



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

TUESDAY, NOVEMBER 18, 2014 AT 2.30 P.M

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Statements
8. **COMMITTEE OF THE WHOLE**

* **THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT)
BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2013)**
(The Senate Majority Leader)

9. * **THE NATIONAL YOUTH SERVICE (AMENDMENT) BILL, (SENATE BILLS
NO. 26 OF 2014)**
(Sen. Beatrice Elachi)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 6th November, 2014)

10. **THE POTATO PRODUCE AND MARKETING BILL (SENATE BILL NO.
22 OF 2014)**
(Sen. (Eng.) Karue Muriuki)

(Second Reading)

11. * **THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES APPROVAL)
BILL, (SENATE BILL NO. 20 OF 2014)**
(Sen. Stewart Madzayo)

(Second Reading)

12. * **THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) (NO. 2) BILL
2013, (NATIONAL ASSEMBLY BILL NO. 33 OF 2013)**
(The Senate Majority Leader)

(Second Reading)

...../Bill

13. **** THE COUNTY ASSEMBLIES SERVICES BILL, (SENATE BILL NO. 27 OF 2014)**
(Sen. Amos Wako)
(Second Reading)
14. **** THE PUBLIC FUNDRAISING BILL, (SENATE BILL NO. 28 OF 2014)**
(Sen. Anyang' Nyong'o)
(Second Reading)
15. *** THE NATIONAL POLICE SERVICE (AMENDMENT) BILL, (SENATE BILL NO. 29 OF 2014)**
(Sen. (Prof.) John Lonyangapuo)
(Second Reading)

KEY

- ***** ■ Denotes a Majority /Minority Party Bill
- **** ■ Denotes a Committee Bill
- *** ■ Denotes any other Bill

NOTICE OF AMENDMENTS*** THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2013)**

(The Senate Majority Leader)

NOTICE is hereby given that the Chairperson of the Standing Committee on Finance, Commerce and Budget, intends to move the following amendments to the Public Procurement and Disposal (Amendment) Bill, 2014, at the Committee Stage-

Clause 2

THAT clause 2 of the Bill be amended by deleting the proposed new paragraph (g) and substituting therefor the following new paragraph-

- (g) to facilitate affirmative action for disadvantaged groups in accordance with Articles 27, 54 and 55 of the Constitution and to advance their participation in the procurement process in accordance with Article 227 of the Constitution".

Clause 3

THAT clause 3 of the Bill be deleted and substituted with the following new clause-

Section 3 of the principal Act is amended by-

- (a) inserting the following new definitions in their proper alphabetical sequence-

"disadvantaged group" means a group of persons perceived to be denied by mainstream society of access to resources and tools which are useful for their survival in a way that disadvantages them, or individuals who have been subjected to prejudice or cultural bias because of their identity as members of a certain group without regard to their individual qualities, and includes enterprises in which a majority of the members or shareholders are youth, or persons with disability;

"persons with disability" means a person with disability who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of the directors are persons with disability;
"women" means a person of the female gender who has attained the age of eighteen years and includes a company, association or body of persons, corporate or unincorporated in which at least seventy percent of the shareholders, members or persons and a majority of its directors are of the female gender;

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“youth” means a person who has attained the age of eighteen years and has not attained the age of thirty-five years and includes a company, association or body of persons, corporate or unincorporated in which all its directors or proprietors are persons who have attained the age of eighteen years and have not attained the age of thirty-five years.

- (b) deleting the definition of the expression “accounting officer” and substituting therefor the following new definition-

“accounting officer means-

(a) for a public entity other than a county government entity, the person appointed by the principal secretary to the treasury as the accounting officer or, if there is no such person, the chief executive of the public entity; or

(b) for a county government entity, a person appointed by the county executive committee member responsible for finance as the accounting officer, or if there is no such person, the chief executive of the county entity”;

- (c) deleting the definition of the word “Minister” and substituting therefor the following new definition-

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to finance”;

- (d) deleting the definition of the expression “public entity” and substituting therefor the following new definition-

“public entity” means-

(a) the national Government or any department of the national Government;

(b) the county Government or any department of the county Government;

(c) the courts;

(d) the commissions and independent offices established under the Constitution;

(e) a state corporation within the meaning of the State Corporations Act;

(f) the Central Bank of Kenya established under the Constitution;

(g) a co-operative society established under the Co-operative Societies Act;

Cap 490

(h) a public school within the meaning of the Education Act;

Cap 211

(i) a public university within the meaning of the Universities Act;

No. 42 of
2012

(j) a college or other educational institution maintained or assisted out of public funds; or

(k) an entity prescribed as a public entity for the purpose of this paragraph";

Clause 4

THAT clause 4 of the Bill be amended by-

(a) re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;

(b) inserting the following new paragraph immediately before the re-numbered paragraph (b);

(a) deleting the word "Minister" appearing after the words "present to the" in sub-section (b) and substituting therefor the words "Cabinet Secretary".

Clause 5

THAT clause 5 of the Bill be amended-

(a) by re-numbering the existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively;

(b) by inserting the following new paragraph immediately before the re-numbered paragraph (b);

(a) deleting the words "the Minister" appearing after the words "subsection (8)" in subsection (2) and substituting therefor the words "the Cabinet Secretary";

(c) in the proposed new subsection (9) by deleting the words "the youth, women and persons with disability" appearing after the words "allocated to" and substituting therefor the words "disadvantaged groups";

(d) in the proposed new subsection (12)-

(i) in paragraph (b), by deleting the words "youth, women and persons with disability" appearing after the words "the number of" and substituting therefor the words "disadvantaged groups";

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

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- (c) provide an explanation for failure to comply with the provisions of this section and the efforts made by the entity to ensure compliance in the future;
- (e) in the proposed new subsection (13) by deleting the words "youth, women and persons with disability" appearing after the words "opportunities for" and substituting therefor the words "disadvantaged groups";
- (f) in the proposed new subsection (14) by deleting the words "Articles 55 and 227(2)" appearing after the words "objectives of" and substituting therefor the words "Articles 27, 54, 55 and 227";
- (g) in the proposed new subsection (15)(b) by deleting the expression "the youth" appearing immediately after the words "impediment to" and substituting therefor the words "disadvantaged groups";
- (h) in the proposed new subsection (16)-
 - (i) by deleting paragraph (a) and substituting therefor the following new paragraph-
 - (a) facilitating affirmative action to ensure that disadvantaged groups access employment and have opportunities to participate in economic spheres of life as contemplated under Articles 27, 54, 55 and 227 of the Constitution;
 - (ii) in paragraph (b), by deleting the words "the youth" appearing after the words, "advancement of" and substituting therefor the words, "disadvantaged groups".

NEW CLAUSES 4A, 4B AND 4C

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

Clause 4A

Section 20 of the principal Act is amended-

- (a) in subsection (2) by deleting the word "Minister" appearing after the words "Board and to the" and substituting therefor the words "Cabinet Secretary"; and
- (b) in subsection (5) by deleting the words "the Minister" appearing at the beginning of the sub-section and substituting therefor the words "the Cabinet Secretary".

Clause 4B

The principal Act is amended in paragraph (a) of section 22(1) by deleting the word "Minister" appearing immediately after the words "appointed by the" and substituting therefor the words "Cabinet Secretary".

...../Amendments

Clause 4C

The principal Act is amended in section 33 by deleting paragraph (b) of sub-section (1) and substituting therefor the following new paragraph-

“a Cabinet Secretary, public servant or a member of a board or committee of the Government or any department of the Government or a person appointed to any position by the President or a Cabinet Secretary; or

NEW CLAUSE 5A

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

Clause 5A

The principal Act is amended in paragraph (d) of section 105(1) by deleting the words “Kenya Anti-Corruption Commission” appearing after the words “entity and to the” and substituting therefor the words “Ethics and Anti-Corruption Commission”.

NEW CLAUSE 6A

THAT the Bill be amended by inserting the following new clause immediately after clause 6-

Clause 6A

The principal Act is amended in section 140 by deleting the words “the Minister” appearing at the beginning of the section and substituting therefor the words “the Cabinet Secretary”.

NEW FIRST SCHEDULE

THAT the First Schedule to the principal Act be amended-

(a) in paragraph 3(1) by deleting the word “Minister” appearing after the words “addressed to the” and substituting therefor the words “Cabinet Secretary”;

(b) by deleting paragraph 3(2) and substituting therefor the following new paragraph-

3(2) A resignation is effective upon being received by the Cabinet Secretary or by a person authorized by the Cabinet Secretary to receive it.

(c) in paragraph (4) by deleting the words “the Minister” appearing at the beginning of the paragraph and substituting therefor the words “the Cabinet Secretary”.

NEW SECOND SCHEDULE

THAT the Third Schedule to the principal Act be amended-

- (a) in paragraph 2(1) by deleting the words "the Minister" appearing after the words "section 22(1)(a)" and substituting therefor the words "the Cabinet Secretary";
- (b) in paragraph 2(2) by deleting the words "the Minister" appearing at the beginning of the paragraph and substituting therefor the words "the Cabinet Secretary";
- (c) in paragraph (4) by deleting the word "Minister" appearing after the words "into operation, the" and substituting therefor the words "Cabinet Secretary"; and
- (d) in paragraph (17) by deleting the words "the Minister" appearing at the beginning of the paragraph and substituting therefor the words "the Cabinet Secretary".

APPENDIX

STATEMENT

The Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries to issue a statement on the plight of farmers in Nyamthowi, Kolwa Central Location in Kisumu East Constituency, Kisumu County (Sen. Joy Gwendu).

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