



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT –THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, NOVEMBER 27, 2024 AT 9.30 AM

1. The House assembled at Thirty Minutes past Nine O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Deputy Speaker.

4. **QUORUM AT COMMENCEMENT OF THE HOUSE**

There being no Quorum present to commence business, the Deputy Speaker ordered that the Quorum Bell be rung for ten minutes;

And Quorum having been attained within the ten minutes, proceedings commenced.

5. **PAPERS**

The following Papers were laid on the Table of the House-

(i) Bi-Annual Report of the Commission on Administrative Justice for the period January-June 2024;

(ii) Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022 & 30th June 2023 and the certificates therein in respect of:

- a) Mahiga Girls Secondary School;
- b) Bute Girls Secondary School;
- c) County High School- Garissa;
- d) Wayam Secondary School;
- e) Mandera Secondary School;
- f) Hobunaka Boys Secondary School; and
- g) Wajir High School.

(The Hon. Sylvanus Osoro, MP, Majority Party Whip)

(iii) Joint Report of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget on the vetting of a nominee for appointment as the Second Deputy Governor of the Central Bank of Kenya.

(Hon. CPA Julius K. Rutto, MP, Member of the Departmental Committee on Finance and National Planning)

6. **NOTICE OF MOTION**

The following Notice of Motion was given-

Vetting of a Nominee for Appointment as the Second Deputy Governor of the Central Bank of Kenya

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Finance and National Planning and the Senate Standing Committee on Finance and Budget in its Report on the vetting of a nominee for appointment as the Deputy Governor of the Central Bank of Kenya, laid on the Table of the House on Wednesday, 27th November 2024, and pursuant to section 13B(1) of the Central Bank Act, CAP 491 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House **approves** the appointment of **Mr. Gerald Nyaoma Arita** as the Second Deputy Governor of the Central Bank of Kenya.

(Hon. CPA Julius K. Rutto, MP, Member of the Departmental Committee on Finance and National Planning)

7. PROCEDURAL MOTION – EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Motion made and Question proposed-

THAT, this House resolves to exempt the business appearing as **Order Nos. 11, 12, 13, 14, 15, 16(i) and 17** in today's Order Paper from the provisions of Standing Order 40(3), being a Wednesday Morning, a day allocated for Business not sponsored by the Majority or Minority Party or Business sponsored by a Committee.

(The Hon. Sylvanus Osoro, MP, Majority Party Whip)

No debate arising;

Question put and agreed to.

8. THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 66 OF 2023)

Motion made and Question proposed-

THAT, the Environmental Management and Coordination (Amendment) Bill (National Assembly Bill No. 66 of 2023) be read a Second Time.

(The Hon. Irene Mayaka, M.P.)

Question put and agreed to.

Bill to be committed to Committee of the Whole House.

9. MOTION: 006/2024 –COMPREHENSIVE REFORM OF EDUCATION BURSARY SCHEMES TO ENSURE FREE BASIC EDUCATION IN KENYA

Motion having been made and Question having been proposed-

THAT, aware that Article 43(1) as read together with the Article 53(1)(b) of the Constitution provides that every person has the right to education and enshrines the right of every child to free and compulsory basic education; further aware that Kenya Vision 2030 identifies education as a crucial component for transforming the country into a globally competitive nation; appreciating that bursaries play a vital role in supplementing funding for enhancing access to education, particularly for students

from disadvantaged backgrounds and contributes to the realization of universal basic education; noting that various education bursaries exist in the country including ward-based level bursary, County Government's bursary, National Government Constituencies Development Fund (NG-CDF), the National Government Affirmative Action Fund (NGAAF) and the Presidential Secondary School bursary (PSSB); further noting that the evolution of bursary schemes from centralized to community-based administration aimed to enhance educational access, equity and responsiveness to local needs; concerned that despite these efforts, the current bursary system faces numerous challenges including lack of standardized and transparent selection criteria, delay in disbursement of funds and insufficient coverage of education costs leading to gaps in support; further concerned that these challenges have resulted in persistent disparities in education access, increased dropout rates particularly in secondary schools due to financial constraints and strain on household incomes as families struggle to meet educational expenses not covered by bursaries; acknowledging that the implementation of community-based bursary scheme has not fully achieved its intended objective hence the need to re-evaluate the current bursary systems with a view to ensure equitable and free access to quality education for all students; cognizant that the duty of the government to provide free basic education can best be achieved by consolidating education funds and directly remitting to public schools; now therefore, this House **urges** that the government, through the Ministry of Education, in collaboration with the relevant stakeholders, undertakes a comprehensive overhaul of the education bursary system with a view to collapse all bursary schemes and allocate the funds to the State Department of Education for provision of free basic education through capitation to be directly remitted to schools.

(The Hon. Esther Passaris, M.P. -25.09.2024)

Debate on the Motion having been concluded on 20.11.2024;

Question put and negated.

10. MOTION - CONSIDERATION OF MEDIATED VERSION OF THE DIVISION OF REVENUE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2024)

Motion made and Question proposed-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150(3), this House **adopts** the Report of the Mediation Committee on the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024), laid on the Table of the House on Monday, 25th November 2024, and **approves** the Mediated version of the Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024).

(The Chairperson, Mediation Committee on the Division of Revenue (Amendment) Bill, 2024)

Question put and agreed to.

11. MOTION - REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON THE COFFEE BILL (SENATE BILL NO. 10 OF 2023)

Motion made and Question proposed-

THAT, this House do agree with the Report of the Committee of the Whole House on its consideration of the Coffee Bill (Senate Bill No. 10 of 2023), subject to recommittal of Clauses 8 and 79.

(The Leader of the Majority Party – Co-Sponsor)

Question put and agreed to.

12. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE COMMISSION ON ADMINISTRATIVE JUSTICE

Motion made and Question proposed-

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of nominees for appointment as Chairperson and Members of the Commission on Administrative Justice, laid on the Table of the House on Tuesday, 26th November 2024, and pursuant to Article 250(2)(b) of the Constitution as read together with section 11(7) of the Commission on Administrative Justice Act, CAP 7J & sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the Commission on Administrative Justice –

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| 1) Mr. Charles Orinda Dulo | – | Chairperson; |
| 2) Hon. Charles Njagua Kanyi | – | Member; and |
| 3) Ms. Dorothy Jemator Kimengech | – | Member. |

(The Chairperson, Departmental Committee on Justice and Legal Affairs)

No debate arising;

Question put and agreed to.

13. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE INDEPENDENT POLICING OVERSIGHT AUTHORITY

Motion made and Question proposed-

THAT, taking into consideration the findings of the Departmental Committee on Administration and Internal Security in its Report on the vetting of nominees for appointment as Chairperson and as Members of the Board of the Independent Policing Oversight Authority, laid on the Table of the House on Tuesday, 26th November 2024, and pursuant to Article 250(2)(b) of the Constitution as read together with section 11(6) of the Independent Policing Oversight Authority Act, CAP 86 & sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the Board of the Independent Policing Oversight Authority–

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| 1) Mr. Ahmed Issack Hassan, CBS | – | Chairperson; |
| 2) Ms. Ann Wanjiku Mwangi | – | Member; |
| 3) Dr. Micah Onyiego Nyakego, PhD, OGW | – | Member; |
| 4) Mr. Boniface Kipkemoi Samati | – | Member; |
| 5) Dr. Annette Mudola Mbogoh | – | Member; |
| 6) Hon. John Muchiri Nyaga, HSC | – | Member; |
| 7) Mr. Kenwilliams Nyakomitah, OGW | – | Member; and |
| 8) Ms. Jackline Lukalo Mwenesi | – | Member. |

(The Chairperson, Departmental Committee on Administration and Internal Security)

Debate arising;

Debate concluded;

Mover replied;

Question put and agreed to.

14. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT TO THE NATIONAL GENDER AND EQUALITY COMMISSION

Motion made and Question proposed-

THAT, taking into consideration the findings of the Departmental Committee on Social Protection in its Report on the vetting of nominees for appointment as Chairperson and as a Member of the National Gender and Equality Commission, laid on the Table of the House on Tuesday, 26th November 2024, and pursuant to Article 250 of the Constitution, section 11(7) of the National Gender and Equality Act, CAP 7K, and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, CAP 7F, this House **approves** the appointment of the following persons to the National Gender and Equality Commission –

- 1) **Hon. Rehema Dida Jaldesa** - Chairperson; and
- 2) **Mr. Michael Nzomo Mbithuka** - Member.

(Hon. Hilary Kiplang'at, MP, Vice Chairperson, Departmental Committee on Social Protection)

Debate arising;

[Change of Chair from the Deputy Speaker (Hon. Gladys Boss, MP) to the First Chairperson of Committees (Hon. Martha Wangari, MP)]

Rising on a Point of Order pursuant to the provisions of Standing Order 95, the Member for Alego Usonga (Hon. Samuel Atandi) claimed to move that the Mover be called upon to reply;

And the Chair acceding to the request;

Question put and agreed to;

Mover having replied;

Putting of the Question deferred.

15. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read;

IN THE COMMITTEE

The Third Chairperson of Committees in the Chair

QUORUM

Rising in his place on a Point of Order pursuant to the provisions of Standing Order 35, the Member for Homabay (Hon. Peter Kaluma) objected that there was not a Quorum present in the House;

And the Third Chairperson having ascertained the claim, ordered the Quorum Bell to be rung for ten (10) minutes;

And Quorum having been attained at the expiration of the ten (10) minutes;

Committee resumed;

(i) The Coffee Bill (Senate Bill No. 10 of 2023)

Clause 8 - amendment proposed;

THAT, Clause 8(1) of the Bill be amended in paragraph (b) by deleting the words “secondary school education” appearing in subparagraph (ii) and substituting therefor the words “post-secondary school education”.

(Hon. (Dr.) Wilberforce Oundo)

Proposed amendment dropped;

Further amendment proposed-

THAT, Clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

“(2) for purposes of this section, “coffee management” means the process of increasing coffee production per tree, including choice of appropriate agroecology, determination of plant population, planting, crop husbandry, harvesting and conveying through pulping stations.

(Chairperson, Departmental Committee on Agriculture and Livestock Development)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment proposed-

THAT, Clause 8 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) the requirement of subsection (1)(b) shall not apply to member appointed under subsection 7(e) and (f)”.

(Hon. Robert Gichimu)

Proposed amendment withdrawn;

Clause 8 as amended - agreed to.

Clause 79 - amendment proposed;

THAT, Clause 79 of the Bill be amended by deleting subclause (3) and substituting therefor the following new subclause—

“(3)A person is qualified for appointment under subsection (1) if the person—

(a) is a citizen of Kenya;

- (b) A Doctor of Philosophy in a relevant field from a university recognized in Kenya would be an advantage.
- (c) has at least ten years' experience and knowledge in management;
- (d) has at least five years' experience in a position of senior management; and
- (e) meets the requirements of Chapter Six of the Constitution.”

(Chairperson, Departmental Committee on Agriculture and Livestock Development)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 79 as amended - agreed to.

Bill to be reported with amendments.

(ii) The Assisted Reproductive Technology Bill (National Assembly No. 61 of 2022)

Clause 3 - amendment proposed

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause 3—

Application. 3. This Act applies to a medically assisted reproductive process whether or not the process is completed outside the human body.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Further amendment -

THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause 3—
Application. 3. This Act applies to—

- (a) all processes of facilitated human fertilization undertaken outside the human body, whether or not the process is completed outside the human body; and
- (b) heterosexual Kenyan couples, divorced, widowed or single parent Kenyans who have been certified by an assisted reproductive technology expert as infertile or as having other proven medical conditions preventing natural conception.

(Hon. Peter Kaluma)

Proposed amendment dropped on account of the approval of the amendment by the Departmental Committee on Health;

Clause 3 as amended - agreed to.

Clause 4 - amendment proposed

THAT, Clause 4 of the Bill be amended by deleting paragraphs (a), (b) and (c) and substituting therefor the following new paragraphs—

- (a) permit altruistic surrogacy;
- (b) prohibit commercial surrogacy; and
- (c) make consequential provisions thereto.

(Hon. Peter Kaluma)

Proposed amendment withdrawn;

Further amendment –

THAT, Clause 4 of the Bill be amended by—

- (i) deleting the words “object and purpose” appearing in the marginal note and substituting therefor the word “objects”;
- (ii) deleting the words “protection and advancement of” appearing immediately before the word “assisted” in paragraph (a);**
- (iii) inserting the following new paragraphs immediately after paragraph (c) —
 - “(d) ensure the best interest of children;”
 - (e) facilitate the registration of children born out of gestational surrogacy arrangements;
 - (f) promote research into the incidence, causes and prevention of infertility;
 - (g) provide a framework for surrogacy arrangements;
 - (h) permit altruistic surrogacy;**
 - (i) prohibit commercial surrogacy; and
 - (j) establish an assisted reproduction Directorate”.

(Chairperson, Departmental Committee on Health)
*(Moved in amended form. Amendment in **bold**)*

Question of the amendment proposed;

Debate arising;

Question of the amendment put and agreed to;

Clause 4 as amended - agreed to.

Clause 5 - amendment proposed

THAT, the Bill be amended by deleting Clause 5.

(Hon. Peter Kaluma)

Question of the amendment proposed;

Debate arising;

Bill to be reported with amendments.

16. HOUSE RESUMED - the First Chairperson in the Chair

- (i) The Coffee Bill (Senate Bill No. 10 of 2023)**

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the report of the Committee of the Whole House on its consideration of the Coffee Bill (Senate Bill No. 10 of 2023).

(Leader of the Majority Party)

No Debate arising;

Question deferred.

(ii) The Assisted Reproductive Technology Bill (National Assembly No. 61 of 2022)

Bill reported with amendments;

Motion made and Question proposed—

THAT, the House do agree with the report of the Committee of the Whole House on its consideration of the Coffee Bill (Senate Bill No. 10 of 2023).

(Leader of the Majority Party)

No Debate arising;

Question deferred.

And the time being thirteen minutes past One O'clock, the First Chairperson of Committees adjourned the House without Question put pursuant to the Standing Orders.

17. HOUSE ROSE -

thirteen minutes past One O'clock

M E M O R A N D U M

The Speaker will take the Chair on,
Wednesday, 27th November 2024 at 2.30p.m.

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