



**REPUBLIC OF KENYA**

**ELEVENTH PARLIAMENT – FOURTH SESSION**

**NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, MARCH 08, 2016**

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

The following Petitions were presented –

(i) **Alleged Medical Malpractices by Medanta Afri-Care Group of Hospitals**

The Speaker conveyed the following Petition –

"Honourable Members,

Standing Order 225(2)(b) requires that the Speaker reports to the House any Petition, other than those presented through a Member. I therefore wish to convey to the House that my office is in receipt of a petition from one Mr. Brian Onyango.

Honourable Members,

The Petitioner alleges that Medanta Afri-Care Group of Hospitals has been establishing hospital units across the country using local medical experts, after which the said hospital institutes criminal charges against the local experts and subsequently terminates their services. The Petitioner further alleges that the said hospital has been referring patients to its partner hospital, Medanta India for ailments that can be treated locally. He alleges that the objective of such referrals is to defraud the National Hospital Insurance Fund (NHIF) Scheme and unsuspecting patients of approximately two thousand United States Dollar (2,000 USD) per patient to cover medical expenses.

The Petitioner prays that the National Assembly investigates the matter and recommends appropriate action against the said facility and its accomplices.

Honourable Members, pursuant to the provisions of Standing Order 227, the Petition stands committed to the Departmental Committee on Health for consideration.

Thank you”.

- (ii) Petition regarding cession of part of the TARDA land in Mbeere North Constituency, Embu County presented by the Member for Mbeere North (Hon. Muriuki Njagagua) on behalf of Ngiiri Market Squatters; and,
- (iii) Petition regarding cancellation of Kenya Certificate of Secondary Education (KCSE) in Trans Nzoia County, presented by the Member for Kiminini (Hon. Chrisantus Wamalwa) on behalf of parents in Trans Nzoia County.

Petitions referred to the relevant Departmental Committees pursuant to Standing Order 227(2)

5. **PAPERS LAID**

The following Papers were laid on the Table –

- (i) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2011 and the certificates therein:-
  - (a) National Labour Party;
  - (b) The Peoples Patriotic Party of Kenya; and
  - (c) The Party of Independent Candidates of Kenya.
- (ii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2012 and the certificates therein:-
  - (a) Progressive Party of Kenya; and
  - (b) Chama Cha Uzalendo.
- (iii) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2013 and the certificates therein:-
  - (a) Kenya National Congress Party;
  - (b) The Independent Party;
  - (c) The Agano Party; and
  - (d) Grand National Union Party.
- (iv) The Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June, 2015 and the certificates therein:-
  - (a) National Authority for the Campaign Against Alcohol and Drug abuse (NACADA);
  - (b) Agricultural Finance Corporation;
  - (c) Prisons Farm Revolving Fund;
  - (d) Independent Policing Oversight Authority (IPOA); and
  - (e) Stores and Services – Ministry of Land, Housing and Urban Development.

*(The Majority Party Whip)*

- (v) The Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014)

*(Hon. Amina Abdalla)*

6. **NOTICE OF MOTION**

The following Notice of Motion was issued –

**Notice of Motion – Report of the Mediation Committee on the Mining Bill**

*(Hon. Amina Abdalla)*

THAT, this House adopts the Report of the Mediation Committee on the Mining Bill (National Assembly Bill No. 9 of 2014), laid on the Table of the House today, Tuesday, March 08, 2016.

7. **THE COMMUNITY LAND BILL (NATIONAL ASSEMBLY BILL NO.45 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Community Land Bill (National Assembly Bill No.45 of 2015) be now read a Second Time

*(The Majority Party Whip – 01.03.2016)*

Debate on the Second Reading having been concluded on Thursday, February 03, 2015 (Afternoon Sitting);

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

8. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

**IN THE COMMITTEE**

The Third Chairperson in the Chair

- (i) **The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 44 of 2015)**

Committee deferred to another day

- (ii) **The Protection of the Traditional Knowledge and Traditional Cultural Expressions Bill (National Assembly Bill No. 48 of 2015)**

Committee deferred to another day

**(iii) The Natural Resources (Classes of Transactions Subject to Ratification) Bill**  
**(National Assembly Bill No. 54 of 2015)**

Clauses 3 - agreed to

Clause 4 - amendment proposed –

**THAT**, clause 4 of the Bill be amended in sub-clause (2) by inserting the words “Notwithstanding subsection (1)” immediately before the words “The following classes”.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 4 - as amended agreed to

Clauses 5, 6, 7, 8, 9 & 10 - agreed to

Clause 11 - amendment proposed –

**THAT**, clause 11 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The Cabinet Secretary shall establish and maintain a central register of agreements relating to natural resources and other transactions which have been ratified as provided under this Act.”

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 11 - as amended agreed to

Clause 12 - amendment proposed –

**THAT**, clause 12 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) Where the request for confidentiality is granted, the Cabinet Secretary responsible for the natural resource that is subject of the transaction shall submit the agreement to Parliament which shall conduct the process of ratification in camera without disclosing any confidential material, but a summary of the agreement shall be made available to the public.”

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 12 - as amended agreed to

Clause 13 - amendment proposed –

**THAT**, clause 13 of the Bill be amended—

(a) in sub-clause (2) by —

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

(a) prescribe the particular classes of transactions, entered into between the effective date and the commencement date which should be audited, the modalities for conducting such audits and the use for which such findings may be put;

(ii) inserting the words “under section 5” immediately after the words “the agreement” appearing in paragraph (c); and

(b) by inserting the following new sub-clause immediately after sub-clause (2) —

(3) The regulations to be prescribed under subsection 2(a) shall be made within two years of the commencement of this Act.

*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to

Clause 13 - as amended agreed to

Clauses 14 & 15 - agreed to

Schedule - amendment proposed –

**THAT**, the Bill be amended in the Schedule by deleting item 1 on Crude Oil and Natural Gas.

*(The Majority Party Whip)*

Question of the 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 item in the proper alphabetical sequence—

Forests	Excision or change of boundaries of gazetted public forests or nature reserves.
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*(Chairperson, Departmental Committee on Environment and Natural Resources)*

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

**THAT**, the Bill be amended in the Schedule by—

(a) deleting item 9 relating to Genetic materials;

(b) deleting item 10 relating to Genetic resources;

(c) inserting the following new item in its proper alphabetical sequence—

Forests	Excision or change of boundaries of a gazetted public forest.
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*(Dr. Wilbur Ottichilo)*

Proposed amendment dropped in the absence of the Mover

Schedule - as amended agreed to;

Clause 2 - agreed to

Clause 1 - agreed to

Title - agreed to

Bill to be reported with amendments;

9. **HOUSE RESUMED** - the Speaker in the Chair

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said report

*(The Majority Party Deputy Whip)*

Debate arising;

Amendment proposed –

THAT, the Motion for the agreement with the Committee be amended by inserting the words "subject to re-committal of Item 1 of the Schedule"

*(Hon. James Nyikal)*

Question put and agreed to;

Thereupon, the House resolved into Committee

**IN THE COMMITTEE**

The Third Chairperson in the Chair

**The Natural Resources (Classes of Transactions Subject to Ratification) Bill(National Assembly Bill No. 54 of 2015)**

**Re-committal of the Schedule**

Schedule - amendment proposed –

THAT, the Schedule be amended by deleting the words “following approval of the development plan” appearing immediately after the word “gas”.

*(The Majority Party Whip)*

Question of the amendment proposed;

Debate arising;

Bill to be reported with amendments;

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

Bill reported with amendments;

Motion made and Question proposed-

THAT, the House do agree with the Committee in the said report

*(The Majority Party Whip)*

Question put and agreed to;

Motion made and Question proposed-

THAT, the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) be now read a Third Time

*(The Majority Party Whip)*

Debate arising;

Question of the Third Reading deferred to another day.

11. **THE ENERGY BILL (NATIONAL ASSEMBLY BILL NO.50 OF 2015)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Energy Bill (National Assembly Bill No.50 of 2015) be now read a Second Time

*(The Majority Party Whip)*

Debate arising;

And the time being thirty minutes past Six O'clock, the Second Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

12. HOUSE ROSE - at thirty minutes past Six O'clock
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**M E M O R A N D U M**

The Speaker will take the Chair on  
Wednesday, March 09, 2016 at 9.30 a.m.

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