



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (FIFTH SESSION)**

**THE SENATE**  
**ORDER PAPER**

**THURSDAY, DECEMBER 02, 2021 AT 2.30 P.M.**

**PRAYER**

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 COUNTY E-HEALTH BILL (SENATE BILLS NO. 39 OF 2021)**  
(Sen. Judith Pareno, MP)

*(First Reading)*

9. **\*THE EMPLOYMENT (AMENDMENT) BILL (SENATE BILLS NO. 54 OF 2021)**  
(Sen. Samson Cherarkey, MP)

*(First Reading)*

10. **MOTION – ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE APPROVAL OF THE SENATE NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD**  
(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate **adopts** the Report of the Standing Committee on Finance and Budget on the approval of the Senate Nominee to the Equalization Fund Advisory Board laid on the Table of the Senate today, Thursday, 2<sup>nd</sup> December, 2021 and pursuant to standing order 72 (c)(iii) of the Senate Standing Orders and paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, **approves** Mr. Victor Ochieng' Odanga for appointment to the Equalization Fund Advisory Board.

...../Bills

11. **\*\*\*THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)**  
(The Senate Majority Leader)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 2<sup>nd</sup> December, 2021 – Morning Sitting)***

12. **\*THE HERITAGE AND MUSEUMS BILL (SENATE BILLS NO. 22 OF 2021)**  
(Sen. (Dr.) Alice Milgo, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021) (Division)***

13. **\*THE COUNTY OVERSIGHT AND ACCOUNTABILITY BILL (SENATE BILLS NO. 17 OF 2021)**

(Sen. Ledama Olekina, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 2<sup>nd</sup> November, 2021) (Division)***

14. **\*\*THE INTERGOVERNMENTAL RELATIONS (AMENDMENT) BILL, (SENATE BILLS NO. 37 OF 2021)**

(The Chairperson, Standing Committee on Devolution and Intergovernmental Relations)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 4<sup>th</sup> November, 2021) (Division)***

15. **\*THE COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILLS NO. 38 OF 2021)**

(Sen. Moses Kajwang', MP)

*(Second Reading)*

***(Resumption of debate interrupted on Tuesday, 16<sup>th</sup> November, 2021) (Division)***

16. **\*THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 9 OF 2021)**  
(Sen. Kipchumba Murkomen, MP)

*(Second Reading)*

***(Resumption of debate interrupted on Thursday, 18<sup>th</sup> November, 2021) (Division)***

- 17. **\*COMMITTEE OF THE WHOLE**  
**THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
  
- 18. **COMMITTEE OF THE WHOLE**  
**\*THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**  
(Sen. (Dr.) Agnes Zani, MP)
  
- 19. **COMMITTEE OF THE WHOLE**  
**\*\*THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**  
  
(The Chairperson, Standing Committee on Education)
  
- 20. **COMMITTEE OF THE WHOLE**  
**\*THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**  
(Sen. (CPA.) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)
  
- 21. **COMMITTEE OF THE WHOLE**  
**\*THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)**  
(Sen. Sakaja Johnson, MP)
  
- 22. **\*COMMITTEE OF THE WHOLE**  
**\*\*\*THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)**  
(The Senate Majority Leader)
  
- 23. **MOTION - FAST TRACKING CULTURAL DEVELOPMENTS IN COUNTIES**  
(Sen. (Arch.) Sylvia Kasanga, MP)

**THAT, WHEREAS** Kenya is a multi-ethnic and multi-racial country with rich and diverse cultural resources such as traditional medicine and foods, arts, craft, music, dances, dress among others;

**AWARE THAT,** the Constitution, in its preamble acknowledges the cultural diversity of the Kenyan people who are determined to live in peace and unity as one indivisible sovereign nation whilst, Article 11 of the Kenyan Constitution recognizes culture as the foundation of the nation;

**NOTING** that, while the Department of Culture under the Ministry of Sports, Culture and Heritage has been playing some of the key roles in promotion of cultural integration, formulation of policies and standards that will guide the development of culture, little information has been available to the Kenyan public;

...../Motion

**ACKNOWLEDGING**, that culture performs a significant role in the life of a child, the cultural background in which a child is brought up affects the totality of his or her life's activities;

**CONCERNED**, that our children are losing their sense of identity due to the negative influences due to inadequate cultural identity catalyzed by globalization which has led to catastrophic consequences to the next generation as experienced in our country where a majority of young people are showing symptoms of feeling suicidal, anxious, feeling of hopelessness, anger, violence, feeling isolated, and paranoia;

**NOW THEREFORE**, the Senate urges the Cabinet Secretary, Ministry of Sports, Culture and Heritage to –

- a) Formulate cultural development policies and initiatives to inculcate stronger community values, safeguard Kenya's heritage, recognize local heroes and promote socio-cultural opportunities in the counties; and
- b) Formulate strategies to create an enabling environment for protection and promotion of diversity of cultural expressions in all counties.

*(Resumption of debate interrupted on Tuesday, 14<sup>th</sup> September, 2021)*

24. **MOTION - ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON ETHNIC DIVERSITY AND INCLUSIVITY AT THE KENYA MARITIME AUTHORITY (KMA) AND KENYA PORTS AUTHORITY (KPA)**

(The Chairperson, Standing Committee on National Cohesion, Equal Opportunity and Regional Integration)

**THAT**, the Senate adopts the Report of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration on ethnic diversity and inclusivity at the Kenya Maritime Authority (KMA) and Kenya Ports Authority (KPA) laid on the Table of the Senate on Wednesday, 1<sup>st</sup> December, 2021.

25. **MOTION – ADJOURNMENT OF THE SENATE**

(The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 8<sup>th</sup> February, 2022.

---xxx---

...../Notice.

**NOTICE**

1. **THAT**, pursuant to Standing Order 251A and 251B, the sitting will be a hybrid sitting consisting of Senators who are physically present in the Senate Chamber and Senators participating virtually from a remote location through **Zoom** online meeting platform, as per guidelines issued by the Speaker pursuant to Standing Order 251A(4).
2. The Senate resolved on 10<sup>th</sup> February, 2021, as follows:-
  - i. **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. –

- ii. **THAT**, notwithstanding the provisions of Standing Order 106 (1), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put; Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

----xxx--

**KEY**

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

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

**\*\*- Denotes a Committee Bill**

**\*- Denotes any other Bill**

...../Amendments

**NOTICE OF AMENDMENTS**

**A. THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**

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

**NOTICE** is given that the Chairperson, Standing Committee on Land, Environment and Natural Resources, intends to move the following amendments to the Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020), at the Committee Stage—

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended—

(a) by inserting the following new sub clause immediately after sub clause (2)—

(3A) The members of the County Benefit Sharing Committee elected under subsection (2)(d) shall serve for one single term of five years.

(b) In sub clause (4) by deleting the expression “(2)(c)” appearing immediately after the words “elected under subsection” and substituting therefor the expression “(2)(d)”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended in sub clause (2) by deleting the words “county and local community” appearing immediately after the word “Each”.

**CLAUSE 13**

**THAT** clause 13 of the Bill be amended—

(a) in sub clause (1) by inserting the words “two of whom shall be of the opposite gender” immediately after the words “of five persons”; and

(b) by deleting sub clause (6) and substituting therefor the following new sub clause—

(6) The local community benefit sharing forum shall ensure that the respective local community benefits from the exploitation of natural resources and shall, for this purpose—

(a) collect and collate the views of the local community and represent the interests of the local community in the negotiations with the respective County Benefit Sharing Committee and in the implementation of a Benefit Sharing Agreement;

(b) in consultation with the local community, identify local community projects to be supported by money allocated to the local community by the County Benefit Sharing Committee under this Act; and

- (c) over see the implementation of projects undertaken in the relevant local community using funds devolved under this Act.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended by deleting sub clause (2).

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended in the definition of the word “benefit sharing agreement” by inserting the words “the exploitation of” appearing immediately after the words “revenue accruing from”.

**B. THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, (SENATE BILLS NO. 11 OF 2020)**

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

**NOTICE** is given that the Chairperson, Committee on Tourism, Trade and Industrialization intends to move the following amendments to the Co-operative Societies (Amendment) Bill, (Senate Bills No. 11 of 2020), at the Committee Stage-

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended in paragraph (c) by inserting the following new definition immediately after the definition of the word “county executive committee member” –

“director” means the county director of co-operatives appointed under section 3A of this Act.

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in the proposed new section 2A by deleting paragraph (h).

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended in the proposed new section 6 by –

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

Procedure for registration of a co-operative union or apex society.

(b) deleting subsection (2);

(c) deleting the words -

(i) “or (2)” appearing immediately after the words “under subsection (1) in the introductory clause of subsection (3); and

(ii) “or county executive committee member” appearing immediately after the words “as the Commissioner” in subsection (3)(g);

(d) deleting the words “or county executive committee member” appearing immediately after the words “The Commissioner” in subsection (4);

(e) deleting the words “or the county executive committee member” appearing immediately after the words “Where the Commissioner” in subsection (5).

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended in the proposed new section 6A by –

- (a) renumbering the subsection appearing immediately before subsection (2) as subsection (1);
- (b) deleting the introductory clause in subsection (1) and substituting therefor the following new introductory clause –
  - (1) The Commissioner or director may reject an application for registration or pre-registration of a cooperative society where -
- (c) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the words “director as the case may be”.

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended –

- (a) in paragraph (a) by deleting the proposed new subsection (1) and substituting therefor the following new subsection –
  - (1) If the Commissioner or director is not satisfied that an apex society, co-operative union or primary society, as the case may be, has not complied with this Act and is of the opinion that steps may be taken to comply with this Act, the Commissioner may provisionally register the society or union for a period not exceeding one year on such terms and conditions as the Commissioner may specify in writing.
- (b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (2) and substituting therefor the word “director”;
- (c) in paragraph (c) by –
  - (i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4) and substituting therefor the word “director”;
  - (ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4B) and substituting therefor the word “director”; and

(iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (4C)(a) and substituting therefor the word “director”; and

(d) in paragraph (d) by deleting the words “or the county executive committee member” appearing in the introductory clause in the proposed new subsection (5) and substituting therefor the word “director.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended in the proposed new section 7A by –

(a) deleting the words “or the county executive committee member” appearing immediately after the words “the Commissioner” in subsection (1);

(b) inserting the following new subclause immediately after subsection (1) –

(1A) A director may make a recommendation to the Commissioner for the suspension or cancellation of registration of a primary society where the society meets the conditions for suspension or cancellation of registration under subsection (1).

(c) deleting the words “or the county executive committee member” appearing immediately after the words “society the Commissioner” in the introductory clause in subsection (2);

(d) deleting the introductory clause in subsection (3) and substituting therefor the following new introductory clause –

(2) Where the Commissioner makes an order for the suspension or cancellation of registration of a co-operative society, the Commissioner shall specify –

(e) deleting the words “or the county executive committee member” appearing immediately after the words “the Commissioner” in subsection (4).

**CLAUSE 10**

**THAT** the Bill be amended by deleting clause 10 and substituting therefor the following new clause -

**10.** Section 8 of the principal Act is amended -

(a) by deleting subsection (2) and substituting therefor the following new subsection -

(2) A co-operative society which intends to amend its by-laws shall submit to an application to amend the by-laws in the prescribed form together with the proposed amendment, -

(a) in the case of an apex society or co-operative union, to the Commissioner; or

(b) in the case of a primary society, to the director.

(b) in subsection (3) by inserting the words “or director as the case may be” immediately after the words “If the Commissioner”;

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

(A3) If the director is satisfied that the amendment by a primary society to its by-laws is not contrary to this Act, the director shall register the amendment and submit information relating to the registration, in the prescribed form, to the Commissioner for purposes of updating the register.

(c) in subsection (3A) by inserting the words “or director” immediately after the words “The Commissioner”; and

(d) in subsection (5) by inserting the words “or director” immediately after the words “the Commissioner”.

**CLAUSE 11**

**THAT** clause 11 of the Bill be amended in the proposed new section 9 by deleting the words “county executive committee member” appearing immediately after the words “decision of the” in the introductory clause in subsection (2) and substituting therefor the word “director”.

**CLAUSE 12**

**THAT** clause 12 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “inserting the words or” and substituting therefor the words “director’s”.

**CLAUSE 13**

**THAT** the Bill be amended by deleting clause 13 and substituting the following new clause –

**13.** Section 11 of the principal Act is amended –

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

(1) A certificate of registration or provisional registration signed by the Commissioner or pre-registration signed by the director shall be conclusive evidence that the society is duly registered, provisionally registered or pre-registered.

(b) in subsection (4) by inserting the words “or director” immediately after the words “by the Commissioner”;

(c) in subsection (5) by inserting the words “or director” immediately after the words “by the Commissioner”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended-

(a) by inserting the following new paragraph immediately before paragraph (a) -

(aa) in subsection (4) by inserting the words “respective directors” immediately after the words “in consultation with the”

(b) deleting paragraph (a) and substituting therefor the following new paragraph –

(a) in subsection (5) by inserting the words “or director as the case may be immediately after the words “appointed the Commissioner”;

(c) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “society to the” in the proposed new subsection (7)(b) and substituting therefor the word “director”;

(d) in paragraph (d) in the proposed new subsection (10)(b) by deleting the words “county executive committee member” appearing immediately after the words “society to the” and substituting therefor the word “Director”; and

(e) by deleting paragraph (e) and substituting therefor the following new paragraph –

(e) in subsection (11) by inserting the words “or director as the case may be” immediately after the words “unless the Commissioner”.

**CLAUSE 16**

**THAT** clause 16 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 17**

**THAT** clause 17 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “society or the” and substituting therefor the word “director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (c) by deleting the proposed new subsection (10) and substituting therefor the following new subsection -

(10) The Commissioner or the director, as the case may be, or a person nominated by the Commissioner or the director, may preside at any meeting convened under subsection (8).

**CLAUSE 18**

**THAT** clause 18 of the Bill be amended –

(a) by deleting paragraph (a);

(b) in paragraph (b)-

(i) by deleting the words “county executive committee member” appearing immediately after the words “society or to the” in subparagraph (i) and substituting therefor the word “director”; and

(ii) by deleting the words “county executive committee member” appearing immediately after the words “society or the” in subparagraph (ii) and substituting therefor the word “director” ;

(c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “society or the” and substituting therefor the word “director”.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “the words or the” and substituting therefor the word “director”;
- (b) in paragraph (b) by-
  - (i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8A) and substituting therefor the word “director” ;
  - (ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new subsection (8C) and substituting therefor the word “director” ;
  - (iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8D) and substituting therefor the word “director” ; and
  - (iv) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8E) and substituting therefor the word “director” ;
- (c) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (10) and substituting therefor the word “director” .

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (ii) and substituting therefor the word “director”;
- (b) in paragraph (c) by-
  - (i) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8A) and substituting therefor the word “director”;

- (ii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new subsection (8C) and substituting therefor the word “director”;
- (iii) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8D) and substituting therefor the word “director”;
- (iv) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (8E) and substituting therefor the word “director”;
- (c) in paragraph (e) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (10) and substituting therefor the word “director”.

**CLAUSE 22**

**THAT** clause 22 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the words “or the director”;
- (b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;
- (c) by deleting paragraph (c) and substituting therefore the following new paragraph-
  - (c) in subsection (5) by deleting the introductory clause and substituting therefor the following new introductory clause –
    - (5) Where an agent claims to be or to have become unable to comply with subsection (3) by reason of lack of moneys held by or due from him, he shall give a written notification to the Commissioner or the director stating the reasons for his inability and the Commissioner or the director may —
- (d) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended in the proposed new section 51-

- (a) by deleting the words “county executive committee member” appearing immediately after the words “register with the” in subsection (2) and substituting therefor the word “director” ; and
- (b) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (3) and substituting therefor the word “director”.

**CLAUSE 24**

**THAT** clause 24 of the Bill be amended-

- (a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;
- (b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and
- (c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 25**

**THAT** clause 25 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended in the proposed new section 54 by –

- (a) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (1) and substituting therefor the word “director”;
- (b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the word “director”; and
- (c) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (3) and substituting therefor the word “director”.

**CLAUSE 28**

**THAT** clause 28 of the Bill be amended –

- (a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subsection (1) and substituting therefor the word “director”;
- (b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “resolution request the” in the proposed new subsection (1B) and substituting therefor the word “director”;
- (c) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and
- (d) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new introductory clause to subsection (4) and substituting therefor the word “director”.

**CLAUSE 29**

**THAT** the Bill be amended by deleting clause 29 and substituting therefor the following new clause-

Amendment of section 59 of No. 12 of 1997.      **29.** Section 59 of the principal Act is amended –

- (a) in subsection (1) by -
  - (i) inserting the words “or the director as the case may be” immediately after the words “The Commissioner” in the introductory clause;
  - (ii) inserting the words “or the Director” immediately after the words “satisfies the Commissioner” in paragraph (a); and
  - (iii) deleting paragraph (b) and substituting therefor the following new paragraph –

(b) the applicant deposits with the Commissioner or the director such sum as security for the expenses of the inspection as the Commissioner or the director may require.

(b) in subsection (2) by inserting the words “or the director as the case may be” immediately after the words “The Commissioner”.

**CLAUSE 30**

**THAT** clause 30 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new subclause (1) and substituting therefor the word “director”.

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 32**

**THAT** clause 32 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause of the proposed new subclause (1) and substituting therefor the word “director”;

(b) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and

(c) in paragraph (e) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended in the proposed new section 65 by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” and substituting therefor the word “director”.

**CLAUSE 37**

**THAT** clause 37 of the Bill be amended-

- (a) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;
- (b) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”; and
- (c) in paragraph (d) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 38**

**THAT** clause 38 of the Bill be amended in the proposed new section 67 by -

- (a) deleting subsection (2) and substituting therefor the following new subsection-
  - (2) The director shall open and administer a co-operative societies liquidation account for primary societies with such bank as the director may determine.
- (b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause in subsection (3) and substituting therefor the word “director”;
- (c) deleting subsection (3) appearing immediately before subsection (4) and substituting the following new subsection-
  - (3A) The Commissioner or the director, as the case may be, may utilise the funds in the co-operative societies liquidation account to pay distribution or unpaid claims which have been certified.

**CLAUSE 39**

**THAT** clause 39 of the Bill be amended-

- (a) in paragraph (a)-
  - (i) by deleting the proposed new subsection (1) and substituting therefor the following new subsection-

(1) The liquidator shall exercise his powers subject to the guidance and control of the Commissioner or the director, as the case may be, and to any limitations imposed by the Commissioner or the Director.

(ii) in the proposed new subsection (1A) by-

(A) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the introductory clause and substituting therefor the word “Director”;

(B) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in paragraph (e) and substituting therefor the word “Director”;

(b) in paragraph (b) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 40**

**THAT** clause 40 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “the words the” and substituting therefor the word “director”.

**CLAUSE 41**

**THAT** clause 41 of the Bill be amended in the proposed new subsection 71 by-

(a) deleting the words “county executive committee member as the case may be” appearing immediately after the words “Commissioner or the” in subsection (1) and substituting therefor the word “director”; and

(b) deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in subsection (2) and substituting therefor the word “director”.

**CLAUSE 43**

**THAT** clause 43 of the Bill be amended-

(a) in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”;

(b) by deleting paragraph (b) and substituting therefor the following new paragraph-

(b) by deleting subsection (2) and substituting therefor the following new subsection –

(2) The Commissioner or the director may, upon inquiry under subsection (1), make an order requiring the person –

(a) to repay the money or restore the property or any part thereof to the co-operative society together with interest as the Commissioner or the director may determine; or

(b) to contribute such sum to the assets of the co-operative society by way of compensation as the Commissioner or the director shall consider just.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 45**

**THAT** clause 45 of the Bill be amended by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 46**

**THAT** clause 46 of the Bill be amended in paragraph (a) by deleting the words “county executive committee member” appearing immediately after the words “Commissioner or the” in the proposed new paragraph (d) and substituting therefor the word “director”.

**CLAUSE 48**

**THAT** clause 48 of the Bill be amended in paragraph (a) by deleting the words “Commission, county executive committee member’ appearing immediately after the words “reference by the” in the proposed new subsection (2) and substituting therefor the words “Commissioner, director”.

**CLAUSE 59**

**THAT** clause 59 of the Bill be amended-

(a) in paragraph (b)-

- (i) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (ii) and substituting therefor the word “director”;

(ii) by deleting the words “county executive committee member” appearing immediately after the words “words or the” in subparagraph (iii) and substituting therefor the word “director”;

(b) in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “words or the” and substituting therefor the word “director”.

**CLAUSE 62**

**THAT** clause 62 of the Bill be amended in paragraph (c) by deleting the words “county executive committee member” appearing immediately after the words “The respective” in the proposed new subsection (2) and substituting therefor the word “director”.

**NEW CLAUSE 4A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 4-

Insertion of new section 4A in No. 12 of 1997. **4A.** The principal Act is amended by inserting the following new section immediately after section 3-

County director of cooperatives. **3A.** (1) There shall be an Office of the County Director of Cooperatives which shall be an office within the county public service.

(2) The Office shall consist of-

(a) a director who shall be designated by the respective county executive committee member from amongst the public officers within the county public service; and

(b) such other county public officers designated by the county executive committee member as shall be necessary for the effective performance of the Office.

(3) A county executive committee member shall, in designating a public officer under subsection (2)(a) ensure that such person has knowledge and experience in the administration and management of cooperatives

**NEW CLAUSE 5A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 5-

Insertion of new section 7A in No. 12 of 1997. **5A.** The principal Act is amended by inserting the following new section immediately after section 6-

Registration of a primary society.

**6A.** (1) An application to register a primary society shall be made to the Director in the prescribed form and signed by at least ten persons qualified to be members of the society under section 14.

(2) An application for registration under subsection (1) shall be submitted together with

- (a) the prescribed fee;
- (b) minutes of the meeting of members;
- (c) four copies of the proposed by laws of the co-operative society;
- (d) information on the names, addresses and signatures of the members of the society;

- (e) proof that the members have met the requirements for membership under this Act; and
- (f) such other information as the director may require.

(3) The Director shall within twenty-one days of receipt of the application under subsection (1) carry out pre-registration procedures including –

- (a) sensitizing applicants on legal requirements for registration;
- (b) facilitating applicants to fill in any forms required for registration; and
- (c) verifying that the registration documents are conform to any conditions set by this Act or the Commissioner.

(4) The Director shall submit an application under subsection (1) to the Commissioner together with a recommendation-

- (a) for the registration of the society; or
- (b) for the rejection of the application for registration of the society

(5) Where the Director intends to recommend to the Commissioner that an application for registration not be granted under this section, the Director shall inform the applicant, in writing of the recommendation.

(6) An applicant who is notified of the recommendation of the respective Director under subsection (5) may lodge an objection with the Commissioner within seven days responding to the recommendation against registration.

(6) The Commissioner shall consider the information received under subsection (4) within fourteen days and shall, if satisfied that the society meets the requirements for registration under this Act, register the society.

**C. \*\*THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL**  
**(SENATE BILLS NO. 6 OF 2021)**

(The Chairperson, Standing Committee on Education)

**NOTICE** is given that the Chairperson, Standing Committee of Education intends to move the following amendments to the County Vocational Education and Training Bill, (Senate Bills No. 6 of 2021), at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended in paragraph (b) by deleting the words “special needs” appearing immediately after the words “trainees with” and substituting therefor the word “disability”.

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended—

(a) in paragraph (d) by inserting the words “in collaboration with the respective county executive committee members” immediately after the words “training and education”; and

(b) by inserting the following new paragraph immediately after paragraph (m)—

(n) registration and accreditation of private vocational and education training centres in collaboration with the respective county executive committee members.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended —

(a) in paragraph (a) by deleting the words “procure and” appearing immediately before the words “put in place”;

(b) in paragraph (f) by deleting the words “special needs” appearing immediately after the words “trainees with” and substituting therefor the word “disability”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended—

(a) in the marginal note by deleting the words “special needs” and substituting therefor with the word “disability”;

(b) by deleting sub-clause (1) and substituting therefor the following new clause—

(1) Each county executive committee member shall, in consultation with the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act, establish a mechanism for the identification of trainees with disabilities and put in place such measures as may be necessary to ensure access to and provision of vocational education and training to trainees with disabilities.

(c) in sub-clause (2) by –

- (i) deleting the words “special needs” appearing immediately after the words “that trainees with” in paragraph (a) and substituting therefor the word “disability”;
- (ii) deleting the words “special needs” appearing immediately after the words “for trainees with” in paragraph (b) and substituting therefor the word “disability”;
- (iii) deleting the words “special needs” appearing immediately after the words “by persons with” in paragraph (c) and substituting therefor the word “disability”;
- (iv) deleting the words “special needs” appearing immediately after the words “to trainees with” in paragraph (d) and substituting therefor the word “disability”;
- (v) deleting the words “special needs” appearing immediately after the words “to trainees with” in paragraph (e) and substituting therefor the word “disability”;
- (vi) deleting the words “special needs” appearing immediately after the words “for trainees with” in paragraph (f) and substituting therefor the word “disability” and

(d) in sub-clause (3) by deleting the words “special needs” appearing immediately after the words “of trainees with” and substituting therefor the word “disabilities”.

**D. THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**

a) **NOTICE** is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Prompt Payment Bill, (Senate Bills No. 16 of 2021), at the Committee Stage-

**CLAUSE 3**

**THAT** the Bill be amended by deleting clause 3 and substituting therefor the following new clause-

Application of the Act.	<b>3.</b> This Act shall apply to payment due for all goods, works, and services procured by private entities, the national government, county governments and any other entity specified as a public entity under section 2 of the Public Procurement No. 33 of 2015. and Asset Disposal Act.
-------------------------	--

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended-

(a) in subsection (2) by inserting the words “the full contract price and” immediately after the words “sections 5 and 6, pay”;

(b) in subsection (4)-

(i) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (a);

(ii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (b); and

(iii) by inserting the word “full” immediately after the word “the” appearing at the beginning of paragraph (c).

b) **NOTICE** is given that Sen. (CPA) Farhiya Haji, MP intends to move the following amendment to the Prompt Payment Bill, Senate Bills No. 16 of 2021, at the Committee Stage-

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended by deleting subclause (2).

...../ **Amendments**

**E. THE STARTUP BILL (SENATE BILLS NO. 1 OF 2021)**

**NOTICE** is given that the Chairperson, Standing Committee on Trade, Tourism and Industrialization intends to move the following amendments to the Startup Bill (Senate Bills No. 1 of 2021), at the Committee Stage-

**CLAUSE 8**

**THAT** clause 8 of the Bill be amended in sub clause (1)(b) by-

- (a) deleting the word “seven” appearing immediately after the words “not more than” in subparagraph (i) and substituting therefor the word “three”; and
- (b) deleting the word “ten” appearing immediately after the words “be up to” appearing in subparagraph (ii) and substituting therefor the word “five”.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended-

- (a) by deleting the definition of the word “startup incubator”;
- (b) in the definition of the word “startup” by deleting the word “an” appearing immediately after the words “startup includes” and substituting therefor the words “a technology-based”; and
- (c) by inserting the following new definition immediately after the definition of the word “startup”-

"startup incubator" means a company, partnership, non-governmental organization or limited liability partnership whose principal object is the support of the birth and development of start-ups, innovation and activities related to the transfer of technology, research, and development and innovation processes through the offer of dedicated physical spaces and services advice.

**CLAUSE 9**

**THAT** the Bill be amended by deleting clause 9 and substituting therefor the following new clause—

Establishment **9.** Each county government shall, in of public consultation with the relevant stakeholders, county establish and maintain such vocational vocational education and training centres as it may education and consider necessary.  
training  
centres.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended by deleting sub-clause (3).

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in paragraph (c) by deleting the words “special needs” appearing immediately after the words “into account the” and substituting therefor the word “disability”.

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “Governor” appearing immediately after the words “the Board of” and substituting therefor the word “management”;
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—
- (3) The membership of the Board shall comprise—
  - (a) six persons elected to represent parents of the trainees in the centre or local community;
  - (b) one person nominated by the County Education Board;
  - (c) one representative of the teaching staff elected by centre instructors;
  - (d) three representatives of the sponsors of the centre;
  - (e) one person to represent special interest groups in the community; and
  - (f) one person to represent persons with disability.
- (c) in sub-clause (4) by deleting the word “county” appearing immediately after the words “a notice in the”; and
- (d) by inserting the following new sub-clause immediately after sub-clause (4)—

(5) The county executive committee member shall, in appointing the members under subsection (3), take into account the need to ensure gender and ethnic representation.

**CLAUSE 29**

**THAT** clause 29 of the Bill be amended in sub-clause (1) —

- (a) by deleting the word “manager” appearing immediately after the words “not employ a” in the introductory clause and substituting therefor the word “principal”;
- (b) by inserting the following new paragraphs immediately after paragraph (a)—
  - (aa) has a degree from a recognized university in Kenya;
  - (ab) has at least seven years’ experience as a teacher;
  - (ac) has at least three years’ experience in management or administration in the case of a principal or two years’ experience in in the case of an instructor;
- (c) by deleting the words “in case of a manager, has at least three years’ experience in management or administration;” appearing immediately after the words “least twelve months” in paragraph (d).

**CLAUSE 31**

**THAT** clause 31 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

- (1) A vocational education and training centre registered under this Act shall offer programmes up to craft level.

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended—

- (a) by deleting the definition of the word “manager”;
- (b) by deleting the definition of the word “special vocational education and training centre”;
- (c) by deleting the definition of the word “trainees with special needs”
- (d) by deleting the definition of the word “transition certificate”; and
- (e) by inserting the following new definitions in their proper alphabetical sequence—

“principal” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

“trainee with disability” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under-developed and include trainees who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development is affected; and

“transitional certificate” means a certificate issued under section 34(4).

**F. THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL,  
NATIONAL ASSEMBLY BILLS NO. 21 OF 2021**

**NOTICE** is given that Sen. (Dr.) Michael Mbiti, Chairperson, Committee on Health intends to move the following amendments to the National Health Insurance Fund (Amendment) Bill, National Assembly Bills No. 21 of 2021, at the Committee Stage-

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended-

(a) in paragraph (d) by deleting the proposed new definition of the word “employer” and substituting therefor the following new definition-

“employer” means a person, national government or national government entity, county government or county government entity, firm, corporation or company who or which has entered into a contract of service with an individual.

(b) in paragraph (k) in the proposed new definition of the word “accreditation” by deleting the words “relevant body” appearing immediately after the words “provider by the” and substituting therefor the word “Board”; and

(c) in the proposed new definition of the word “health care provider” by inserting the word “promotive” immediately after the words “palliative, convalescent, preventative”.

**CLAUSE 8**

**THAT** clause of the Bill be amended-

(a) in paragraph (b) in the proposed new paragraph (a) –

(i) by deleting subparagraph (iv) and substituting therefor the following new subparagraph-

(iv) funds from the national government, county governments and their respective entities for the administration of the compulsory public service employee’s insurance benefit scheme or an employer who is not a national government, a county government or their respective entities, for the administration of employee benefits;

(ii) in subparagraph (v) by deleting the word “funds” appearing immediately before the words “from post retirement funds” and substituting therefor the word “contributions”.

**CLAUSE 9**

**THAT** clause 9 of the Bill be amended-

(a) in the proposed new subsection (1) by-

(i) deleting paragraph (d) and substituting therefor the following new paragraph -

(d) one person nominated by the Kenya Medical Association;

(ii) in paragraph (g) by deleting the word “one person” appearing immediately before the words “not being a Governor” and substituting therefor the words “two persons”;

(b) in the proposed new subsection (1A) by deleting the words “paragraphs (f) and (g)” appearing immediately after the words “appointed under” and substituting therefor the words “paragraphs (e), (f), (g) and (h)”.

**CLAUSE 10**

**THAT** clause 10 of the Bill be amended-

(a) in paragraph (b) in the proposed new paragraph (c) by deleting the words “Cabinet Secretary” appearing immediately after the words “consultation with the” and substituting therefor the words “respective regulatory bodies specified under section 60 of the Health Act;

(b) by inserting the following new paragraph immediately after paragraph (d)-

(da) by inserting the following new subsection immediately after subsection (1)-

(2) The Board shall facilitate public participation and stakeholder engagement in the carrying out of its functions under this Act.

**CLAUSE 14**

**THAT** clause 14 of the Bill be amended in the proposed new section 10(2) by deleting the word “Bachelor’s” appearing immediately after the words “at least a” and substituting therefor the word “Master’s”.

**CLAUSE 15**

**THAT** clause 15 of the Bill be amended in the proposed new section 10A by inserting the following new subsection immediately after subsection (1)-

(1A) A person is qualified for appointment as a corporation secretary under subsection (1) has been a member of the Institute of certified Public Secretaries for at least ten years and the person is in good standing with the Institute.

**CLAUSE 19**

**THAT** clause 19 of the Bill be amended-

(a) in paragraph (c) by deleting subparagraph (ii);

(b) in paragraph (d) by deleting the proposed new paragraph (e) and substituting therefor the following new paragraph-

(e) in the case of any other employer under subsection (1A)(c), a matching contribution equal to that which their employee is liable to contribute under subsection (1)(c) subject to section 6(c).

(c) by inserting the following new paragraph immediately after paragraph (d)-

(da) by inserting the following new subsection immediately after subsection (2)-

(2A) An employer other than the national government or county governments or their entities liable to pay a matching contribution under section 15 may be exempted from paying such matching contribution, if that employer has procured a private health insurance cover for its employees and the benefits are equal to or better than the benefits that the employees are entitled to under this Act.

(2B) An employer who intends to be exempted under subsection (2A) shall submit an application to the Board in writing together with a certificate issued by the Insurance Regulatory Authority to that employer—

(a) certifying that the respective employees have been insured by a private health insurer;

(b) specifying the details of the cover and the benefits; and

(c) specifying the validity period of the private health insurance cover.

(2C) The Board, -

- (a) shall determine an application under subsection (2B) within thirty days of receipt; and
- (b) may grant the exemption if the Board is satisfied that the private health insurance is adequate.

(d) in paragraph (i) in the proposed new subsection (6) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

**CLAUSE 20**

**THAT** clause 20 of the Bill be amended in paragraph (f) by deleting the words “one million” appearing immediately after the words “therefor the words” in subparagraph (ii) and substituting therefor the words “five hundred thousand”.

**CLAUSE 21**

**THAT** clause 21 of the Bill be amended-

- (a) in paragraph (b) in the proposed new subsection (1) by deleting the proviso;
- (b) in paragraph (c) by inserting the words “that would have been covered by the Fund” immediately after the words “pay the costs”;
- (c) by inserting a new paragraph immediately after paragraph (c)-
  - (d) where an employer is a national government, county government or a national or county government entity, the respective accounting officer shall be personally liable for the costs that would have been covered by the Fund and incurred by the employee when seeking treatment from a contracted health care provider during the period when the contribution is due.

**CLAUSE 23**

**THAT** clause 23 of the Bill be amended by deleting the words “by the youth” appearing immediately after the words “inserting the words” and substituting therefor the words “by unemployed persons”.

**CLAUSE 26**

**THAT** clause 26 of the Bill be amended in paragraph (c) by-

(a) deleting the proposed subsection (3) and substituting therefor the following new subsections—

(3) The Board shall, in consultation with the Cabinet Secretary, prescribe benefits payable from the Fund including benefits available with respect to emergency treatment for –

- (a) primary angioplasty;
- (b) thrombolysis;
- (c) thrombolysis and rescue angioplasty; or
- (d) such other treatment as the Board may determine.

(3A) The benefits payable from the Fund shall be subject to such limits, and conditions as the Board may prescribe in regulations.

(b) deleting the proposed new subsection (3B) and substituting therefor the following new subsections-

(3B) The Board shall, every two years, carry out a review of the applicable tariffs payable to the Fund under section 15 and payable out of the Fund to empaneled contracted health care providers.

(3C) The Board shall use the approved risk spreading mechanism, approved claims administration services on benefits of outpatient, inpatient and on employees’ benefits scheme as provided for under sections 3(iv) and (v), 15, 22 and 43.

**CLAUSE 27**

**THAT** clause 27 of the Bill be amended in the proposed new section 23 by-

(a) renumbering the provision as subsection (1); and

(b) inserting the following new subsection immediately after subsection (1)-

(2) The Board shall make regulations for the better carrying out of the provisions of this section.

**CLAUSE 33**

**THAT** clause 33 of the Bill be amended-

(a) paragraph (b) in the proposed new subsection (1) by deleting the words “accreditation bodies” and substituting therefor the words “regulatory bodies specified under section 60 of the Health Act”.

(b) by deleting paragraph (d) and substituting therefor the following paragraph-

(c) deleting subsection (3) and substituting therefor the following new subsections-

(3) The Board may, at any time, revoke any empanelment under this section.

(3A) Where the Board intends to revoke the empanelment of a health provider under subsection (3), the Board shall notify the health care provider of the intended revocation, in writing, setting out the reasons for revocation of empanelment.

(3B) A health provider may, upon receiving a notification under subsection (3A) submit a written response to the notification within seven days.

(c) by deleting paragraph (e) and substituting therefor the following new paragraph-

(e) inserting the following new subsections immediately after subsections (3) -

(4) A healthcare provider whose empanelment has been revoked under this section may apply to the Board for the review of the revocation in the first instance and, if dissatisfied by the decision of the Board upon review, appeal to the High Court against the revocation.

(5) The Board shall cause the name of every healthcare provider whose empanelment is revoked to be published in the Gazette and in at least three newspapers with nationwide circulation.

**CLAUSE 35**

**THAT** clause 35 of the Bill be amended in paragraph (c) by deleting the words “one million shillings or to imprisonment for a term not exceeding twenty-four months” appearing immediately after the words “therefor the words” and substituting therefor the words “one hundred thousand shillings or to imprisonment for a term not exceeding six months”.

**CLAUSE 36**

**THAT** clause 36 of the Bill be amended by-

(a) by inserting the following new paragraph immediately before paragraph (a)-

(Aa) in paragraph (a) by inserting the words “on the advice of the Central Bank of Kenya” immediately after the words “a reputable bank”.

**CLAUSE 39**

**THAT** the Bill be amended by deleting clause 39 and substituting therefor the following new clause-

Amendment **39.** The principal Act is amended by deleting of section 38 section 38 and substituting therefor the of No. 9 of following new section- 1998.

Annual reports.

**38.** (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediately preceding year.

(2) The Cabinet Secretary shall, within three months of submission of the report under subsection (1), transmit the report to Parliament.

**CLAUSE 44**

**THAT** clause 44 of the Bill be amended by deleting the proposed new section 45A and substituting therefor the following new sections-

Application of Cap 487. **45A.** The provisions of the Insurance Act shall apply to the Fund only in respect to risk spreading and claims administration services.

Application of No. 3 of 1997. **45B.** The provisions of the Retirement Benefits Act shall apply to Fund only with respect to post-retirement medical contributions.

**NEW CLAUSE 26A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 26-

Insertion of new section 22A in No. 9 of 1998. **26A.** The principal Act is amended by inserting the following new section immediately after section 22-

Non- withdrawal of benefits. **22A.** (1) The Board shall not withdraw the benefits of a person undergoing treatment for a chronic illness.

(2) The Board shall, in making regulations for determining benefits under the Fund ensure that the Fund shall meet the costs of a contributor accessing inpatient services at any empaneled health care provider.

**APPENDIX**

**1. PETITIONS**

- i) Petition to the Senate regarding unlawful and arbitrary deprivation of land, Internal Displacement of Persons, trespass to land, delayed and non-compensation in respect of way leaves and public rights of way required for irrigation infrastructure and unnecessary, prolonged and inordinate delay in undertaking full implementation of the Lower Kuja irrigation development project in Nyatike Sub County of Migori County, by the management of the National Irrigation Authority.

*(Sen. George Ochilo Ayacko, MP)*

- ii) Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by former employees at Kenya United Steel Company (KUSCO) regarding the plight of former employees.
- iii) Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Mr. Isaac Nyakeriga concerning non-payment and failure by the County Government to confirm his appointment.
- iv) Report of the Standing Committee on Labour and Social Welfare on a Petition to the Senate by Mr. Daniel Matendechere concerning unfair dismissal and lack of compensation by Broadway Bakery Limited.

*(The Chairperson, Standing Committee on Labour and Social Welfare)*

- v) Report of the Standing Committee on Energy on a Petition to the Senate by residents of Thange, Makueni County, concerning the Kenya Pipeline Oil spillage into River Thange.

*(The Chairperson, Standing Committee on Energy)*

**2. PAPERS**

- i) Report of the Auditor General on the Financial Statements of Siaya County Executive for the year ended 30<sup>th</sup> June 2020.
- ii) Report of the Auditor General on the Financial Statements of Siaya County Assembly for the year ended 30<sup>th</sup> June 2020.
- iii) Report of the Auditor General on the Financial Statements of Kirinyaga County Executive for the year ended 30<sup>th</sup> June 2020.
- iv) Report of the Auditor General on the Financial Statements of Kirinyaga County Assembly for the year ended 30<sup>th</sup> June 2020.

- v) Report of the Auditor General on the Financial Statements of Kericho County Executive for the year ended 30<sup>th</sup> June 2020.
- vi) Report of the Auditor General on the Financial Statements of Nyamira County Executive for the year ended 30<sup>th</sup> June 2020.
- vii) Report of the Auditor General on the Financial Statements of Nyamira County Assembly for the year ended 30<sup>th</sup> June 2020.
- viii) Report of the Auditor General on the Financial Statements of Isiolo County Executive for the year ended 30<sup>th</sup> June 2020.
- ix) Report of the Auditor General on the Financial Statements of Isiolo County Assembly for the year ended 30<sup>th</sup> June 2020.
- x) Report of the Auditor General on the Financial Statements of Narok County Executive for the year ended 30<sup>th</sup> June 2020.
- xi) Report of the Auditor General on the Financial Statements of Marsabit County Emergency Fund for the year ended 30<sup>th</sup> June 2019.
- xii) Report of the Auditor General on the Financial Statements of Meru Water and Sewerage Services Registered Trustees for the year ended 30<sup>th</sup> June 2019.
- xiii) Report of the Auditor General on the Financial Statements of Malindi Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2019.
- xiv) Report of the Auditor General on the Financial Statements of Kyeni Water and Sewerage Company Limited for the year ended 30<sup>th</sup> June 2019.
- xv) Report of the Auditor General on the Financial Statements of Wajir County Executive for the year ended 30<sup>th</sup> June 2020.
- xvi) Report of the Auditor General on the Financial Statements of Wajir County Assembly for the year ended 30<sup>th</sup> June 2020.
- xvii) Report of the Auditor General on the Financial Statements of Busia County Assembly for the year ended 30<sup>th</sup> June 2020.
- xviii) Report of the Auditor General on the Financial Statements of Busia County Executive for the year ended 30<sup>th</sup> June 2020.
- xix) Report of the Auditor General on the Financial Statements of Laikipia County Bursary Fund for the year ended 30<sup>th</sup> June 2019.
- xx) Report of the Auditor General on the Financial Statements of Migori County Ward Development Fund for the year ended 30<sup>th</sup> June 2019.

- xxi) Report of the Auditor General on the Financial Statements of Garissa County Revolving Fund for the year ended 30<sup>th</sup> June 2019.
- xxii) Report of the Auditor General on the Financial Statements of Kisumu County Trade Fund for the year ended 30<sup>th</sup> June 2019.
- xxiii) Report of the Auditor General on the Financial Statements of Nandi County Executive Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- xxiv) Report of the Auditor General on the Financial Statements of Siaya County Assembly Car Loan and Mortgage Fund for the year ended 30<sup>th</sup> June 2019.
- xxv) Report of the Auditor General on the Financial Statements of Kiambu County Emergency Fund for the year ended 30<sup>th</sup> June 2019.
- xxvi) Report of the Auditor General on the Financial Statements of Uasin Gishu County Executive Mortgage and Car Loans Scheme Fund for the year ended 30<sup>th</sup> June 2019.
- xxvii) Report of the Auditor General on the Financial Statements of Bomet Water Company Limited for the year ended 30<sup>th</sup> June 2019.

*(The Senate Majority Leader)*

- xxviii) The Fourth Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation and the implementation of the Nationwide COVID-19 vaccine deployment.
- xxix) Report of the Standing Committee on Health on the National Health Insurance Fund (Amendment) Bill (National Assembly Bills No. 21 of 2021).

*(The Chairperson, Standing Committee on Health)*

- xxx) The Report of the Standing Committee on Finance and Budget on the approval of the Senate Nominee to the Equalization Fund Advisory Board.

*(The Chairperson, Standing Committee on Finance and Budget)*

xxxi) Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin- Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report.

*(Chairperson, Sessional Committee on County Public Accounts and Investments)*

**3. NOTICES OF MOTION**

i) **ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE APPROVAL THE SENATE NOMINEE TO THE EQUALIZATION FUND ADVISORY BOARD**

(The Chairperson, Standing Committee on Finance and Budget)

**THAT**, the Senate adopts the Report of the Standing Committee on Finance and Budget on the approval of the Senate Nominee to the Equalization Fund Advisory Board laid on the Table of the Senate today, Thursday, 2<sup>nd</sup> December, 2021 and pursuant to standing order 72 (c)(iii) of the Senate Standing Orders and paragraph 4(1)(e) of the Public Finance Management (Equalization Fund Administration) Regulations, 2021, approves Mr. Victor Ochieng’ Odanga for appointment to the Equalization Fund Advisory Board.

ii) **ADOPTION OF THE FOURTH PROGRESS REPORT OF THE STANDING COMMITTEE ON HEALTH ON THE COVID-19 PANDEMIC SITUATION AND THE IMPLEMENTATION OF THE NATIONWIDE COVID-19 VACCINE DEPLOYMENT**

(The Chairperson, Standing Committee on Health)

**THAT**, the Senate adopts the Fourth Progress Report of the Standing Committee on Health on the Covid-19 pandemic situation and the implementation of the Nationwide Covid-19 vaccine deployment, laid on the Table of the Senate on Thursday, 2<sup>nd</sup> December, 2021.

iii) **ADOPTION OF THE REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS ON CONSIDERATION OF THE REPORTS BY THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2018/2019.**

**THAT**, the Senate adopts the Report of the Sessional Committee on County Public Accounts and Investments on consideration of the Reports by the Auditor General on the Financial Statements of the following County Executives for the Financial Year 2018/2019- Embu; Homa-Bay; Kericho; Kilifi; Kirinyaga; Kisii; Kwale; Machakos; Mombasa; Nandi; Baringo; Bomet; Garissa; Kajiado; and West Pokot as contained in Volume 1 of the Report and the following County Executives- Isiolo; Kakamega; Kisumu; Laikipia; Mandera; Marsabit; Nakuru; Narok; Nyandarua; Samburu; Taita Taveta; Trans-Nzoia; Uasin- Gishu; Vihiga; and Wajir, as contained in Volume 2 of the Report , Laid on the Table of the Senate today, Thursday 2<sup>nd</sup> December, 2021.

#### **4. STATEMENTS**

**a) Pursuant to Standing Order 48 (1)**

The Senator for Transzoia County (Sen. (Dr.) Michael Mbiti) to make a statement regarding the observation of World Aids Day on 1<sup>st</sup> December, 2021.

**b) Pursuant to Standing Order 48 (1)**

- i) The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) to seek a statement from the Standing Committee on Agriculture, Livestock and Fisheries concerning the operations of the National Irrigation Board.
- ii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the state of police stations in the Country.
- iii) Nominated Senator (Sen. Beatrice Kwamboka, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the status of an inquest into the murder of Ms. Agnes Wanjiru allegedly by a British army officer, in Nanyuki, Laikipia County, following her disappearance in March, 2012.

**c) Pursuant to Standing Order 51 (1) (b)**

- i) The Chairperson, Standing Committee on National Security, Defence and Foreign Relations to issue a statement relating to the activities of the committee.
- ii) The Chairperson, Standing Committee on Tourism, Trade and Industrialization to issue a statement relating to the activities of the committee.
- iii) The Chairperson, Standing Committee on Roads and Transportation to issue a statement relating to the activities of the committee.
- iv) The Chairperson, Sessional Committee on County Public Accounts and Investments to issue a statement relating to the activities of the committee.
- v) The Chairperson, Standing Committee on Delegated Legislation to issue a statement relating to the activities of the committee.

**d) Pursuant to Standing Order 52(1)**

The Senate Majority Leader to issue a Statement on the Business of the Senate for the week commencing Tuesday, 8<sup>th</sup> February, 2022.

---xxx---