



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
SPECIAL SITTING
THURSDAY, JULY 23, 2020 AT 2:30 PM

PRAYERS

1. **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 Thursday, 23rd July, 2020 – Morning Sitting)

2. **COMMITTEE OF THE WHOLE**

*****THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)**

(The Senate Majority Leader)

3. **COMMITTEE OF THE WHOLE**

***THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)**

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

4. **COMMITTEE OF THE WHOLE**

***THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)**

(Sen. Beatrice Kwamboka, MP)

----XXX----

...../Key

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 –

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_i ¹

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%)

¹ 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	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$																															
Roads	$\text{Roads index}_i = \frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$																															
Poverty level	$\text{Poverty index}_i = \frac{\text{No. of poor people in county } i}{\sum_{i=1}^{47} \text{No. of poor people in county } i}$																															
Urban service	$\text{Urban Index } i = \frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$																															
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> </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
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		

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

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-

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_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_i²

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> $\text{Facility gap factor}_i = \frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ $\text{Primary health care factor}_i = \frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ $\text{In – patient days factor}_i = \frac{\text{No. of in – patient days in county } i}{\sum_{i=1}^{47} \text{No. of in – patient days in county } i}$
Agriculture services	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$

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

Other county services	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 * 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 = $\frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$					
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 = $\frac{\text{urban household in county } i}{\sum_{i=1}^{47} \text{Urban Household in County } i}$</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 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 and 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;

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		183.14

		5,348.85	
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-

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

$$CA_i1 = \text{Allocation per County for FY 2019/20}$$

b) Equitable share over and above Kshs. 316.50 billion

The following formula shall apply

$$CA_i2 = 0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i + 0.01 * \text{Fiscal Effort}_i + 0.06 * \text{Roads Index}_i + 0.01 * \text{Prudence Index}_i + 0.20 * \text{Basic Share Index}_i^3$$

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%) Facility gap factor _i = $\frac{\text{Facility gap funding in county } i}{\sum_{i=1}^{47} \text{facility gap funding in county } i}$ Primary health care factor _i = $\frac{\text{No. of primary health care visits in county } i}{\sum_{i=1}^{47} \text{No. of primary health care visits in county } i}$ 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 = $0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$

³ The formula will use the 2019 population and 2015/16 KIHBS poverty statistics

Other county services	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 * 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 = $\frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$					
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 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		

c) Total Equitable share of a County

The following formula shall apply

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

Whereas;

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

\mathbf{CA}_{i1} = Allocation per County for FY 2019/20

\mathbf{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

4) **NOTICE** is given that Sen. (Dr.) Abdullahi Ali Ibrahim, 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 for allocation 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 at paragraph 26 of the Report and substituting therefor the following new recommendations-

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 –

- 95% of the Equitable share is shared as per the following formula until the equitable share reaches Kshs. 395 billion -

$$CA = 0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i + 0.02 * \text{Fiscal Effort}_i + 0.04 * \text{Roads Index}_i + 0.02 * \text{Prudence Index}_i + 0.20 * \text{Basic Share Index}_i$$

With the following parameters -

Parameter	Assigned Weight	Measure of Expenditure Need
To Enhance Service Delivery		
Health services	17%	a) health facility gap at 20%, b) three years average outpatient visits to levels 2 and 3 health facilities at 60%, and c) three years average in-patient in levels 4 and 5 hospitals at 20%. <i>Data as published by Ministry of Health</i>
Agriculture services	10 %	0.5% of the allocation shared equally among all the counties, Rest shared depending on Rural Households based on 2019 Kenya Population and Housing Census (KPHC).
Population	18 %	Population/ head count, 2019 KPHC
Basic share	20%	19% Equally and 1% based on inverse of Population; 2019 KPHC
To promote balanced development		
Land	8 %	County proportional land area but allocation capped at 7%
Roads	4 %	Rural Access index as published in 2018 by Kenya Roads Board
Poverty level	14 %	Poverty head count; Data as provided by Kenya

		Integrated Household Budget Survey (KIHBS) 2015/16
Urban service	5%	Urban Households based on 2019 KPHC
To Incentivize Revenue Raising and Prudence		
Fiscal effort	2 %	Ratio of a county’s three years average actual OSR to the GCP based on data from the Controller of Budget and KNBS
Fiscal prudence	2 %	i) Auditor General’s opinion (unqualified only – <ul style="list-style-type: none"> • Weight- assembly 10% • Weight- executive 90% ii) County Budget and Economic Forum (CBEF) iii) At least 30% of actual county expenditure on development iv) Establishment of Internal Audit Committee <ul style="list-style-type: none"> • Weight -assembly 10% • weight- executive 90% <i>The four sub-parameters are equally weighted</i>

27) That to actualize the objective of Article 203 (1) (j) of the Constitution, the Senate resolves that for the Financial Year 2020/2021, 5% of the equitable share allocation be used to cushion counties that will have reductions in their allocations compared to Financial Year 2019/20 allocation until such a time when the equitable share reaches Kshs. 395 billion as per the following formula -

$$\text{Cushion to the county} = \text{Loss of county}_i / \text{total loss} \times 5\% \text{ (equitable share)}$$

...../Amendments

SIMULATION FOR ILLUSTRATION ONLY

No	County	2019/20 Allocation	CRA Recommendation 316.5b	CRA Recommendation (Ksh.300,675Mn) 5% Cushioning	Cushion Allocation Ksh 15,825Mn	New Allocation Ksh 316,500)	DIFF1	DIFF2
		A	B	C	D	E=C+D	F=B-A	G=E-A
1	Mandera	10,222.95	8,137	7,730.00	1,933.45	9,663.46	(2,086.10)	(559.49)
2	Wajir	8,545.50	7,106	6,750.96	1,391.79	8,142.75	(1,439.22)	(402.75)
3	Kilifi	10,444.50	9,332	8,865.27	1,224.80	10,090.07	(1,112.63)	(354.43)
4	Kwale	7,785.90	6,573	6,244.34	1,195.58	7,439.93	(1,212.91)	(345.97)
5	Marsabit	6,773.10	5,783	5,494.02	992.01	6,486.04	(989.92)	(287.06)
6	Narok	8,039.10	7,174	6,815.64	948.88	7,764.52	(864.75)	(274.58)
7	Mombasa	7,057.95	6,376	6,056.88	776.40	6,833.28	(682.29)	(224.67)
8	Makueni	7,406.10	6,824	6,482.85	716.04	7,198.89	(582.05)	(207.21)
9	Turkana	10,539.45	10,215	9,704.66	647.44	10,352.10	(324.02)	(187.35)
10	Garissa	7,026.30	6,539	6,211.78	631.72	6,843.50	(487.58)	(182.80)
11	Tana-River	5,855.25	5,352	5,084.39	597.85	5,682.25	(593.26)	(173.00)
12	Nyamira	4,810.80	4,266	4,052.47	588.14	4,640.61	(545.04)	(170.19)
13	Tharaka-Nithi	3,924.60	3,439	3,267.31	509.77	3,777.09	(485.32)	(147.51)
14	Homa-Bay	6,741.45	6,433	6,111.06	488.91	6,599.97	(308.75)	(141.48)
15	Kisii	7,785.90	7,560	7,181.88	468.46	7,650.34	(226.03)	(135.56)
16	Vihiga	4,652.55	4,336	4,119.40	413.50	4,532.89	(316.34)	(119.66)
17	Kitui	8,830.35	8,871	8,427.79	312.22	8,740.00	41.00	(90.35)
18	Murang'a	6,298.35	6,236	5,924.24	290.15	6,214.39	(62.31)	(83.96)
19	Meru	8,039.10	8,073	7,669.17	286.90	7,956.08	33.71	(83.02)
20	Taita-Taveta	4,241.10	4,171	3,962.87	215.78	4,178.66	(69.65)	(62.44)
21	Nyeri	5,412.15	5,419	5,148.41	204.55	5,352.96	7.23	(59.19)
22	Isiolo	4,241.10	4,193	3,982.98	200.19	4,183.17	(48.49)	(57.93)
23	Kisumu	6,836.40	6,991	6,641.73	150.98	6,792.71	154.89	(43.69)
24	Samburu	4,620.90	4,666	4,433.11	145.65	4,578.75	45.53	(42.15)
25	Kakamega	10,412.85	10,819	10,278.38	104.29	10,382.67	406.50	(30.18)
26	Elgeyo-Marakwet	3,861.30	3,927	3,730.49	101.46	3,831.94	65.53	(29.36)
27	Nyandarua	4,874.10	5,008	4,757.75	90.24	4,847.99	134.06	(26.11)
28	Siaya	5,791.95	5,994	5,693.95	76.00	5,769.96	201.69	(21.99)
29	Bungoma	8,893.65	9,300	8,834.92	45.55	8,880.47	406.27	(13.18)
30	Migori	6,773.10	7,071	6,717.27	43.30	6,760.57	297.71	(12.53)
31	Machakos	7,754.25	8,120	7,714.44	30.87	7,745.32	366.22	(8.93)
32	Busia	6,013.50	6,327	6,010.76	2.12	6,012.89	313.62	(0.61)
33	Kericho	5,380.50	5,672	5,388.18	-	5,388.18	291.27	7.68
34	Lamu	2,595.30	2,814	2,673.08	-	2,673.08	218.47	77.78
35	Embu	4,304.40	4,655	4,422.50	-	4,422.50	350.86	118.10
36	Bomet	5,507.10	5,956	5,657.84	-	5,657.84	448.52	150.74
37	West Pokot	5,000.70	5,432	5,160.25	-	5,160.25	431.14	159.55
38	Nakuru	10,476.15	11,217	10,656.31	-	10,656.31	741.02	180.16
39	Baringo	5,095.65	5,634	5,352.15	-	5,352.15	538.20	256.50
40	Trans-Nzoia	5,760.30	6,377	6,058.48	-	6,058.48	617.05	298.18
41	Kirinyaga	4,241.10	4,792	4,552.16	-	4,552.16	550.64	311.06
42	Nairobi City	15,919.95	17,150	16,292.97	-	16,292.97	1,230.54	373.02
43	Kajiado	6,424.95	7,184	6,824.89	-	6,824.89	759.14	399.94
44	Laikipia	4,177.80	4,825	4,584.19	-	4,584.19	647.67	406.39
45	Nandi	5,348.85	6,149	5,841.45	-	5,841.45	800.04	492.60
46	Uasin-Gishu	6,330.00	7,258	6,895.07	-	6,895.07	927.97	565.07
47	Kiambu	9,431.70	10,752	10,214.28	-	10,214.28	1,320.18	782.58
	TOTAL	316,500.00	316,500.00	300,675.00	15,825.00	316,500.00	0.00	(0.00)

B. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2019)

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Justice, Legal Affairs and Human Rights, intends to move the following amendments to the Independent Electoral and Boundaries Commission (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2019) at the Committee Stage —

CLAUSE 2

THAT clause 2 of the Bill be amended—

- (a) in paragraph (a) by deleting the word “eleven” appearing immediately after the words “therefor the words” and substituting therefor the word “seven”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
 - (b) by deleting paragraph 1(2) and substituting therefor the following new subparagraph—
 - (2) The selection panel shall consist of—
 - (a) two men and two women nominated by the Parliamentary Service Commission;
 - (b) one person nominated by the Law Society of Kenya; and
 - (c) two persons nominated by the Inter-religious Council of Kenya.
- (c) by inserting the following new paragraph immediately after paragraph (b)—
 - (ba) by inserting the following new paragraph immediately after paragraph 1(2)—
 - (2A) A person is qualified for appointment as a member of the selection panel if such person—
 - (a) is a citizen of Kenya;
 - (b) meets the requirements of leadership and integrity set out in Chapter Six of the Constitution; and
 - (c) holds a degree from a university recognised in Kenya.

...../Amendments

C. *THE COUNTY TOURISM BILL (SENATE BILLS NO. 5 OF 2019)

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

NOTICE is given that the Chairperson, Standing Committee on Tourism, Trade and Industrialization, intends to move the following amendments to the County Tourism Bill, Senate Bills No. 5 of 2019, at the Committee Stage-

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting the words “provided that provisions amending the Tourism Act shall not be restricted to local tourism” appearing immediately after the words “respective county”.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting subclause 2 and substituting therefor the following new subclause-

(2) The county executive committee member shall, in discharging the functions under this Act, facilitate public participation.

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new subclause immediately after subclause (1)-

(1A) In making a decision to designate an area as a special local tourism management area under subsection (1), the county executive committee member shall consult the National Environment Management Authority and the National Museums of Kenya.

CLAUSE 6

THAT clause 6 of the Bill be amended-

(a) in subclause (3) by deleting the words “the Authority” appearing immediately after the words “be prescribed by”;

(b) by inserting the following new subclause immediately after subclause (3)-

(3A) The fee prescribed by a county executive committee member under subsection (3) shall not exceed the maximum amount prescribed in regulation by the Cabinet Secretary.

CLAUSE 12

THAT clause 12 of the Bill be amended in subclause (3) by deleting the words “the Authority” appearing immediately after the words “fee prescribed by” and substituting therefor the words “the county executive committee member”.

CLAUSE 14

THAT clause 14 of the Bill be amended-

(a) by deleting subclause (1) and substituting therefor the following new subclause-

(1) The Cabinet Secretary shall, in consultation with the Council of County Governors make Regulations for the better carrying out of the provisions of this Act.

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

(ba) the maximum amount of fees payable on application for the issuance, renewal or variation of a license under this Act;

NEW CLAUSE 3A

THAT the Bill be amended by inserting the following new clause immediately after clause 3-

Responsibilities
of National
Government.

3A. The National Government shall, in promoting county tourism-

- (a) formulate and develop guidelines for sustainable practices relating to local tourism recommend to the council of county governors best practices for the promotion of local tourism ;
- (b) develop guidelines on uniform standards for the promotion of local tourism; and
- (c) establish a framework for the monitoring and evaluation of programmes and activities on local tourism;
- (d) make recommendations to county governments based on monitoring and assessment of tourist activities and services to enhance continuous improvement and adherence to principles of sustainable local tourism.

NEW CLAUSE 17

THAT the Bill be amended by inserting the following new clause immediately after clause 16-

Consequential amendment. **17.** Section 7 of the Tourism Act is amended by inserting the following new subsection immediately after subsection (1)-

(1A) In discharging its functions under subsection (1)(c), the Authority shall not issue, vary or renew licences for activities classified as local tourism activities under this Act or any other law.

FIRST SCHEDULE

THAT the title to the First Schedule to the Bill be amended by deleting the word "FIRST" appearing immediately before the word "SCHEDULE".

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in the correct grammatical sequence-

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to tourism;

"National Environment Management Authority" means the National Environment Management Authority established under section 7 of the Environmental Management and Coordination Act;

"National Museums of Kenya" means the National Museums of Kenya established under section 3 of the National Museums and Heritage Act.

...../Amendments

D. *THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO. 11 OF 2019)

(Sen. Beatrice Kwamboka)

i. NOTICE is given that the Chairperson, Standing Committee on Labour and Social Welfare, intends to move the following amendments to the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) at the Committee Stage —

CLAUSE 4

THAT clause 4 of the Bill be amended in subclause (2) by—

- (a) deleting the words “family life” appearing at the end of paragraph (a) and substituting therefor the word “parenting”;
- (b) inserting the following new paragraph immediately after paragraph (b)—

(ba) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or their care takers, are beneficiaries of social assistance;

and

- (c) deleting the word “students” appearing at the end of paragraph (d) and substituting therefor the word “learners”.

CLAUSE 5

THAT clause 5 of the Bill be amended in paragraph (b) by deleting the word “students” appearing immediately after the words “that ensure that” in subparagraph (ii) and substituting therefor the word “learners”.

CLAUSE 6

THAT clause 6 of the Bill be amended in subclause (1) by deleting paragraph (e) and substituting therefore the following new paragraph—

- (e)**put in place programmes—
 - (i) aimed at capacity building for child parents to ensure that they are able to support their families; and
 - (ii) for responsible parenting.

CLAUSE 7

THAT clause 7 of the Bill be amended in subclause (2) by deleting the words “and encouraging positive sexual behaviour amongst children in the institution” appearing at the end of paragraph (a).

CLAUSE 8

THAT clause 8 of the Bill be amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—

Rights of pregnant and parenting learners.

(b) in subclause (2) by deleting the word “student” appearing at the end of paragraph (a) and substituting therefor the word “learner”.

CLAUSE 10

THAT clause 10 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

(1A) The principal shall, upon receipt of the information under subsection (1), and before any action is taken, inform the parent or guardian of the child’s pregnancy.

CLAUSE 11

THAT clause 11 of the Bill be amended by—

(a) deleting subclause (1) and substituting therefor the following new subclause—

(1) Every case of a child who falls pregnant in an institution of basic education shall be handled by the management of the institution of basic education in a manner that ensures confidentiality.

and

(b) deleting subclause 3.

CLAUSE 14

THAT clause 14 of the Bill be amended by deleting subclause (2).

CLAUSE 15

THAT clause 15 of the Bill be amended in subclause (1) by deleting the word “students” appearing immediately after the words “and parenting” in paragraph (d) and substituting therefor the word “learners”.

CLAUSE 23

THAT clause 23 of the Bill be amended in subclause (2) by inserting the words “in writing” immediately after the words “licensee, a notice” in paragraph (a).

CLAUSE 2

THAT clause 2 of the Bill be amended by—

- (a) deleting the definition of the term “child parent” and substituting therefor the following new definition—

“child parent” means a person who has not attained the age of eighteen years and is a mother or a father of a child;
and

- (b) inserting the following new definition immediately after the definition of the term “county executive committee member”—

“learner” has the meaning assigned to it under the Teachers Service Commission Act, 2012;

- ii. **NOTICE** is given that Sen. Gertrude Musuruve Inimah, MP, intends to move the following amendments to the Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019) at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b)—

(ba) collaborate with the National Social Assistance Authority to ensure that needy child parents of children born with special needs or their care takers, are beneficiaries of social assistance;
