



REPUBLIC OF KENYA
TWELFTH PARLIAMENT – (FIFTH SESSION)
THE SENATE
SPECIAL SITTING
ORDER PAPER

THURSDAY, DECEMBER 02, 2021 AT 9.30 A.M.

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. **MOTION - DEBATE ON THE PRESIDENT'S ADDRESS TO PARLIAMENT – (3RD AND FINAL DAY)**
(The Senate Majority Leader)

THAT, pursuant to Standing Order 24 (6), the Thanks of the Senate be recorded for the exposition of public policy contained in the Address of His Excellency the President, delivered on Tuesday, 30th November, 2021 and further that the Senate notes the following Reports submitted by H.E. the President in fulfillment of Articles 132 (1) (c) and 240 (7) of the Constitution, laid on the Table of the Senate on Wednesday, 1st December, 2021 -

- i) The Eighth (8th) State of the Nation Address by His Excellency the President delivered at a Special Sitting of Parliament on Tuesday, 30th November, 2021;
- ii) The Eighth (8th) Annual Report (2020), on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance;
- iii) The Eighth (8th) Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya;
- iv) The Annual Report to Parliament on the State of National Security, 2021; and

...../**Motion**

- v) The Kenya Business Climate Reforms Milestones Report for the year 2020-2021.

*(Resumption of debate interrupted on Wednesday, 1st December, 2021
- Afternoon Sitting)*

- 9. *****THE NATIONAL HEALTH INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 21 OF 2021)**
(The Senate Majority Leader)
(Second Reading)

- 10. ***THE NATIONAL COHESION AND PEACE BUILDING BILL (SENATE BILLS NO. 19 OF 2021)**
(Sen. Judith Pareno, MP)
(Second Reading)

- 11. ***COMMITTEE OF THE WHOLE THE NATURAL RESOURCES (BENEFIT SHARING) BILL (SENATE BILLS NO. 25 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

- 12. **COMMITTEE OF THE WHOLE *THE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2020)**
(Sen. (Dr.) Agnes Zani, MP)

- 13. **COMMITTEE OF THE WHOLE **THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)**
(The Chairperson, Standing Committee on Education)

- 14. **COMMITTEE OF THE WHOLE *THE PROMPT PAYMENT BILL (SENATE BILLS NO. 16 OF 2021)**
(Sen. (CPA.) Farhiya Haji, MP and Sen. Sakaja Johnson, MP)

- 15. **COMMITTEE OF THE WHOLE *THE START-UP BILL (SENATE BILLS NO. 1 OF 2021)**
(Sen. Sakaja Johnson, MP)

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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).

The Senate resolved on 10th February, 2021, as follows:-

- 2. **THAT**, pursuant to Standing Order 106 (1), the Senate resolves that the debate on the Motion on the Presidential Address shall be limited to a maximum of three sitting days with not more than fifteen minutes for each Senator speaking, excluding the Mover in moving and replying who shall be limited to thirty minutes in either case and that the Senate Majority Leader and the Senate Minority Leader shall be limited to thirty minutes each.

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KEY

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

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

****- Denotes a Committee Bill**

***- Denotes any other Bill**

NOTICE OF AMENDMENTS

A. 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 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”.

...../Amendments

CLAUSE 9

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

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

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).

C. 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. **3.** 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 and Asset Disposal Act. No. 33 of 2015.

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).

...../ **Amendments**

- 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).

D. 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.