



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FOURTH SESSION)**  
**THE SENATE**  
**SUPPLEMENTARY ORDER PAPER**  
**TUESDAY, JULY 28, 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 (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **MOTION – APPROVAL OF SENATOR TO SERVE IN THE AD-HOC COMMITTEE ON COVID – 19 SITUATION IN KENYA**  
(The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 187 and 189, the Senate **approves** the nomination of Sen. (Dr) Christopher Andrew Lang’at, MP, to serve in the Ad-hoc Committee on COVID -19 Situation in Kenya, to take up the vacancy occasioned by the resignation of Sen. Johnson Sakaja, CBS, MP.

9. **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, 13<sup>th</sup> 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.

...../Motion

10. **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;

**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, 13<sup>th</sup> 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<sub>i1</sub>**= Allocation per County for FY 2019/20

**b) Equitable share over and above Kshs. 316.50 billion**

The following formula shall apply

**CA<sub>i2</sub>**= 0.18\*Population Index<sub>i</sub>+ 0.17\*Health Index<sub>i</sub>+0.10\* Agriculture Index<sub>i</sub>+ 0.05\*Urban Index<sub>i</sub>+0.14\* Poverty Index<sub>i</sub>+ 0.08\*Land Area Index<sub>i</sub> +0.01\*Fiscal Effort<sub>i</sub>+0.06\*Roads Index<sub>i</sub>+0.01\* Prudence Index<sub>i</sub> +0.20\* Basic Share Index<sub>i</sub><sup>1</sup>

**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%)

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

	$\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$					
Agriculture services	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$					
Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$					
Minimum share	$\text{Basic share index} = 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$					
Land	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_i \text{Land area in county } i}$					
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	$\text{Poverty index}_i = \frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$					
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Fiscal effort	$\text{Fiscal effort index}_i = \frac{\text{OSR collections of county } i}{\text{GCP of county } i}$					
Fiscal prudence	<b>No.</b>	<b>Variable</b>	<b>Indicator</b>	<b>Score</b>	<b>Responsible</b>	<b>Weighting</b>
	<b>1</b>	Audit Report <input type="checkbox"/>	Non-Qualified	4	County Executive Assembly	CE=90% CA=10%
			Qualified	2		
			Adverse	0		
			Disclaimer	0		
	<b>2</b>	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

**TES<sub>i</sub>**= CA<sub>i1</sub>+CA<sub>i2</sub>

Whereas;

**TES<sub>i</sub>** = Total Equitable share of County <sub>i</sub>

**CA<sub>i1</sub>**= Allocation per County for FY 2019/20

**CA<sub>i2</sub>** =Equitable share over and above Kshs. 316.50 billion

**The basis used is as shown**

No.	Parameter	Weight
1	Population	18%
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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%

**11. 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;

...../Motion

**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;

**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, 12<sup>th</sup> March, 2020)  
(Division)*

12. **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.

13. **\*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, 23<sup>rd</sup> June, 2020 –  
Afternoon Sitting)*

14. **COMMITTEE OF THE WHOLE**

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

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

15. **COMMITTEE OF THE WHOLE**

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

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

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

*(Second Reading)*

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

*(Second Reading)*

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

*(Second Reading)*

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

*(Second Reading)*

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

*(Second Reading)*

21. **\*\*\*THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2017)**  
(The Senate Majority Leader)

*(Second Reading)*

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

*(Second Reading)*

23. **\*\*\*THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**  
(The Senate Majority Leader)

*(Second Reading)*

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...../Notice

**NOTICE**

The Senate resolved on 18<sup>th</sup> 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.

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**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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**c) Total Equitable share of a County**

The following formula shall apply

**TES<sub>i</sub>**= CA<sub>i</sub>1+CA<sub>i</sub>2

Whereas;

**TES<sub>i</sub>** = Total Equitable share of County i

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**The basis used is as shown**

<b>No.</b>	<b>Parameter</b>	<b>Weight</b>
<b>1</b>	Population	<b>18%</b>
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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**

<b>No</b>	<b>County</b>	<b>Actual Allocations 2020/21</b>	<b>Additional allocation in FY 2021/22</b>
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

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

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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<b>10</b>	Fiscal Prudence	<b>1%</b>

**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**

<b>No</b>	<b>County</b>	<b>Actual Allocations 2020/21</b>	<b>Additional allocation in FY 2021/22</b>
<b>1</b>	Baringo	5,095.65	164.90
<b>2</b>	Bomet	5,507.10	172.10
<b>3</b>	Bungoma	8,893.65	270.13
<b>4</b>	Busia	6,013.50	182.45
<b>5</b>	Elgeyo-Marakwet	3,861.30	115.20
<b>6</b>	Embu	4,304.40	132.25
<b>7</b>	Garissa	7,026.30	190.92
<b>8</b>	Homa-Bay	6,741.45	189.83
<b>9</b>	Isiolo	4,241.10	117.20
<b>10</b>	Kajiado	6,424.95	207.43
<b>11</b>	Kakamega	10,412.85	313.29
<b>12</b>	Kericho	5,380.50	163.69
<b>13</b>	Kiambu	9,431.70	308.37
<b>14</b>	Kilifi	10,444.50	275.08
<b>15</b>	Kirinyaga	4,241.10	136.46
<b>16</b>	Kisii	7,785.90	218.52
<b>17</b>	Kisumu	6,836.40	201.71
<b>18</b>	Kitui	8,830.35	258.82
<b>19</b>	Kwale	7,785.90	190.52

<b>20</b>	Laikipia	4,177.80	136.33
<b>21</b>	Lamu	2,595.30	80.17
<b>22</b>	Machakos	7,754.25	232.84
<b>23</b>	Makueni	7,406.10	195.41
<b>24</b>	Mandera	10,222.95	250.32
<b>25</b>	Marsabit	6,773.10	168.57
<b>26</b>	Meru	8,039.10	236.25
<b>27</b>	Migori	6,773.10	203.10
<b>28</b>	Mombasa	7,057.95	180.39
<b>29</b>	Murang'a	6,298.35	178.20
<b>30</b>	Nairobi City	15,919.95	494.52
<b>31</b>	Nakuru	10,476.15	332.22
<b>32</b>	Nandi	5,348.85	183.14
<b>33</b>	Narok	8,039.10	209.09
<b>34</b>	Nyamira	4,810.80	121.30
<b>35</b>	Nyandarua	4,874.10	143.03
<b>36</b>	Nyeri	5,412.15	155.29
<b>37</b>	Samburu	4,620.90	134.32
<b>38</b>	Siaya	5,791.95	175.54
<b>39</b>	Taita-Taveta	4,241.10	119.75
<b>40</b>	Tana-River	5,855.25	156.01
<b>41</b>	Tharaka-Nithi	3,924.60	98.91
<b>42</b>	Trans-Nzoia	5,760.30	186.23
<b>43</b>	Turkana	10,539.45	307.91

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

...../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-

**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 –

**a) Equitable share not exceeding Kshs. 316.50 billion**

The following formula shall apply

**CA<sub>i</sub>1**= Allocation per County for FY 2019/20

**b) Equitable share over and above Kshs. 316.50 billion**

The following formula shall apply

**CA<sub>i</sub>2**= 0.18\*Population Index<sub>i</sub>+ 0.17\*Health Index<sub>i</sub>+0.10\* Agriculture Index<sub>i</sub>+ 0.05\*Urban Index<sub>i</sub>+0.14\* Poverty Index<sub>i</sub>+ 0.08\*Land Area Index<sub>i</sub> +0.01\*Fiscal Effort<sub>i</sub>+0.06\*Roads Index<sub>i</sub>+0.01\* Prudence Index<sub>i</sub> +0.20\* Basic Share Index<sub>i</sub> <sup>4</sup>

**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	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$

<sup>4</sup> 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	<b>No.</b>	<b>Variable</b>	<b>Indicator</b>	<b>Score</b>	<b>Responsible</b>	<b>Weighting</b>
	<b>1</b>	Audit Reports	Non-Qualified	4	County Executive Assembly	CE=90% CA=10%
			Qualified	2		
			Adverse	0		
			Disclaimer	0		
	<b>2</b>	Development Expenditure	At least 30%	1	County Government	100%
			Below 30%	0		
	<b>4</b>	Internal Audit Committee	In place	1	County Executive Assembly	CE=90% CA=10%
<b>4</b>	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

**TES<sub>i</sub>**= CA<sub>i</sub>1+CA<sub>i</sub>2

Whereas;

**TES<sub>i</sub>** = Total Equitable share of County <sub>i</sub>

**CA<sub>i</sub>1**= Allocation per County for FY 2019/20

**CA<sub>i</sub>2** =Equitable share over and above Kshs. 316.50 billion

**The basis used is as shown**

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

**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**

<b>No</b>	<b>County</b>	<b>Actual Allocations 2020/21</b>	<b>Additional allocation in FY 2021/22</b>
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<b>46</b>	Wajir	8,545.50	216.29
<b>47</b>	West Pokot	5,000.70	161.43
	<b>Total</b>	<b>316,500.00</b>	<b>9,200.00</b>

...../Amendments

4) **NOTICE** is given that Sen. Irungu Kang'ata, 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 following amendments to the report-

- a) **THAT**, Paragraph 26 of the Report be amended by deleting the phrase ‘Commencement: Financial Year 2021/2022’ appearing on page 16 of the Report; and
- b) insertion of the following new paragraph immediately after paragraph 26 of the Report –
  - 27) (a) The proposed third basis/ criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025 shall commence in the Financial Year 2022/2023.
  - (b) Despite sub-paragraph (a), the criteria applied to allocate, among the counties, the share of national revenue for the financial year 2019/2020 shall continue to apply until the commencement of the criteria under sub-paragraph (a)’.

**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)”; and
- (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”.

...../Amendments

**C. \*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) Report of the Standing Committee on Agriculture, Livestock and Fisheries on the Livestock and Livestock Products Marketing Board Bill (National Assembly Bill No. 2 of 2019)

*(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)*

**3. NOTICES OF MOTION**

- i) **APPROVAL OF SENATOR TO SERVE IN THE AD-HOC COMMITTEE ON COVID – 19 SITUATION IN KENYA**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 187 and 189, the Senate **approves** the nomination of Sen. (Dr) Christopher Andrew Langat, MP, to serve in the Ad-hoc Committee on COVID -19 Situation in Kenya, to take up the vacancy occasioned by the resignation of Sen. Johnson Sakaja, CBS, MP.

ii) **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;

**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, 13<sup>th</sup> 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–

**d) Equitable share not exceeding Kshs. 316.50 billion**

The following formula shall apply

**CA<sub>i1</sub>**= Allocation per County for FY 2019/20

**e) Equitable share over and above Kshs. 316.50 billion**

The following formula shall apply

**CA<sub>i2</sub>**= 0.18\*Population Index<sub>i</sub>+ 0.17\*Health Index<sub>i</sub>+0.10\* Agriculture Index<sub>i</sub>+ 0.05\*Urban Index<sub>i</sub>+0.14\* Poverty Index<sub>i</sub>+ 0.08\*Land Area Index<sub>i</sub> +0.01\*Fiscal Effort<sub>i</sub>+0.06\*Roads Index<sub>i</sub>+0.01\* Prudence Index<sub>i</sub> +0.20\* Basic Share Index<sub>i</sub><sup>5</sup>

**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%)

<sup>5</sup> The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

	$\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In - patient days factor}_i = \frac{\text{No. of in - patient days in county } i}{\sum_{i=1}^{47} \text{No. of in - patient days in county } i}$																															
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Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$																															
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Land	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_i \text{Land area in county } i}$																															
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**f) Total Equitable share of a County**

The following formula shall apply

**TES<sub>i</sub>**= CA<sub>i1</sub>+CA<sub>i2</sub>

Whereas;

**TES<sub>i</sub>** = Total Equitable share of County i

**CA<sub>i1</sub>**= Allocation per County for FY 2019/20

**CA<sub>i2</sub>** =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%

iii) **DEVELOPMENT OF DAY CARE POLICY IN THE COUNTIES AND DEPARTMENT OF BASIC EDUCATION**

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

**THAT, AWARE THAT,** Constitution of Kenya (Article 53) affirms that children have basic rights, including the right to education, nutrition, shelter, health care and parental care, provisions that are aligned with those cited in both the Convention on the Rights of the Child and the Africa Charter on the Rights and Welfare of the Child, to which Kenya is a signatory;

**CONCERNED THAT,** the current status of day care facilities in the Country are not child friendly or habitable and there is need to bridge this gap to capture the play group class in the new 2-6-3-3-3 curriculum that is replacing the 32 year old 8-4-4 system;

**ACKNOWLEDGING THAT,** most parents lack access to quality daycare facilities, which would provide a safe and stimulating environment to take care of their children while they are at work;

**NOW THEREFORE,** the Senate urges that County Governors in conjunction with the Ministry of Education to ensure that:

- a. Counties allocate at least 10 percent of their budget on Early Childhood Development Education (ECDE) towards this vulnerable group; and,
- b. Policy is developed to incorporate the needs of children who are less than three years of age.

**4. STATEMENTS**

**a) Pursuant to Standing Order 47 (1)**

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.

**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.

**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 on 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, 4<sup>th</sup> August, 2020.

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