



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FOURTH SESSION)
THE SENATE
ORDER PAPER
TUESDAY, SEPTEMBER 08, 2020 AT 2:30 PM

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the Appendix)
5. Papers (as listed in the Appendix)
6. Notices of Motion (as listed in the Appendix)
7. Statements (as listed in the Appendix)
8. **THE BASIC EDUCATION (AMENDMENT) BILL (SENATE BILLS NO. 10 OF 2020)**
(Sen. Beatrice Kwamboka, MP)
(First Reading)
9. **MOTION – ADOPTION OF REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF TWO SENATORS**
(Sen (Arch.) Sylvia Kasanga, MP – Member, Committee of Powers and Privileges)

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

...../Motion

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

(Chairperson, Standing Committee on Information and Technology)

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

11. **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, 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. 270 billion

The following formula shall apply

$$CA_i1 = 0.45PN_i + 0.26ES_i + 0.18PI_i + 0.08LA_i + 0.02FE_i^1 + 0.01DF_i^2$$

Where,

CA_i1 is revenue allocation of the ith County; PN_i is Population Factor (Population of ith County/total population); ES_i is Basic Equal Share Factor (Total Equal share/47); PI_i is Poverty Gap (Poverty Resources of ith County/total poverty Resources); LA_i Land Area Factor (Land Area (Sq. Kms.) of ith County/Total Land area); FE_i is Fiscal Effort Factor (County’s own revenue increment/2009 population of the ith County); and DF_i is Development Factor=

$$\frac{1}{3} \left(\frac{E_i * N_i}{\sum (E_i * N_i)} + \frac{W_i * N_i}{\sum (W_i * N_i)} + \left(\frac{URN_i}{\sum URN_i} \right) \right)$$

Where E_i is proportion of household with access to electricity of the ith County

¹ Fiscal Effort Index used in the FY 2019/20

² The formula will use the 2009 population & poverty statistics

W_i is proportion of household without access to improved water of the i^{th} County

URN_i is Un-paved road network of class D, E, F, G, H, J, K, M, N & P of the i^{th} County.

b) Equitable share over and above Kshs. 270 billion

The following formula shall apply

$$CA_i2 = 0.16 * \text{Population Index}_i + 0.19 * \text{Health Index}_i + 0.11 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i + 0.01 * \text{Fiscal Effort}_i + 0.06 * \text{Roads Index}_i + 0.20 * \text{Basic Share Index}_i^3$$

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 $_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$
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 $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$
Land	Land area index $_i = \frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$
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 $_i = \frac{\text{OSR collections of county } i}{\text{GCP of county } i}$

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

The basis used is as shown

No.	Parameter	Weight
1	Population	16%
2	Health	19%
3	Agriculture	11%
4	Urban	5%
5	Roads	6%
6	Poverty	14%
7	Land	8% capped
8	Basic Share	20%
9	Fiscal Effort	1%
10	Fiscal Prudence	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} = Equitable share not exceeding Kshs. 270 billion

CA_{i2} = Equitable share over and above Kshs. 270 billion

(Resumption of debate interrupted on Monday, 17th August, 2020)

...../Motion

SIMULATION FOR ILLUSTRATION ONLY

Simulation using equitable share of Kshs. 316.5 billion for FY 2020/2021 -

No	County	Actual Allocations 2019/20	Equitable share of Kshs. 270 billion using 2nd generation formula	Application of Remaining Kshs. 46.5 billion using Sen. Linturi Amendment	New Allocation Ksh 316,500)	Net Change between FY19/20 Allocation & Proposed FY 2020/21 Allocation
1	Mandera	10,222.95	8,721.00	1,256.69	9,977.69	(245.26)
2	Kwale	7,785.90	6,642.00	966.00	7,608.00	(177.90)
3	Wajir	8,545.50	7,290.00	1,079.88	8,369.88	(175.62)
4	Marsabit	6,773.10	5,778.00	838.16	6,616.16	(156.94)
5	Kilifi	10,444.50	8,910.00	1,381.08	10,291.08	(153.42)
6	Mombasa	7,057.95	6,021.00	901.77	6,922.77	(135.18)
7	Narok	8,039.10	6,858.00	1,050.68	7,908.68	(130.42)
8	Makueni	7,406.10	6,318.00	980.91	7,298.91	(107.19)
9	Nyamira	4,810.80	4,104.00	608.86	4,712.86	(97.94)
10	Tana-River	5,855.25	4,995.00	780.53	5,775.53	(79.72)
11	Tharaka-Nithi	3,924.60	3,348.00	500.42	3,848.42	(76.18)
12	Garissa	7,026.30	5,994.00	957.15	6,951.15	(75.15)
13	Vihiga	4,652.55	3,969.00	615.47	4,584.47	(68.08)
14	Isiolo	4,241.10	3,618.00	581.37	4,199.37	(41.73)
15	Homa-Bay	6,741.45	5,751.00	961.31	6,712.31	(29.14)
16	Kisii	7,785.90	6,642.00	1,119.16	7,761.16	(24.74)
17	Taita-Taveta	4,241.10	3,618.00	606.96	4,224.96	(16.14)
18	Murang'a	6,298.35	5,373.00	909.37	6,282.37	(15.98)
19	Samburu	4,620.90	3,942.00	675.42	4,617.42	(3.48)
	Total Loss	126,473.40	107,892.00	16,771.20	124,663.20	(1,810.20)
1	Kitui	8,830.35	7,533.00	1,303.12	8,836.12	5.77
2	Nyandarua	4,874.10	4,158.00	722.01	4,880.01	5.91
3	Nyeri	5,412.15	4,617.00	801.39	5,418.39	6.24
4	Turkana	10,539.45	8,991.00	1,557.89	10,548.89	9.44
5	Lamu	2,595.30	2,214.00	398.51	2,612.51	17.21
6	Elgeyo-Marakwet	3,861.30	3,294.00	586.50	3,880.50	19.20
7	Kisumu	6,836.40	5,832.00	1,031.70	6,863.70	27.30
8	Meru	8,039.10	6,858.00	1,209.33	8,067.33	28.23
9	Migori	6,773.10	5,778.00	1,026.69	6,804.69	31.59
10	Embu	4,304.40	3,672.00	672.60	4,344.60	40.20
11	Siaya	5,791.95	4,941.00	893.94	5,834.94	42.99
12	Busia	6,013.50	5,130.00	928.49	6,058.49	44.99
13	Kericho	5,380.50	4,590.00	836.15	5,426.15	45.65
14	Machakos	7,754.25	6,615.00	1,188.13	7,803.13	48.88
15	Kakamega	10,412.85	8,883.00	1,598.86	10,481.86	69.01
16	Bomet	5,507.10	4,698.00	878.79	5,576.79	69.69
17	Bungoma	8,893.65	7,587.00	1,379.02	8,966.02	72.37
18	Laikipia	4,177.80	3,564.00	689.37	4,253.37	75.57
19	Kirinyaga	4,241.10	3,618.00	702.66	4,320.66	79.56
20	Baringo	5,095.65	4,347.00	831.86	5,178.86	83.21
21	West Pokot	5,000.70	4,266.00	818.24	5,084.24	83.54
22	Kajiado	6,424.95	5,481.00	1,031.13	6,512.13	87.18
23	Trans-Nzoia	5,760.30	4,914.00	940.48	5,854.48	94.18
24	Nairobi City	15,919.95	13,581.00	2,459.53	16,040.53	120.58
25	Uasin-Gishu	6,330.00	5,400.00	1,072.56	6,472.56	142.56
26	Nakuru	10,476.15	8,937.00	1,688.21	10,625.21	149.06
27	Nandi	5,348.85	4,563.00	935.14	5,498.14	149.29
28	Kiambu	9,431.70	8,046.00	1,546.50	9,592.50	160.80
	Total	190,026.60	162,108.00	29,728.80	191,836.80	1,810.20

...../Motion

12. **MOTION – PROVISION OF CEMETERY, FUNERAL PARLOURS AND CREMATORIA IN ALL COUNTIES**

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

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

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

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

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

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

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

13. **MOTION – ADOPTION OF THE REPORT OF THE AD-HOC COMMITTEE ON MANAGED MEDICAL EQUIPMENT SERVICES**

(Chairperson, Ad-hoc Committee on Managed Equipment Services)

THAT, the Senate adopts the Report of the Ad-Hoc Committee on Managed Equipment Services on inquiry into the Managed Equipment Services Project by the Ministry of Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

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

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

(Second Reading)

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

- 15. ***THE COMMUNITY HEALTH SERVICES BILL (SENATE BILLS NO. 5 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)
(Second Reading)
(Resumption of debate interrupted on Tuesday, 4th August, 2020)
- 16. *****THE EQUALIZATION FUND BILL (NATIONAL ASSEMBLY BILLS NO. 43 OF 2019)**
(The Senate Majority Leader)
(Second Reading)
- 17. *****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 51 OF 2017)**
(The Senate Majority Leader)
(Second Reading)
- 18. **COMMITTEE OF THE WHOLE**
*****THE STREET VENDORS (PROTECTION OF LIVELIHOOD) BILL (SENATE BILLS NO. 10 OF 2019)**
(Chairperson, Standing Committee on Tourism, Trade and Industrialization)
- 19. **COMMITTEE OF THE WHOLE**
***THE ELECTIONS (AMENDMENT) BILL (SENATE BILLS NO. 18 OF 2019)**
(Sen. (Eng.) Ephraim Maina, MP)
- 20. **COMMITTEE OF THE WHOLE**
*** THE KENYA SIGN LANGUAGE BILL (SENATE BILLS NO. 15 OF 2019)**
(Sen. (Dr.) Gertrude Musuruve and Sen. (Prof.) Margaret Kamar)
- 21. ***THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 24 OF 2019)**
(Sen. Johnes Mwaruma, MP)
(Second Reading)
- 22. ***THE LAW OF SUCCESSION (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2020)**
(Sen. Abshiro Halake, MP)
(Second Reading)
- 23. ***THE COUNTY RESOURCE DEVELOPMENT BILL (SENATE BILLS NO. 2 OF 2020)**
(Sen. Rose Nyamunga, MP)
(Second Reading)

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

(Second Reading)

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

(Second Reading)

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...../Notice

NOTICE

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

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

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

KEY

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

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

****** - Denotes a Committee Bill

***** - Denotes any other Bill

NOTICE OF AMENDMENTS

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

(Chairperson, Standing Committee on Finance and Budget)

1) **NOTICE** is given that Sen. Petronila Were Lokorio, 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 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 at paragraph 26 of the Report and substituting therefor the following new recommendations-

26. The proposed third basis/criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025 be as follows —

a. Allocation for FY 2020/21

Maintain the FY 2019/20 allocation per County

b. Equitable share not exceeding Kshs. 348 billion

The following formula shall apply

$$CA_i1 = 0.45PN_i + 0.26ES_i + 0.18PI_i + 0.08LA_i + 0.02FE_i + 0.01DF_i^4$$

Where,

CA_i1 is revenue allocation of the ith County; PN_i is Population Factor (Population of ith County/total population); ES_i is Basic Equal Share Factor (Total Equal share/47); PI_i is Poverty Gap (Poverty Resources of ith County/total poverty Resources); LA_i Land Area Factor (Land Area (Sq. Kms.) of ith County/Total Land area); FE_i is Fiscal Effort Factor (County’s own revenue increment/2009 population of the ith County); and DF_i is Development Factor=

$$\frac{1}{3} \left(\frac{E_i * N_i}{\sum (E_i * N_i)} + \frac{W_i * N_i}{\sum (W_i * N_i)} + \left(\frac{URN_i}{\sum URN_i} \right) \right)$$

Where E_i is proportion of household with access to electricity of the ith County

...../Amendments

⁴ The formula will use the 2009 population & poverty statistics

W_i is proportion of household without access to improved water of the i^{th} County

URN_i is Un-paved road network of class D, E, F, G, H, J, K, M, N & P of the i^{th} County.

c. Equitable share over and above Kshs. 348 billion

The following formula shall apply

$$CA_i2 = 0.18 * \text{Population Index}_i + 0.17 * \text{Health Index}_i + 0.10 * \text{Agriculture Index}_i + 0.05 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.08 * \text{Land Area Index}_i + 0.02 * \text{Fiscal Effort}_i + 0.04 * \text{Roads Index}_i + 0.02 * \text{Prudence Index}_i + 0.20 * \text{Basic Share Index}_i^5$$

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	$\text{Agriculture Index}_i = 0.005 * \text{Minimum Share index} + 0.095 * \frac{\text{Rural households in county } i}{\sum_{i=1}^{47} \text{Rural households in county } i}$
Other county services	$\text{Population index}_i = \frac{\text{Population in county } i}{\sum_{i=1}^{47} \text{Population in county } i}$
Minimum share	<p>Basic share index</p> $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$
Land	$\text{Land area index}_i = \frac{\text{Land area in county } i}{\sum_{i=1}^{47} \text{Land area in county } i}$
Roads	$\text{Roads index}_i = \frac{\text{Rural access index in county } i}{\sum_{i=1}^{47} \text{Rural access index in county } i}$

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

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 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		

SIMULATION FOR ILLUSTRATION ONLY

Simulation using Equitable share over and above Kshs. 348 billion using the proposed amendment by Senator Petronilla Were Lokorio-

No	County	Allocation FY 2019/20	Allocations when Equitable share Hits Kshs. 348 billion	Net Change from the Baseline of 2019/20
1	Mandera	10,222.95	8,946.67	(1,276)
2	Wajir	8,545.50	7,813.54	(732)
3	Kwale	7,785.90	7,227.18	(559)
4	Marsabit	6,773.10	6,358.76	(414)
5	Kilifi	10,444.50	10,260.63	(184)
6	Narok	8,039.10	7,888.39	(151)
7	Tharaka-Nithi	3,924.60	3,781.58	(143)
8	Nyamira	4,810.80	4,690.32	(120)
9	Mombasa	7,057.95	7,010.21	(48)
10	Tana-River	5,855.25	5,884.65	29
11	Makueni	7,406.10	7,503.22	97
12	Vihiga	4,652.55	4,767.77	115
13	Garissa	7,026.30	7,189.49	163
14	Homa-Bay	6,741.45	7,072.92	331
15	Taita-Taveta	4,241.10	4,586.61	346
16	Isiolo	4,241.10	4,609.89	369
17	Elgeyo-Marakwet	3,861.30	4,317.65	456
18	Lamu	2,595.30	3,093.81	499
19	Samburu	4,620.90	5,130.86	510
20	Kisii	7,785.90	8,312.28	526
21	Nyeri	5,412.15	5,958.74	547
22	Murang'a	6,298.35	6,856.69	558
23	Nyandarua	4,874.10	5,506.60	632
24	Turkana	10,539.45	11,232.13	693
25	Siaya	5,791.95	6,590.16	798
26	Embu	4,304.40	5,118.58	814
27	Meru	8,039.10	8,876.27	837
28	Kisumu	6,836.40	7,687.11	851
29	Kericho	5,380.50	6,236.26	856
30	Kitui	8,830.35	9,754.29	924
31	Busia	6,013.50	6,956.83	943
32	West Pokot	5,000.70	5,972.45	972
33	Migori	6,773.10	7,774.54	1,001
34	Kirinyaga	4,241.10	5,268.65	1,028

No	County	Allocation FY 2019/20	Allocations when Equitable share Hits Kshs. 348 billion	Net Change from the Baseline of 2019/20
35	Bomet	5,507.10	6,548.36	1,041
36	Baringo	5,095.65	6,194.56	1,099
37	Laikipia	4,177.80	5,305.73	1,128
38	Machakos	7,754.25	8,928.67	1,174
39	Trans-Nzoia	5,760.30	7,012.06	1,252
40	Bungoma	8,893.65	10,225.50	1,332
41	Nandi	5,348.85	6,760.87	1,412
42	Kajiado	6,424.95	7,899.10	1,474
43	Kakamega	10,412.85	11,896.16	1,483
44	Uasin-Gishu	6,330.00	7,980.33	1,650
45	Nakuru	10,476.15	12,333.57	1,857
46	Kiambu	9,431.70	11,821.97	2,390
47	Nairobi City	15,919.95	18,857.41	2,937
	Total	316,500	348,000	31,500

...../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 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 –

- 90% of the Equitable share is shared as per the following formula until the equitable share reaches Kshs. 395 billion -

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

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, 10% 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 -

Cushion to the county = $\text{Loss of county}_i / \text{total loss} \times 10\%$ (equitable share)

SIMULATION FOR ILLUSTRATION ONLY

No	County	2019/20 Allocation	CRA Recommendation 316.5b	CRA Recommendation (Ksh.284,850M n) 10% Cushioning	31,650	Cushion Allocation Ksh 31,650M n	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	7,323.16	(2,899.79)	2,818.78	10,141.94	(2,086.10)	(81.01)
2	Wajir	8,545.50	7,106	6,395.65	(2,149.85)	2,089.79	8,485.44	(1,439.22)	(60.06)
3	Kilifi	10,444.50	9,332	8,398.68	(2,045.82)	1,988.66	10,387.34	(1,112.63)	(57.16)
4	Kwale	7,785.90	6,573	5,915.69	(1,870.21)	1,817.96	7,733.65	(1,212.91)	(52.25)
5	Narok	8,039.10	7,174	6,456.92	(1,582.18)	1,537.98	7,994.90	(864.75)	(44.20)
6	Marsabit	6,773.10	5,783	5,204.86	(1,568.24)	1,524.42	6,729.29	(989.92)	(43.81)
7	Turkana	10,539.45	10,215	9,193.89	(1,345.56)	1,307.97	10,501.86	(324.02)	(37.59)
8	Mombasa	7,057.95	6,376	5,738.10	(1,319.85)	1,282.98	7,021.08	(682.29)	(36.87)
9	Makueni	7,406.10	6,824	6,141.65	(1,264.45)	1,229.13	7,370.77	(582.05)	(35.33)
10	Garissa	7,026.30	6,539	5,884.84	(1,141.46)	1,109.57	6,994.41	(487.58)	(31.89)
11	Tana- River	5,855.25	5,352	4,816.79	(1,038.46)	1,009.45	5,826.24	(503.26)	(29.01)
12	Kisii	7,785.90	7,560	6,803.88	(982.02)	954.58	7,758.46	(226.03)	(27.44)
13	Nyamira	4,810.80	4,266	3,839.18	(971.62)	944.47	4,783.66	(545.04)	(27.14)
14	Homa- Bay	6,741.45	6,433	5,789.43	(952.02)	925.42	6,714.85	(308.75)	(26.60)
15	Kitui	8,830.35	8,871	7,984.22	(846.13)	822.49	8,806.71	41.00	(23.64)

16	Tharaka-Nithi	3,924.60	3,439	3,095.35	(829.25)	806.08	3,901.43	(485.32)	(23.17)
17	Meru	8,039.10	8,073	7,265.53	(773.57)	751.96	8,017.49	33.71	(21.61)
18	Vihiga	4,652.55	4,336	3,902.59	(749.96)	729.01	4,631.60	(316.34)	(20.95)
19	Murang'a	6,298.35	6,236	5,612.44	(685.91)	666.75	6,279.19	(62.31)	(19.16)
20	Kakamega	10,412.85	10,819	9,737.42	(675.43)	656.56	10,393.98	406.50	(18.87)
21	Kisumu	6,836.40	6,991	6,292.16	(544.24)	529.03	6,821.20	154.89	(15.20)
22	Nyeri	5,412.15	5,419	4,877.44	(534.71)	519.77	5,397.21	7.23	(14.94)
23	Bungoma	8,893.65	9,300	8,369.92	(523.73)	509.09	8,879.02	406.27	(14.63)
24	Taita-Taveta	4,241.10	4,171	3,754.30	(486.80)	473.20	4,227.50	(69.65)	(13.60)
25	Nairobi City	15,919.95	17,150	15,435.44	(484.51)	470.97	15,906.41	1,230.54	(13.54)
26	Isiolo	4,241.10	4,193	3,773.35	(467.75)	454.68	4,228.03	(48.49)	(13.07)
27	Machakos	7,754.25	8,120	7,308.42	(445.83)	433.37	7,741.79	366.22	(12.46)
28	Samburu	4,620.90	4,666	4,199.79	(421.11)	409.35	4,609.14	45.53	(11.76)
29	Migori	6,773.10	7,071	6,363.73	(409.37)	397.94	6,761.66	297.71	(11.44)
30	Siaya	5,791.95	5,994	5,394.27	(397.68)	386.57	5,780.84	201.69	(11.11)
31	Nakuru	10,476.15	11,217	10,095.45	(380.70)	370.06	10,465.51	741.02	(10.64)
32	Nyandarua	4,874.10	5,008	4,507.34	(366.76)	356.51	4,863.85	134.06	(10.25)
33	Elgeyo-Marakwet	3,861.30	3,927	3,534.14	(327.16)	318.02	3,852.16	65.53	(9.14)
34	Busia	6,013.50	6,327	5,694.40	(319.10)	310.18	6,004.59	313.62	(8.91)
35	Kericho	5,380.50	5,672	5,104.59	(275.91)	268.20	5,372.79	291.27	(7.71)

36	Bomet	5,507.10	5,956	5,360.06	(147.04)	142.94	5,502.99	448.52	(4.11)
37	Embu	4,304.40	4,655	4,189.74	(114.66)	111.46	4,301.20	350.86	(3.20)
38	West Pokot	5,000.70	5,432	4,888.66	(112.04)	108.91	4,997.57	431.14	(3.13)
39	Lamu	2,595.30	2,814	2,532.39	(62.91)	61.15	2,593.54	218.47	(1.76)
40	Baringo	5,095.65	5,634	5,070.46	(25.19)	24.49	5,094.95	538.20	(0.70)
41	Trans-Nzoia	5,760.30	6,377	5,739.61	(20.69)	20.11	5,759.72	617.05	(0.58)
42	Kajiado	6,424.95	7,184	6,465.68	-	-	6,465.68	759.14	40.73
43	Kirinyaga	4,241.10	4,792	4,312.57	-	-	4,312.57	550.64	71.47
44	Laikipia	4,177.80	4,825	4,342.92	-	-	4,342.92	647.67	165.12
45	Nandi	5,348.85	6,149	5,534.00	-	-	5,534.00	800.04	185.15
46	Uasin-Gishu	6,330.00	7,258	6,532.17	-	-	6,532.17	927.97	202.17
47	Kiambu	9,431.70	10,752	9,676.69	-	-	9,676.69	1,320.18	244.99
	TOTAL	316,500.00	316,500.00	284,850.00	(32,559.64)	31,650.00	316,500.00	0.00	0.00

...../Amendments

3) NOTICE is given that Sen. Kimani Wamatangi, MP intends to move a further 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 as amended by Sen. Johnson Sakaja, MP and Sen. Mithika Linturi, MP, by deleting the recommendation appearing as paragraph 26 of the amended report and substituting therefor the following new recommendation-

(26) The Senate resolves that pursuant to Article 217 of the Constitution, the Third basis for sharing revenue among counties, for the FY 2020/2021- 2024/25 be as follows-

a) Equitable Share for 2020/21

The following formula shall apply

$$CA_i = 0.45PN_i + 0.26ES_i + 0.18PI_i + 0.08LA_i + 0.02FE_i^1 + 0.01DF_i^2$$

Where,

CA_i is revenue allocation of the ith County; PN_i is Population Factor (Population of ith County/total population); ES_i is Basic Equal Share Factor (Total Equal share/47); PI_i is Poverty Gap (Poverty Resources of ith County/total poverty Resources); LA_i Land Area Factor (Land Area (Sq. Kms.) of ith County/Total Land area); FE_i is Fiscal Effort Factor (County’s own revenue increment/2009 population of the ith County); and DF_i is Development Factor=

$$\frac{1}{3} \left(\frac{E_i * N_i}{\sum (E_i * N_i)} + \frac{W_i * N_i}{\sum (W_i * N_i)} + \left(\frac{URN_i}{\sum URN_i} \right) \right)$$

Where E_i is proportion of household with access to electricity of the ith County

W_i is proportion of household without access to improved water of the ith County

URN_i is Un-paved road network of class D, E, F, G, H, J, K, M, N & P of the ith County.

...../Amendments

¹ Fiscal Effort Index for FY 2019/20

² The formula will use the 2009 population & poverty statistics

b) Equitable share for 2021/22

a. Equitable share not exceeding Kshs.316.5 billion

The following formula shall apply

$$CA_i1 = 0.45PN_i + 0.26ES_i + 0.18PI_i + 0.08LA_i + 0.02FE_i + 0.01DF_i^3$$

Where,

CA_{i1} is revenue allocation of the ith County; PN_i is Population Factor (Population of ith County/total population); ES_i is Basic Equal Share Factor (Total Equal share/47); PI_i is Poverty Gap (Poverty Resources of ith County/total poverty Resources); LA_i Land Area Factor (Land Area (Sq. Kms.) of ith County/Total Land area); FE_i is Fiscal Effort Factor (County’s own revenue increment/2009 population of the ith County); and DF_i is Development Factor=

$$\frac{1}{3} \left(\frac{E_i * N_i}{\sum_i (E_i * N_i)} + \frac{W_i * N_i}{\sum_i (W_i * N_i)} + \left(\frac{URN_i}{\sum_i URN_i} \right) \right)$$

Where E_i is proportion of household with access to electricity of the ith County

W_i is proportion of household without access to improved water of the ith County

URN_i is Un-paved road network of class D, E, F, G, H, J, K, M, N & P of the ith County.

b. Any additional amount of Equitable share above Kshs.316.5 billion for 2021/22 (Details of the parameters are given in Appendix 1)

The following formula shall apply

$$CA = 0.16 * Population Index_i + 0.20 * Health Index_i + 0.12 * Agriculture Index_i + 0.04 * Urban Index_i + 0.14 * Poverty Index_i + 0.05 * Land Area Index_i + 0.01 * Fiscal Effort_i + 0.07 * Roads Index_i + 0.01 * Prudence Index_i + 0.20 * Basic Share Index_i^4$$

...../Amendments

³ The formula will use the 2009 population & poverty statistics

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

c) Equitable share for 2022/23- 2024/25 (Details of the parameters are given in Appendix 1)

The following formula shall apply

$$CA = 0.16 * \text{Population Index}_i + 0.20 * \text{Health Index}_i + 0.12 * \text{Agriculture Index}_i + 0.04 * \text{Urban Index}_i + 0.14 * \text{Poverty Index}_i + 0.05 * \text{Land Area Index}_i + 0.01 * \text{Fiscal Effort}_i + 0.07 * \text{Roads Index}_i + 0.01 * \text{Prudence Index}_i + 0.20 * \text{Basic Share Index}_i^5$$

d) The Senate, pursuant to Article 217 (2) (b) of the Constitution, recommends that the Commission on Revenue Allocation take into consideration the Report of the Standing Committee on Finance and Budget on the Third Basis for Revenue Allocation and the debate thereon by the Senate and review its original recommendation on the third basis/criteria for allocating among the counties the share of national revenue for financial years 2020/2021-2024/2025, and submit the revised recommendations to the Senate within 3 months, taking 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.

Appendix 1: Explanation of the Parameters

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

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

Minimum share	Basic share index $= 0.19 * \text{Equal Share index} + 0.01 * \frac{\text{inverse of population in county } i}{\sum_{i=1}^{47} \text{inverse of population in county } i}$					
Land	Land Index _i = $\frac{\sqrt{\text{Land Area in County } i}}{\sum_{i=1}^{47} \sqrt{\text{Land area in County } i}}$					
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	Urban index _i = $\frac{\text{Urban population in county } i}{\sum_{i=1}^{47} \text{Urban population in county } i}$					
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			

...../Amendments

SIMULATION FOR ILLUSTRATION ONLY

Simulation using Equitable Share of Kshs. 316.5 billion for FY 2020/2021 applying the proposed amendment

No	County	Actual Allocations 2019/20	Proposed FY 2020/21 Allocation (Kshs.316.5 billion)	Net Change between FY19/20 Allocation & Proposed FY 2020/21 Allocation
1	Mandera	10,222.95	10,222.95	0.00
2	Kwale	7,785.90	7,785.90	0.00
3	Wajir	8,545.50	8,545.50	0.00
4	Marsabit	6,773.10	6,773.10	0.00
5	Kilifi	10,444.50	10,444.50	0.00
6	Mombasa	7,057.95	7,057.95	0.00
7	Narok	8,039.10	8,039.10	0.00
8	Makueni	7,406.10	7,406.10	0.00
9	Nyamira	4,810.80	4,810.80	0.00
10	Tana-River	5,855.25	5,855.25	0.00
11	Tharaka-Nithi	3,924.60	3,924.60	0.00
12	Garissa	7,026.30	7,026.30	0.00
13	Vihiga	4,652.55	4,652.55	0.00
14	Isiolo	4,241.10	4,241.10	0.00
15	Homa-Bay	6,741.45	6,741.45	0.00
16	Kisii	7,785.90	7,785.90	0.00
17	Taita-Taveta	4,241.10	4,241.10	0.00
18	Murang'a	6,298.35	6,298.35	0.00
19	Samburu	4,620.90	4,620.90	0.00
	Total Loss	126,473.40	126,473.40	0.00
1	Kitui	8,830.35	8,830.35	0.00
2	Nyandarua	4,874.10	4,874.10	0.00

No	County	Actual Allocations 2019/20	Proposed FY 2020/21 Allocation (Kshs.316.5 billion)	Net Change between FY19/20 Allocation & Proposed FY 2020/21 Allocation
3	Nyeri	5,412.15	5,412.15	0.00
4	Turkana	10,539.45	10,539.45	0.00
5	Lamu	2,595.30	2,595.30	0.00
6	Elgeyo-Marakwet	3,861.30	3,861.30	0.00
7	Kisumu	6,836.40	6,836.40	0.00
8	Meru	8,039.10	8,039.10	0.00
9	Migori	6,773.10	6,773.10	0.00
10	Embu	4,304.40	4,304.40	0.00
11	Siaya	5,791.95	5,791.95	0.00
12	Busia	6,013.50	6,013.50	0.00
13	Kericho	5,380.50	5,380.50	0.00
14	Machakos	7,754.25	7,754.25	0.00
15	Kakamega	10,412.85	10,412.85	0.00
16	Bomet	5,507.10	5,507.10	0.00
17	Bungoma	8,893.65	8,893.65	0.00
18	Laikipia	4,177.80	4,177.80	0.00
19	Kirinyaga	4,241.10	4,241.10	0.00
20	Baringo	5,095.65	5,095.65	0.00
21	West Pokot	5,000.70	5,000.70	0.00
22	Kajiado	6,424.95	6,424.95	0.00
23	Trans-Nzoia	5,760.30	5,760.30	0.00
24	Nairobi City	15,919.95	15,919.95	0.00
25	Uasin-Gishu	6,330.00	6,330.00	0.00
26	Nakuru	10,476.15	10,476.15	0.00
27	Nandi	5,348.85	5,348.85	0.00

No	County	Actual Allocations 2019/20	Proposed FY 2020/21 Allocation (Kshs.316.5 billion)	Net Change between FY19/20 Allocation & Proposed FY 2020/21 Allocation
28	Kiambu	9,431.70	9,431.70	0.00
	Total	316,500.00	316,500.00	0.00

...../Amendments

4) **NOTICE** is given that Sen. James Orengo, 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 insertion of a new recommendation after paragraph 26 of the Report as follows-

27) The Senate, pursuant to Article 217 (2) (b) of the Constitution, recommends that the Commission on Revenue Allocation take into consideration the Report of the Standing Committee on Finance and Budget on the Third Basis for Revenue Allocation and the debate thereon by the Senate and review its original recommendation on the third basis/ criteria for allocating among the counties the share of national revenue for financial years 2020/2021 to 2024/2025, and submit the revised recommendations to the Senate within three months, taking 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”.

...../Amendments

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

(Sen. Samuel Poghio, MP)

(Consideration of the National Assembly amendments)

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

CLAUSE 2

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

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

CLAUSE 3

Clause 3 of the Bill be amended—

(a) by deleting the expression “(1)”;

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

CLAUSE 4

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

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

CLAUSE 10

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

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

CLAUSE 15

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

CLAUSE 21

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

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

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

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

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

CLAUSE 2

THAT clause 2 of the Bill be amended-

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

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

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

CLAUSE 4

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

CLAUSE 8

THAT clause 8 of the Bill be amended-

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

...../Amendments

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

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

CLAUSE 22

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

CLAUSE 23

THAT clause 23 of the Bill be amended-

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

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

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

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

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

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

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

CLAUSE 24

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

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

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

CLAUSE 28

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

NEW CLAUSE 28A

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

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

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

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

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

CLAUSE 2

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

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

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

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

CLAUSE 3

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

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

CLAUSE 4

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

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

APPENDIX

1. PETITIONS

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

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

- ii) 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) Petition to the Senate by Mr. Joseph Mikolela and others, concerning the plight of seed farmers in Trans-Nzoia County.

(Sen. (Dr.) Michael Mbito, MP)

- iv) Petition to the Senate by Mr. Daniel Ngumi and others, concerning NHIF cover for kidney post-transplant medication.

(Sen. Isaac M. Mwaura, MP)

- v) Petition to the Senate by Mr. Lawrence Mutembei concerning alleged irregular redeployment from the Department of Finance and Economic Planning to the Department of Education, Youth, Vocational Training, Culture, Sport and Tourism, by the County Government of Tharaka Nithi.

(The Speaker of the Senate)

2. PAPERS

- i) Report of the Ad-Hoc Committee on Managed Equipment Services on the Inquiry into the Managed Equipment Services Project by the Ministry of Health.

(Chairperson, Ad-hoc Committee on Managed Equipment Services)

- ii) Report of the Standing Committee on National Security, Defence and Foreign Relations on the arrest and whereabouts of three Senators.

(Chairperson, Standing Committee on National Security, Defence and Foreign Relations)

- iii) Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Senators During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health.

(Sen (Arch.) Sylvia Kasanga, MP – Member, Committee of Powers and Privileges)

- iv) The Public Health (COVID-19 General Public Safety) Rules, 2020, Legal Notice No. 129 of 2020.

- v) The Public Health (COVID-19 Sale of Alcoholic Drinks) Rules, 2020, Legal Notice No. 163 of 2020.

(The Senate Majority Leader)

3. NOTICES OF MOTION

- i) **ADOPTION OF REPORT OF THE COMMITTEE OF POWERS AND PRIVILEGES ON THE INQUIRY INTO THE CONDUCT OF TWO SENATORS**

(Sen (Arch.) Sylvia Kasanga, MP – Member, Committee of Powers and Privileges)

THAT, the Senate adopts the Report of the Committee of Powers and Privileges on the Inquiry into the Conduct of Sen. Beatrice Kwamboka, MP, and Sen. Mary Seneta, MP, During the Election of the Chairperson and Vice-chairperson of the Standing Committee on Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

- ii) **ADOPTION OF THE REPORT OF THE AD-HOC COMMITTEE ON MANAGED MEDICAL EQUIPMENT SERVICES**

(Chairperson, Ad-hoc Committee on Managed Equipment Services)

THAT, the Senate adopts the Report of the Ad-Hoc Committee on Managed Equipment Services on inquiry into the Managed Equipment Services Project by the Ministry of Health, laid on the Table of the Senate on Tuesday, 8th September, 2020.

- iii) **OPERATIONALIZATION OF EDUCATION ASSESSMENT RESOURCE CENTRES (EARCs) IN COUNTIES**

(Sen. (Dr.) Gertrude Musuruve Inimah, MP)

THAT, AWARE THAT Section 46 of the Basic Education Act, 2013 mandates the county education boards to provide for Education Assessment and Research Centres (EARCs), including a special needs service in identified clinics in the respective counties.

FURTHER AWARE, THAT the functions of the EARCs as provided by the Act include; the study of children with special education needs within the county; the giving of advice to parents and teachers as to appropriate methods of education for such children; in suitable cases, provision for the special education needs of such children in the identified clinics; and, the giving of advice to county education boards regarding the assessment of the

needs of any child under special needs education for purposes of any of the provisions of the Basic Education Act, 2013.

NOTING THAT, given the critical role EARCs play in assessment, placement and early intervention of children with special needs, EARCs countrywide are currently in a dilapidated and dysfunctional state.

NOW THEREFORE, the Senate calls upon the county governments to operationalize Section 46 of the Basic Education Act, 2013 by:

1. Ensuring that EARCs in the respective counties are fully furnished and adequately staffed; and
2. Working in tandem with the National Government to develop a national policy on EARCs that will define the expected service delivery in accordance with internationally set standards and regulate the terms of employment for the staff.

4. STATEMENTS

a) Pursuant to Standing Order 47 (1)

- i) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to make a statement regarding the appointment of Sen (Dr.) Gertrude Musuruve Inimah, MP, to the position of Co-chair of the International Parliamentary Network on Education.
- ii) The Senator for Trans- Nzoia County (Sen. (Dr.) Michael Mbito, MP) to make a statement concerning boosting of domestic tourism.
- iii) Nominated Senator (Sen. (Dr.) Gertrude Musuruve Inimah, MP) to make a statement concerning the alleged approval of the vaginal ring to curb the spread of HIV/Aids in Africa.
- iv) Nominated Senator (Sen. Abshiro Halake, MP) to make statement regarding imposition of Value Added Tax (VAT) on clean and renewable energy products.

b) Pursuant to Standing Order 48 (1)

- i) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning pollution of the environment by industrial emissions.
- ii) The Senator for Kakamega County (Sen. Cleophas Malalah, MP) to seek a statement from the Standing Committee on Finance and Budget concerning the proposed increase of Excise Duty on beer made from sorghum, millet and cassava.

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- iii) The Senator for Nairobi County (Sen. Johnson Sakaja, MP) to seek a statement from the Sessional Committee on County Public Accounts and Investments concerning the source and utilization of funds on the beautification and “ng’arisha jiji” programme by Nairobi City County government.
- iv) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a statement from the Standing Committee on Labour and Social welfare regarding misappropriation of Staff emoluments, statutory deductions and other labour relations violations.
- v) The Senator for Trans – Nzoia County (Sen. (Dr.) Michael Mbito, MP) to seek a statement from the Standing Committee on Health concerning payment of allowances to Office Administrative Personnel working in the health sector in county governments.
- vi) The Senator for Mombasa County (Sen. Mohamed Faki Mwinyihaji, MP) to seek a statement from the Standing Committee on Information and Technology regarding the state of affairs at the Postal Corporation of Kenya.
- vii) Nominated Senator (Sen. (Dr.) Alice Milgo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources regarding alleged continued destruction by fires, of the conservation area around the Tsavo National Park.
- viii) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding an alleged assault against a resident of Isiolo County by police officers at Barambate Police Post in the County.
- ix) The Senator for Lamu County (Sen. Anwar Loiptip, MP) to seek a statement from the Standing Committee on Roads and Transportation concerning the status of dock work job opportunities at the Lamu Port for youths in Lamu County.
- x) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) to seek a statement from the Standing Committee on Land, Environment and Natural Resources concerning alleged human – wildlife conflict in Isiolo County.
- xi) The Senator for Wajir County (Sen. (Dr.) Abdullahi Ali, MP) to seek a Statement from the Ad-hoc Committee on COVID-19 Situation in Kenya concerning the status of preparedness for COVID-19 by the Wajir County Government.
- xii) The Senator for Kericho County (Sen. Aaron Cheruiyot, MP) to seek a statement from the Standing Committee on Labour and Social Welfare regarding the operations of the Anti-Doping Agency of Kenya (ADAK) and the alleged rampant doping test failure by Kenyan athletes.

- xiii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on Education concerning the status of graduations in various learning institutions that are due in the year 2020.
- xiv) Nominated Senator (Sen. Falhada Iman, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations regarding alleged use of excessive force by the police when engaging with civilians.
- xv) The Senator for Homa Bay County (Sen. Moses Kajwang', MP) to seek a Statement from the Standing Committee on Health regarding alleged industrial strike by health workers in Homa Bay County in the midst of the COVID-19 Pandemic, as well as the general state of health services in the county.
- xvi) Nominated Senator (Sen. Petronila Were Lokorio, MP) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding alleged frustrations faced by retired public servants or their beneficiaries in claiming benefits at the Pensions Department.
- xvii) The Senator for Lamu County (Sen. Anwar Loitip, MP) to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the killing of chiefs, police officers and community volunteers in Lamu East Constituency, Lamu County.
- xviii) The Senator for Nandi County (Sen. Samson Cherarkey, MP) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning alleged reduction of tea prices by tea companies in Nandi County.
- xix) Nominated Senator (Sen. Abshiro Halake, MP) to seek a Statement from the Standing Committee on Justice, Legal Affairs and Human Rights regarding derogatory reference of mentally challenged victims of sexual violence in the Penal Code.

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

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

d) Pursuant to Standing Order 51 (1) (b)

- i) The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries to make a statement relating to the activities of the Committee.
- ii) The Chairperson, Standing Committee on Devolution and Intergovernmental Relations to make a statement relating to the activities of the Committee.
- iii) The Chairperson, Standing Committee on Education to make a statement relating to the activities of the Committee.

e) Pursuant to Standing Order 52 (1)

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 15th September, 2020.
