



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FOURTH SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, SEPTEMBER 17, 2020 AT 2.30 P.M.

PRAYERS

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.

3. **PETITIONS**

Pursuant to Standing Order 232(2), the Chairperson, Standing Committee on Agriculture, Livestock and Fisheries presented the Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate by Mr. Isaack Mwangi Mugo and Mr. Njiraini Wanjohi, seeking the recognition of graduates of range management course to treat livestock diseases and offer related extension services.

Pursuant to Standing Order 232(2), the Speaker allowed Senators to make comments or observations in relation to the Report.

4. **PAPERS LAID**

The following papers were laid on the Table of the Senate-

- i. The National Police Service Commission Annual Report for the Financial Year 2018/2019.
(The Deputy Senate Majority Leader)
- ii. Report of the Standing Committee on Agriculture, Livestock and Fisheries on a Petition to the Senate by Mr. Isaack Mwangi Mugo and Mr. Njiraini Wanjohi, seeking the recognition of graduates of range management course to treat livestock diseases and offer related extension services.
(Chairperson, Standing Committee on Agriculture, Livestock and Fisheries)
- iii. Report of the Committee established to consider the matter of the Third Basis for Allocating among the Counties, the share of national revenue.

(Sen. Moses Wetang'ula, MP)

- iv. Statement of the Senate Majority Leader on the business of the Senate for the week commencing Tuesday, 22nd September, 2020.

(The Senate Majority Leader)

5. STATEMENTS

i. Pursuant to Standing Order 47(1)

Nominated Senator (Sen. Falhada Iman, MP) made a Statement on an issue of general topical concern, namely, the use of Chinese-owned social media application, *Tik Tok*.

In the Statement, the Senator informed the Senate that there had been concerns regarding data privacy as it is alleged the application gathers information on the user's country, internet address and type of device and, if allowed, it would also ascertain the user's exact location, telephone contacts and other social media network connections as well as age and telephone number.

The Senator expressed concern that this gathering of information was geared towards creating a profile of the user, and not targeting advertisements, as users presume. She stated that hackers, who could cause all sorts of harm to an individual, could access this data easily. The Senator further expressed concern that the application had created a culture of violence, hate speech, bullying and exchange of sexually explicit content which in some cases, were part of trending topics with millions of posts. This had raised ethical concerns about the application and had contributed negatively to the Kenyan society, especially during the COVID-19 pandemic period, when schools had remained closed for a long period of time.

The Senator concluded by urging the Government of Kenya, in collaboration with the Chinese government, to come up with policy and legal framework to safeguard the metadata of Kenyans, that is being alleged to be collected by the application.

ii. Pursuant to Standing Order 48(1)

a) The Senator for Machakos County (Sen. Boniface Kabaka, MP) sought a statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the transfer of the Kenya Meat Commission (KMC) to the Ministry of Defence;

b) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) sought a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding the abduction and disappearance of members of the public.

iii. **Pursuant to Standing Order 52 (1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 22nd September, 2020.

6. **SUSPENSION OF THE SENATE TO ENABLE SENATORS TO CONSULT ON THE WAY FORWARD REGARDING THE DETERMINATION OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS**

Raising a Point of Order, the Senator for Narok County (Sen. Ledama Olekina, MP) requested the Speaker to apply Standing Order No. 1 and suspend the sitting to allow Senators to consult on the way forward regarding the determination of the Third Basis for Revenue Allocation among the County Governments.

Acceding to the request, the Speaker suspended the Senate at fifty minutes past Three O'clock to enable Senators to consult on the way forward regarding the determination of the Third Basis for Revenue Allocation Among the County Governments.

7. **THE SENATE RESUMED** - at forty-five minutes past Four O'clock.

8. **NOTICE OF MOTION - APPROVAL OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS**
(Sen. Johnson Sakaja, MP and Sen. Moses Wetang'ula, 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, 13th July, 2020;

COGNIZANT that the matter of the Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government has evoked robust debate in the Senate and in the nation at large, leading to a series of consensus building initiatives;

NOW THEREFORE THE SENATE RESOLVES that pursuant to Article 217

(1) of the Constitution, the Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government, for the Financial Years 2020/2021 to 2024/2025 shall consist of the Allocation Ratio and the Formula, where-

- i) Allocation Ratio = the shareable revenue allocated to the counties in the financial year 2019/2020.
- ii) Formula= $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^1 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^2$.

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> <p>Facility gap factor_i = $\frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$</p> <p>Primary health care factor_i = $\frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$</p> <p>In – patient days factor_i = $\frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$</p>
Agriculture services	<p>Agriculture Index_i = $0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$</p>
Other county services	<p>Population index_i = $\frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$</p>
Minimum share	<p>Basic share index</p> <p>= $0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$</p>
Land	<p>Land area index_i = $\frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$</p>
Roads	<p>Roads index_i = $\frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$</p>
Poverty level	<p>Poverty index_i = $\frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$</p>

¹ Land Area capped at 7%

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

Urban services	$\text{Urban Index } i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$
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FURTHER THE SENATE RESOLVES that, the Third Basis for allocating among the counties the share of national revenue that is annually allocated to the county level of government for the financial years 2020/2021 to 2024/2025 shall be applied as follows-

- a) Equitable Share for 2020/21
County Allocation = Allocation Ratio + 0(Formula).
- b) Equitable share for 2021/2022 to 2024/2025 of Kshs.370 billion and above
County Allocation = 0.5 (Allocation Ratio) + (((Equitable Share - 0.5 (Allocation Ratio))*(Formula)).

PROVIDED that for the duration of the operation of the Third Basis for allocating revenue among the counties, no county shall receive in any financial year an amount of shareable revenue that is less than the amount of shareable revenue received by the county in the financial year 2019/2020.

FURTHER THE SENATE RESOLVES, that pursuant to Article 217 (2) (b) of the Constitution the Commission on Revenue Allocation takes to account the Resolution of the Senate on the Third Basis for Revenue Allocation and the debate thereon and further take into account additional factors including pastoralism; the livestock sector; the blue economy; the extractive industries and wildlife and conservation in determining principles and parameters of equitable sharing of national revenue among the counties.

9. **THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2020)**

(Sen. Beatrice Kwamboka, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Education.

10. **THE KENYA CITIZENSHIP AND IMMIGRATION (AMENDMENT) BILL (SENATE BILLS NO. 12 OF 2020)**

(Sen. Irungu Kang'ata, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on National Security, Defence and Foreign Relations.

11. **THE COPYRIGHT (AMENDMENT) BILL (SENATE BILLS NO. 13 OF 2020)**

(Sen. (Dr.) Agnes Zani, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Information and Technology.

- 12. **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 14 OF 2020)**
(Chairperson, Standing Committee on Education)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Education.

- 13. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 15 OF 2020)**
(Sen. (Dr.) Isaac Mwaura, MP and Sen. Aaron Cheruiyot, MP)

Order for First Reading read;

Bill read a First time and committed to the Standing Committee on Labour and Social Welfare.

- 14. **MOTION - APPROVAL OF THE THIRD BASIS FOR REVENUE ALLOCATION AMONG THE COUNTY GOVERNMENTS**

Order read;

Motion made and Question proposed;

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, 13th July, 2020;

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iii) Allocation Ratio = the shareable revenue allocated to the counties in the financial year 2019/2020.

iv) Formula= $0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i^3 + 0.08 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^4$.

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> <p>Facilty gap factor_i = $\frac{\text{Facilty gap funding in county } i}{\sum_{i=1}^{47} \text{facilty gap funding in county } i}$</p> <p>Primary health care factor_i = $\frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$</p> <p>In – patient days factor_i = $\frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$</p>
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⁴The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Urban services	$Urban\ Index\ i = \frac{urban\ household\ in\ county\ i}{\sum_{i=1}^{47} Urban\ Household\ in\ County\ i}$
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(Sen. Moses Wetang'ula, MP)

SIMULATION FOR ILLUSTRATION ONLY

Sharing Kshs. 370 billion using allocation factor on Kshs. 158.25 billion and the remaining funds using parameters and weights below

	Parameter		Weights		
	population		18%		
	Health		17%		
	Agriculture		10%		
	Urban services		5%		
	Roads		8%		
	Poverty		14%		
	Basic Share		20%		
	Land area		8%	capped at 7 %	
			100%		
No	County	2019/20 Allocation	FY 2020/21 Allocation	Allocation at E. share of Kshs.370bn for FY 2021/22	Change between FY19/20 Allocation & Proposed FY 2021/22 Allocation
1	Tharaka-Nithi	3,924.60	3,924.60	4,214.20	289.60
2	Nyamira	4,810.80	4,810.80	5,135.34	324.54
3	Vihiga	4,652.55	4,652.55	5,067.36	414.81
4	Isiolo	4,241.10	4,241.10	4,710.39	469.29
5	Kwale	7,785.90	7,785.90	8,265.59	479.69
6	Marsabit	6,773.10	6,773.10	7,277.00	503.90
7	Mombasa	7,057.95	7,057.95	7,567.35	509.40
8	Lamu	2,595.30	2,595.30	3,105.65	510.35
9	Taita-Taveta	4,241.10	4,241.10	4,842.17	601.07
10	Tana-River	5,855.25	5,855.25	6,528.41	673.16
11	Makueni	7,406.10	7,406.10	8,132.78	726.68
12	Elgeyo-Marakwet	3,861.30	3,861.30	4,606.53	745.23
13	Samburu	4,620.90	4,620.90	5,371.35	750.45
14	Nyandarua	4,874.10	4,874.10	5,670.44	796.34
15	Narok	8,039.10	8,039.10	8,844.79	805.69
16	Nyeri	5,412.15	5,412.15	6,228.73	816.58
17	Embu	4,304.40	4,304.40	5,125.24	820.84
18	Murang'a	6,298.35	6,298.35	7,180.16	881.81
19	Garissa	7,026.30	7,026.30	7,927.21	900.91
20	Wajir	8,545.50	8,545.50	9,474.73	929.23
21	Kirinyaga	4,241.10	4,241.10	5,196.18	955.08
22	Laikipia	4,177.80	4,177.80	5,136.27	958.47
23	Mandera	10,222.95	10,222.95	11,190.38	967.43
24	Kericho	5,380.50	5,380.50	6,430.66	1,050.16
25	Homa-Bay	6,741.45	6,741.45	7,805.35	1,063.90
26	Kisii	7,785.90	7,785.90	8,894.27	1,108.37
27	Busia	6,013.50	6,013.50	7,172.16	1,158.66
28	Siaya	5,791.95	5,791.95	6,966.51	1,174.56
29	Bomet	5,507.10	5,507.10	6,691.10	1,184.00
30	Kisumu	6,836.40	6,836.40	8,026.14	1,189.74
31	Kilifi	10,444.50	10,444.50	11,641.59	1,197.09
32	Migori	6,773.10	6,773.10	8,005.02	1,231.92
33	Baringo	5,095.65	5,095.65	6,369.39	1,273.74
34	West Pokot	5,000.70	5,000.70	6,297.28	1,296.58
35	Machakos	7,754.25	7,754.25	9,162.30	1,408.05
36	Trans-Nzoia	5,760.30	5,760.30	7,186.16	1,425.86
37	Meru	8,039.10	8,039.10	9,493.86	1,454.76
38	Kajiado	6,424.95	6,424.95	7,954.77	1,529.82
39	Kitui	8,830.35	8,830.35	10,393.97	1,563.62
40	Nandi	5,348.85	5,348.85	6,990.87	1,642.02
41	Uasin-Gishu	6,330.00	6,330.00	8,068.86	1,738.86
42	Bungoma	8,893.65	8,893.65	10,659.44	1,765.79
43	Kakamega	10,412.85	10,412.85	12,389.41	1,976.56
44	Turkana	10,539.45	10,539.45	12,609.31	2,069.86
45	Kiambu	9,431.70	9,431.70	11,717.53	2,285.83
46	Nakuru	10,476.15	10,476.15	13,026.12	2,549.97
47	Nairobi City	15,919.95	15,919.95	19,249.68	3,329.73
		316,500.00	316,500.00	370,000.00	53,500.00

There being no Senator wishing to contribute;

The Senate proceeded to a Division;

Before the Question was put and pursuant to Standing Order 79(1), the Speaker ruled that the Question affects counties.

The Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for one minute;

After the expiry of one minute, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

- i. Sen. Sylvia Kasanga, MP - AYES
- ii. Sen. Millicent Omanga, MP - NOES

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows-

AYES – 41

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Haji, Mohamed Yusuf
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang' Moses Otieno
10. Sen. Kamar, Margaret Jepkoech
11. Sen. Kang'ata, Irungu
12. Sen. Khaniri, George
13. Sen. Kibiru, Charles Reubenson
14. Sen. Kihika, Susan Wakarura
15. Sen. Mwaura, Isaack – voted on behalf of Kiambu County Delegation
16. Sen. Kindiki, Kithure
17. Sen. Kirinyaga, Ephraim Mwangi Maina
18. Sen. Langat, Christopher Andrew
19. Sen. Lelegwe, Ltumbesi
20. Sen. Loitiptip, Anuar
21. Sen. Madzayo, Stewart Mwachiru
22. Sen. Mahamud, Mohamed Maalim
23. Sen. Malalah, Cleophas Wakhungu

24. Sen. Mbogo, George Ochilo Ayacko
25. Sen. Mogeni, Erick Okong'o
26. Sen. Murkomen, Onesimus Kipchumba
27. Sen. Mutula, Kilonzo Junior
28. Sen. Mwangi, Paul Githiomi
29. Sen. Mwaruma, Johnes Mwashushe
30. Sen. Mwinyihaji, Mohamed Faki
31. Sen. Nderitu, John Kinyua
32. Sen. Olekina, Ledama
33. Sen. Ongeru, Samson Kegengo
34. Sen. Orengo, James
35. Sen. Outa, Frederick Otieno
36. Sen. Poghisi, Samuel Losuron
37. Sen. Sakaja, Johnson Arthur
38. Sen. Wako, Sitswila Amos
39. Sen. Wambua, Enoch Kiio
40. Sen. Wario, Golich Juma
41. Sen. Wetang'ula, Moses Masika

Question - agreed to.

RESOLVED ACCORDINGLY

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, 13th July, 2020;

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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> <p>Facility gap factor_i = $\frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$</p> <p>Primary health care factor_i = $\frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$</p> <p>In – patient days factor_i = $\frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$</p>
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County Allocation = 0.5 (Allocation Ratio) + (((Equitable Share - 0.5 (Allocation Ratio))*(Formula)).

PROVIDED that for the duration of the operation of the Third Basis for allocating revenue among the counties, no county shall receive in any financial year an amount of shareable revenue that is less than the amount of shareable revenue received by the county in the financial year 2019/2020.

FURTHER THE SENATE RESOLVES, that pursuant to Article 217 (2) (b) of the Constitution the Commission on Revenue Allocation takes to account the Resolution of the Senate on the Third Basis for Revenue Allocation and the debate thereon and further take into account additional factors including pastoralism; the livestock sector; the blue economy; the extractive industries and wildlife and conservation in determining principles and parameters of equitable sharing of national revenue among the counties.

15. **MOTION - EXTENSION OF SITTING TIME PURSUANT TO STANDING ORDER 30(3)(a)**

Motion made and Question proposed;

THAT, pursuant to Standing Order 31 (3) (a), the Senate resolves to extend its sitting time until the conclusion of business listed at Order Nos. 13, 14 and 15 in today’s Supplementary Order Paper.

(Sen. George Khaniri, MP)

There being no Senator wishing to contribute;

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Speaker informed the House that the Motion did not affect Counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT, pursuant to Standing Order 31 (3) (a), the Senate resolves to extend its sitting time until the conclusion of business listed at Order Nos. 13, 14 and 15 in today’s Supplementary Order Paper.

16. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

Order read;

Motion made and Question proposed;

THAT, the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020) be now read a Second time.

(Chairperson, Standing Committee on Finance and Budget – 05/05/2020)

Debate interrupted on Tuesday, 5th May, 2020 resumed;

There being no Senator wishing to contribute;

The Senate proceeded to a Division;

The Speaker directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for one minute;

After the expiry of one minute, the Speaker directed that the doors be locked and the bars be drawn;

The names of the Tellers were as follows-

- i. Sen. Samson Cherarkey, MP – AYES
- ii. Sen. Mutula Kilonzo Jnr, MP - NOES

The Speaker put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows-

AYES – 42

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cherarkey, Samson Kiprotich
5. Sen. Cheruiyot, Aaron Kipkirui
6. Sen. Haji, Mohamed Yusuf
7. Sen. Hargura, Godana
8. Sen. Kabaka, Boniface Mutinda
9. Sen. Kajwang' Moses Otieno
10. Sen. Kamar, Margaret Jepkoech
11. Sen. Kang'ata, Irungu

12. Sen. Khaniri, George
13. Sen. Kibiru, Charles Reubenson
14. Sen. Kihika, Susan Wakarura
15. Sen. Mwaura, Isaack – voted on behalf of Kiambu County Delegation
16. Sen. Kindiki, Kithure
17. Sen. Kirinyaga, Ephraim Mwangi Maina
18. Sen. Langat, Christopher Andrew
19. Sen. Lelegwe, Ltumbesi
20. Sen. Loitiptip, Anuar
21. Sen. Madzayo, Stewart Mwachiru
22. Sen. Mahamud, Mohamed Maalim
23. Sen. Malalah, Cleophas Wakhungu
24. Sen. Mbogo, George Ochilo Ayacko
25. Sen. Mogeni, Erick Okong’o
26. Sen. Murkomen, Onesimus Kipchumba
27. Sen. Mutula, Kilonzo Junior
28. Sen. Mwangi, Paul Githiomi
29. Sen. Mwaruma, Johnes Mwashushe
30. Sen. Mwinyihaji, Mohamed Faki
31. Sen. Nderitu, John Kinyua
32. Sen. Ndwiga, Peter Njeru
33. Sen. Olekina, Ledama
34. Sen. Ongeru, Samson Kegengo
35. Sen. Orengo, James
36. Sen. Outa, Frederick Otieno
37. Sen. Poghismo, Samuel Losuron
38. Sen. Sakaja, Johnson Arthur
39. Sen. Wako, Sitswila Amos
40. Sen. Wambua, Enoch Kiio
41. Sen. Wario, Golich Juma
42. Sen. Wetang’ula, Moses Masika

Question -agreed to.

Bill read a Second time and Committed to the Committee of the Whole today.

17. **COMMITTEE OF THE WHOLE**

Order read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. (Dr.) Isaac Mwaura, MP) – in the Chair)

The County Allocation of Revenue Bill (Senate Bills No. 7 of 2020)

Clauses 3 – 6

Motion made and Question proposed;

THAT, Clauses 3-6 be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong’o

21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
26. Sen. Onger, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang'ula, Moses Masika

Clauses 3-6 – agreed to.

Clause 7 – amendment proposed

THAT clause 7 of the Bill be amended by inserting the following new sub-clauses immediately after sub-clause (3)-

(4) The Cabinet Secretary shall prepare a report for each quarter of the financial year in respect of the expenditure of funds transferred to the National Government pursuant to subsection (3).

(5) In preparing a report under subsection (4), the Cabinet Secretary shall ensure that the report-

(a) contains information on the financial and non-financial performance of the entity assigned to carry out the transferred functions on behalf of the National Government;

(b) is in a form determined by the Accounting Standards Board; and

(c) contains such further information as the Senate or the National Assembly may, pursuant to section 34 of the Public Finance Management Act, require.

(6) The Cabinet Secretary shall submit the report prepared under subsection (5) to the Senate, the National Assembly, the Controller of Budget, the Auditor-General and the respective county assembly.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang' Moses Otieno
8. Sen. Kang'ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong'o
21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
26. Sen. Ongeru, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation

28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang’ula, Moses Masika

Clause 7 (as amended) – Agreed to.

Clauses 8 and 9

Motion made and Question proposed;

THAT, Clauses 8 and 9 be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes; After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson

11. Sen. Kihika, Susan Wakarura
 12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
 13. Sen. Kindiki, Kithure
 14. Sen. Langat, Christopher Andrew
 15. Sen. Loitiptip, Anuar
 16. Sen. Madzayo, Stewart Mwachiru
 17. Sen. Mahamud, Mohamed Maalim
 18. Sen. Malalah, Cleophas Wakhungu
 19. Sen. Mbogo, George Ochilo Ayacko
 20. Sen. Mogeni, Erick Okong’o
 21. Sen. Murkomen, Onesimus Kipchumba
 22. Sen. Mutula, Kilonzo Junior
 23. Sen. Mwaruma, Johnes Mwashushe
 24. Sen. Mwinyihaji, Mohamed Faki
 25. Sen. Olekina, Ledama
 26. Sen. Ongeru, Samson Kegengo
 27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
 28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
 29. Sen. Wako, Sitswila Amos
 30. Sen. Wambua, Enoch Kiio
 31. Sen. Wario, Golich Juma
 32. Sen. Wetang’ula, Moses Masika
- Clauses 8 and 9 – Agreed to.

Clause 10 – amendment proposed

THAT clause 10 of the Bill be amended by deleting the words “any serious or persistent” appearing immediately after the words “any other law”.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong’o
21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
26. Sen. Ongeru, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi County delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang’ula, Moses Masika

Clause 10 (as amended) – Agreed to.

Clause 11 – amendment proposed

THAT clause 11 of the Bill be deleted and substituted therefor with the following new clause-

Applicable revenue-sharing formula. 11. For the avoidance of doubt the allocation of the equitable share of revenue to the county governments under section 4 of this Act is in accordance with the third determination of the basis of the division of revenue among counties approved by Parliament pursuant to Article 217 of the Constitution.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang' Moses Otieno
8. Sen. Kang'ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew

- 15. Sen. Loitiptip, Anuar
- 16. Sen. Madzayo, Stewart Mwachiru
- 17. Sen. Mahamud, Mohamed Maalim
- 18. Sen. Malalah, Cleophas Wakhungu
- 19. Sen. Mbogo, George Ochilo Ayacko
- 20. Sen. Mogeni, Erick Okong’o
- 21. Sen. Murkomen, Onesimus Kipchumba
- 22. Sen. Mutula, Kilonzo Junior
- 23. Sen. Mwaruma, Johnes Mwashushe
- 24. Sen. Mwinyihaji, Mohamed Faki
- 25. Sen. Olekina, Ledama
- 26. Sen. Ongeru, Samson Kegengo
- 27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
- 28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
- 29. Sen. Wako, Sitswila Amos
- 30. Sen. Wambua, Enoch Kiio
- 31. Sen. Wario, Golich Juma
- 32. Sen. Wetang’ula, Moses Masika

Clause 11 (as amended) – Agreed to.

New Clause 12 - insertion of New Clause proposed

THATthe following new clause be inserted immediately after clause 11-

Disbursement Schedule. No. 18 of 2012

12. (1) The schedule prepared under section 17(7) of the Public Finance Management Act shall reflect that the disbursement of monies allocated to counties in financial year 2020/2021 is effective from 1st July, 2020.

(2)Notwithstanding the provisions of subsection (1), the National Treasury shall transfer to the counties the total disbursement due in the first quarter of financial year 2020/ 2021 within seven days of the approval of the schedule by the Senate.

(Chairperson, Standing Committee on Finance and Budget)

Motion made and Question proposed-

THAT, the New Clause 12 be now read a Second Time.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong’o
21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki

25. Sen. Olekina, Ledama
26. Sen. Onger, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang'ula, Moses Masika

Question – Agreed to.

Motion made and question proposed;

THAT, the New Clause 12 be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaure, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation

7. Sen. Kajwang' Moses Otieno
8. Sen. Kang'ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong'o
21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
26. Sen. Ongeru, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang'ula, Moses Masika

New Clause 12 – Agreed to.

First schedule– amendment proposed

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

FIRST SCHEDULE (s. 4(1))					
Allocation of Each County Governments' Equitable Share of Revenue Raised Nationally in the Financial Year 2020/21					
No	County	2019/2020		2020/21	
		Allocation Ratio	Equitable Share	Allocation Ratio	Equitable Share
		Column A	Column B	Column C	Column D
1	Baringo	1.61	5,095,650,000	1.61	5,095,650,000
2	Bomet	1.74	5,507,100,000	1.74	5,507,100,000
3	Bungoma	2.81	8,893,650,000	2.81	8,893,650,000
4	Busia	1.90	6,013,500,000	1.90	6,013,500,000
5	Elgeyo Marakwet	1.22	3,861,300,000	1.22	3,861,300,000
6	Embu	1.36	4,304,400,000	1.36	4,304,400,000
7	Garissa	2.22	7,026,300,000	2.22	7,026,300,000
8	Homa bay	2.13	6,741,450,000	2.13	6,741,450,000
9	Isiolo	1.34	4,241,100,000	1.34	4,241,100,000
10	Kajiado	2.03	6,424,950,000	2.03	6,424,950,000
11	Kakamega	3.29	10,412,850,000	3.29	10,412,850,000
12	Kericho	1.70	5,380,500,000	1.70	5,380,500,000
13	Kiambu	2.98	9,431,700,000	2.98	9,431,700,000
14	Kilifi	3.30	10,444,500,000	3.30	10,444,500,000
15	Kirinyaga	1.34	4,241,100,000	1.34	4,241,100,000
16	Kisii	2.46	7,785,900,000	2.46	7,785,900,000
17	Kisumu	2.16	6,836,400,000	2.16	6,836,400,000
18	Kitui	2.79	8,830,350,000	2.79	8,830,350,000
19	Kwale	2.46	7,785,900,000	2.46	7,785,900,000
20	Laikipia	1.32	4,177,800,000	1.32	4,177,800,000
21	Lamu	0.82	2,595,300,000	0.82	2,595,300,000
22	Machakos	2.45	7,754,250,000	2.45	7,754,250,000
23	Makueni	2.34	7,406,100,000	2.34	7,406,100,000
24	Mandera	3.23	10,222,950,000	3.23	10,222,950,000
25	Marsabit	2.14	6,773,100,000	2.14	6,773,100,000
26	Meru	2.54	8,039,100,000	2.54	8,039,100,000
27	Migori	2.14	6,773,100,000	2.14	6,773,100,000
28	Mombasa	2.23	7,057,950,000	2.23	7,057,950,000
29	Murang'a	1.99	6,298,350,000	1.99	6,298,350,000
30	Nairobi	5.03	15,919,950,000	5.03	15,919,950,000
31	Nakuru	3.31	10,476,150,000	3.31	10,476,150,000
32	Nandi	1.69	5,348,850,000	1.69	5,348,850,000
33	Narok	2.54	8,039,100,000	2.54	8,039,100,000
34	Nyamira	1.52	4,810,800,000	1.52	4,810,800,000
35	Nyandarua	1.54	4,874,100,000	1.54	4,874,100,000
36	Nyeri	1.71	5,412,150,000	1.71	5,412,150,000
37	Samburu	1.46	4,620,900,000	1.46	4,620,900,000
38	Siaya	1.83	5,791,950,000	1.83	5,791,950,000
39	Taita taveta	1.34	4,241,100,000	1.34	4,241,100,000
40	Tana River	1.85	5,855,250,000	1.85	5,855,250,000
41	Tharaka Nithi	1.24	3,924,600,000	1.24	3,924,600,000
42	Trans Nzoia	1.82	5,760,300,000	1.82	5,760,300,000
43	Turkana	3.33	10,539,450,000	3.33	10,539,450,000
44	Uasin Gishu	2.00	6,330,000,000	2.00	6,330,000,000
45	Vihiga	1.47	4,652,550,000	1.47	4,652,550,000
46	Wajir	2.70	8,545,500,000	2.70	8,545,500,000
47	West Pokot	1.58	5,000,700,000	1.58	5,000,700,000
	Total	100	316,500,000,000	100	316,500,000,000

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
6. Sen. Waqo Naomi Jillo – voted on behalf of the Marsabit County delegation
7. Sen. Kajwang’ Moses Otieno
8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
13. Sen. Kindiki, Kithure
14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong’o
21. Sen. Murkomen, Onesimus Kipchumba
22. Sen. Mutula, Kilonzo Junior
23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
26. Sen. Ongeru, Samson Kegengo
27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang’ula, Moses Masika

The First Schedule (as amended) – Agreed to

The Second, Third and Fourth Schedules

Motion made and Question proposed;

THAT, the Second, Third and Fourth Schedules be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

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The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

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2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
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9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
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14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar

16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong'o
21. Sen. Murkomen, Onesimus Kipchumba
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23. Sen. Mwaruma, Johnes Mwashushe
24. Sen. Mwinyihaji, Mohamed Faki
25. Sen. Olekina, Ledama
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27. Sen. Nyamunga Rose Ogendo- voted on behalf of the Kisumu County Delegation
28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang'ula, Moses Masika

The Second, Third and Fourth Schedules– Agreed to.

Clause 2

Motion made and Question proposed;

THAT, clause 2 be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
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8. Sen. Kang’ata, Irungu
9. Sen. Khaniri, George
10. Sen. Kibiru, Charles Reubenson
11. Sen. Kihika, Susan Wakarura
12. Sen. Mwaura, Isaack – voted on behalf of Kiambu County delegation
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14. Sen. Langat, Christopher Andrew
15. Sen. Loitiptip, Anuar
16. Sen. Madzayo, Stewart Mwachiru
17. Sen. Mahamud, Mohamed Maalim
18. Sen. Malalah, Cleophas Wakhungu
19. Sen. Mbogo, George Ochilo Ayacko
20. Sen. Mogeni, Erick Okong’o
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29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang’ula, Moses Masika

Clause 2 – Agreed to.

The Title

Motion made and Question proposed;

THAT, the Title be part of the Bill.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

1. Sen. Anuar Loitiptip, MP - AYES
2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan, Dullo Fatuma
2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
5. Sen. Haji, Mohamed Yusuf
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- 26. Sen. Onger, Samson Kegengo
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- 28. Sen. Haji Farhiya Ali – voted on behalf of the Nairobi City County Delegation
- 29. Sen. Wako, Sitswila Amos
- 30. Sen. Wambua, Enoch Kiio
- 31. Sen. Wario, Golich Juma
- 32. Sen. Wetang’ula, Moses Masika

The title – Agreed to.

Clause 1 - amendment proposed

THAT clause 1 of the Bill be deleted and substituted with the following new clause-

- | | |
|-------------------------------|---|
| Short title and commencement. | 1. This Act may be cited as the County Allocation of Revenue Act, 2020 and shall be deemed to have come into force on 1 st July, 2020. |
|-------------------------------|---|

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

The Committee proceeded to a Division;

The Acting Chairperson (Sen. (Dr.) Isaac Mwaura, MP) directed that a roll call voting be taken pursuant to Standing Order 83(1) and in line with the further Guidelines issued by the Speaker for Senate Plenary and Committee sittings during the Covid-19 pandemic situation dated 17th April, 2020, and that the Division bell be rung for five minutes;

After the expiry of the five minutes, the Acting Chairperson directed that the doors be locked and the bars be drawn;

The names of the Tellers were announced as follows;

- 1. Sen. Anuar loitiptip, MP - AYES
- 2. Sen. Petronilla Were, MP - NOES

The Acting Chairperson put the Question and directed the Clerk to call out the names of Senators in alphabetical order;

The results of the Division were as follows:-

AYES – 32

NOES - 0

ABSTENTION – 0

AYES

- 1. Sen. Adan, Dullo Fatuma

2. Sen. Ali, Abdullahi Ibrahim
3. Sen. Boy, Issa Juma
4. Sen. Cheruiyot, Aaron Kipkirui
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29. Sen. Wako, Sitswila Amos
30. Sen. Wambua, Enoch Kiio
31. Sen. Wario, Golich Juma
32. Sen. Wetang’ula, Moses Masika

Clause 1 (as amended)– Agreed to.

Motion made;

THAT, the Bill be reported with amendments.

(Chairperson, Standing Committee on Finance and Budget)

Before the Question was put, and pursuant to Standing Order No. 79 (1), the Acting Chairperson informed the House that the Motion did not affect Counties.

Question put and agreed to.

18. **THE HOUSE RESUMED** – (The Temporary Speaker (Sen. Rose Nyamunga, MP - in the Chair)

19. **THE COUNTY ALLOCATION OF REVENUE BILL (SENATE BILLS NO. 7 OF 2020)**

Bill reported with amendments;

Motion made and Question proposed;

THAT, the House do agree with the Committee in the said report.

(Chairperson, Standing Committee on Finance and Budget)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 79(1), the Temporary Speaker (Sen. Rose Nyamunga, MP) ruled that the Question did not affect counties.

Question put and agreed to.

Motion made and Question Proposed;

THAT, the County Allocation of Revenue Bill (Senate Bills No. 7 of 2020 be now read a Third Time.

(Chairperson, Standing Committee on Finance and Budget)

Debate arising;

And there being no other Senator wishing to contribute;

The Senator for Bungoma County (Sen. Moses Wetang'ula, MP), a Member of the Standing Committee on Finance and Budget, replied on behalf of the Mover, pursuant to Standing Order 59(2)(b).

Raising a Point of Order pursuant to Standing Order 61(3), the Senator for Bungoma County (Sen. Moses Wetang'ula, MP) requested the Temporary Speaker (Sen. Rose Nyamunga, MP) to defer putting of the Question to another day.

And the Temporary Speaker (Sen. Rose Nyamunga, MP) acceding to the request, deferred putting of the Question to another day.

And having concluded the Business in the specific Orders as earlier resolved by the Senate;

The Temporary Speaker (Sen. Rose Nyamunga, MP) adjourned the Senate at twenty-four minutes past Nine O'clock without Question put, pursuant to the Standing Orders.

20. **SENATE ROSE** - at twenty four minutes past Nine O'clock.

(No. 049)

THURSDAY, SEPTEMBER 17, 2020

(720)

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, September 22, 2020 at 2:30 p.m.*

--x--