



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – THIRD SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MAY 07, 2019**

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker
4. **MESSAGE FROM THE SENATE**

The Speaker conveyed the following Message –

“Honourable Members, pursuant to the provisions of Standing Order 41 relating to Messages from the Senate, I wish to report to the House that I have received a Message from the Senate regarding the passage of the Division of Revenue Bill (National Assembly Bill No. 11 of 2019).

Honourable Members, the Message reads in part, and I quote, “...**the Senate considered and passed the said Bill with amendments on Tuesday, April 30, 2019.**” The Senate now seeks the concurrence of the National Assembly to Senate’s amendments.

Honourable Members, you are notified that the Senate amended various parts of the Bill, including clause 5, which provides for *variation in revenue*. The Senate also amended the Schedule to the Bill by decreasing the amount of the revenue raised nationally to be allocated to the National Government (by about Kshs. 20 Billion) and increasing the total county allocations from Kshs.371,6 Billion to Kshs.391,0 Billion.

Honourable Members, considering the urgency of this legislation in unlocking the Budget process in Counties, and pursuant to the provisions of Standing Order 145, I direct the Chairperson of the Budget and Appropriations Committee to prepare to move the motion contemplated under Standing Order 146 (*consideration of Senate amendments to Bills originating in the National Assembly*) tomorrow, Wednesday May 8, 2019 in the afternoon. This will enable the House to decide whether to immediately proceed and consider the Senate’s amendments in Committee of the whole House or refer the Bill to a mediation process in accordance with the provisions of Article 112(1)(a) of the Constitution, before commencement of the recess period. The House is accordingly guided. Thank you”.

5. **PETITION**

The Speaker conveyed the following petition –

**Regarding the Gazettement of Buuri West Sub-County in Meru County as a Hardship Area**

Honourable Members,

Standing Order 225 (2) (b) requires the Speaker to report to the house any Public Petition, other than that presented by a Member. In this regard, I wish to convey to the House that my office is in receipt of a Petition, signed by representatives of teachers and public servants deployed in Buuri West Sub-County, Meru County.

The Petitioners hold the view that Buuri West Sub-County is a hardship area characterized by hardship, remoteness, harsh climatic conditions, poverty, human wildlife conflict, poor housing and lack of some essential services like healthcare, clean water and accessible roads. The Petitioners further aver that, whereas Buuri West Sub-County borders and experiences similar hardships with Laikipia East Sub-County, the latter is gazetted as a hardship area, while Buuri West is not. The petitioners are therefore concerned over the discriminatory nature of the gazettement, despite the two sub-counties lying within the same geographical area.

As a result of these disparities, Buuri West Sub-County is faced with the challenge of understaffing as compared to Laikipia East Sub County. Consequently, the shortage of teachers and other professionals in Buuri West Sub-County has led to high turnover of officers and poor delivery of essential government services.

The Petitioners are therefore praying that, the National Assembly, through the Departmental Committee on Education and Research, intervenes in the matter with a view to recommending to the Teachers Service Commission to review the gazetted hardship areas to include Buuri West Sub-County.

Honourable Members, the Petition stands committed to the Departmental Committee on Education and Research for consideration. The Committee is requested to consider the Petition and report its findings to the Petitioners and the House in accordance with Standing Order 227(2). In so considering the Petition, the Committee should engage the Petitioners and may thereafter make recommendations on the matter as it deems appropriate. I thank you!

6. **PAPERS**

The following Papers were laid on the Table –

The Report of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2018 and the certificates therein: -

- (i) University of Nairobi;
- (ii) Kenya National Examinations Council;
- (iii) Kenya Institute of Special Education;
- (iv) Kenya Dairy Board;
- (v) State Department of Environment;
- (vi) Kenya National Qualifications Authority;

- (vii) Kenyatta University;
- (viii) Kenya National Commission for UNESCO;
- (ix) Multimedia University; and
- (x) Independent Electoral and Boundaries Commission.

*(The Leader of the Majority Party)*

## 7. **QUESTIONS**

The following Questions were asked –

- (i) Question No.176/2019 by the Member for Nambale (Hon. John Bunyasi) regarding the construction of Musikoma-Buyofu-Mungatsi road (D258) to bitumen standards;  
*(To be answered by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)*
- (ii) Question No.189/2019 by the Member for Nakuru Town East (Hon. David Gikaria) regarding stalling of construction of Nakuru-Kiambogo road;  
*(To be answered by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)*
- (iii) Question No. 196/2019 by the Member for Endebess (Hon. Robert Pukose) regarding Secondary Schools facing possible closure for lack of principals and teachers in Endebess Constituency;  
*(To be answered by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)*
- (iv) Question No.217/2019 by the Member for Navakholo (Hon. Emmanuel Wangwe) regarding status of the Pan Paper Mills Company in Webuye;  
*(To be answered by the Cabinet Secretary for Industry, Trade and Cooperatives before the Departmental Committee on Trade, Industry and Cooperatives)*
- (v) Question No.218/2019 by the Member for Kajiado North (Hon. Joseph Manje) regarding implementation of the traffic policy in on control and management of traffic and overlapping roles between National and County Governments;  
*(To be answered by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)*
- (vi) Question No.221/2019 by the Member for Tigania East (Hon. Josphat Kabeabea) regarding upgrading of Mikinduri-Kunati-Gaithine road to bitumen;  
*(To be answered by the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development before the Departmental Committee on Transport, Public Works and Housing)*

## 8. **ZERO HOUR STATEMENT**

Notice of the Zero Hour statement regarding the state of insecurity and continuous killings in Kakamega County was given by the Member for Kakamega (Hon. Elsie Muhanda),

**MOTION –PROGRESS REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL (NATIONAL ASSEMBLY BILL NO. 13 OF 2018)**

Motion made -

That this House do agree with the Committee in the said Report.

Question put and agreed to.

9. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The First Chairperson of Committees in the Chair

**The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018)**

**SCHEDULE**

1. **Provisions relating to National Hospital Insurance Fund Act (No. 9 Of 1998)**

Proposed amendment to new section 30(1A) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed new subsection 30(1A);

*(Chairperson, Departmental Committee on Health – Hon. Zachary Thuku)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

New section 30(1A) - deleted.

Proposed amendment to section 30(3) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed new subsection (3) and substituting therefor the following new subsection-

“(3) The Board shall use the regulations prescribed under section 29(1)(d) of this Act to enter into contracts with health service providers.”

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 30(3) as further amended - agreed to

Proposed new sections 30(4), 30(5), 30(6), 30(7) and 30(8) - agreed to

Proposed new section 30(9) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by inserting the words “and shall be liable on conviction to a fine not exceeding five hundred thousand shillings” immediately after the word “offence”.

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

New section 30(9) as further amended - agreed to

Proposed amendment to section 34(1) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the words “in quoted equities, fixed income, property, guaranteed funds, fixed deposits accounts and” appearing in paragraph (c);

*(Chairperson, Departmental Committee on Health)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 34(1) as further amended - agreed to

Amendments to section 36 - agreed to

Proposed amendment to section 43 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 43 and substituting therefor the following-

- s.43 Delete the expression “Workmen’s Compensation Act (Cap. 236)” and substitute therefor the expression “Work Injury Benefits Act (No. 13 of 2007)”.

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 43 as further amended - agreed to

Amendments to the First Schedule (paragraph 1), Title & Long Title - agreed to

### **New Sections**

Proposed new sections 6, 22(1A) & 22(5)

**THAT** the Bill be amended in the Schedule in the proposed amendments to the National Hospital Insurance Fund Act (No. 9 of 1998) by-

- (a) inserting the following new amendment immediately after the proposed amendment to section 5(1)-
- s.6 Insert the following new paragraph immediately after paragraph (e)-  
“(f) appoint an agent to perform any of its functions as it may deem fit.”
- (b) inserting the following new amendment immediately after the proposed amendment to section 21(5)(a)-
- s. 22 Insert the following new sub-section immediately after sub-section (1)-  
“(1A) The benefits referred to in sub-section (1) shall be payable in respect of both in-patient and out-patient medical or health care expenses.

(c) inserting the following new amendment immediately after the proposed amendment to section 22(3)-

s.22 Insert the following new sub-section immediately after sub-section (4)-

“(5) The benefits payable under this section in respect of out-patient medical or health care expenses shall be financed through capitation.”

*(Hon. Wilson Sossion)*

Proposed amendments withdrawn by the proposer;

Proposed new section 21(1)

Motion made and question proposed -

THAT the Schedule to the Bill be amended by inserting the following new amendment by inserting the following new amendment -

s.21(1) Delete the word “Hospital” and substitute therefor the word “Health”.

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed -

**THAT** New section 21(1) be part of the Bill;

Question put and agreed to.

Proposed New section 21(1) - agreed to

Proposed new section 26

Motion made and question proposed -

THAT the Schedule to the Bill be amended by inserting the following new amendment-

s.26 Delete the word “Minister” appearing in the opening sentence and substitute therefor the words “Cabinet Secretary”.

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed -

**THAT** New section 26 be part of the Bill;

Question put and agreed to.

Proposed New section 26 - agreed to

Proposed new section 29(1)

Motion made and question proposed;

THAT the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 26—

s.29(1) Insert the following new paragraph immediately after paragraph (c)–

“(d) prescribing the manner and procedure of entering into contracts between the Board and health service providers”

*(Chairperson, Departmental Committee on Health - Hon. Zachary Thuku)*

Question of Second reading proposed;

Debate arising;

Question of Second reading put and agreed to.

Motion made and question proposed –

**THAT** New section 29(1) be part of the Bill;

Question put and agreed to.

Proposed New section 29(1) - agreed to

**Provisions relating to National Hospital Insurance Fund Act (No. 9 of 1998) as amended - agreed to;**

**2. Provisions relating to the Urban Areas and Cities Act 2011 (No. 13 of 2011)**

Proposed amendments to section 3 - agreed to

Proposed new section 3A - agreed to

**Provisions relating to the Urban Areas and Cities Act 2011 (No. 13 of 2011) - agreed to;**

**3. Provisions relating to the Micro and Small Enterprises Act 2012 (No. 55 of 2012)**

Proposed amendments to sections 4(1), 4(2), 4(3), 29, 31, 48, 49, 51(4) and 51(5) - agreed to

Proposed amendments to section 53(1) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 53 (1);

*(Hon. Millie Odhiambo)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to Section 53(1) - deleted

Section 53(4) - agreed to

**Provisions relating to the Micro and Small Enterprises Act, 2012 (No. 55 of 2012) as further amended - agreed to.**

**4. Provisions relating to the Public Private Partnerships Act, 2013 (No. 15 of 2013)**

Proposed amendments to section 4 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 4;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 4 - deleted

Proposed amendments to section 5 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 5;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 5 - deleted

Proposed amendments to section 6 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 6;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to Section 6 - deleted

Proposed amendments to section 14(1) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 14(1);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 14(1) - deleted

Proposed amendments to section 14(2) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 14(2);

*(Hon. Millie Odhiambo)*



Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 14(2) - deleted

Proposed amendments to section 17(1) - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 17(1);

*(Hon. Millie Odhiambo)*

Proposed further amendment withdrawn by the mover;  
Amendment to section 17(1) - agreed to

Proposed amendments to section 27 - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 27;

*(Hon. Millie Odhiambo)*

Proposed further amendment withdrawn by the mover;  
Amendment to section 27 - agreed to

Proposed amendments to section 28(3) - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 28(3);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 28(3) - deleted

Proposed amendments to section 30 - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 30;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 30 - deleted

Proposed amendments to section 33(1) - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 33(1);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 33(1)

- deleted

Proposed amendments to section 48(4)

- agreed to

Proposed amendments to section 52(1)

- amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 52(1);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 52(1)

- deleted

Proposed amendments to section 58

- amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 58;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 58

- deleted

Proposed amendments to section 61(2)

- amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 61(2);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;  
Amendment to section 61(2)

- deleted

Proposed amendments to section 63(3)

- amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 63(3);

*(Hon. Millie Odhiambo)*

Proposed further amendment withdrawn by the mover;

Amendment to section 63(3)

- agreed to

Proposed amendments to section 64)

- amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 64;

*(Hon. Millie Odhiambo)*

Proposed further amendment withdrawn by the mover;  
Amendment to section 64 - agreed to

Proposed amendments to section 65(5) - amendment proposed  
 Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 65(5);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 65(5) - deleted

Proposed amendments to section 71(1) - amendment proposed  
 Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 71(1);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 71(1) - deleted

Proposed First Schedule - amendment proposed  
 Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to the First Schedule;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to First Schedule - deleted

**Provisions relating to the Public Private Partnerships Act 2013 (No. 15 of 2013) as further amended – agreed to.**

**5. Provisions relating to the Crops Act 2013 (No. 16 of 2013)**

Amendments to sections 2 & 8(n) - agreed to

Proposed amendment to section 9 - amendment proposed  
 Further amendment proposed;

THAT the Schedule to the Bill be amended by inserting the following new subsection immediately after the subsection (5) –

“(6) In appointing members under paragraphs (e) and (f), the appointing authority shall take into consideration **the provisions of Article 27 of the Constitution;**”

*(Hon. Millie Odhiambo)*

*(Moved in amended form; Amendment in bold)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 9 as further amended - agreed to

Proposed new section 9A - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the words “through a” and substituting therefor the words “through an open, transparent.”

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

New section 9A - agreed to

Amendments to sections 10(1), 10(2), 13(1)(j) and 18(1) - agreed to

**Provisions relating to the Crops Act 2013 (No. 16 of 2013) as further amended - agreed to**

**6. Provisions relating to the Technical and Vocational Education and Training Act 2013 (No. 29 of 2013)**

Proposed amendment to section 2 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 2;

*(Vice Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 2 - deleted

Proposed amendment section 46 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by-

(i) inserting the expression “(1)” immediately after the expression “s. 46”;

(ii) inserting the following new paragraph immediately after the proposed new paragraph (ba) in the proposed amendments to section 46 -

“Delete the word “three” appearing in paragraph (d)(iv) and substitute therefor the word “two”;

*(Vice Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 46 as further amended - agreed to

Proposed amendment to section 52 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 52;

*(Vice Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 52 - deleted

Proposed amendment to section 58 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 58;

*(Vice Chairperson, Departmental Committee on Education and Research)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 58 - deleted

#### NEW SECTIONS

Proposed new section 16

Motion made and question proposed -

THAT the Schedule to the Bill be amended by inserting the following new amendment immediately after the proposed amendment to section 2—

s.16 Delete and substitute therefor the following new section—  
 Vesting of property. 16.(1) All such movable property, shares, funds and securities shall vest in the Institution and shall be dealt with in such manner as the Board may determine.

(1) All such immovable property shall vest in the person under whose name the property is registered and shall be dealt with in such manner as the owners of the property may determine.

*(Hon Jude Njomo)*

Question for Second reading proposed;

*(Change of Chair from Second Chairperson to Fourth Chairperson of Committees)*

Debate arising;

Question for Second reading put and negatived.

### **Provisions relating to the Technical and Vocational Education and Training Act 2013 (No. 29 of 2013) as further amended - agreed to**

#### **7. Provisions relating to the Public Procurement and Asset Disposal Act 2015 (No. 33 of 2015)**

Proposed amendment to section 2 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by inserting the following definition—  
 “publicize” has the meaning assigned to it under the Public Finance Management Act;

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed

THAT the Schedule to the Bill be amended by inserting the following in the amendments proposed to Section (2)—

Delete the definition of the term “goods” and substitute therefor the following new definition—

"goods" includes raw materials, plant and animal products, equipment, commodities in solid, liquid or gaseous form, electricity and services that are incidental to the supply of the goods, works and services;

*(Hon. Daniel Tuitoek on behalf of Hon. Florence Mutua)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed

THAT the Schedule to the Bill be amended by inserting the following new proposed amendments in the proper chronological order —

s.2 Delete the definition of the term “contract period” and substitute therefor the following new definition—

"contract period" means the period between commencement and the completion of works;

*(Hon. Joseph Ngugi)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed

THAT the Schedule to the Bill be amended by deleting the proposed amendment to the definition of the term “procurement profession”;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed

THAT the Schedule to the Bill be amended by inserting the following new proposed amendments in the proper chronological order —

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s.2 Delete the definition of the term “procurement professional” and substitute therefor the following new definition—

“procurement professional” means—

- (a) a person who has professional qualifications in procurement or supply chain management from a recognized institution and is a member of the Kenya Institute of Supplies Management or any other supply chain professional body; or
- (b) where procurement by a public entity relates to construction works, a procurement professional means a person who has professional qualifications in engineering, architecture or quantity surveying from a recognized institution, has at least five years post-qualification professional experience and is a registered member of the relevant professional board.

*(Hon. Joseph Ngugi)*

Amendment dropped *(On account of deletion by Hon. Millie Odhiambo)*

Amendments to section 2 as further amended - agreed to

Proposed amendments to section 7(2) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 7(2) and substituting therefor the following new amendment-

s. 7(2) Insert the following new paragraphs immediately after paragraph (l)-

- (la) to develop and promote the training and capacity development for procurement and supply chain management services cadre at the national level;
- (lb) to support the training and capacity development for procurement and supply chain management services cadre at the county level;
- (lc) develop and manage the state portal on procurement and asset disposal and ensure that it is available and easily accessible.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendments to section 7 (2), by deleting the proposed new subsection (l)(b);

*(Hon. Millie Odhiambo)*

Amendment withdrawn by the mover;

Amendment to section 7(2) - agreed to

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Proposed amendment to section 9(1) - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended in the proposed amendments to section 9, by deleting the proposed amendment to paragraph (k);

*(Hon. Millie Odhiambo)*

Amendment withdrawn by the mover;

Further amendment proposed;

THAT the Schedule to the Bill be amended by inserting the following new amendment-

Renumber the existing paragraph (s) as (t)

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 9(1) as further amended - agreed to

Amendments to section 26(6), 39 and 40(2) - agreed to

Proposed amendment to section 41(1) (j) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendment to section 41 (1) (j) and substituting therefor the following new amendment—

s. 41 (1) Insert the following new paragraph immediately after paragraph (i)—

(j) is determined by the Review Board to have filed a request that is frivolous or vexatious or made solely for the purpose of delaying the procurement or procurement or performance of a contract.

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Section 41 (1) (j) as further amended - agreed to

Amendments to sections 43 and 44 - agreed to

Proposed amendment to section 46(4) (c) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the word “an” appearing before the word “officer” and substituting therefor the words “a qualified and experienced procurement”

*(Chairperson, Departmental Committee on Finance and National Planning)*

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Amendment to section 46(4)(c) as further amended - agreed to



Amendments to sections 46(6), 48(2), 51(2)(b), 53, 54, 67(4), 69, 70, 71(3), and 80(1) - agreed to

Proposed amendment to section 80(6) - amendment proposed  
Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the word “seven” and substitute therefor the word “fourteen”;

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;

Amendment to section 80 (6) as further amended - agreed to

Amendment to section 89(b) - agreed to

Proposed amendment to section 92 - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed new paragraph (1a);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and agreed to;

Amendment to section 92 as further amended - agreed to

Proposed amendment to section 94(4) - amendment proposed

Further amendment proposed;

THAT the Schedule to the Bill be amended by deleting the proposed amendments to section 94(4);

*(Hon. Millie Odhiambo)*

Question of the further amendment proposed;  
Debate arising;

Question put and negatived;

Amendment to section 94(4) - agreed to

10. **PROGRESS REPORT**

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seek leave to sit again

*(Majority Party Whip)*

Question put and agreed to.

11. **HOUSE RESUMED** - Deputy Speaker on the Chair  
**Progress reported**

THAT, the Committee do Report to the House its consideration the Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018) up to section 94(4) of the provisions relating to the Public Procurement and Asset Disposal Act, (No. 33 of 2015) and its approval thereof with amendments and seek leave to sit again  
*(Majority Party Whip)*

Putting of the Question deferred.

12. **STATEMENT (ZERO HOUR) PURSUANT TO STANDING ORDER 43**

Pursuant to the Standing Order No. 43, the Deputy Speaker interrupted the House to allow Members to discuss a Statement by the Hon. Elsie Muhanda, MP, regarding the state of insecurity and continuous killings in Kakamega County for the three months of March, April and May, 2019.

And the time being four minutes past Seven O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

13. **HOUSE ROSE** - at four minutes past seven O'clock

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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, May 08, 2019 at 9.30 a.m.

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