



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

THURSDAY, MARCH 16, 2017

1. The House assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with Prayer.
3. **Presiding** – the Speaker
4. **PAPERS**

The following papers were laid on the Table-

- (a) The Address of H.E. the President, delivered to Parliament on Wednesday, March 15, 2017;
- (b) The Fourth Annual Report to Parliament on the State of National Security submitted by H.E. the President on Wednesday, March 15, 2017;
- (c) The Fourth Annual Report on the measures taken and progress achieved in the realization of National Values and Principles of Governance submitted by H. E. the President on Wednesday, March 15, 2017;
- (d) The Fourth Annual Report on progress made on fulfilling the International Obligations of the Republic of Kenya submitted by H.E. the President on Wednesday, March 15, 2017;
- (e) The Office of the Controller of Budget First Quarter County Government Budget Implementation Review Report for the Financial Year 2016/2017;
- (f) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2015 and the certificates therein:-
 - (i) Mandera South Constituency;
 - (ii) Saku Constituency; and
 - (iii) Eldoret National Polytechnic.

- (g) The Report of the Auditor-General on the Financial Statements of the Commission for the Implementation of the Constitution for the eight months period ended 26th February, 2016 and the certificate therein; and
- (h) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30th June, 2016 and the certificates therein:-
 - (a) National Humanitarian Fund;
 - (b) State Department of Commerce and Tourism – Vote 1181;
 - (c) Kenya Law Reforms Commission.

(Leader of the Majority Party)

- (i) The Report of the Public Accounts Committee on the Special Audit Report of May 2016 on the Accounts of the National Youth Service (NYS) Volume I and Volume II.

(The Chairperson, Public Accounts Committee)

- (j) The Report of the Budget and Appropriations Committee on the Socio-Economic Audit of the Constitution of Kenya, 2010.

(The Chairperson, Budget and Appropriations Committee)

- (k) The Report of the Departmental Committee on Lands on its consideration of a Petition by Kiboraa Squatters Alliance regarding forceful eviction and resettlement.

(The Chairperson, Departmental Committee on Lands)

5. NOTICES OF MOTIONS

The following Notices of Motion were given:

- (a) **THAT**, pursuant to the provisions of Standing Order 24(6), the thanks of the House be recorded for the exposition of public policy contained in the Address delivered on Wednesday, March 15, 2017 and laid on the Table of the House on Thursday, March 16, 2017; and
- (b) **THAT**, pursuant to the provisions of Article 132(1)(c) and 240(7) of the Constitution, this House Notes the Reports submitted by H.E. the President on –
 - (i) Measures Taken and Progress Achieved in Realization of the National Values and Principles of Governance;
 - (ii) Progress made in fulfillment of the International Obligations of the Republic; and
 - (iii) The Annual Report to Parliament on the State of National Security.

(The Leader of the Majority Party)

- (c) **THAT**, this House adopts the Report of the Public Accounts Committee on the Special Audit Report of May 2016 on the Accounts of the National Youth Service (NYS), Volumes I and II, laid on the Table of the House on Thursday, March 16, 2017.

(The Chairperson, Public Accounts Committee)

- (d) **THAT**, this House adopts the Report of the Budget and Appropriations Committee on the Socio-Economic Audit of the Constitution of Kenya, 2010, laid on the Table of the House on Thursday, March 16, 2017.

(Chairperson, Budget and Appropriations Committee)

6. **STATEMENT**

Pursuant to the provisions of Standing Order 44(2), the Leader of the Majority Party gave a statement on the business of the House for the week commencing Tuesday, March 21, 2017.

7. **MOTION – REPORT OF THE CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE ON OVERSIGHT OVER THE IMPLEMENTATION OF DEVOLUTION**

Motion made and question proposed-

THAT, this House adopts the Report of the Constitutional Implementation Oversight Committee on Oversight over the Implementation of Devolution up to the year 2016, laid on the Table of the House on Tuesday, February 21, 2017

(Chairperson, Constitutional Implementation Oversight Committee)

Debate on the Motion having been concluded on Tuesday, March 14, 2017;

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 53(3), the Leader of the Majority Party claimed to move that the question for adoption of the Report be postponed;

And the Speaker acceding to the claim;

Question deferred to another day.

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Fourth Chairperson in the Chair

(i) **The National Coroners Service Bill (National Assembly Bill No. 46 of 2016)**

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 – agreed to.

Clause 25 – amendment proposed-

THAT, clause 25 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) make such report as soon as possible but not later than six hours after the death.”

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 25 - as amended agreed to.

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 – agreed to.

Clause 47 – amendment proposed-

THAT, clause 47 of the Bill be amended—

- (a) by deleting the opening sentence in sub-clause (4) and substituting therefor the following new opening sentence—

“(4) If prescribed tissue has been removed, the Coroner shall not order the release of the body unless satisfied that—”

- (b) in sub-clause (6) by deleting the expression “6-monthly” and substituting therefor the words “six months”.

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 47 – as amended agreed to.

Clauses 48 - agreed to.

Clause 49 – amendment proposed-

THAT, clause 49 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “must” appearing in the opening sentence and substituting therefor the word “shall”; and
(b) in sub-clause (3) by inserting the expression “47” at the end of the sentence in paragraph (a).

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 49 – as amended agreed to.

Clauses 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67 - agreed to.

Clause 68 - amendment proposed-

THAT, clause 68 of the Bill be amended in sub-clause (1) by inserting the words "and the Clinical Officers Council" immediately after the words "Kenya Medical Practitioners and Dentists Board" appearing in paragraph (g).

(The Leader of the Majority Party)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 68 – as amended agreed to.

Clauses 69, 70, 71, 72, 73, and 74 – agreed to.

Bill to be reported with amendments.

(ii) **The Movable Property Security Rights Bill (National Assembly Bill No. 50 of 2016)**

Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 and 94 – agreed to;

Clause 2 - agreed to.

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported without amendments.

11. **HOUSE RESUMED** - the Second Chairperson in the Chair

(i) **The National Coroners Service Bill (National Assembly Bill No. 46 of 2016)**

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House doth agree with the Committee in its Report of the Committee of the Whole House.

(The Leader of the Majority Party)

Question deferred to another day.

(ii) The Movable Property Security Rights Bill (National Assembly Bill No. 50 of 2016)

Bill reported without amendments;

Motion made and Question proposed-

THAT, the House doth agree with the Committee in its Report of the Committee of the Whole House.

(The Leader of the Majority Party)

Question for agreement with the Report deferred.

9. **MOTION – REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON THE MARRAKESH TREATY**

Motion made and question proposed -;

THAT, this House adopts the Report of the Departmental Committee on Defence and Foreign Relations on the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled, laid on the Table of the House on Thursday, December 1, 2016, and pursuant to Section 8 of the Treaty Making and Ratification Act, approves the ratification of the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled.

(Hon. Dido Ali Rasso, Member, Departmental Committee on Defence & Foreign Relations)

Rising in his place on a Point of Order pursuant to Standing Order 35, the Member for Lamu East (Hon. Athman Ali) claimed that there was no Quorum in the House;

And the Second Chairperson having ascertained the claim ordered that the Division Bell be rung for ten minutes;

And having failed to raise the requisite Quorum;

And the time being four minutes past Five O'clock the Chairperson interrupted the proceedings and adjourned the House without question put pursuant to Standing Order 35.

10. **HOUSE ROSE** - at four minutes past Five O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, March 21, 2017 at 2.30 p.m.

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