



(No. 55)

(1751)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SIXTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SUPPLEMENTARY

WEDNESDAY, JUNE 08, 2022 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. PROCEDURAL MOTION - EXTENSION OF SITTING TIME UNTIL CONCLUSION OF SPECIFIED BUSINESS

(The Leader of the Majority Party)

THAT, pursuant to the provisions of Standing Order 30(3)(a), this House orders that, should the time appointed for adjournment of the House be reached before conclusion of business appearing under **Order No. 25** on today's Order Paper, the Sitting of the House shall stand extended until the conclusion of the said business.

9*. PROCEDURAL MOTION – REDUCTION OF PUBLICATION PERIOD OF THE SUPPLEMENTARY APPROPRIATION (No.2) BILL, 2022

(The Chairperson, Budget and Appropriations Committee)

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 33 of 2022) from **7 to 1 day**.

10*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE APPROPRIATION BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2022)

(The Chairperson, Budget and Appropriations Committee)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Appropriation Bill (National Assembly Bill No. 31 of 2022).

(Question to be put and Third Reading)

11*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE SUPREME COURT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 15 OF 2022)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Supreme Court (Amendment) Bill (National Assembly Bill No. 15 of 2022).

(Question to be put and Third Reading)

12*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 60 OF 2021)

(The Chairperson, Committee on Delegated Legislation)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Traffic (Amendment) Bill (National Assembly Bill No. 60 of 2021).

(Question to be put and Third Reading)

13*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2020)

(The Hon. John Mwirigi, M.P.)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Higher Education Loans Board (Amendment) Bill (National Assembly Bill No. 37 of 2020).

(Question to be put and Third Reading)

13*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(The Hon. Godfrey Osotsi, M.P.)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Information Communication technology Practitioners Bill (National Assembly Bill No. 38 of 2020).

(Question to be put and Third Reading)

14*. MOTION – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE INSURANCE PROFESSIONALS REGISTRATION BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2020)

(The Hon. Benjamin Washiali, M.P.)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Insurance Professionals Registration Bill (National Assembly Bill No. 25 of 2020).

(Question to be put and Third Reading)

15*. THE KENYA REVENUE AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2022)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

16*. THE SUPPLEMENTARY APPROPRIATION (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2022)

(The Chairperson, Budget and Appropriations Committee)

First Reading

17*. THE KENYA SCHOOL OF LAW (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2022)

(The Leader of the Majority Party)

First Reading

18*. THE LEGAL EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2022)

(The Leader of the Majority Party)

First Reading

19*. THE SUPPLEMENTARY APPROPRIATION (No.2) BILL (NATIONAL ASSEMBLY BILL NO. 33 OF 2022)

(The Chairperson, Budget and Appropriations Committee)

Second Reading

20*. MOTION - REPORT ON THE CONSIDERATION OF FINANCIAL STATEMENTS OF STATE CORPORATIONS

(The Chairperson, Public Investments Committee)

THAT, this House adopts the Twenty Fourth Report of the Public Investment Committee on its consideration of the Auditor General’s Reports on Financial Statements of State Corporations, *laid on the Table of the House on Tuesday, May 31, 2022.*

(Resumption of debate interrupted on Tuesday, June 7, 2022)

(Notice of proposed amendments given under Notice II)

21*. COMMITTEE OF THE WHOLE HOUSE

(i) The Supplementary Appropriation (No.2) Bill (National Assembly Bill No. 33 of 2022)
(The Chairperson, Budget and Appropriations Committee)

(ii) The Universities (Amendment) Bill (National Assembly Bill No. 35 of 2021)
(The Leader of the Majority Party)

22*. MOTION – CONSIDERATION OF THE REPORT ON THE FINANCIAL STATEMENTS FOR THE NATIONAL GOVERNMENT FOR THE FY 2019/2020

(The Chairperson, Public Accounts Committee)

THAT, this House **adopts** the Report of the Public Accounts Committee on the Examination of the Report of the Auditor-General on the Financial Statements for the National Government for the Financial Year 2019/2020, *laid on the Table of the House on Wednesday, June 8, 2022.*

23*. MOTION - RATIFICATION OF AGREEMENT BETWEEN THE KINGDOM OF DENMARK AND THE REPUBLIC OF KENYA ON DEFENCE COOPERATION

(The Leader of the Majority Party)

THAT, pursuant to the provisions of sections 7 and 8 of the Treaty Making and Ratification Act, 2012, this House approves **Ratification of the Defence Cooperation between the Kingdom of Denmark and the Republic of Kenya**, *laid on the Table of the House on Tuesday, September 22, 2020.*

24*. MOTION - RATIFICATION OF THE 1970 UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

(The Leader of the Majority Party)

THAT, pursuant to the provisions of sections 7 and 8 of the Treaty Making and Ratification Act, 2012, this House approves **Ratification of the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the means of prohibiting and preventing the Illicit Import, Export and transfer of ownership of cultural property**, *laid on the Table of the House on Wednesday, May 11, 2022.*

25*. MOTION - RATIFICATION OF BILATERAL AIR SERVICES AGREEMENTS BETWEEN KENYA AND CZECH REPUBLIC; CYPRUS; CHILE; BELIZE; SURINAME; TANZANIA; AUSTRIA AND BARBADOS

(The Leader of the Majority Party)

THAT, pursuant to the provisions of sections 7 and 8 of the Treaty Making and Ratification Act, 2012, this House approves **Ratification of the Bilateral Air Services agreements between Kenya and Czech Republic; Cyprus; Chile; Belize; Suriname; Tanzania; Austria and Barbados**, *laid on the Table of the House on Thursday, June 2, 2022.*

26*. MOTION - STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

(The Chairperson, Committee on Members' Services and Facilities)

THAT, this House adopts the Report of the Committee on Members' Services and Facilities on a Study Visit to the Legislative Assembly of Alberta, Canada undertaken from 14th to 18th October 2019, *laid on the Table of the House on Tuesday, December 1, 2020.*

27*. THE MUNG BEANS BILL (SENATE BILL NO. 9 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

28*. THE COUNTY BOUNDARIES BILL (SENATE BILL NO. 20 OF 2021)

(The Chairperson, Departmental Committee Justice and Legal Affairs)

Second Reading

Denotes Orders of the Day

...../Notices*

NOTICES**I. SUPPLEMENTARY APPROPRIATION (No.2) BILL, 2022**

Notice is given that the Chairperson of the Budget and Appropriations Committee intends to move the following amendments to the Supplementary Appropriation (No. 2) Bill, 2022 at the Committee Stage—

CLAUSE 2

THAT, Clause 2 of the Bill be amended by deleting the words “seventy nine billion, five hundred and seventy four million, four hundred and eighty six thousand, nine hundred and twenty seven” appearing immediately after the words “sum of” and substituting therefor the words “seventy nine billion seven hundred twelve million four hundred eighty six thousand nine hundred twenty seven”

FIRST SCHEDULE

THAT, the First Schedule be amended—

- (a) in respect of **Vote R1066 (State Department for Early Learning & Basic Education)**—
- (i) under Programme 0501000 (Primary Education) by deleting the expression “Kshs. 12,600,000” and substituting therefor the expression “Kshs. 102,600,000”;
- (ii) by inserting the following new Programme immediately after Programme 0501000 (Primary Education)—

<i>Vote No.</i>	<i>Service or Purpose</i>	<i>Supply (Kshs.)</i>	<i>Supplementary Appropriations in Aid (Kshs)</i>
	0503000 Quality Assurance and Standards	(90,000,000)	-

- (b) in respect of **Vote D1166 (State Department for Fisheries, Aquaculture & the Blue Economy)** under Programme 0118000 (Development and Coordination of the Blue Economy) by deleting the expression “Kshs. 170,000,000” and substituting therefor the expression “Kshs. 308,000,000”;

SECOND SCHEDULE

THAT, the Second Schedule be amended in respect of **Vote D1169 (State Department for Crop Development & Agricultural Research)** under Programme 0107000 (General Administration Planning and Support Services) by deleting the expression “Kshs. 363,203,560” and substituting therefor the expression “Kshs. 225,203,560”.

II. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2021)

- 1) Notice is given that the Chairperson of the Departmental Committee on Education and Research intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, clause 2 of the Bill be amended by —

- (a) renumbering the existing clause as sub-clause (1); and
- (b) inserting the following new sub-clause immediately after the renumbered sub-clause (1) —
 - (2) Section 2 of the principal Act is amended in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment
of section 6
of No.42 of
2012.

3A. Section 6 of the principal Act is amended—

- (a) by deleting paragraph (f) and substituting therefor the following new paragraph—
 - (f) one person nominated by public universities in a forum of Vice- Chancellors of public universities;
- (b) by deleting paragraph (g) and substituting therefor the following new paragraph—
 - (g) one person nominated by private universities in a forum of Vice- Chancellors of private universities;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment
of section 11
of No.42 of
2012.

4A. Section 11 of the principal Act is amended in subsection (1) by deleting the words “the management of a university” appearing in paragraph (b) and substituting therefor the words “a senior management position”;

NEW CLAUSE

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

Amendment of
section 23 of
No.42 of 2012.

6A. Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (2) —

(3) The Cabinet Secretary shall, not later than six months after the submission of a statute or regulation under this section by a university, cause it to be published in the *Gazette*.

(4) The statutes or regulations made under this section shall be considered by the National Assembly in accordance with the Statutory Instruments Act, 2013.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

7. Section 24 of the principal Act is amended in subsection (1) by deleting the word “Parliament” and substituting therefor the words “the National Assembly”;

CLAUSE 9

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

9. The principal Act is amended by repealing section 26 and replacing it with the following new section —

Universities
in counties.

26. The Commission may establish public universities in each of the counties taking into consideration their viability and equitability in the distribution of public universities across the country.

CLAUSE 11

THAT clause 11 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by deleting paragraph (v) and substituting therefore the following new paragraph—

(v) in the case of a public university, appoint Principals and Deputy Principals of Constituent Colleges after a competitive process conducted in the manner provided in the Second Schedule

CLAUSE 12

THAT, the Bill be amended by deleting clause 12 and substituting therefor the following new clause —

12. Section 36 of the principal Act is amended—

(a) in subsection (1) by inserting the words “out of which three shall be nominated by the Alumni Association of a university” immediately after the words “Cabinet Secretary” appearing in paragraph (d);

(b) by inserting the following new subsection immediately after subsection (1) —

(1A) The persons nominated under subsection (1)(d) shall each represent—

- (a) the Alumni Association of a university;
- (b) parents of the students in a university, the public and the special interest groups; and
- (c) the staff of a university.

(c) by renumbering the existing subsection (1A) as subsection (IB);

(d) by deleting subsection (2) and substituting therefor the following new subsection—

(2) A person shall be qualified for appointment as a Chairperson or member of the Council if—

- (a) in the case of a chairperson, the person holds at least a Masters’ degree from a university recognized in Kenya and has at least fifteen years’ experience in a senior management position or research; or
- (b) in the case of a member, the person holds at least a Masters’ degree from a university recognized in Kenya and has at least ten years’ experience in a senior management position or a bachelor’s degree from a university recognized in Kenya and has at least fifteen years’ experience in a senior management position.

(e) by deleting subsection (5) and substituting therefor the following new subsection—

(5) The appointment of the members of the Council under subsection (1) shall be done at different times so as to ensure that their terms of office expire at different times.

CLAUSE 13

THAT, clause 13 of the Bill be amended in the proposed new section 36A by—

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

(1) As the designated appointing authority, the Cabinet Secretary shall have power to revoke any appointment to any Council of a public university.

(b) deleting subsection (2).

CLAUSE 14

THAT, clause 14 of the Bill be amended—

(a) in paragraph (b) by inserting the words “as appraised by the Council” immediately after the words “satisfactory performance” appearing in the proposed new subsection (3);

(b) in paragraph (c) by deleting the words “appointment of” appearing in the proposed new subsection (5);

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment
of
section 41 of No.42 of
2012.

14A. Section 41 of the principal Act is amended by—

(a) inserting the following new subsection immediately after subsection (1B)—

(1BA) A person shall be eligible to stand for election as a member of the student council if the person is in good academic standing;

(b) deleting subsection (1C);

(c) deleting subsection (1D);

(d) deleting subsection (1E); and

(e) by inserting the words “ and prescribed code of conduct” immediately after the word “rules” appearing in subsection (1I).

CLAUSE 18

THAT clause 18 of the Bill be amended in the proposed new section 54—

(a) in subsection 5—

- (i) by deleting the word “Director” appearing in paragraph (d) and substituting therefor the words “ Chief Executive Officer”;
- (ii) by deleting the word “competitively” appearing in paragraph (e);
- (iii) by deleting paragraph (g) and substituting therefor the following new paragraph—

- (g) one person nominated by public universities in a forum of Vice-Chancellors of public universities;
- (iv) by deleting paragraph (h) and substituting therefor the following new paragraph—
 - (h) one person nominated by private universities in a forum of Vice-Chancellors of private universities;
- (b) in subsection (9) by—
 - (i) inserting the words “and disburse” immediately after the word “apportion” appearing in paragraph (c);
 - (ii) inserting the following new paragraph immediately after paragraph (c)—
 - (ca) apportion and disburse funds allocated by the national government to private universities for tuition fees for government sponsored students in Kenyan universities;
 - (iii) inserting the words “to ensure equity in the funding of all government sponsored students in public and private universities” immediately after the words “subject area” appearing in paragraph (d);

CLAUSE 19

THAT, clause 19 of the Bill be amended in the proposed new section 54A by inserting the following new subsection immediately after subsection (3)—

- (4) The Chief Executive Officer of the Fund shall hold office for a term of five years and shall be eligible for reappointment for one further term of five years.

CLAUSE 21

THAT clause 21 of the Bill be amended in the proposed new subsection (3) by—

- (a) inserting the following new paragraph immediately after paragraph (e)—
 - (ea) the Chief Executive Officer of the Universities Fund Board;
- (b) deleting paragraph (f) and substituting therefor the following new paragraphs—
 - (f) three other persons appointed by the Cabinet Secretary, being—
 - (i) one Vice-Chancellor representing public universities nominated by a forum of Vice-Chancellors of public universities;
 - (ii) one Vice-Chancellor representing private universities nominated by a forum of Vice-Chancellors of private universities;
 - (iii) one representative of the Kenya Association of Technical Training Institutions; and
 - (g) the Director, who shall be an *ex-officio* member

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22—

Amendment of
section 58 of
No.42 of
2012.

22A. Section 58 of the principal Act is amended—

- (a) in the marginal note by deleting the word “Secretary” and substituting therefor the words “Chief Executive Officer”;
- (b) by deleting the word “Director” and substituting therefor the words “Chief Executive Officer.”

NEW SCHEDULE

THAT, the Bill be amended by inserting the following new schedule immediately after the First Schedule—

SECOND SCHEDULE [section 35(1)(v)]

**PROCEDURE FOR THE RECRUITMENT AND
APPOINTMENT OF PRINCIPALS AND DEPUTY PRINCIPALS**

(1) Where a vacancy occurs in the office of the Principal or Deputy Principal of a constituent college, the Council of that university shall constitute a selection panel consisting of –

- (a) a chairperson being the chairperson of the University Council;
- (b) a representative of the Principal Secretary for the time being responsible for university education;
- (c) a representative of the Principal Secretary for the time being responsible for finance;
- (d) two representatives, being one man and one woman, nominated by the University Senate;
- (e) a distinguished professor of the university; and
- (f) the Vice-Chancellor of the university.

(2) The selection panel may regulate its own procedure.

(3) The selection panel shall—

- (a) advertise for the vacancies and publicize the applicants and shortlisted candidates;
- (b) conduct interviews of the short listed candidates;
- (c) identify three qualified applicants for the position of Principal or Deputy Principal; and

forward the names of the qualified applicants under paragraph (c) to the Council.

(4) The Council shall, within fourteen days of receipt of the names forwarded under paragraph (3)(d), in consultation with the Cabinet Secretary appoint the Principal or Deputy Principal from among the three qualified applicants.

(5) The selection panel shall stand dissolved upon the appointment of the Principal or Deputy Principal under paragraph (5).

SECOND SCHEDULE

THAT, the Bill be amended by renaming the Second Schedule as the Third Schedule.

FOURTH SCHEDULE

THAT, the Fourth Schedule to the Bill be amended—

(a) by deleting the words “**PRINCIPALS AND DEPUTY PRINCIPALS**” appearing in the heading;

(b) in paragraph 1 by deleting the words “ or Principal and Deputy Principal of a Constituent College, the Cabinet Secretary” appearing after the words “public university” and substituting therefore the words “the Council”;

(c) in paragraph 2(1) by—

(i) deleting the phrase “subsection (2)” and substituting therefor the phrase “paragraph (1)” ;

(ii) deleting sub-paragraph (a) and substituting therefor the following new subparagraph—

(a) a chairperson being a scholar with the rank of a full professor;

(iii) deleting sub-paragraph (b).

(d) in paragraph 4 by—

(i) deleting the word “three” appearing in sub-paragraph (c) and substituting therefore the word “five”;

(ii) by deleting the words “Cabinet Secretary” appearing in sub-paragraph (d) and substituting therefor the word “Council”;

(e) by inserting the following new paragraph immediately after paragraph 4—

4A. The Council shall, within seven days of receipt of the names forwarded under paragraph (4)(c) identify three qualified applicants for each vacant position and forward the names to the Cabinet Secretary.

(f) in paragraph 5 by deleting the words “ within fourteen days” and substituting therefor the words “ within twenty one days”;

- 2) **Notice is given that the Nominated Member (Hon. Godfrey Osotsi) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—**

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 2—

Amendment
of section 5
of No.42 of
2012.

2A. Section 5 of the principal Act is amended in subsection (1) by deleting paragraph (g);

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of
section 6 of
No.42 of 2012.

3A. Section 6 of the principal Act is amended inserting the following new paragraph immediately after paragraph (g)—

(ga) the Director-General of the Kenya National Qualifications Authority;

CLAUSE 18

THAT, clause 18 of the Bill be amended in the proposed new section 54(5) by inserting the following new paragraph immediately after paragraph (i)—

(j) the Director-General of the Kenya National Qualifications Authority;

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new subsection (3) by inserting the following new paragraph immediately after paragraph (e)—

(ea) the Director-General of the Kenya National Qualifications Authority;

- 3) **Notice is given that the Member for Seme (Hon. James Nyikal) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 16

THAT, clause 16 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(c) by inserting the following new subsection immediately after subsection (4) —

(5) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act, 2015.

CLAUSE 17

THAT, clause 17 of the Bill amended by inserting the following new proposed section immediately after the proposed new section 53A—

Research
grants for
Public
Universities.

53B. (1) There shall be paid out of the Fund established under section 53(3)(a) such grants for research on various thematic areas and establishment of innovation hubs by public universities.

(2) The Cabinet Secretary shall prescribe the criteria for allocation of research grants to public universities.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 15—

Amendment
of section 51
of No. 42 of
2012.

15A. Section 51 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

(3) Each private university shall account for any funds received under section 53 for government sponsored students in accordance with the provisions of the Public Audit Act, 2015.

CLAUSE 18

THAT, clause 18 of the Bill be amended in the proposed new section 54(5)—

- (a) by deleting paragraph (e);
- (b) by deleting paragraph (f);
- (c) by deleting the words “one person” appearing in paragraph (g) and substituting therefor the words “two persons”; and
- (d) by deleting paragraph (h).

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new subsection (3)(f)—

- (a) by deleting the word “six” appearing in the opening statement of paragraph (f) and substituting therefor the word “four”;
- (b) by deleting the words “one Vice-Chancellor” appearing in subparagraph (i) and substituting therefor the words “two Vice-Chancellors”;
- (c) by deleting subparagraph (ii);
- (d) by deleting subparagraph (iv) and substituting therefor the following new subparagraph—
 - (iv) the Chief Executive Officer of the Kenya National Qualifications Authority;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 22—

Insertion
of a new
section
56A into
No. 42 of
2012.

22A. The principal Act is amended by inserting the following new section immediately after section 56—

Prohibition
of placement
of
government
sponsored
students in
private
universities.

56A. (1) The Placement Board shall not place students in private universities and private colleges except—

- (a) where there are no vacancies available for government sponsored students in the public universities and public colleges; and
- (b) where a student has elected a course which is available only in private universities and private colleges and the student has been given an option to change his or her course of choice to a course provided in the public universities and public colleges.

(2) The provisions of this section shall not apply to a government sponsored student who was admitted to a private university prior to the commencement of this section.

(3) A person who places a government sponsored student in a private university without complying with the requirements under subsection (1), commits an offence and shall be liable on conviction to a fine not exceeding two million shillings or imprisonment for a term not exceeding two years or to both.

Amendme
nt of
section 57
of No. 42
of 2012.

22B. Section 57 of the principal Act is amended by inserting the words “and as approved by the Commission” immediately after the words “admission criteria”.

4) Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

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

Amendment
of section 2
of No.42 of
2012.

2. Section 2 of the Universities Act, 2012 (in this Act referred to as “the principal Act”) is amended by—

- (c) in the definition of the term “differentiated unit cost” by inserting the words “approved by the Commission” immediately after the words “degree programme”;
- (d) in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;
- (e) deleting the definition of the term “Trustees”;
- (f) by inserting the following new definition in its proper alphabetical sequence—

“faith-based university” means a university founded or established under a religious faith;

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of
section 6 of No.42
of 2012.

3A. Section 6(1) of the principal Act is amended—

- (a) in paragraph (f) by deleting the words “one person” and substituting therefor the words “two persons”;
- (b) by deleting paragraph (g).

CLAUSE 9

THAT, clause 9 of the Bill be amended in the proposed new section 26—

- (a) by renumbering the existing section as subsection (1);
- (b) by inserting the following new subsections immediately after the renumbered new subsection (1) —
 - (2) A county government may in consultation with the National Land Commission allocate public land for establishment of a university in the county.
 - (3) Two or more counties may, by mutual agreement enter into inter-county agreements for purposes of allocating public land for establishment of a university within an area covering the jurisdiction of two or more counties.
 - (4) Subject to subsection (5), a county government may facilitate the use of county health facilities or any other county facility by a university for purposes of training and advancing university education.
 - (5) The Commission shall certify and approve the suitability of facilities provided by a county government for training university students.

CLAUSE 16

THAT, clause 16 of the Bill be amended inserting the following new paragraph immediately after paragraph (b)—

(c) by inserting the following new subsections immediately after subsection (4)

—

(5) Any money expended by the Board under this section to a government sponsored student undertaking a course or programme in a private university shall be equal to the money expended by the Board to a government sponsored student in a public university.

(6) A private university that receives public funds under this Act shall keep proper books and records of account of the monies received from the Fund for government sponsored students.

(7) The Auditor-General shall in accordance with the Public Audit Act, 2015, audit the accounts of each private university that has received monies from the Fund for government sponsored students prior to the commencement of this section.

(8) The annual accounts of a private university that receives monies from the Fund under this section shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 229 of the Constitution and the Public Audit Act, 2015.

(9) A person who directs or uses any monies from the Fund contrary to this section shall be liable for any loss arising from that use and shall make good the loss.

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new subsection (3)(f)—

(a) by deleting subparagraph (i) and substituting therefor the following new subparagraph—

(i) three Vice-Chancellors representing public universities;

(b) by deleting subparagraph (ii).

CLAUSE 22

THAT, the Bill be amended by deleting clause 22 and substitute therefor the following new clause—

Amendment of
section 56 of
No. 42 of 2012.

22. Section 56 of the principal Act is amended—

(a) in subsection (1) —

- (i) by deleting the words “universities and colleges” appearing in paragraph (a) and substitute therefor the words “public universities and public colleges”;
- (ii) by inserting the following new paragraph immediately after paragraph (a) —

(aa) co-ordinate the placement of the government sponsored students to private universities and private colleges only in cases—

- (i) where a student has elected to be placed in a private university or private college;
- (ii) where there is no vacancy available for government sponsored students in the public universities and public colleges; or
- (iii) where the course or programme a government sponsored student is proposing to pursue is not provided in any public universities and public colleges.

(b) by inserting the following new subsections immediately after subsection (3) —

(4) The Board shall not place students in private universities and private colleges except where the requirements under subsection (1)(aa) have been met.

(5) Subject to subsection (4), the Board shall place students using the following order of precedence —

- (a) public universities;
- (b) faith-based universities; and
- (c) private universities.

(6) Each participating university shall submit a list of the government and self –sponsored students enrolled in the University to the Board within thirty days from the date of closure of the date of enrollment of students to the University.

(7) The Board shall submit information received under subsection (6) to the Universities Fund Board within fourteen days of receipt thereof.

(8) The Board shall, in every student intake, publish a list of the government sponsored students placed in the public and private universities in at least two newspapers with nationwide circulation and in its website and submit the information to the National Assembly.

(9) The criteria of placement of students by the Board under this section shall not apply to the students for the academic year of 2022.

(10) A member or staff of the Board who places a government sponsored student in a private university without complying with the requirements of this section commits an offence and shall be liable on conviction to a fine not exceeding one million shillings or imprisonment for a term not exceeding one year or to both.

5) Notice is given that the Member for Kilifi North (Hon. Owen Baya) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

NEW CLAUSE

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

Amendment of
section 23 of
No.42 of 2012.

6A. Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (2) —

No. 23 of 2013.

(3) The Cabinet Secretary shall, not later than three months after the submission of a statute or regulation under this section by a university, cause it to be published in the *Gazette*.

(4) The statutes or regulations made under this section shall be considered by the National Assembly in accordance with the Statutory Instruments Act, 2013.

CLAUSE 7

THAT the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Amendment
of section
24 of No.42
of 2012.

7. Section 24 of the principal Act is amended—

- (a) in subsection (1) by deleting the word “Parliament” and substituting therefor the words “the National Assembly”;
- (b) by inserting the following new subsections immediately after subsection (2)—

(2A) The provisions of Part V of this Act shall apply with the necessary modifications to the institutions established under this section.

(2B) A Charter granted to an institution under this section shall outline the conditions under which the institution shall operate and set out a clearly defined mandate with regard to specified academic programmes.

- 6) Notice is given that the Member for Kimilili (Hon. Didmus Barasa) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 21

THAT, clause 21 of the Bill be amended in the proposed new sub-section (3)(f) —

- (a) by deleting the word “one” appearing in sub-paragraph (i) and substituting therefor the word “two”; and
- (b) by deleting sub-paragraph (ii).

- 7) Notice is given that the Member for Dagoretti South (Hon. John Kiarie) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 19

THAT, clause 19 of the Bill be amended in the proposed new section 54A by inserting the following new subsection immediately after subsection (3) —

- (4) The Chief Executive Officer of the Fund shall hold office for a term of five years, renewable once.

- 8) Notice is given that the Nominated Member (Hon. David Ole Sankok) intends to move the following amendment to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

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

Amendment
of section 2
of No.42 of
2012.

2. Section 2 of the Universities Act, 2012 (in this Act referred to as “the principal Act”) is amended by—

- (a) in the definition of the term “differentiated unit cost” by inserting the words “approved by the Commission” immediately after the words “degree programme”;
- (b) in the definition of the term “statutes” by inserting the words “under section 23” immediately after the words “university council”;
- (c) deleting the definition of the term “Trustees”.

9) Notice is given that the Member for Endebess (Hon. Robert Pukose) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 9

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

Repeal and
replacement of
section 26 of
No.42 of 2012.

9. The principal Act is amended by repealing section 26 and substituting therefor the following new section—

Universities in
Counties.

26. The Commission shall ensure accessibility of public universities by all counties, giving priority to—

- (a) viability and equitability in the distribution of public universities across the country;
- (b) underserved and marginalized areas; or
- (c) such other factors as the Commission may determine.

CLAUSE 11

THAT, Clause 11 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) in subsection (1)(v), by deleting the words “in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission” and substitute therefor the words “after a competitive process conducted by the Council”.

10) Notice is given that the Member for South Mugirango (Hon. Silvanus Osoro) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 20—

Insertion
of a new
section
into No.
42 of
2012.

20A. The principal Act is amended by inserting the following new section immediately after section 54C—

Fund for
research and
innovation by
Public
Universities.

54D. (1) The Cabinet Secretary for National Treasury shall, within six months of commencement of this section, establish a Fund for allocation of grants to public universities—

- (a) to undertake research on various thematic areas;
- (b) to establish innovation hubs;
- (c) to recommend public policy solutions to social economic issues affecting the country;
- (d) to assist in the development of public policy for implementation by the national government;
- (e) to assist in the formulation of effective public policy implementation strategies; and
- (f) perform any other function related to research and innovation as the Cabinet Secretary may determine.

(2) The Cabinet Secretary shall prescribe regulations for the implementation of this section.

11) Notice is given that the Member for Tharaka (Hon. George Murugara) intends to move the following amendments to the Universities (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraphs —

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

(1) The council of a public university or constituent college of such a university shall consist of—

- (i) a chairperson appointed by the President;
- (ii) three other persons appointed by the President;
- (iii) the Principal Secretary in the Ministry for the time being responsible for the university education;
- (iv) the Principal Secretary in the Ministry for the time being responsible for Finance;

- (v) two persons nominated by the Alumni Association of a university to represent the Alumni Association;
- (vi) two persons not being public officers nominated by the Alumni Association of a university to represent the parents of the students in a university, the public and the special interests' groups;
- (vii) two persons nominated by the Alumni Association of a university to represent the staff of a university; and
- (viii) the Vice-Chancellor or, in the case of a constituent college, the Principal of such college who shall be an ex officio member of the Council.

(1A) Subject to subsection (2), the persons appointed under subsection (1)(a) and (b) shall be appointed by the President, through a competitive process.

(1B) Despite subsection (1), the Vice-Chancellor of a public university shall be an ex-officio member of the councils of the constituent colleges of that university.

(b) by deleting subsection (1A);

(c) by deleting subsection (2) and substituting therefor the following new subsection —

(2) A person shall be qualified for appointment as a Chairperson or Member of the Council if —

(a) in the case of chairperson, the person holds—

(i) a doctorate degree from a university recognized in Kenya;

and

(ii) has at least fourteen years' experience in a senior management position; or

(b) in the case of a member, the person holds—

(i) a masters' degree from a university recognized in Kenya; and

(ii) has at least ten years' experience in a senior management position; or

- (iii) a bachelor's degree from a university recognized in Kenya; and
- (iv) has at least fifteen years' experience in a senior management position.

(d) in subsection (3), by deleting the words "appointing authority" and substituting therefor the words "appointing and nominating authorities".

CLAUSE 13

THAT, the Bill be amended by deleting clause 13.

12) Notice is given that the Member for Tinderet (Hon. Julius Melly) intends to move the following amendments to the Universities (Amendment) Bill, 2021 (National Assembly Bill No. 35 of 2021) at the Committee Stage—

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 14—

Amendment of
section 41 of No. 42 of
2012.

14A. Section 41 of the principal Act be amended in subsection (1A)—

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

“(b) First Vice Chairperson and Second Vice Chairperson who shall be of opposite gender;

(b) in paragraph (e) by deleting the word “three” and substituting therefor the word “two”.

CLAUSE 18

THAT, Clause 18 of the Bill be amended in the proposed new section 54 in subsection 5—

(a) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) one person nominated by public universities in a forum of chairpersons of the councils of public universities convened by the Cabinet Secretary for that purpose;”

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

“(h) one person nominated private universities in a forum of chairpersons of the councils of private universities convened by the Cabinet Secretary for that purpose;”

III. PROPOSED AMENDMENT TO THE 24TH REPORT OF THE PUBLIC INVESTMENTS COMMITTEE ON THE FINANCIAL STATEMENTS OF STATE CORPORATIONS

Notice is given that the Member for Bomachoge Borabu (Hon. Prof. Zadoc Ogutu) intends to propose an amendment to the Motion for the adoption of the Twenty Fourth Report of the Public Investments Committee on its consideration of the Auditor General's Reports on the Financial Statements of State Corporations as follows:-

THAT, the Motion be amended by inserting the following words after the figure '2022'-

“Subject to deletion of the Committee recommendations appearing as paragraph –

- (i) 1437 on page 359 of the Report;
- (ii) 1443 on page 360 of the Report;
- (iii) 1540 on page 386 of the Report; and
- (iv) 1613 (ii) on page 400 of the Report.”

(Amendment is subject to the provisions of S.O. 47(3)(a) as read with S.O. 133(4))

...../Notices (Cont'd)*

LIMITATION OF DEBATE

The House resolved on Wednesday, February 2, 2022 as follows-

Limitation of Debate on Motions

- IV. THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and **THAT** priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

Limitation of Debate on Committee Reports

- V. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee) **except** for the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each, and **THAT** ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

Limitation of Debate on Bills sponsored by Parties or Committees

- VI. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

...../Notices (Cont'd)*

Limitation of Debate on Reports of Audit Committees

VII. THAT, each speech in debate on **Reports of Audit Committees (PIC, PAC & SFAC)** shall be limited as follows:- A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and **THAT** priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.



NOTICE PAPER

Tentative business for

Thursday (Morning), June 09, 2022

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Thursday (Morning), June 09, 2022-

- (iii) The County Allocation of Revenue Bill (Senate Bill No. 1 of 2022)
(The Chairperson, Budget and Appropriations Committee)
- (iv) The Kenya Revenue Authority (Amendment) Bill (National Assembly Bill No. 24 of 2022)
(The Leader of the Majority Party)
- (v) The Huduma Bill (National Assembly Bill No. 57 of 2021)
(The Leader of the Majority Party)

A. **MOTION - RATIFICATION OF AGREEMENT BETWEEN THE KINGDOM OF DENMARK AND THE REPUBLIC OF KENYA ON DEFENCE COOPERATION**

(The Leader of the Majority Party)

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)

B. **MOTION - RATIFICATION OF THE 1970 UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

(The Leader of the Majority Party)

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)

C. **MOTION - RATIFICATION OF BILATERAL AIR SERVICES AGREEMENTS BETWEEN KENYA AND CZECH REPUBLIC; CYPRUS; CHILE; BELIZE; SURINAME; TANZANIA; AUSTRIA AND BARBADOS**

(The Leader of the Majority Party)

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)

D. **MOTION - RATIFICATION OF AMENDMENT TO ARTICLES 50(A) AND 56 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION, 1944 (CHICAGO CONVENTION)**

(The Leader of the Majority Party)

E. MOTION - RATIFICATION OF THE AMENDMENT TO ARTICLE 24(2) OF THE PROTOCOL ON THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY CUSTOMS UNION

(The Chairperson, Committee on Regional Integration)

F. MOTION - STUDY VISIT TO THE LEGISLATIVE ASSEMBLY OF ALBERTA, CANADA

(The Chairperson, Committee on Members' Services and Facilities)

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)

G. THE MUNG BEANS BILL (SENATE BILL NO. 9 OF 2020)

(The Chairperson, Departmental Committee on Agriculture and Livestock)

Second Reading

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)

H. THE COUNTY BOUNDARIES BILL (SENATE BILL NO. 20 OF 2021)

(The Chairperson, Departmental Committee Justice and Legal Affairs)

Second Reading

(If not concluded on Wednesday, June 8, 2022 – Afternoon Sitting)
