



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, AUGUST 04, 2020 AT 2:30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion
7. Statements (as listed in the Appendix)
8. **MOTION – APPROVAL OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS**
(Chairperson, Standing Committee on Finance and Budget)

THAT, the Senate **adopts** the Report of the Standing Committee on Finance and Budget on the Third Basis for Revenue Allocation Among the County Governments, laid on the Table of the Senate on Monday, 13th July, 2020, and that pursuant to Article 217 of the Constitution, **approves** the proposed Third Basis for Revenue Allocation Among the County Governments as contained in the Report.

(Resumption of debate interrupted on Tuesday, 28th July, 2020)

9. **MOTION – APPROVAL OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS**
(Sen. Johnson Sakaja, MP)

THAT, AWARE THAT under Article 217 of the Constitution, the Senate by resolution is required to determine the basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government;

...../Motion

FURTHER AWARE THAT, the Senate mandated the Standing Committee on Finance and Budget to consider the recommendations of the Commission on Revenue Allocation, and consulted the Cabinet Secretary responsible for Finance and the Council of Governors among others and subsequently conducted public participation pursuant to Article 118(1)(b) of the Constitution, as documented in the report tabled in the Senate on Monday, 13th July, 2020;

NOW THEREFORE the Senate resolves that pursuant to Article 217 (1) of the Constitution, the third Basis for sharing revenue among counties, for the Financial Year 2020/2021 to 2024/2025 be as follows –

a) Equitable share not exceeding Kshs. 316.50 billion

The following formula shall apply

CA_i1= Allocation per County for FY 2019/20

b) Equitable share over and above Kshs. 316.50 billion

The following formula shall apply

CA_i2= 0.18*Population Index_i+ 0.17*Health Index_i+0.10* Agriculture Index_i+ 0.05*Urban Index_i+0.14* Poverty Index_i+ 0.08*Land Area Index_i+0.01*Fiscal Effort_i+0.06*Roads Index_i+0.01* Prudence Index_i +0.20* Basic Share Index_i¹

Where,

Parameter	Indicator of Expenditure Need
Health services	Health index- health facility-gaps (20%), three years average number of primary health care visits to levels 2 and 3 health facilities (60%)and three years average in-patient days in levels 4 and 5 hospitals (20%) $\text{Facilty gap factor}_i = \frac{\text{Facilty gap funding in county } i}{\sum_{i=1}^{47} \text{facilty gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$
Agriculture services	Agriculture Index _i = 0.005 * Minimum Share index + 0.095 * $\frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$
Other county services	Population index _i = $\frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$

¹ The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Minimum share	Basic share index $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$					
Land	Land area index _i = $\frac{\text{Land area in county } i}{\sum_i^{47} \text{Land area in county } i}$					
Roads	Roads index _i = $\frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$					
Poverty level	Poverty index _i = $\frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$					
Urban service	<i>Urban Index i</i> = $\frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$					
Fiscal effort	Fiscal effort index _i = $\frac{\text{OSR collections of county } i}{\text{GCP of county } i}$					
Fiscal prudence	No.	Variable	Indicator	Score	Responsible	Weighting
	1	Audit Report □	Non-Qualified	4	County Executive Assembly	CE=90% CA=10%
			Qualified	2		
			Adverse	0		
			Disclaimer	0		
	2	Development Expenditure	At least 30%	1	County Government	100%
			Below 30%	0		
	4	Internal Audit Committee	In place	1	County Executive Assembly	CE=90% CA=10%
4	County Budget Economic Forum	In place	1	County Government	100%	
		Not In place	0			

c) Total Equitable share of a County

The following formula shall apply

$$\mathbf{TES}_i = CA_{i1} + CA_{i2}$$

Whereas;

$$\mathbf{TES}_i = \text{Total Equitable share of County } i$$

CA₁= Allocation per County for FY 2019/20

CA₂=Equitable share over and above Kshs. 316.50 billion

The basis used is as shown

No.	Parameter	Weight
1	Population	18%
2	Health	17%
3	Agriculture	10%
4	Urban	5%
5	Roads	6%
6	Poverty	14%
7	Land	8% capped
8	Basic Share	20%
9	Fiscal Effort	1%
10	Fiscal Prudence	1%

10. **MOTION - PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**

(Sen. (Dr.) Alice Milgo, MP)

THAT, AWARE THAT under Article 61 of the Constitution of Kenya, land in Kenya is classified into three categories, public, Community and private land;

FURTHER AWARE THAT, public land is vested in both the County and National Governments and is managed on their behalf by the National Land Commission, and that Article 62 (2) clarifies the distribution of public land between the two levels of government.;

COGNIZANT THAT, the Fourth Schedule of the Constitution delegates cemeteries, funeral parlours and crematoria as a function of County Governments;

CONCERNED THAT, cemeteries in the Country are filling up, and counties are finding it increasingly difficult to identify land to allocate as “public” for use as a cemetery with the knowledge that any cemetery or burial-place that is crowded and therefore dangerous to health is defined as constituting a nuisance in the Public Health Act;

...../Motion

NOW THEREFORE, the Senate calls upon the county governments to ensure that funds are allocated in the County Annual Development Plans for FY 2020/2021, towards the planning and development of cemetery, funeral parlours and crematory facilities.

*(Resumption of debate interrupted on Thursday, 12th March, 2020)
(Division)*

11. **MOTION – CONSIDERATION OF THE NATIONAL ASSEMBLY AMENDMENTS TO THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)**

(Chairperson, Standing Committee on Information and Technology)

THAT, the National Assembly amendments to the County Outdoor Advertising Control Bill (Senate Bills No. 19 of 2018) be now considered.

12. ***THE PROMPT PAYMENT BILL (SENATE BILLS NO. 3 OF 2020)**

(Sen. (CPA) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

(Second Reading)

*(Resumption of debate interrupted on Tuesday, 23rd June, 2020 –
Afternoon Sitting)*

13. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**

(The Senate Majority Leader)

(Second Reading)

14. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

15. **COMMITTEE OF THE WHOLE**

*****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

16. **COMMITTEE OF THE WHOLE**

***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**

(Sen. (Eng.) Ephraim Maina, MP)

17. **COMMITTEE OF THE WHOLE**

*** THE KENYA SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**

(Sen. (Dr.) Gertrude Musuruve and Sen. (Prof.) Margaret Kamar)

- 18. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**
(Sen. Johnes Mwaruma, MP)

(Second Reading)

- 19. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**
(Sen. Abshiro Halake, MP)

(Second Reading)

- 20. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**
(Sen. Rose Nyamunga, MP)

(Second Reading)

- 21. *****THE SECTIONAL PROPERTIES BILL (NATIONAL ASSEMBLY BILLS NO. 23 OF 2019)**
(The Senate Majority Leader)

(Second Reading)

- 22. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

(Second Reading)

- 23. *****THE LIVESTOCK AND LIVESTOCK PRODUCTS MARKETING BOARD BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2019)**
(The Senate Majority Leader)

(Second Reading)

- 24. **MOTION – ADJOURNMENT OF THE SENATE**
(The Senate Majority Leader)

THAT, the Senate do adjourn until Tuesday, 8th September, 2020.

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NOTICE

The Senate resolved on 18th February, 2020 as follows:-

THAT, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

KEY

******** - Denotes a Majority /Minority Party Bill

******* - Denotes a National Assembly Bill

****** - Denotes a Committee Bill

***** - Denotes any other Bill

NOTICE OF AMENDMENTS

A. MOTION – APPROVAL OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS

(Chairperson, Standing Committee on Finance and Budget)

1) **NOTICE** is given that Sen. Mutula Kilonzo Junior, MP intends to move the following amendment to the Motion on the Report of the Standing Committee on Finance and Budget on the third basis/ criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025-

THAT the Motion be amended by deleting the full stop at the end and inserting the following words-

‘subject to the deletion of recommendation appearing as paragraph 26 of the Report and substituting therefor the following new recommendation-

26) The Senate resolves that pursuant to Article 217 (1) of the Constitution, the Third Basis for sharing revenue among counties, for the Financial Year 2020/2021 to 2024/2025 be as follows –

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Where,

Parameter	Indicator of Expenditure Need
Health services	Health index- health facility-gaps (20%), three years average number of primary health care visits to levels 2 and 3 health facilities (60%)and three years average in-patient days in levels 4 and 5 hospitals (20%)

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

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c) Total Equitable share of a County

The following formula shall apply

$$\mathbf{TES}_i = CA_{i1} + CA_{i2}$$

Whereas;

TES_i = Total Equitable share of County *i*

CA_{i1} = Allocation per County for FY 2019/20

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The basis used is as shown

No.	Parameter	Weight
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SIMULATION FOR ILLUSTRATION ONLY

Simulation using Equitable share of Kshs. 325.7 billion for FY 2021/22 (as per budget estimates FY 2020/21) using Committee proposal 1 for Illustration Purpose

No	County	Actual Allocations 2020/21	Additional allocation in FY 2021/22
1	Baringo	5,095.65	164.90
2	Bomet	5,507.10	172.10
3	Bungoma	8,893.65	270.13
4	Busia	6,013.50	182.45
5	Elgeyo-Marakwet	3,861.30	115.20
6	Embu	4,304.40	132.25
7	Garissa	7,026.30	190.92
8	Homa-Bay	6,741.45	189.83
9	Isiolo	4,241.10	117.20
10	Kajiado	6,424.95	207.43
11	Kakamega	10,412.85	313.29
12	Kericho	5,380.50	163.69
13	Kiambu	9,431.70	308.37
14	Kilifi	10,444.50	275.08
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17	Kisumu	6,836.40	201.71
18	Kitui	8,830.35	258.82
19	Kwale	7,785.90	190.52
20	Laikipia	4,177.80	136.33
21	Lamu	2,595.30	80.17
22	Machakos	7,754.25	232.84
23	Makueni	7,406.10	195.41
24	Mandera	10,222.95	250.32
25	Marsabit	6,773.10	168.57
26	Meru	8,039.10	236.25

27	Migori	6,773.10	203.10
28	Mombasa	7,057.95	180.39
29	Murang'a	6,298.35	178.20
30	Nairobi City	15,919.95	494.52
31	Nakuru	10,476.15	332.22
32	Nandi	5,348.85	183.14
33	Narok	8,039.10	209.09
34	Nyamira	4,810.80	121.30
35	Nyandarua	4,874.10	143.03
36	Nyeri	5,412.15	155.29
37	Samburu	4,620.90	134.32
38	Siaya	5,791.95	175.54
39	Taita-Taveta	4,241.10	119.75
40	Tana-River	5,855.25	156.01
41	Tharaka-Nithi	3,924.60	98.91
42	Trans-Nzoia	5,760.30	186.23
43	Turkana	10,539.45	307.91
44	Uasin-Gishu	6,330.00	212.02
45	Vihiga	4,652.55	122.57
46	Wajir	8,545.50	216.29
47	West Pokot	5,000.70	161.43
	Total	316,500.00	9,200.00

...../Amendments

2) **NOTICE** is given that Sen. Ledama Olekina, MP intends to move the following amendment to the Motion on the Report of the Standing Committee on Finance and Budget on the third basis/ criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025-

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25	Marsabit	6,773.10	168.57
26	Meru	8,039.10	236.25
27	Migori	6,773.10	203.10
28	Mombasa	7,057.95	180.39
29	Murang'a	6,298.35	178.20
30	Nairobi City	15,919.95	494.52
31	Nakuru	10,476.15	332.22
32	Nandi	5,348.85	183.14
33	Narok	8,039.10	209.09
34	Nyamira	4,810.80	121.30
35	Nyandarua	4,874.10	143.03
36	Nyeri	5,412.15	155.29
37	Samburu	4,620.90	134.32
38	Siaya	5,791.95	175.54
39	Taita-Taveta	4,241.10	119.75
40	Tana-River	5,855.25	156.01
41	Tharaka-Nithi	3,924.60	98.91
42	Trans-Nzoia	5,760.30	186.23
43	Turkana	10,539.45	307.91

44	Uasin-Gishu	6,330.00	212.02
45	Vihiga	4,652.55	122.57
46	Wajir	8,545.50	216.29
47	West Pokot	5,000.70	161.43
	Total	316,500.00	9,200.00

...../Amendments

3) NOTICE is given that Sen. Johnson Sakaja, MP intends to move the following amendment to the Motion on the Report of the Standing Committee on Finance and Budget on the third basis/ criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025-

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26) The Senate resolves that pursuant to Article 217 (1) of the Constitution, the Third Basis for sharing revenue among counties, for the Financial Year 2020/2021 to 2024/2025 be as follows –

a) Equitable share not exceeding Kshs. 316.50 billion

The following formula shall apply

CA_i1= Allocation per County for FY 2019/20

b) Equitable share over and above Kshs. 316.50 billion

The following formula shall apply

CA_i2= 0.18*Population Index_i+ 0.17*Health Index_i+0.10* Agriculture Index_i+ 0.05*Urban Index_i+0.14* Poverty Index_i+ 0.08*Land Area Index_i +0.01*Fiscal Effort_i+0.06*Roads Index_i+0.01* Prudence Index_i +0.20* Basic Share Index_i⁴

Where,

Parameter	Indicator of Expenditure Need
Health services	<p>Health index- health facility-gaps (20%), three years average number of primary health care visits to levels 2 and 3 health facilities (60%)and three years average in-patient days in levels 4 and 5 hospitals (20%)</p> $\text{Facilty gap factor}_i = \frac{\text{Facilty gap funding in county } i}{\sum_{i=1}^{47} \text{facilty gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$
Agriculture services	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$

⁴ The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$																																													
Minimum share	Basic share index $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$																																													
Land	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_i^{47} \text{Land area in county } i}$																																													
Roads	$\text{Roads index}_i = \frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$																																													
Poverty level	$\text{Poverty index}_i = \frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$																																													
Urban service	$\text{Urban Index } i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$																																													
Fiscal effort	$\text{Fiscal effort index}_i = \frac{\text{OSR collections of county } i}{\text{GCP of county } i}$																																													
Fiscal prudence	<table border="1"> <thead> <tr> <th>No.</th> <th>Variable</th> <th>Indicator</th> <th>Score</th> <th>Responsible</th> <th>Weighting</th> </tr> </thead> <tbody> <tr> <td rowspan="4">1</td> <td rowspan="4">Audit Reports</td> <td>Non-Qualified</td> <td>4</td> <td rowspan="4">County Executive Assembly</td> <td rowspan="4">CE=90% CA=10%</td> </tr> <tr> <td>Qualified</td> <td>2</td> </tr> <tr> <td>Adverse</td> <td>0</td> </tr> <tr> <td>Disclaimer</td> <td>0</td> </tr> <tr> <td rowspan="2">2</td> <td rowspan="2">Development Expenditure</td> <td>At least 30%</td> <td>1</td> <td rowspan="2">County Government</td> <td rowspan="2">100%</td> </tr> <tr> <td>Below 30%</td> <td>0</td> </tr> <tr> <td>4</td> <td>Internal Audit Committee</td> <td>In place</td> <td>1</td> <td>County Executive Assembly</td> <td>CE=90% CA=10%</td> </tr> <tr> <td rowspan="2">4</td> <td rowspan="2">County Budget Economic Forum</td> <td>In place</td> <td>1</td> <td rowspan="2">County Government</td> <td rowspan="2">100%</td> </tr> <tr> <td>Not In place</td> <td>0</td> </tr> </tbody> </table>						No.	Variable	Indicator	Score	Responsible	Weighting	1	Audit Reports	Non-Qualified	4	County Executive Assembly	CE=90% CA=10%	Qualified	2	Adverse	0	Disclaimer	0	2	Development Expenditure	At least 30%	1	County Government	100%	Below 30%	0	4	Internal Audit Committee	In place	1	County Executive Assembly	CE=90% CA=10%	4	County Budget Economic Forum	In place	1	County Government	100%	Not In place	0
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c) Total Equitable share of a County

The following formula shall apply

TES_i = CA_{i1} + CA_{i2}

Whereas;

TES_i = Total Equitable share of County _i

CA_{i1} = Allocation per County for FY 2019/20

CA_{i2} = Equitable share over and above Kshs. 316.50 billion

The basis used is as shown

No.	Parameter	Weight
1	Population	18%
2	Health	17%
3	Agriculture	10%
4	Urban	5%
5	Roads	6%
6	Poverty	14%
7	Land	8% capped
8	Basic Share	20%
9	Fiscal Effort	1%
10	Fiscal Prudence	1%

SIMULATION FOR ILLUSTRATION ONLY

Simulation using Equitable share of Kshs. 325.7 billion for FY 2021/22 (as per budget estimates FY 2020/21) using Committee proposal 1 for Illustration Purpose

No	County	Actual Allocations 2020/21	Additional allocation in FY 2021/22
1	Baringo	5,095.65	164.90
2	Bomet	5,507.10	172.10
3	Bungoma	8,893.65	270.13
4	Busia	6,013.50	182.45
5	Elgeyo-Marakwet	3,861.30	115.20
6	Embu	4,304.40	132.25
7	Garissa	7,026.30	190.92
8	Homa-Bay	6,741.45	189.83
9	Isiolo	4,241.10	117.20
10	Kajiado	6,424.95	207.43
11	Kakamega	10,412.85	313.29
12	Kericho	5,380.50	163.69
13	Kiambu	9,431.70	308.37
14	Kilifi	10,444.50	275.08
15	Kirinyaga	4,241.10	136.46
16	Kisii	7,785.90	218.52
17	Kisumu	6,836.40	201.71
18	Kitui	8,830.35	258.82
19	Kwale	7,785.90	190.52
20	Laikipia	4,177.80	136.33
21	Lamu	2,595.30	80.17
22	Machakos	7,754.25	232.84
23	Makueni	7,406.10	195.41
24	Mandera	10,222.95	250.32
25	Marsabit	6,773.10	168.57
26	Meru	8,039.10	236.25

27	Migori	6,773.10	203.10
28	Mombasa	7,057.95	180.39
29	Murang'a	6,298.35	178.20
30	Nairobi City	15,919.95	494.52
31	Nakuru	10,476.15	332.22
32	Nandi	5,348.85	183.14
33	Narok	8,039.10	209.09
34	Nyamira	4,810.80	121.30
35	Nyandarua	4,874.10	143.03
36	Nyeri	5,412.15	155.29
37	Samburu	4,620.90	134.32
38	Siaya	5,791.95	175.54
39	Taita-Taveta	4,241.10	119.75
40	Tana-River	5,855.25	156.01
41	Tharaka-Nithi	3,924.60	98.91
42	Trans-Nzoia	5,760.30	186.23
43	Turkana	10,539.45	307.91
44	Uasin-Gishu	6,330.00	212.02
45	Vihiga	4,652.55	122.57
46	Wajir	8,545.50	216.29
47	West Pokot	5,000.70	161.43
	Total	316,500.00	9,200.00

...../Amendments

B. *THE COUNTY OUTDOOR ADVERTISING CONTROL BILL (SENATE BILLS NO. 19 OF 2018)

(Sen. Samuel Poghio, MP)

(Consideration of the National Assembly amendments)

Schedule of amendments to the Bill, as passed by the National Assembly on Thursday, June 25, 2020

CLAUSE 2

Clause 2 of the Bill be amended by inserting the following definition in its proper alphabetical sequence—

“rate card” means a document containing prices and descriptions for various advertisement placement options available from a service sector, which sets out the minimum and maximum price of a service.

CLAUSE 3

Clause 3 of the Bill be amended—

(a) by deleting the expression “(1)”;

(b) in paragraph (c) by inserting the words “that has a licence from another county” immediately after the words “a moving vehicle” appearing in subparagraph (vi).

CLAUSE 4

Clause 4 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph--

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

CLAUSE 10

Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) the written consent of the owner of the site or any other person with an interest in the site entitled to give consent”.

CLAUSE 15

Clause 15 of the Bill be amended by inserting the words “regulate and” immediately after the words “government entity shall”.

CLAUSE 21

Clause 21 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) a rate card that shall be reviewed every seven years stating the fees and charges to be paid in respect of any matter required for the purposes of this Act”.

C. *THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**

(Chairperson, Standing Committee on Tourism, Trade and Industrialization)

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization intends to move the following amendments to the Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 10 of 2019), at the Committee Stage-

CLAUSE 2

THAT clause 2 of the Bill be amended-

- (a) by deleting the definition of the word “informal trader”;
- (b) by deleting the definition of the word “market”;
- (c) by inserting the following new definitions in the proper alphabetical sequence-

“market” means an area designated by the county government under the respective county legislation for the sale and purchase of goods and services;

“street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built-up structure, and includes a hawker, peddler and all synonymous terms of the word.

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) by deleting the words “within major infrastructure areas in the country” appearing immediately after the words “street vending zones” in paragraph (e).

CLAUSE 8

THAT clause 8 of the Bill be amended-

- (a) by inserting the following new subclause immediately after subclause (1)-

...../Amendments

(1A) For purposes of subsection (1), the county executive committee member shall take into consideration the commercial viability of an area proposed to be designated as a street vending zone.

(b) in subclause (6) by inserting the words “and is liable, on conviction, to a term of imprisonment not exceeding three months or to a fine not exceeding ten thousand shillings, or to both” immediately after the words “commits an offence”.

CLAUSE 22

THAT clause 22 of the Bill be amended in subclause (1) by inserting the word “as may be determined by the county executive member” immediately after the words “adjacent areas”.

CLAUSE 23

THAT clause 23 of the Bill be amended-

(a) in subclause (2) by inserting the following new paragraphs immediately after paragraph (a)-

- (aa) the name and contact details of the street vendor;
- (ab) the nature and brief description of the goods;
- (ac) the approximate value of the goods;
- (ad) the reasons for confiscation of the goods;
- (ae) the full name, designation and contact details of the officer;

(b) by inserting the following new subclauses immediately after subclause (2)-

(2a) Notwithstanding subsection (1), an authorized officer may confiscate goods where-

- (i) a person carries out street vending activities without a licence;
- (ii) breaches a condition of a licence issued under this Act or county legislation;
- (iii) carries out vending activities in a no-vending zone; or

(iv) carries out vending activities in a manner contrary to any conditions imposed for vending in a restricted vending zone.

(2b) An authorized officer who contravenes the provisions of this section commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year or to a fine not exceeding two hundred thousand shillings, or to both.

CLAUSE 24

THAT clause 24 of the Bill be deleted and substituted therefor with the following new clause-

Protection from harassment 24. (1) An officer of the national or respective county government shall not harass a street vendor in the course of conducting their vending activity.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a term of imprisonment not exceeding one year or to a fine not exceeding two hundred thousand shillings, or to both.

CLAUSE 28

THAT clause 28 of the Bill be amended in subsection (2) by deleting paragraph (c).

NEW CLAUSE 28A

THAT the Bill be amended by inserting the following new clause immediately after clause 28-

General penalty. **28A.** A person who contravenes the provisions of this Act is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to a term of imprisonment not exceeding one year, or to both.

D. *THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)
(Sen. (Eng.) Ephraim Maina, MP)

NOTICE is given that the Chairperson of the Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Elections (Amendment) Bill (Senate Bills No. 18 of 2019), at the Committee Stage—

CLAUSE 2

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

Amendment 2. Section 2 of the Elections Act, in this Act of section 2 referred to as “the principal Act”, is amended by of No. 24 of inserting the following new definitions in their proper 2011. alphabetical sequence—

“popular name” a name by which a candidate is known to the public, but which does not appear in the candidate’s national identity card or passport; and

“party primary” means the process by which a political party elects or selects a candidate for a forthcoming general election or by-election.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed new section 32A by—

- (a) deleting the expression “32(1)(a)” appearing immediately after the words “symbol under section” in subclause (2)(b) and substituting therefor the expression “32(1) and (1A)”; and
- (b) inserting the words “in relation to that nomination or election” immediately after the words “or the Commission” in subclause (4)(b)(iii).

CLAUSE 4

THAT clause 4 of the Bill be amended by inserting the following new paragraph immediately before paragraph (a)—

- (aa) in subsection 1 by inserting the following new paragraph immediately after paragraph (c)—
 - (ca) prescribe the criteria for the use of a popular name during a party primary or an election.

APPENDIX

1. PETITIONS

- i. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on consideration of a Petition to the Senate by Bernard Waheire and Jacqueline Mutere on implementation of the report of the Truth, Justice and Reconciliation Commission (TJRC)

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- ii. Petition to the Senate by Support staff in Nandi County concerning alleged non-payment of salaries by the Nandi County Government.

(Sen. Samson Cherarkey, MP)

- iii. Petition to the Senate by Mr. Salim Mwidadi and others, concerning alleged historical land injustices involving Plot No. 162/V/M.N.CR 1070, in Mombasa County.

(The Speaker of the Senate)

2. PAPERS

- i. Report of the Standing Committee on Justice, Legal Affairs and Human Rights on the Elections (Amendment) Bill (Senate Bills No. 18 of 2019)

(Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights)

- ii. The Crops (Fibre Crops) Regulations, 2020.

- iii. The Crops (Horticultural Crops) Regulations, 2020.

(The Senate Majority Leader)

3. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to make a statement regarding the appointment of Sen (Dr.) Gertrude Musuruve Inimah, MP, to the position of Co-chair of the International Parliamentary Network on Education.
- ii) The Senator for Trans- Nzoia County (Sen. (Dr.) Michael Mbto, MP) to make a statement concerning boosting of domestic tourism in Kenya.
- iii) Nominated Senator (Sen. (Dr.) Gertrude Musuruve Inimah, MP) to make a statement concerning the alleged approval of the vaginal ring to curb the spread of HIV/Aids in Africa.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning pollution of the environment by industrial emissions.
- ii) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the proposed increase of Excise Duty on beer made from sorghum, millet and cassava.
- iii) The Senator for Nairobi County (Sen. Johnson Sakaja, MP) to seek a statement from the Sessional Committee on County Public Accounts and Investments concerning the source and utilization of funds on the beautification and “ng’arisha jiji” programme by Nairobi City County government.
- iv) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a statement from the Standing Committee on Labour and Social welfare regarding misappropriation of Staff emoluments, statutory deductions and other labour relations violations.
- v) The Senator for Trans – Nzoia County (Sen. (Dr.) Michael Mbito, MP) to seek a statement from the Standing Committee on Health concerning payment of allowances to Office Administrative Personnel working in the health sector in county governments.
- vi) The Senator for Mombasa County (Sen. Mohamed Faki Mwinyihaji, MP) to seek a statement from the Standing Committee on Information and Technology regarding the state of affairs at the Postal Corporation of Kenya.
- vii) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding alleged continued destruction by fires, of the conservation area around the Tsavo National Park.
- viii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding an alleged assault against a resident of Isiolo County by police officers at Barambate Police Post in the County.
- ix) The Senator for Lamu County (Sen. Anwar Loitiptip, MP) to seek a statement from the Standing Committee on Roads and Transportation concerning the status of dock work job opportunities at the Lamu Port for youths in Lamu County.
- x) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning alleged human – wildlife conflict in Isiolo County.

- xi) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a Statement from the Ad-hoc Committee on COVID-19 Situation in Kenya concerning the status of preparedness for COVID-19 by the Wajir County Government.
- xii) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the operations of the Anti-Doping Agency of Kenya (ADAK) and the alleged rampant doping test failure by Kenyan athletes.
- xiii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Education concerning the status of graduations in various learning institutions that are due in the year 2020.

c) Pursuant to Standing Order 51 (1) (a)

- i) The Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights to make a statement relating to matters for which the Committee is responsible.
- ii) The Chairperson, Standing Committee on Labour and Social Welfare to make a statement regarding the passing-on of renowned artist, the late Mr. Charles Bukeko, popularly known as Papa Shirandula.

d) Pursuant to Standing Order 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 8th September, 2020.
