023 AT THE GROUND FLOOR BOARDROOM, COUNTY HALL, PARLIAMENT BUILDINGS FROM 10.00 A.M.**

**PRESENT**

- |                                     |   |                         |
|-------------------------------------|---|-------------------------|
| 1. Sen. Maureen Tabitha Mutinda, MP | - | <b>Vice-Chairperson</b> |
| 2. Sen. Shakila Abdalla Mohamed, MP | - | Member                  |
| 3. Sen. Eddy Gicheru Oketch, MP     | - | Member                  |

**ABSENT WITH APOLOGY**

- |  |   |             |
|--|---|-------------|
| 4. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP- |   | Chairperson |
| 5. Sen. Tabitha Karanja Keroche, MP        | - | Member      |
| 6. Sen. (Dr.) Boni Khalwale, CBS, MP       | - | Member      |
| 7. Sen. Joyce Chepkoech Korir, MP          | - | Member      |
| 8. Sen. Richard Momoima Onyonka, MP        | - | Member      |
| 9. Sen. Mohamed Faki Mwinyihaji, MP        | - | Member      |

**SECRETARIAT**

- |                            |   |                         |
|----------------------------|---|-------------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant         |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant         |
| 3. Ms. Lucy Radoli         | - | Legal Counsel           |
| 4. Ms. Millicent Makina    | - | Fiscal Analyst          |
| 5. Mr. Kennedy Owouth      | - | Fiscal Analyst          |
| 6. Mr. Kioko Kiminza       | - | Fiscal Analyst          |
| 7. Ms. Joan Mahinda        | - | Researcher              |
| 8. Mr. Sekento Tonkei      | - | Researcher              |
| 9. Mr. Barasa Nandemu      | - | Media Relations Officer |
| 10. Mr. Johnstone Simiyu   | - | Audio Officer           |

**IN ATTENDANCE**

**A. THE NATIONAL TREASURY AND ECONOMIC PLANNING**

- |                        |   |                              |
|------------------------|---|------------------------------|
| 1. Mr. Guyo Boru       | - | CEO, Equalization Fund Board |
| 2. Mr. Samuel Kiptorus | - | Senior Deputy Director       |

## **B. THE COMMISSION ON REVENUE ALLOCATION**

- |                            |   |                                  |
|----------------------------|---|----------------------------------|
| 1. Mr. Koitamet Ole Kina   | - | Vice-Chairperson                 |
| 2. Dr. Isabel Waiyaki      | - | Commissioner                     |
| 3. Ms. Hadija Juma         | - | Commissioner                     |
| 4. Mr. Jonas Kuko          | - | Commissioner                     |
| 5. Dr. Jalango Midiwo      | - | Commissioner                     |
| 6. CPA James Katule        | - | CEO                              |
| 7. Ms. Sheila Yicke        | - | Director, Legal                  |
| 8. Ms. Lineth Oyugi        | - | Director, Economic Affairs       |
| 9. Ms. Jecinter Hezron     | - | Manager, Stakeholder Engagements |
| 10. Ms. Carolyne Kinyulusi | - | Manager, Communication           |
| 11. Mr. Ronald Ng'eno      | - | Senior Communication Officer     |
| 12. Ms. Nelly Muse         | - | Knowledge Officer                |

## **C. THE COUNCIL OF GOVERNORS**

- |                         |   |   |
|-------------------------|---|---|
| 1. Hon. Ahmed Abdullahi | - | Vice Chairperson and Governor, Wajir County |
| 2. Ms. Zipporah Muthama | - | Senior Legal Officer                        |
| 3. Ms. Ilhan Abas       | - | Director, Liaison, Wajir County             |
| 4. Mr. Stephen Momanyi  | - | Programme Officer                           |

### **MIN/SEN/SCF&B/131/2023**

### **PRELIMINARIES**

The Chairperson called the meeting to order at 10: 28 a.m. This was followed by a word of prayer and introductions.

### **MIN/SEN/SCF&B/132/2023**

### **ADOPTION OF THE AGENDA**

The agenda was adopted after it was proposed by Sen. Shakila Abdalla Mohamed, MP, and seconded by Sen. Eddy Gicheru Oketch, MP, as listed below-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 17<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 22<sup>nd</sup> and 24<sup>th</sup> sittings;
4. Matters arising from the Minutes of the previous sittings;
5. Meeting with the-
  - a) Cabinet Secretary, National Treasury and Economic Planning;
  - b) Commission on Revenue Allocation; and
  - c) Council of Governors

to deliberate on the Equalization Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023)

6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

### **MIN/SEN/SCF&B/133/2023**

### **CONFIRMATION OF MINUTES**

Confirmation of minutes of the 17<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 22<sup>nd</sup> and 24<sup>th</sup> sittings was deferred.

**a) Meeting with Council of Governors**

upon invitations, the Vice-Chairperson of the CoG presented to the Committee the following proposals on the Bill-

- a) Since inception of the Fund, the total entitlement to Counties is Ksh.54,035,184,050, out of which only Ksh.12,400,000,000 has been appropriated.
- b) The current Bill seeks to appropriate Ksh.13,893,791,644.
- c) The Council appreciates the Senate resolution on the utilization of the Equalisation Fund indirectly as conditional grants to Counties in line with Article 204 (3)(b) of the Constitution and Regulation 24 (1) of the PFM (Equalisation Fund Administration) Regulations, 2021 which is also the position of the Council.
- d) The Council requests the Senate to fast track the approval of the bill and subsequent appropriation of the remaining entitlement to the Fund.
- e) The Council appeals to the Senate to support the withdrawal of the Equalisation Fund (Administration) Bill in the National Assembly whose proposals are claw back to the gains already made on the administration and management of the Fund.
- f) The Senate should ensure completion of the ongoing and stalled projects under the first marginalization policy. The projects should be transferred to the respective County governments.

**b) Meeting with Commission on Revenue Allocation**

upon invitation, the Commission presented to the Committee the following proposals on the Bill-

- a) Clauses 1 and 3 - be amended by deleting the words "1<sup>st</sup> July, 2022". This is because the Bill appropriates allocations from the fund for two Financial Years 2021/22 and 2022/23.
- b) Clause 4 - be amended to provide clarity on where the appropriated funds are deposited if excluded from the County Revenue Fund. The regulations provide for establishment of special purpose funds for the Counties when excluded from the County Revenue Funds.
- c) Introduce a new Clause 7 to provide that unutilized funds at the end of the financial year will not lapse. This is because appropriated funds under Article 204 should not be returned to the National Treasury.
- d) Introduce a new Clause 8 to provide a mechanism of monitoring resource utilization and project implementation in marginalized areas.

**c) Meeting with the National Treasury**

Upon invitation, the CEO of Equalization Fund Board presented to the Committee as summarized below-

- a) The Equalization Fund was established under Article 204 (1) of the Constitution.
- b) The Public Finance Management (Equalization Fund Administration) Regulations, 2021 were published through Kenya Gazette supplement No. 69, Legal Notice No 54 of 29<sup>th</sup> April, 2021 and approved by Parliament paving way for the operationalization of the Fund.
- c) The total entitlement to the Fund since inception is Kshs.54,035,184,050.
- d) Kshs.12,400,000,000 was appropriated through the Equalisation Fund Appropriation Act 2017 and subsequent re-appropriation in the Equalisation Fund Appropriation Act 2018.
- e) The Kshs.12,400,000,000 was administered *directly* through Guidelines published through Gazette Notice No 1711 dated 13<sup>th</sup> March, 2015. However, these guidelines were declared by the High Court on Petition No.272 of 2016 as null, void and unconstitutional.
- f) The Bill proposes to appropriate Kshs.13,893,791,644 which comprises of Kshs.6,825,317,433 and Kshs.7,068,474,211 for FY 2021/22 allocation and FY 2022/23 allocation respectively earmarked for disbursement to beneficiary counties.
- g) The Bill contains funds allocated based on the identified counties, constituencies, wards and marginalized area (as contained in the Second Policy on Marginalization).
- h) The Fund has a lifespan of 20 years as per Article 204 (6) of the Constitution, thus only less than 7 years remained to accomplish its objectives. There's an urgent need to operationalization the county technical committees to fast-track the identification of the projects.
- i) The Bill excludes the Equalization Fund from being paid into the County Revenue Fund. Since doing so, would require each individual beneficiary county to have an Equalization Fund Appropriation Act.
- j) The Appropriation Act of Parliament is sufficient for withdrawal of fund from Equalization Fund.
- k) The Equalization Fund Appropriation Bill, 2023 is a multiyear Bill, that is, the approval granted shall not lapse until all the projects identified by each county are completed.
- l) In the FY 2022/23 supplementary budget, the National Treasury considered and included Kshs.6,825,317,433 being Equalization Fund budget allocation for FY 2021/22. However, the amount was reduced to Kshs.3,261,843,222 by Parliament.
- m) Once approved by Parliament, there is need to request for consideration of the **KS** Kshs.3,563,474,211 deficits in the FY 2023/24 budget estimates as allocation to the Equalization Fund FY 2021/2022 entitlement since the full amount

(Kshs.6,825,317,433 FY 2021/22) had been factored in the Equalization Fund Appropriation Bill 2023.

### **Under the First Policy**

- n) The Fund has an Equalization Fund Appropriation Act 2018 which doesn't lapse and cover FYs 2014/15, 2015/16 and 2016/17.
- o) Based on the appropriated amount of Kshs.12,400,000,000 the National Treasury had disbursed a total of Kshs10,867,109,208.
- p) As at 31<sup>st</sup> December, 2022, and based on submission from Ministries, Departments and Agencies (MDAs), a total of 352 projects were financed by the Equalization Fund and are at different stages of implementation. Out of the 352 projects, 112 projects were 100% complete.

### **Proposed Utilization Under Second Policy**

- q) The County technical committees and all other lower tier committees as stipulated in PFM (Equalization Fund Administration) Regulations, 2021 have been established in the 34 beneficiary counties.
- r) Conditions for Equalization Fund as conditional grants have been developed and will be conditions for implementation and utilization of Equalization Fund-
  - i. Equalization Fund should be used to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible (As per the Constitution of Kenya).
  - ii. The EF should be utilized on project in marginalized areas as defined by the Second Marginalization Policy prepared by the CRA.
  - iii. The respective beneficiary/spending counties must open county special purpose bank accounts at the Central Bank of Kenya.
  - iv. County technical committees as provided by Regulation 14, 16 and 18 of the PFM (Equalization Fund Administration) Regulations, 2021 should be established by each beneficiary county.
  - v. The spending units should comply with all other laws and regulations.

After deliberations, the Committee noted that-

- a) CRA's first policy and criteria for sharing of resources from the equalization fund for marginalized areas identified 14 counties while the second policy identified 34 counties.
- b) Senate will publish Equalization Fund Administration Bill, consequently, the bill will be introduced in the House via First Reading. Subsequently, it shall be committed to the Committee to facilitate public participation.
- c) The National Treasury is yet to submit to the Committee a plan on how they intend to recover arrears for the Equalization Fund from previous entitlement.

- d) Some of the projects reported by the National Treasury and funded by the Equalization Fund have stalled, others did not start while others ownership is disputed.
- e) Some of the projects funded by Equalization Fund have never been handed over to the counties as a result of non-payment or pending bills.
- f) The board should collect project (under first policy) status reports from implementing MDAs, consolidate them and submit a consolidated report to the Senate.
- g) The Committee should undertake county visits to verify projects identified and implemented under the first policy on marginalization.
- h) Clause 3- There is need to provide clarification on appropriation of money to Equalization Fund Secretariat and not the Board.
- i) In the FY 2022/23 supplementary budget, Parliament reduced the amount in the Bill reduced from Kshs.13 billion to Kshs.10 billion.
- j) The National Treasury should release funds appropriated and allocated to the fund in the previous years to ensure completion of projects identified under the first policy on marginalization.

**MIN/SEN/SCF&B/135/2023      ADJOURNMENT**

There being no other business the meeting was adjourned at 13:16 P.M. Next meeting to be held on Thursday, 30<sup>th</sup> March, 2023 at 9:00 a.m.

SIGNATURE..........DATE 12/4/2023.....

**SEN. MAUREEN TABITHA MUTINDA, MP**  
**(VICE-CHAIRPERSON)**



**MINUTES OF THE THIRTY FIRST MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE AND BUDGET HELD ON WEDNESDAY, 12<sup>TH</sup> APRIL, 2023 AT THE GROUND FLOOR BOARDROOM, COUNTY HALL, PARLIAMENT BUILDINGS FROM 1.00 P.M.**

**PRESENT**

- |                                      |   |                         |
|--------------------------------------|---|-------------------------|
| 1. Sen. Maureen Tabitha Mutinda, MP  | - | <b>Vice-Chairperson</b> |
| 2. Sen. Joyce Chepkoech Korir, MP    | - | Member                  |
| 3. Sen. Mohamed Faki Mwinyihaji, MP  | - | Member                  |
| 4. Sen. (Dr.) Boni Khalwale, CBS, MP | - | Member                  |
| 5. Sen. Shakila Abdalla Mohamed, MP  | - | Member                  |

**ABSENT WITH APOLOGY**

- |  |   |             |
|--|---|-------------|
| 6. Sen. (Capt.) Ali Ibrahim Roba, EGH, MP- |   | Chairperson |
| 7. Sen. Eddy Gicheru Oketch, MP            | - | Member      |
| 8. Sen. Tabitha Karanja Keroche, MP        | - | Member      |
| 9. Sen. Richard Momoima Onyonka, MP        | - | Member      |

**SECRETARIAT**

- |                            |   |                         |
|----------------------------|---|-------------------------|
| 1. Mr. Christopher Gitonga | - | Clerk Assistant         |
| 2. Ms. Beverlyne Chivadika | - | Clerk Assistant         |
| 3. Ms. Millicent Makina    | - | Fiscal Analyst          |
| 4. Ms. Joan Mahinda        | - | Researcher              |
| 5. Mr. Phelisters Mutune   | - | Media Relations Officer |
| 6. Ms. Lucy Radoli         | - | Legal Counsel           |
| 7. Mr. Eugene Otieno       | - | Intern                  |

**MIN/SEN/SCF&B/164/2023**

**PRELIMINARIES**

The Chairperson called the meeting to order at 1:26 p.m. This was followed by a word of prayer.

**MIN/SEN/SCF&B/165/2023**

**ADOPTION OF THE AGENDA**

The agenda was adopted after it was proposed by Sen. (Dr.) Boni Khalwale, CBS, MP and seconded by Sen. Mohamed Faki Mwinyihaji, MP, as listed below-

1. Prayer;

2. Adoption of the Agenda;
3. Confirmation of Minutes of the 25<sup>th</sup> and 30<sup>th</sup> sittings;
4. Matters arising from the previous minutes;
5. Consideration and adoption of-
  - a) Report on Equalization Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023) (*Committee Paper No.29*)
  - b) Report on Division of Revenue Bill, 2023 (National Assembly Bills No.9 of 2023) (*Committee Paper No.30*)
  - c) Committee's Quarterly Report (*Committee Paper No.31*)
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

**MIN/SEN/SCF&B/166/2023**      **CONFIRMATION OF MINUTES**

The Committee confirmed the minutes of its previous meetings as listed below-

- a) The Minutes of the Twenty-Fifth Sitting held on Wednesday, 29<sup>th</sup> March, 2023 at 10.00 a.m. were confirmed as a true record of the proceedings of the committee having been proposed by Sen. Maureen Tabitha Mutinda, MP, and seconded by Sen. Shakila Abdalla Mohamed, MP.
- b) The Minutes of the Thirtieth Sitting held on Wednesday, 12<sup>th</sup> April, 2023 at 8.30 a.m. were confirmed as a true record of the proceedings of the committee having been proposed by Sen. Shakila Abdalla Mohamed, MP, and seconded by Sen. Maureen Tabitha Mutinda, MP.

**MIN/SEN/SCF&B/167/2023**      **CONSIDERATION AND ADOPTION OF THE  
REPORT ON EQUALIZATION FUND  
APPROPRIATION BILL, 2023 (SENATE BILLS  
NO.3 OF 2023)**

The Committee considered and unanimously adopted its report on the Equalization Fund Appropriation Bill, 2023 (Senate Bills No.3 of 2023) having been proposed by Sen. Mohamed Faki Mwinyihaji, MP, and seconded by Sen. Joyce Chepkocch Korir, MP. With the following recommendations-

That, the Bill be approved with amendments as follows-

- a) Clause 2 be amended to provide that the sum of money appropriated is Kshs. 10,330,317,433.
- b) deletion of the schedule and substituting it with a new schedule whose total appropriated fund is Kshs. 10,330,317,433.

**MIN/SEN/SCF&B/168/2023**      **CONSIDERATION AND ADOPTION OF THE  
REPORT ON DIVISION OF REVENUE BILL,  
2023 (NATIONAL ASSEMBLY BILLS NO.9 OF  
2023)**

The Committee considered and unanimously adopted its report on the Division of Revenue Bill, 2023 (National Assembly Bills No.9 of 2023) having been proposed by Sen. Mohamed Faki Mwinyihaji, MP, and seconded by Sen. (Dr.) Boni Khalwale, CBS, MP. With the following recommendations-

- a) That, the Bill be approved with amendment of deletion of the Schedule and replacing with a new Schedule indicating as follows-
  - Equalization Fund – Ksh. 8,654,963,469 being 0.5% of all revenue (Ksh. 1.730 trillion) of the most recent audited accounts, approved by the National Assembly (FY 2019/20)
  - County Equitable Share – Ksh. 407 billion (adjusting Ksh. 370 Billion at growth factor of 8.4% to cater for increased cost of commodities and increased expenditure growth. Further, an additional of Ksh. 5.86 billion which had been earmarked for Managed Equipment Services (MES).
- b) That, Library services allocation of Kshs.425 million should be transferred to counties through the county governments additional allocations mechanism and not county equitable share.
- c) That, the proceeds from Road Maintenance Levy Fund (RMLF) are earmarked for a specific purpose, that is the maintenance and repair of roads. These funds therefore cannot form part of the equitable share as they cannot lawfully be appropriated for any other purpose than as set out in section 7(4)(b) of the Roads Maintenance Levy Fund Act, 1993. Thus, the county share from this Fund should be disbursed under the County Governments Additional Allocations Bill as a conditional allocation for the maintenance and repair of roads transferred to counties.

**MIN/SEN/SCF&B/169/2023**

**CONSIDERATION AND ADOPTION OF THE  
QUARTERLY STATEMENT ON THE  
COMMITTEE ACTIVITIES**

The Committee considered its Quarterly Statement on the Committee Activities and unanimously adopted it having been proposed by Sen. Shakila Abdalla Mohamed, MP seconded by Sen. Mohamed Faki Mwinyihaji, MP.

**MIN/SEN/SCF&B/170/2023**

**ADJOURNMENT AND DATE OF NEXT  
MEETING**

There being no other business the meeting was adjourned at 2:15 p.m. The next meeting was scheduled to be held on Thursday, 13<sup>th</sup> April, 2023 at 9:00 a.m.

**SIGNATURE.....DATE.....**

**SEN. MAUREEN TABITHA MUTINDA, MP  
(VICE-CHAIRPERSON)**



REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND ECONOMIC PLANNING

---

THE NATIONAL TREASURY AND ECONOMIC PLANNING  
REPRESENTATIONS ON THE EQUALISATION FUND  
APPROPRIATION BILL 2023 (SENATE BILL NO. 3 OF 2023)

PRESENTED TO

THE SENATE STANDING COMMITTEE ON FINANCE AND  
BUDGET

---

MARCH, 2023

## 1.1 Introduction

The Equalisation Fund was established under Article 204 (1) of the Constitution of Kenya 2010 (CoK 2010) which requires that one half per cent (0.5%) of all the revenue collected by the National Government each year, calculated on the basis of the most recent audited revenue received, as approved by the National Assembly, to be paid into the Fund.

Article 204 (2) of the CoK 2010 provides that the national government shall use the Equalisation Fund only to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.

## 1.2 Implementation Framework

Article 204 (3)(b) of the CoK 2010 provides that the national government may use the Equalisation Fund either directly, or indirectly through conditional grants to counties in which marginalized communities exist.

Up to November 2019 the Equalisation Fund was administered *directly* through Guidelines published through Gazette Notice No 1711 dated 13<sup>th</sup> March, 2015. However, on 5<sup>th</sup> November, 2019 the High Court made a ruling on Petition no. 272 of 2016 which declared the Equalisation Fund Guidelines as unconstitutional, null and void. This in effect disbanded the Equalisation Fund Advisory Board and stopped any further expenditure from Equalisation Fund until a statutory instrument the administration of Equalisation Fund was put in place.

The Court directed the National Treasury to develop a statutory instrument on the administration of the Equalisation Fund within six months. It is on this basis, that a multi-agency committee comprising of representatives from National Treasury, National Assembly, Senate, Council of Governors, Commission of Revenue Allocation and Controller of Budget was put in place to develop a new Equalisation Fund statutory instrument.

This team developed the Public Finance Management (Equalisation Fund Administration) Regulations, 2021 which was then published through Kenya Gazette supplement No. 69, Legal Notice No 54 of 29<sup>th</sup> April, 2021 and approved by Parliament paving way for the operationalization of the Fund.

The Purpose of the Regulations is to:

- (a) Establish an unincorporated board to advise the cabinet secretary on the proper and effective performance of the Fund;
- (b) Provide guidance on the administration and management of the Fund;
- (c) Provide for the withdrawals from the Fund;

- (d) Provide for completion of ongoing projects under the First Policy;
- (e) Provide for implementation of new projects under all subsequent policies; and
- (f) Provide for the procedures in relation to winding up of the Fund.

### 1.3 Appropriation into the Equalisation Fund to date

In the first three Financial Years after its establishment i.e., 2011/12, 2012/13 and 2013/14, the Equalisation Fund had no allocation and in addition, the First Policy identifying the marginalized areas had not been developed by the Commission on Revenue Allocation (CRA) by then.

(1) The **total entitlement** to the Fund since inception is **KSh 54,035,184,050** see Table 1. The **total allocation** to the Fund (**approved by Parliament**) since inception is **KSh 26,293,791,644**. Out of this, **KSh.12,400,000,000** was appropriated through the **Equalisation Fund Appropriation Act 2017** and subsequent re-appropriation in the **Equalisation Fund Appropriation Act 2018**.

(2) The **KSh.12,400,000,000** was administered *directly* through Guidelines published through Gazette Notice No 1711 dated 13<sup>th</sup> March, 2015.

**Table 1: Equalisation Fund Entitlement and Allocation since Inception**

S/ N	Financial Year	Most recent audited revenues approved by the National Assembly		Equalisation Fund Allocation (KSh.)	Equalisation Fund Entitlement (0.5% of most recent audited and approved revenues) (KSh.)	Amount Reflected in the DORA
		Base Year for most recent audited revenues approved by National Assembly	Audited and approved revenues by National Assembly (KSh.)			
	(a)	(b)	(c)	(d)	(e)	
1)	2011/12	2008/2009	468,151,970,000	0	2,340,759,850	0
2)	2012/13	2009/2010	529,300,000,000	0	2,646,500,000	0
3)	2013/14	2009/2010	529,300,000,000	0	2,646,500,000	0
4)	2014/15	2009/2010	529,300,000,000	400,000,000	2,646,500,000	3,400,000,000
5)	2015/16	2012/2013	776,900,000,000	6,000,000,000	3,884,500,000	6,000,000,000
6)	2016/17	2013/2014	935,653,000,000	6,000,000,000	4,678,265,000	6,000,000,000
7)	2017/18	2013/2014	935,653,000,000	0	4,678,265,000	7,727,000,000
8)	2018/19	2013/2014	935,653,000,000	0	4,678,265,000	4,700,000,000
9)	2019/20	2014/2015	1,038,035,000,000	0	5,190,175,000	5,760,000,000
10)	2020/21	2016/2017	1,357,698,000,000	0	6,788,490,000	6,788,490,000
11)	2021/22	2016/2017	1,357,698,000,000	6,825,317,433	6,788,490,000	6,825,317,433
12)	2022/23	2017/2018	1,413,694,840,000	7,068,474,211	7,068,474,200	7,068,474,211
<b>GRAND TOTAL</b>			<b>10,807,036,810,000</b>	<b>26,293,791,644</b>	<b>54,035,184,050</b>	<b>54,269,281,644</b>

Source:

Division of Revenue Act, 2022: Division of Revenue Act, 2021: Division of Revenue Act, 2020: Division of Revenue Act, 2019: Division of Revenue Act, 2018: Division of Revenue Act, 2017: Division of Revenue Act, 2016: Division of Revenue Act, 2015: Division of Revenue Act, 2014

Following the High Court ruling, subsequent appropriation have to be administered indirectly as per the PFM (Equalisation Fund Administration) Regulations 2021. Reference is made to Regulation 24(1) of the PFM (Equalisation Fund Administration) Regulations, 2021 which provides that the Equalisation Fund shall be utilized *indirectly* as conditional grants to the affected counties in accordance with the Division of Revenue Act and the Equalisation Fund Appropriation Act for the respective financial year.

(3) In view of above, the total allocation of **KSh 13,893,791,644** which comprises of **KSh 6,825,317,433** and **KSh 7,068,474,211** for FY 2021/22 and FY 2022/23 respectively was considered and included in the **County Governments Additional Allocations Bill (Senate Bill No. 2 of 2022)** that allocated funds to 34 beneficiaries' counties as per the Second Policy on Marginalization.

(4) The Senate Standing Committee on Finance and Budget and the respective National Assembly Committee observed that *“Clause 2 of the Bill defines “additional allocation” to mean additional resource allocated to the county governments from National Government shares of revenue or in the form of loans and grants from development partners”*. It was then noted that the Equalisation Fund is separate from National Government share of revenue and therefore cannot form part of any additional allocations by the National Government as proposed in the Bill.

(5) During the meeting held on Tuesday, 15<sup>th</sup> November, 2022, between the Senate Standing Committee on Finance and Budget and the National Treasury, the Committee resolved that the Equalisation Fund should be processed separately as contemplated in **Article 204 (3) (a)** of the Constitution of Kenya and not under the County Governments Additional Allocations Bill.

(6) **Article 204 (3) of the Constitution of Kenya** stipulates that the National Government may use the Equalisation Fund-

- only to the extent that the expenditure of those funds has been approved in an Appropriation Bill enacted by Parliament; and
- either directly, or indirectly through conditional grants to counties in which marginalized communities exist.

(7) Thus, the Senate Standing Committee on Finance and Budget through letter Ref; SEN/DSEC/F&B/CORR/2022/10 dated 16<sup>th</sup> November, 2022, directed the National Treasury to draft and submit the Equalisation Fund Appropriation Bill, 2022 by 25<sup>th</sup> November 2022. The National Treasury was further directed that the Bill should provide for utilization of Equalisation Funds which were earmarked for

disbursement to counties through the County Governments Additional Allocations Bill (Senate Bill No. 2 of 2022).

- (8) Consequently, the National Treasury prepared and on 29<sup>th</sup> November 2022, submitted the **Equalisation Fund Appropriation Bill, 2022** to Parliament through the letter Ref No.NT/EFAB/TECH/01/"A"/(30) . The Bill captured **KSh 13,893,791,644** which comprises of **KSh 6,825,317,433** and **KSh 7,068,474,211** for FY 2021/22 and FY 2022/23 respectively that had been earmarked for disbursement to counties through the County Governments Additional Allocations Bill (Senate Bill No. 2 of 2022). The Bill was published on 31<sup>st</sup> January 2023 as the **Equalisation Fund Appropriation Bill, 2023**.

#### **1.4 The Equalisation Fund Appropriation Bill, 2023**

Concerning the Equalisation Fund Appropriation Bill 2023, it is important to note the following:

- (1) The Equalisation Fund Appropriation Bill 2023 is the first attempt to fully appropriate and utilize the Equalisation Fund following the High Court ruling made on Petition no. 272 of 2016 which declared the Equalisation Fund Guidelines as unconstitutional, null and void and directed National Treasury to develop a statutory Instrument for the administration of Equalisation Fund hence operationalisation of PFM (Equalisation Fund Administration) Regulations 2021.
- (2) The Equalisation Fund Appropriation Bill, 2023 is a Bill of Parliament to authorize the issue of a sum of money out of the Equalisation Fund and its application towards the service of the year ending 30<sup>th</sup> June 2023 and to appropriate that sum for provision of basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible.
- (3) It contains funds allocated based on the identified counties, constituencies, wards and marginalized area (as contained in the Second Policy on Marginalization). Ideally, the proposed Appropriation Bill should contain project names and cost estimates. However, due to initial delays occasioned by various challenges and considering that the Fund has a lifespan of 20 years as per Article 204 (6) of the CoK 2010 , thus currently has less than 7 years to accomplish its objectives, there's an urgent need to operationalization the county technical committees to fast-track the identification of the projects.
- (4) KSh 13,893,791,644 which comprises of KSh 6,825,317,433 for FY 2021/22 and KSh 7,068,474,211 for FY 2022/23 has been appropriated in the Equalisation Fund

Appropriation Bill, 2023. This amount had been earmarked for disbursement to counties through the County Governments Additional Allocations Bill (Senate Bill No. 2 of 2022).

(5) Equalisation Fund Regulations 2021, provides for establishment of varies committee and elaborate process for project identification, approval and implementation of Equalisation Fund projects.

(6) The Bill excludes the Equalisation Fund from being paid into the County Revenue Fund.

#### **Justification**

(a) **Article 207 (1) of the Constitution of Kenya** stipulates that there shall be established a Revenue Fund for each county government, into which shall be paid all money raised or received by or on behalf of the county government, except money reasonably **excluded by an Act of Parliament**.

Article 204 (3) of the Constitution of Kenya stipulates that the National Government may use the Equalisation Fund only to the extent that the expenditure of those funds has been **approved in an Appropriation Bill enacted by Parliament. The Appropriation Act of Parliament is sufficient for withdrawal of fund from Equalisation fund.**

For the funds to be paid into the County Revenue Fund it will require each individual beneficiary county to have an Equalisation Fund Appropriation Act and by virtue of Article 204(3) the law does not provide or stipulate Equalisation Fund Appropriation Act to be enacted by County Assembly of each beneficiary county. Furthermore, the multi Equalisation Fund Appropriation Acts if enacted by County Assemblies of beneficiary counties vis-a-vis Equalisation Appropriation Act enacted by Parliament may cause conflict and disharmony between and among the varies multi legislation.

(b) **Section 109 (1) of the PFM Act 2012** stipulates that there is established, for each county a County Revenue Fund in accordance with Article 207 of the Constitution.

**Section 109 (2) of the PFM Act 2012** stipulates *that the County Treasury for each county government shall ensure that all money raised or received by or on behalf of the county government is paid into the County Revenue Fund, except money that—*

- is excluded from payment into that Fund because of a provision of this Act or another Act of Parliament, and is payable into another county public fund established for a specific purpose.

- may, in accordance with other legislation, this Act or County legislation, be retained by the county government entity which received it for the purposes of defraying its expenses; or
- is **reasonably excluded by an Act of Parliament as provided in Article 207 of the Constitution.**

In line with the above once considered and approved by Parliament, the Equalisation Funds will be transferred directly to county Equalisation Fund special purpose bank accounts and withdrawal from Equalisation Fund is pursuant to Article 204(9) of Constitution of Kenya which provides that “*Money shall not be withdrawn from the Equalisation Fund unless the Controller of budget has approved the withdrawal*”.

By virtue of Article 207(1) of the Constitution of Kenya and Section 109(2)C of the Public Finance Management Act, 2012 the Equalisation Fund Appropriation Bill 2023 provides for the exemption of the Equalisation Funds from being paid into the CRF since the appropriation of the Equalisation Funds has to be approved in an Appropriation Bill enacted by Parliament and not County Assembly of beneficiary County.

(7) The Equalisation Fund Appropriation Bill, 2023 is a multiyear Bill, that is, the approval granted shall not lapse until all the projects identified by each county specified in the first column are completed.

This is in line with Article 204 (5) of the Constitution of Kenya which stipulates that *any unexpended money in the Equalisation Fund at the end of a particular financial year shall remain in that Fund for use in accordance with clauses (2) and (3) during any subsequent financial year.*

Furthermore, the Fund has less than 7(seven) years of its lifespan and the multi-year appropriation will expedite implementation and utilization of the fund for marginalised areas identified and defined in the marginalization policy developed by Commission for Revenue Allocation (CRA).

(8) The Equalisation Fund Appropriation Act 2023 once enacted provide for authority for withdrawal from the Equalisation Fund: Regulations 30(2) of the Equalisation Fund Regulations 2021 provides that *the authorization by the Controller of Budget of a withdrawal from the Equalisation Fund, together with written instructions from the Secretary of the Equalisation Fund Advisory Board through National Treasury requesting for the withdrawal, shall be sufficient authority for the Central Bank of Kenya to pay amounts from the Equalisation Fund Account in accordance with the approval and instructions given.*

Article 204(7) of COK Provides “*Money shall not be withdrawn from Equalisation Fund unless the Controller of Budget has approved the withdrawal*”

## 1.5 Conclusion

It is worth noting the following:

- (1) The National Treasury and Planning has constituted the Equalisation Fund Advisory Board (EFAB) and secretariat to provide effective management and administration of the Fund.
- (2) The Fund has an **Equalisation Fund Appropriation Act 2018** which doesn't lapse and cover FYs 2014/15, 2015/16 and 2016/17. This is facilitating completion of projects under the First Marginalization Policy and payment of pending bills.
- (3) Based on the appropriated amount of **KSh.12,400,000,000** the National Treasury has to date disbursed a total of **KSh. 10,867,109,208 (942,313,944 + 6,937,847,293 + 2,466,411,814 + 520,536,157.15)** in FYs 2016/17, 2017/18, 2018/19 and 2022/23 to the MDAs implementing the identified projects in the 14 marginalized counties. Thus, payment of pending bills of First Marginalization Policy projects is ongoing.
- (4) As at 31<sup>st</sup> December, 2022, and based on submission from MDAs, *a total of 352 projects* were financed by the Equalisation Fund and are at different stages of implementation. Out of the 352 projects, *112 projects were 100% complete*. Table 2 gives a summary of the projects as per Equalisation Fund Appropriation Act 2018.

**Table 2: First Marginalization Policy Equalisation Fund Projects**

Implementing MDA	No. of Projects	Tendering/ Awarded	Stalled/Not started	Inception	< 50%	50%-75%	76%-99%	100% (completed)
Ministry of Health	84	11	2	0	7	19	35	10
State Department for Infrastructure; through KeRRA	84	7	8	0	8	22	12	27
State Department for Irrigation	24	0	0	0	0	1	2	21
Ministry Water and Sanitation	128	0	6	0	30	20	35	37
State Department for Technical and Vocational Training	2	0	0	0	1	1	0	0
State Department of Early Learning Basic Education	10	0	0	10	0	0	0	0
Ministry of Energy	20	0	3	0	0	0	0	17
<b>TOTAL</b>	<b>352</b>	<b>18</b>	<b>19</b>	<b>10</b>	<b>46</b>	<b>63</b>	<b>84</b>	<b>112</b>

- (5) The County technical committees and all other lower tier committees as stipulated in PFM (Equalisation Fund Administration) Regulations, 2021 have been established in the 34 beneficiary counties. Sensitization of county governments and induction of the committees is ongoing and expected to be concluded by mid -April 2023.
- (6) The Equalisation Fund Appropriation Bill 2022 has been prepared and submitted to the Parliament for consideration and approval. The Bill captures **KSh 13,893,791,644** which comprises of **KSh 6,825,317,433** and **KSh 7,068,474,211** for

FY 2021/22 and FY 2022/23 respectively **for implementation of Second Policy on Marginalization**. The Bill was published on 31<sup>st</sup> January 2023 as the **Equalisation Fund Appropriation Bill, 2023** and is awaiting further consideration and approval by Parliament.

However, in the FY 2022/23 supplementary budget, the National Treasury considered and included **KSh 6,825,317,433** being Equalisation Fund budget allocation for FY 2021/22. However, the amount was reduced to **KSh 3,261,843,222** by Parliament.

In order to facilitate application, utilization and implementation of Equalisation Fund Bill 2023 once approved by Parliament, there is need to request for consideration of the **KSh. 3,563,474,211** deficits in the FY 2023/24 budget estimates as allocation to the Equalisation Fund FY 2021/2022 entitlement since the full amount (**KSh 6,825,317,433 FY 2021/22**) had been factored in the Equalisation Fund Appropriation Bill 2023.

- (7) Project identification and implementation under Second Policy on Marginalization will commence immediately after the approval of the **Equalisation Fund Appropriation Bill 2023**.
- (8) In the FY 2023 Budget Policy Statement, the National Treasury considered and included **KSh 7.867 billion** being Equalisation Fund budget allocation for FY 2023/24.
- (9) Conditions for Equalisation Fund as conditional grants have been developed and will be conditions for implementation and utilization of Equalisation Fund. (Attached for reference)

In final submission, the National Treasury and Economic Planning request for expedition for approval of Equalisation Fund Appropriation Bill 2023 to fast-track full operationalisation of Equalisation Fund and implementation of Second Policy on Marginalization.

---

**Prof. Njuguna Ndung'u, CBS**  
**CABINET SECRETARY**  
**NATIONAL TREASURY AND ECONOMIC PLANNING**



**REPUBLIC OF KENYA**  
**THE NATIONAL TREASURY AND ECONOMIC PLANNING**

**Conditions for Equalisation Fund Conditional Grant**

- (1) Equalisation Fund should be used to provide basic services including water, roads, health facilities and electricity to marginalized areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible (As per the Constitution of Kenya).
- (2) The EF should be utilized on project in marginalized areas as defined by the Second Marginalization Policy prepared by the CRA.
- (3) The respective beneficiary/spending counties must open county special purpose bank accounts at the Central Bank of Kenya.
- (4) County technical committees as provided by Regulation 14, 16 and 18 of the PFM (Equalisation Fund Administration) Regulations, 2021 should be established by each beneficiary county.
- (5) The spending units should comply with all other laws and regulations.



COUNCIL OF GOVERNORS

## SUBMISSION OF VIEWS ON THE EQUALIZATION FUND APPROPRIATION BILL, 2023

### A. Introduction

Article 204 (3)(b) of the Constitution of Kenya, 2010, provides that the National Government may use the Equalisation Fund either directly or **indirectly through conditional grants to counties in which marginalised communities exist.**

As you are aware, the Commission on Revenue Allocation (CRA) in their First Policy on the Criteria for Identifying Marginalised Areas and Sharing of the Equalisation Fund, recommended **that the Fund should be spent indirectly as conditional grants to marginalised Counties. This is because County governments are better placed to target expenditure programmes to marginalized communities within the Counties.**

Since inception of the Fund, the total entitlement to Counties is **Ksh.54,035,184,050**, out of which **Ksh.26,293,791.644** has been approved by Parliament and only **Ksh.12,400,000,000** has been appropriated. The current Bill seeks to appropriate the outstanding **Ksh.13,893,791,644.**

### B. General Comments

The Council of Governors has considered the Equalization Fund Appropriation Bill, 2023 and makes the following general comments:

1. The Council appreciates the Senate for agreeing on the utilization of the Equalisation Fund indirectly as conditional grants to Counties in line with Article 204 (3)(b) of the Constitution and Regulation 24 (1) of the PFM (Equalisation Fund Administration) Regulations, 2021 which is also the position of the Council.
2. The Council requests the Senate to fast track the approval and subsequent appropriation of the remaining amount of the Fund entitled to County governments.
3. The Council appeals to the Senate to support the withdrawal of the Equalisation Fund Bill at the National Assembly which is a claw back to the gains already made on the administration and management of the Fund.
4. The Senate to ensure completion of the ongoing and stalled projects under the first policy of marginalization. The projects to be transferred to the respective County governments.



***Promoting an Equitable Society***

**MEMORANDA ON THE COUNTY EQUALISATION FUND APPROPRIATION (SENATE BILLS No.3 of 2023)**

In accordance with the requirements of Article 204 of the Constitution, the Commission on Revenue Allocation has considered the provisions of the Senate Bill No. 3 of 2023. This memorandum is premised on Article 204(4) which states as follows: -

*The Commission on Revenue Allocation shall be consulted and its recommendations considered before Parliament passes any Bill appropriating money out of the Equalisation Fund,*

**AND**

Article 205(2), which states that these recommendations shall be tabled in Parliament, and each house shall consider the recommendations before voting on the Bill.

**Recommendation 1:**

The Commission recommends amendment to clause 1 that the Bill shall apply for financial year 2021/22 and 2022/23 by deleting

(1) ..... shall be deemed to have come into force on 1st July, 2022.

***Justification:***

*This Bill appropriates allocations from the fund for 2 years*

This applies to Clause 3 too

**Recommendation 2:**

Amend clause 4 to provide clarity on where the appropriated funds are deposited if excluded from the County Revenue Fund by inserting

..... and paid into Special Purpose Funds established by the Board in the Central Bank for Counties identified as Marginalized by the Commission on Revenue Allocation;

(b) The Board shall transfer funds to specific bank accounts in areas as marginalized by the Commission on Revenue Allocation for project implementation.

***Justification:***

*The Bill is silent on where the monies will be deposited. It is important to clarify that the regulations provide for special purpose funds for the Counties when excluded from the County Revenue Funds*

**Recommendation 3:**

Add a Clause 7 to provide for the unutilized funds at the end of the financial year by inserting

Any unexpended money in the Special Purpose Fund at the end of a particular financial year shall remain in that account for use in accordance with Article 204, clauses (2) and (3) during any subsequent financial year.

***Justification:***

*Appropriated money under Article 204 does not return back to the National Treasury*

**Recommendation 4:**

Add a Clause 8 to by inserting

Every quarter, the Board shall publish exchequer releases to marginalized areas with a copy to the Commission on Revenue Allocation and the Controller of Budget.

***Justification:***

*The Bill should provide a mechanism of monitoring resources utilization and project implementation in marginalized areas.*

DC

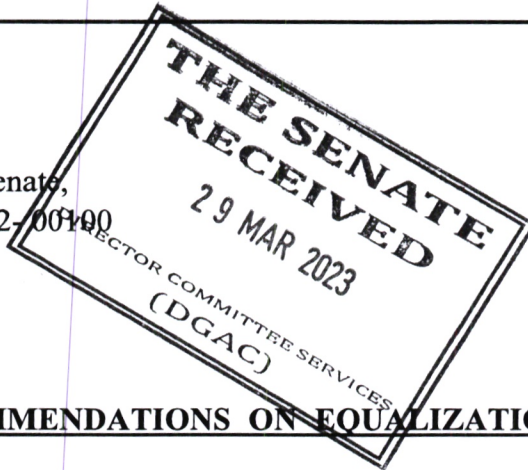


INITIATIVES FOR WHAT WORKS FOR WOMEN'S ECONOMIC EMPOWERMENT (I4WEE)



**UNIVERSITY OF NAIROBI**  
**AFRICAN WOMEN STUDIES RESEARCH CENTRE**  
**WOMEN'S ECONOMIC EMPOWERMENT HUB**  
**P.O Box- 30197-00100 Tel: 0705 541746**  
**Email: [weehub@uonbi.ac.ke](mailto:weehub@uonbi.ac.ke) Web: [weehub.uonbi.ac.ke](http://weehub.uonbi.ac.ke)**

To:  
Clerk of the Senate,  
P.O Box 41842-00100  
Nairobi.



Dear Sir,

**RE: RECOMMENDATIONS ON EQUALIZATION FUND APPROPRIATION BILL, 2023**

Greetings,

The African Women's Studies & Research Centre (AWSRC) is a multi-disciplinary institution of the University of Nairobi that focuses on bringing African women's knowledge on development, and socio-political and socio-economic issues to visibility. This is realized through action-oriented research and academic discourse.

The University of Nairobi's Women Economic Empowerment (UoN WEE) HUB is a programme of the AWSRC. The Hub aims to contribute to evidence-based decision-making and implementation of policies and programmes informed by what works for WEE in Kenya. The Hub is a Multi-disciplinary research Team comprising of Economists, Development Experts, Agriculturalists, Educationists, Gender Experts, Legal Experts and Population Experts, have researched and come up with suggestions and recommendations.

Researchers from AWSRC – UoN WEE Hub hereby make an input to the Equalization Fund Appropriation Bill, 2023. The recommendations are part of the Hub's process to engage and contribute to the economic welfare of women and men of all ages in the spirit of national development. It is with this in mind that the AWSRC- UoN WEE Hub has made recommendations.

It is our prayer that the Committee will consider these recommendations.

① DSEC  
Kindly deal  
29/03/2023

③ Mr. Gitonga  
you are doing  
29/03/23

② DDSEC  
Kindly deal  
29/03/2023

Yours sincerely,

*Wanjiku Kabira*

Wanjiku Mukabi Kabira EBS, CBS  
Prof. Emeritus Literature and African Women's Studies.  
UON Women's Economic Empowerment Hub Leader  
Writer of "Time for Harvest: Women and Constitution Making in Kenya"  
"A Letter to Mariama"  
"In search of our Dreams "  
"Remember not every door that is closed is locked. Push."  
Tel: (+254-20) 3318262 Ext: 28075/070  
Mobile: (+254) 728 907 978  
Email: [wkabira1@gmail.com](mailto:wkabira1@gmail.com); [wkabira@uonbi.ac.ke](mailto:wkabira@uonbi.ac.ke)  
Website: <https://profiles.uonbi.ac.ke/wkabira>



**UNIVERSITY OF NAIROBI  
AFRICAN WOMEN STUDIES CENTRE  
WOMEN'S ECONOMIC EMPOWERMENT HUB**

**P.O Box- 30197-00100    Tel: 0705 541746**

**Email: [weehub@uonbi.ac.ke](mailto:weehub@uonbi.ac.ke)    Web: [weehub.uonbi.ac.ke](http://weehub.uonbi.ac.ke)**



**SUBMISSION OF MEMORANDUM BY THE UNIVERSITY OF NAIROBI WOMEN**

**ECONOMIC EMPOWERMENT HUB ON THE EQUALISATION FUND**

**APPROPRIATION BILL, 2023**

**Contact person: Mary Wambui Kanyi**

**Tel no: 0722868461**

**Email: [wambui0308@yahoo.co.uk](mailto:wambui0308@yahoo.co.uk).**

The University of Nairobi Women Economic Hub (WEE HUB) acknowledges that the Bill is drafted in a very clear way that details how the funds will be appropriated.

The HUB, however, wishes to make the following two **RECOMMENDATIONS** for consideration in inclusion in the Bill.

1. **Section-Schedule**

**Recommendation**

The HUB recommends an additional column in between the constituency column and the ward column. The additional column should indicate the specific amounts to be set aside for each basic service (water, roads, health facilities and electricity)

**Justification**

The amount allocated to different constituencies was informed by the research work that helped cluster a constituency as a marginalized area thus setting aside funds for each need. The specific allocation of funds would help in monitoring and evaluation, therefore, ensuring the poverty gap is addressed.

2. The HUB recommends that in the future the draft policy, in determining the poverty index should also have feminization of poverty criteria.

**Justification**

Most women and girls face secondary discrimination hence, their plight is not recognized and thus the need to put them into consideration from the onset.