



TWELFTH PARLIAMENT
THIRD SESSION

REPORT ON THE AFFAIRS OF
THE NATIONAL ASSEMBLY
DURING THE SECOND SESSION OF
THE 12TH PARLIAMENT
FEBRUARY - DECEMBER, 2018

APRIL 2019



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PREFACE



This is the Second, albeit expanded, Report on the Affairs of the National Assembly during the 12th Parliament covering the Second Session and drawing together into a single, comprehensive document an account of the activities of the House in 2018. In the year under consideration, the House continued to play an important part in legislation, oversight and representation of the people, and in international diplomacy, working with a wide array of stakeholders, and ensuring the participation of the people in parliamentary processes. The Committees and the House considered many legislative proposals, Bills, budget proposals, audit reports, motions, statements, public petitions, approved appointments to public offices, Statutory Instruments, ratification of agreements, conventions and treaties, among other issues of concern to the people.

The activities of the House also involved fruitful plenary and committee sittings, inquiries and other activities within and outside the precincts of the House, and abroad, including providing parliamentary diplomacy, and supporting the programmes of the East African Legislative Assembly (EALA) and the Pan African Parliament (PAP). The House, through its members and panels, engaged in various international fora such as the Inter-Parliamentary Union (IPU), Commonwealth Parliamentary Association (CPA), African Caribbean and Pacific, European Union, and Joint Parliamentary Association (ACP-EU-JPA), Forum of Parliaments of the International Conference on the Great Lakes Region (FP-ICGLR), among others.

The National Assembly Service continued to provide effective services and support to the House, leadership, committees, members, external stakeholders and the public during this time with the necessary adaptability and flexibility from staff across the entire Administration.

This report is just but a modest summary of the activities of the House.

I wish to therefore thank all staff of the National Assembly Service for a job well done.

MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY
April 2019

1.0 Introduction

1.1 Resumption of the House and Calendar of the House



The National Assembly resumed its sittings on Tuesday, 13th February, 2018 after the 2017 December recess. The first business to be undertaken by the House at the commencement of a session is establishment of the House Business Committee and approval of the Calendar of the Session, among other matters. On Tuesday, February 13, 2018, the House, by resolution, appointed the House Business Committee and adjourned to allow the Committee to plan for business for the week and consider the draft calendar of the House.

In this regard, on Wednesday, February 14, 2018, the National Assembly considered and approved its Calendar of Regular Sessions 2018 (Annex I) with 132 sitting days anticipated while introducing periods of short recess to give Members of Parliament sometime to visit their constituencies, perform committee functions and to take well deserved breaks with their families. During recess, Members undertook and considered business before Committees by scrutinizing various bills, conducted approval hearings for nominees to various state and public offices and considered financial documents (estimates and other related items) so as to adhere to constitutional requests for public participation and statutory deadlines. By the end of the Second Session, the National Assembly had held a total of one hundred and thirty-seven (**137**) sittings, including five (**5**) special sittings and one (**1**) Joint Sitting with the Senate.

The additional sitting days in the Calendar were special and joint sittings convened to undertake urgent business and/or conclude business that had timelines as well as to enable the Executive to submit statutory reports.

1.2 Special sittings of Parliament

The House held five **(5)** special sittings and one **(1)** Joint Sitting during the Session. The only Joint Sitting in the Session was a Joint Sitting of Parliament addressed by **H.E. the President on May 2, 2018** in keeping with Article 132(1) (b) and (c) of the Constitution. The President gave a State of the Nation Address during which he submitted the following three reports:

- a) Report on all the Measures Taken and the Progress Achieved in the Realization of the National Values referred to in Article 10 of the Constitution;
- b) Report on the Progress made in fulfilling the International Obligations of the Republic; and
- c) Report on the Nation's Security, in accordance with Article 240(7) of the Constitution.

The House held five Special Sittings during the Session, namely-

- (1) Three Special Sittings held on the afternoon of **18th Tuesday, September, 2018** and the morning and afternoon of **20th Thursday, September, 2018** for purposes of the House to-

- a.) Receive notification of-
 - (i) The Message from the President in respect of his reservations to the Finance Bill, 2018 pursuant to Article 115 of the Constitution; and,
 - (ii) The Supplementary Estimates, 2018;
- b.) Transact-
 - (i) Second Reading, Committee of the Whole House and Third Reading of the following Bills-
 - (a) The County Governments (Amendment)(No.2) Bill (Senate Bill No.7 of 2017);
 - (b) The Warehouse Receipt System Bill (Senate Bill No. 10 of 2017);
 - (c) The Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017);
 - (ii) Second Reading of the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018).
 - (iii) the Finance Bill(National Assembly Bill No. 20 of 2018): reconsideration of the Bill together with the reservations of the President, pursuant to Article 115 (2),(3),(4) and (5) of the Constitution and Report of the relevant Committee;
 - (iv) consideration of the Supplementary Estimates, 2018 and Report of the relevant Committee;
 - (v) First Reading of the Supplementary Appropriations Bill, 2018; and,
 - (vi) Second Reading, consideration in Committee of the whole House and Third Reading of the Supplementary Appropriations Bill, 2018.

- (2) The other two sittings were held on the morning and afternoon of **18th Tuesday, December, 2018** for purposes of-

- a) Receiving notification on the Report of the Departmental Committee on Justice and Legal Affairs on vetting of the nominee for Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission;
- b) Considering—
 - (i) the Fourth Report of the Special Funds Accounts Committee on Audited Financial Statements for the Kenya Roads Board Fund for the Year ended June, 2017;

- (ii) the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of Bilateral Air Service Agreements between Kenya and Jordan; Kenya and Jamaica; Kenya and Bahamas and the Protocol amending Air Services Agreement between Kenya and Turkey; and
- (iii) the Report of the Departmental Committee on Justice and Legal Affairs on vetting of the nominee for Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission.

1.3 Swearing-In of Members



The initial swearing-in of the newly-elected Members was conducted on 30th August, 2017. However, the oath can be administered at different times of a parliamentary Session for various reasons. In accordance with the provisions of Article 74 of the Constitution, no person shall assume or perform any functions of a State office before taking or subscribing to the oath or affirmation of office. Standing Order 3(5) also provides for Members who are sworn-in at other times besides the first sitting of a new House.

In 2018, the National Assembly had two Members pass away due to illness, that is, the Hon. Francis Nyenze, MP (Kitui West Constituency) and the Hon. Grace Kipchoim, MP (Baringo South Constituency). The Speaker therefore conducted swearing-in (Administration of Oath) ceremonies to two new (2) Members of the National Assembly between February and December 2018. These Members were sworn in after by-elections were conducted in the affected constituencies. These Members were:

MEMBER OF PARLIAMENT

DETAILS OF SEAT STATUS

Hon. Edith V. Nyenze, MP	Member for Kitui West Constituency (the elected Member passed away, necessitating by-election) – sworn-in on April 10, 2018.
Hon. Charles Kamuren, MP	Member for Baringo South Constituency (the elected Member passed away, necessitating the by-election) – sworn-in on August 28, 2018.

1.4 Composition of the House

Following the administration of oath to all Members in 2017 and to two Members in 2018, a few basic statistics were evident in regard to the number of returning Members, percentage of female Members, and a breakdown of Members by parties represented in the House. In brief, an analysis of the membership of the National Assembly reveals the following:

a) Returning Members (155 in total)-

(i)	Elected in Constituencies	=	140
(ii)	Elected in Counties	=	12
(iii)	Nominated	=	3

b) Percentage of first-time vs returning Members-

(i)	Returning MPs	=	155 (44.4%)
(ii)	New MPs	=	194 (55.6%)

c) Breakdown of Male and Female Members-

(i)	Female MPs	=	76 (21.78%)
(ii)	Male MPs	=	273 (78.22%)

d) Breakdown of Members by number of terms served-

(i)	5 terms	=	1
(ii)	4 terms	=	9
(iii)	3 terms	=	24
(iv)	2 terms	=	121
(v)	1 term	=	194

More details of these important statistics can be found under ***Annex II***.

1.5 Demise of sitting and former Members

During the period under review, the House learnt of the passing on of several sitting and former Members of Parliament. These were as follows-

1. On 17th April 2018, the National Assembly learnt of the passing on of Hon. Kenneth Stanley Njindo Matiba, one of the pioneer champions of multiparty democracy, who was undergoing treatment at the Karen Hospital in Nairobi. Born on 1st June 1932 in Kahuhia, Murang'a County, Hon. Matiba had an illustrious career in the public service having served in different Ministries in various capacities spanning over three decades. He was a person of many firsts -he was the first indigenous African Permanent Secretary



for Education in 1963; the first black Chief Executive Officer (CEO) of the East African Breweries Ltd; the first African to head the Kenya Football Federation (KFF), the first Minister to break the political taboo of the time by resigning from Cabinet during the term of the Sixth Parliament in 1989 to join the back bench, among others. He selflessly fought for the reintroduction of the multi-party system, thus ushering the country into unprecedented spheres of democracy. He served for eighteen (18) years as Member of Parliament for Mbiru Constituency (later renamed Kiharu) in Murang'a District. He also served in the Cabinet from 1983 to 1989, in the Ministries of Culture and Social Services, Health and later Transport and Public Works, prior to his resignation to push for multi-party politics and constitutional reforms. He formed the Forum for the Restoration of Democracy–Asili, (FORD-Asili), and contested for presidency in 1992 coming second to former President Daniel Arap Moi of KANU, with his party managing to capture thirty-one (31) seats in the Assembly. Hon. Kenneth Matibawas survived by his wife Edith and three children. May he rest in peace.



2. On 20th April 2018, the National Assembly was informed that the Member for Baringo South Constituency, Hon. Grace Kipchoim, had passed on while undergoing treatment at the Nairobi Hospital. Born on 3rd January 1962, Hon. Kipchoim worked in various capacities in, among other institutions, the Nakuru Medical Training College, Homabay Medical Training College, and Kabarnet Medical Training College. She also served as a Board Member to

various schools in Baringo South Constituency. She joined the National Assembly in 2013 as one of the only 16 women Members of the National Assembly elected out of the 290 Constituencies in the Eleventh Parliament. She was an active Member of the Departmental Committee on Transport, Public Works and Housing; and the Joint Committee on National Cohesion and Equal Opportunity. Though unwell, she was re-elected overwhelmingly into the 12th Parliament, becoming one of the only 23 women Members elected out the 290 Constituencies, reaffirming the faith and trust the people of Baringo South had in her leadership. Hon. Kipchoim left a track record in the management of the National Government

Constituency Development Fund, where her Constituency was highly rated in the management of CDF funds. Hon. Grace Kipchoim is survived by four children. May she rest in peace.



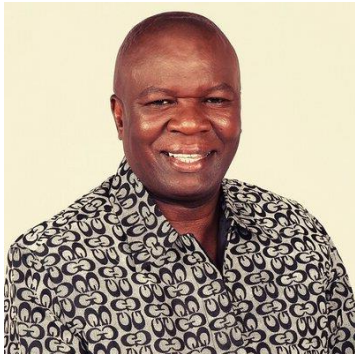
3. On 3rd August 2018, the National Assembly was informed of the passing on of Hon. Henry Onyancha Obwocha. Hon. Obwocha was the Chairperson of the Privatization Commission of Kenya, a former Minister for Planning and National Development, a former Assistant Minister for Finance and a former Member of Parliament for West Mugirango Constituency. Hon. Obwocha served for three terms from 1992 to 2007. He also served as acting

Minister for Energy from February to November 2006. He was a member of the National Economic and Social Council of Kenya which drafted Kenya's Vision 2030. He was a founding member of KCA University, formerly Kenya College of Accountancy. He had previously served as a member of the Inter-Parties Parliamentary Group (IPPG) and also as a Chair of the Public Accounts Committee. Together with other Members, he visited various countries to study the existence and operation of committee systems and prepared a report which saw the formation of the current and existing departmental committees of the House. The late Hon. Obwocha was also involved in many company meetings, investment meetings within the National Treasury and led Kenyan delegations to various international meetings and conferences. May he rest in peace.

4. On 10th October 2018, the National Assembly learnt of the passing on of Hon. Nyarangi Moturi, who was a former Assistant Minister and Member of Parliament for North Mugirango Borabu. Hon. Moturi had been elected on a KANU ticket in 1987 and served until the term of the 6th Parliament in October 1992. He championed development and was a firm believer in the decentralized system of governance and a dedicated leader who fought for the rights of his people and served both his constituents and the nation at large with utmost commitment. He never shied away from political leadership, and unsuccessfully contested the Nyamira senatorial

seat in 2013 through *Chama Cha Mashinani Party*, of which he was a founder. He left a strong education legacy in Kisii. May he rest in peace.

5. The House was also informed of the passing on of the Senator for Migori County, Sen. Ben Oluoch Okello in June 2018.



1.6 Capacity Building of Members

During the Second Session, a number of capacity building programmes were organized for Members to share information, knowledge and skills of conducting, transacting and managing business of the House as well as their diverse mandates as defined in the Constitution. These programmes included the following:-

- 1) Post-Election Seminar: The seminar was held in Mombasa on 4th to 8th March, 2018 and had a theme '*sharing our experiences to enhance good governance and continually safeguard the welfare of the nation*'. It provided a platform for Members to learn and share experiences on diverse parliamentary practice and procedure. It also provided a better understanding of parliamentary and democratic systems and processes through the resourceful topics and presentations. Resource persons were drawn from within the country and others from the CPA, Australia, UK and Canada. The seminar highlighted key areas and made resolutions on aspects that included: Sustained capacity building for both members and Staff; Respect for Separation of powers; nurturing bicameralism; need for consensus building in House affairs; Need to re-examine the position and place of the many constitutional commissions and independent offices in overall governance.
- 2) Annual CPA AGM: On 21st June 2018, the Annual General Meeting (AGM) of the CPA-Kenya Branch was held in the National Assembly Chamber, and was open to all Members of Parliament. The Commonwealth Parliamentary Association (CPA) is an international community of Commonwealth Parliaments working together to deepen the Commonwealth's commitment to the highest standards of democratic governance;

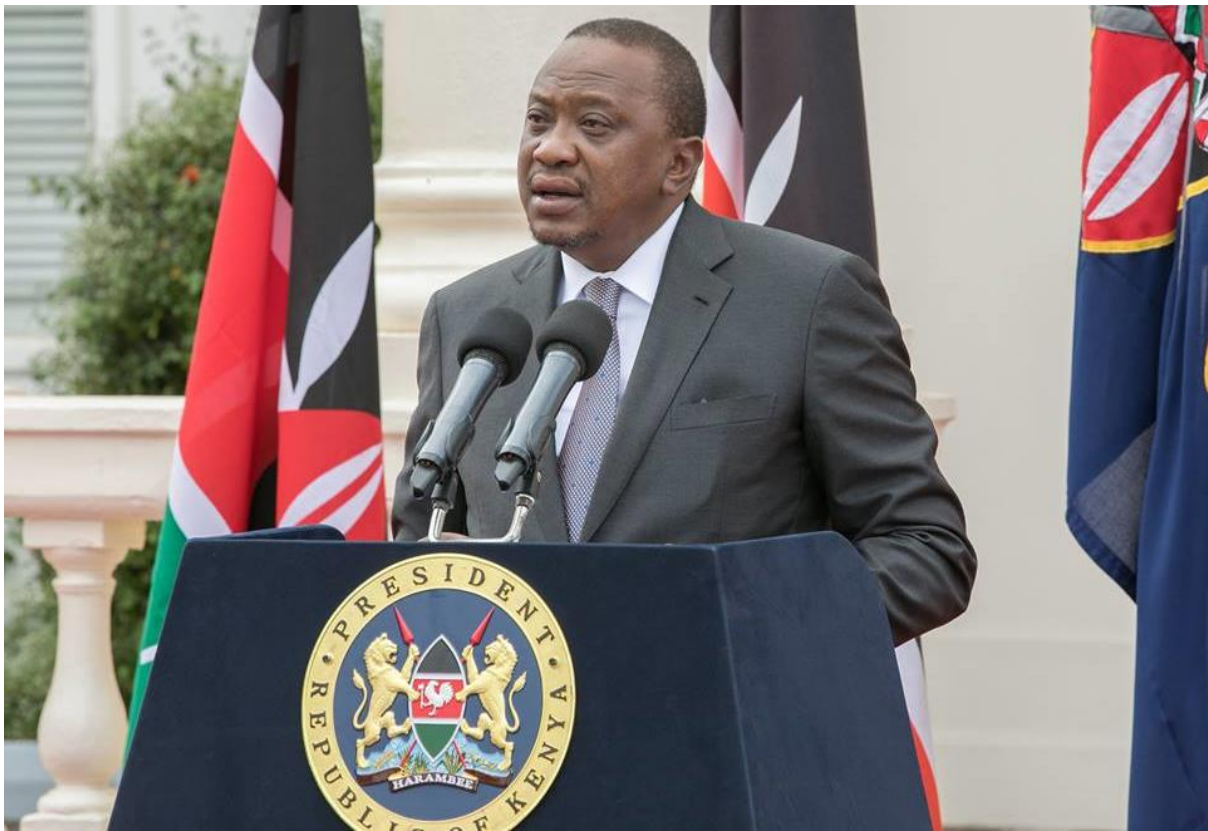
- 3) Tailor-made training: October 2018, CPA Kenya in collaboration with CPA UK organized a training programme for Members of Parliament and Staff in Mombasa. The programme was aimed at furthering Members' understanding of parliamentary practices, including comparative analysis of other jurisdictions. Topics covered included Parliamentary oversight in a Presidential System, Ethics and Integrity of Members, Decorum and Order in the House, Conduct of Parliamentary inquiries and Parliamentary control and scrutiny on delegated legislation. The key facilitators were Lord David Steel, a seasoned British Liberal Democrat whose legislative career was launched in 1965 and Baroness Hillary Armstrong who was made a peer in July 2010, having retired from the House of Commons after twenty-three years. Some topics were delivered by former and current members of the Assembly and several senior staff of the UK House of Commons and their Kenyan counterparts.

- 4) Speaker's Round table with KEPSA: The National Assembly has since 2009 engaged the Kenya Private Sector Alliance (KEPSA) in an annual consultative forum dubbed the Speaker's Roundtable. The forum has provided an important platform for the two institutions to engage and build synergies vital for the creation of an enabling environment to not only spur the economic growth of the nation but also to create employment for the youth. In keeping with the framework, the 2018 Speaker's Roundtable was held in Mombasa on 5th and 6th October 2018. The main Objective of the Roundtable was to define the role of the National Assembly in the "Big Four Agenda", and topics covered included Re-Imagining Kenya: Focus on Revenue, Taxation and Political Economy to Stimulate Growth; The Role of Parliament, Private Sector and Partners in Achieving "The Big Four" for Sustainable and Inclusive Growth; Collective Actualization of the Big Four Agenda: The Role of the Private Sector and the National Assembly among others.

- 5) Training of Members' staff: Over the past few years, the Parliament of Kenya has endeavoured to provide a favourable working environment for Members of Parliament, including availing professional staff. Coupled with this, Members are allowed to engage other support staff including Researchers and Personal Assistants (PAs). However, it had been observed that some of these support staff contracted by Members, especially the newly employed, were not conversant with the operations of the National Assembly. It was on this backdrop that the Office of the Clerk of the National Assembly organized an induction programme for Personal Assistants (PAs) of all Members of the National Assembly and Researchers of the House Leadership in Naivasha in May 2018. The workshop was held under the theme *'Becoming an Effective Parliamentary Assistant and Researcher'*, at the end of which Certificates were awarded to the trained PAs in a function attended by the Leader of the

Majority Party, the Leader of the Minority Party and the Clerk of the National Assembly. Members interviewed after the training of their PAs remarked that their Personal Assistants had tremendously improved in service delivery and grasp of legislative procedures.

1.7 Visit and Address by H.E. the President



Article 132 of the Constitution of Kenya places an expectation on the President to address a special sitting of Parliament at least once every year, and-

- a) to report, in an Address to the Nation, on all the Measures Taken and the Progress Achieved in the Realization of the National Values referred to in Article 10 of the Constitution;
- b) to publish in the Gazette the details of the measures and progress achieved in the realization of these national values; and
- c) to submit a report for debate to the National Assembly on the progress made in fulfilling the International Obligations of the Republic.

Further, Article 240(7) of the Constitution requires the National Security Council, headed by H.E. the President, to report annually to Parliament on the state of the security of Kenya. As such, the President also submits this report on the same day as those mentioned under Article 132. Consequently, on 17th April, 2018, the Honourable Speaker conveyed to the House a Message from H.E. the President dated 10th April, 2018 regarding the State of the Nation Address to Parliament pursuant to Article 132(1)(b) & (c)(i) & (iii). Pursuant to Standing Order 22(2) of the National Assembly Standing Orders therefore, the Speaker informed Members that a Special Sitting of Parliament would take place on Wednesday, 2nd May 2018 at 2:30pm in the National Assembly

Chamber. In addition to this communication to Members, the Speaker also placed a notification under Gazette Notice No. 3550, which was published in the *Kenya Gazette* on 20th April 2018.

At the appointed day, on 2nd May, 2018, H.E. the President, Hon. Uhuru Kenyatta, CGH, delivered an address to a Joint Sitting of both Houses presided by both Speakers. Upon the two Speakers confirming that the Joint Sitting was properly convened based on the provisions of Article 132(1) (b) and (c) (i) and (ii) of the Constitution, Senate Standing Order No.22 (1) and (2) , request by His Excellency the President vide letter reference No. OP CAB 140 dated 9th April 2018, Gazette Notice No. 3551 by the Senate Speaker which was published in the *Kenya Gazette* on 17th April 2018, Standing Order No.22 of the National Assembly Standing Orders, and Gazette Notice No.3550 by the National Assembly Speaker, which was published in the *Kenya Gazette* on 20th April 2018, the sitting ensued.

The Speaker of the National Assembly then recognized invited guests seated in the Speaker's Row, who included:

- a) H.E. the Deputy President of the Republic of Kenya, Hon. William Ruto, EGH
- b) The Chief Justice of the Republic of Kenya, Hon. Justice David Maraga
- c) Governor of Nairobi City County, Hon. Mike Mbuvi Sonko
- d) Governor of Kajiado County, Hon. Joseph Ole Lenku
- e) Former Speaker of the National Assembly, Hon. Francis Xavier Ole Kaparo
- f) Former Speaker of the National Assembly, Hon. Kenneth Otiato Marende
- g) H.E. Hon. Said Buhaja, the Speaker of the National Assembly of the People's Democratic Republic of Algeria
- h) Former Clerk of the National Assembly, Mr. Joseph Masya; and
- i) Former Clerk of the National Assembly, Mr. Justin Bundi, CBS.

The Speaker of the National Assembly then proceeded to invite His Excellency the President of the Republic of Kenya and Commander in Chief of the Kenya Defence Forces to address the Joint Sitting of Parliament. The key highlights of the State of the Nation Address made by H.E. the President to the nation before Parliament were as follows-

- 1) Paying tribute to the late Hon. Kenneth Matiba whose patriotism greatly inspired the realization of the Constitution.
- 2) Reporting the achievements of the 11th Parliament which was tasked with implementing the new Constitution and enacting enabling laws.
- 3) The scheduled laws had been passed, the counties established and as such the new constitutional order was in place.
- 4) Congratulating Members, both the newly elected and those returning to Parliament for winning the trust of the Kenyan people.
- 5) Reminding the elected leaders that the trust Kenyans had bestowed on them was sacred.
- 6) Leaders serve all Kenyans as required by law, not only those who voted for them.
- 7) The Constitution is a guide, an instruction and a tool to help us craft the Kenya that is freer, fairer, wealthier and united.

- 8) Our constitutional order is stable, secure and growing in strength.
- 9) Devolution is no longer a baby. It is now an established framework for governing and delivering public services.
- 10) Overall, the Government comprising of both levels of was becoming more responsive to the needs of Kenyans.
- 11) There have been challenges in the use of public resources, with some individuals fraudulently and corruptly diverting public resources to benefit themselves.
- 12) The Government is building preventive tools and ways for citizens to become more involved in reporting graft.
- 13) The Government has remained committed to the implementation of devolution, providing far above the 15% threshold for resource allocations to our counties. From an allocation of Kshs 210 billion in the Financial Year 2013/2014, the allocation is at Kshs 327 billion for the Financial Year 2017/2018, an increase of 56% in five years.
- 14) The recently enacted Division of Revenue Bill 2018 sets aside Kshs 372 billion for counties in Financial Year 2018/2019.
- 15) The National Government complemented county service delivery by injecting Kshs 9.6 billion for the Managed Equipment Services, Kshs 5.2 billion for free maternity and Kshs 900 million for user fees. Kshs 2 billion was distributed to 11 counties from the Equalization Fund to improve services.
- 16) The Government further decentralized service delivery by initiating the “*Huduma Mashinani Programme*”, which brought vital services from registration services such as identity cards to the NSSF and NHIF Services, amongst others, closer to the people.
- 17) In 2017, ill-gotten public assets valued at approximately Kshs.500 million were recovered and civil proceedings were instituted for the preservation and recovery of other assets valued at more than Kshs 6 billion.
- 18) To deepen good governance, the Government continued to digitize key services to seal loopholes used in fraud.
- 19) H.E. the President urged the Judiciary to do their part to ensure that court orders are not frivolously used by individuals to avoid justice.
- 20) The President urged Parliament to give the Executive the legal tools needed to win the war against graft.
- 21) The nation must come together to fight corruption if it is to conquer it. The Government, the private sector and *wananchi* must report fraud and protect whistle blowers without the slightest hesitation.
- 22) He called on teachers and parents teach children the value of honesty and the concept of honour if Kenya is to join the league of prosperous nations.
- 23) Kenyans want to see lower cost of living, jobs for their sons and daughters, affordable food on their tables and to see broad and inclusive prosperity. These goals are reasonable and some of them are constitutional requirements in their own right.
- 24) The economy remained resilient in 2017 despite the twin challenges of elections and drought.
- 25) Real Gross Domestic Product (GDP) grew by 4.9% in 2017 which was much higher than the 3.6% for world/ global real GDP and 2.6% for sub-Saharan Africa. Tourism earnings grew by 20%, a proof that even when politics were at their hottest, Kenya kept its visitors’ confidence.
- 26) Less than a year since the first train left Mombasa for Nairobi on the Standard Gauge Railway, nearly 700,000 passengers have taken the *Madaraka Express*. The SGR cargo services started

- in January 2018 with an initial monthly load of 22,345 metric tonnes rising to an impressive 213,559 metric tonnes per month by April 2018.
- 27) The second phase of the SGR project which runs from Nairobi to Naivasha had been recently launched by the President, and negotiations were in progress for the financing of the Naivasha-Malaba line.
 - 28) In 2017, the nation completed the most ambitious infrastructure development in Kenya's history since the old railway was built.
 - 29) A new Terminal 2A was opened at the Jomo Kenyatta International Airport (JKIA), whilst the expansion of the Last Mile Connectivity brought electricity to 72% of households up from 27% in 2013.
 - 30) The Government had completed tarmacking of 3,000Km. since 2013, including the Isiolo-Moyale Road, which is part of the Trans-African Highway Corridor running to our border with Ethiopia, and which is transforming the economy of the people of Isiolo and Marsabit for the better. A further 5,000 kilometres of road were under construction.
 - 31) The Big Four Agenda will rely on Parliament passing the legislation upon which it depends.
 - 32) In the President's first term, health facilities increased from 9,000 in 2013 to 11,000 in 2017. The National Hospital Insurance Fund (NHIF) coverage widened from a membership of 3.8 million in 2013 to 7.2 million currently. The Government had expanded NHIF coverage for expectant mothers and raised deliveries by skilled attendants from 44% in 2013 to 66% in 2017.
 - 33) Demand for decent homes far outstrips supply, particularly in the low-cost and affordable segment. The new housing programme has been designed to incorporate the private sector so as to properly respond to this demand. The Government expected hundreds of thousands of affordable homes to follow across the country, accompanied by a surge in both jobs and incomes.
 - 34) Kenya continues to play its role within the community nations in pursuit of stability and security, environmental protection, and ensuring a global community able to respond to large-scale crises when they come.
 - 35) The President's administration was continuing to treat its responsibility to protect Kenyans and their property from crime, terrorism and other forms of insecurity as its core obligation.
 - 36) The President paid tribute to the late Principal Secretary, Ms. MariamuEl Maawy, who passed on following a terrorist attack.
 - 37) Security will be found and sustained largely by transforming our politics, and in revitalizing the spirit of patriotism and responsible citizenship, for even though our democracy has become more competitive, and Kenyans have grown freer in the multiparty era, that liberty has come with a price, namely an almost permanent state of political campaigning.
 - 38) Somalia remains troubled, unfortunately largely by foreign agents who weaken its government, who divide her people, and who threaten to reverse the gains Kenya has all so painfully won under African Mission in Somalia (AMISOM). Somalia wants to prosper and Kenya equally prosper if Somalia is safe.
 - 39) South Sudan remains in crisis. Thousands have died while hundreds of thousands more have been displaced. Kenya and neighbouring countries have hosted hundreds of thousands of South Sudanese refugees since 2017. Kenya has lent its support to the multilateral peace process and continued to urge the leaders of South Sudan to put the interests of their people and motherland above their own.
 - 40) The East African Community is growing closer by the day despite challenges. For years, all sorts of barriers, legal and custom wise, have delayed Africa's progress and prosperity.

- 41) In the African Continental Free Trade Agreement (ACFTA) signed in Rwanda in early 2018 had provided a real chance of opening up the continent's trade, once and for all. If ACFTA succeeds, then trade, goods and services will flow across Africa, not outside it and this in turn will bring jobs, skills, and unity.
- 42) Leaders ought to apologize for their words, and for the anger and malice that Kenyans heard during the 2017 Elections.
- 43) "If there is anything I said last year that hurt or wounded you, if I damaged the unity of this country in any way, I ask you to forgive me and to join me in repairing that harm."
- 44) The President said that both he and the Right Hon. Raila Odinga had deeply felt the need to restore unity. He commended Hon. Raila for the statesmanship he showed when, on 9th March 2018, he and the President publicly committed to reconciliation, with the Kenyan people being the witnesses.
- 45) The two leaders had agreed to work together to strengthen the unity of our country. They hoped to emphasize that collaboration comprises both competition and disagreement. Unity does not necessarily mean unanimity. They stood together not because they agreed on every item of politics or policy, but because they agreed that Kenya is greater and belongs to all of us.
- 46) The handshake had invited Kenyans to rediscover what they had known all along –that when all the politics is said and done, we are each other's keeper and we are stronger together. If Kenya is to remain strong, we must change our approach to political competition.
- 47) Kenya is proud of its cultural heritage. But it does not follow that our ethnic identity should also be our political identity. Kenya has done just that for half a century and it has brought us close to very near complete ruin. Too many of people had manipulated Kenya's ethnicities to seize power and then exploited it to avoid accountability.
- 48) Unity and patriotism must be upheld.
- 49) H.E. the President then presented three Reports to the House as obligated by the Constitution, namely:
 - a) Report on the Measures taken and progress Achieved in the Realization of National Values and Principles of Governance;
 - b) Report on the Progress made in fulfillment of the International Obligations of the Republic; and
 - c) The Annual Report to Parliament on the State of National Security.
- 50) On 6th June 2018, the Leader of the Majority Party moved a Motion which was passed as a resolution that *the thanks of the House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Wednesday, May 02, 2018, and further noted the three Reports submitted by the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution.*
- 51) During the year under review, the President made one visit to Parliament.

1.8 Dignitaries and Guests of the House



Various dignitaries and guests graced the sittings of the National Assembly during the Second Session under review. The majority of the dignitaries and guests were members of delegations undertaking benchmarking visits of the National Assembly, Parliament in general and other arms of Government. These included the following:

- 1) On 27th February 2018, a Delegation from the Parliament of Uganda visited the National Assembly, with its members composed of Hon. Patrick Oshabe Nsamba, Hon. Norah Nyendwoha Bigiriwa, Hon. Anna Ebaju Adeke, Hon. Herbert Ariko, Hon. Maurice Henry Kibaiya, Mr. John Tamale and Mr. Max Komakech. The delegation was in the country on a study visit of Parliament to interact with its Committees and various State agencies to discuss legislative mechanisms for ensuring that locals benefit in procurement of goods and services in the public sector.
- 2) On 14th March 2018, Members and Staff from the Committee on Commissions, Statutory Authorities and State Enterprise of the Parliament of Uganda visited the House. It was composed of Hon. Medard Sseggon Lubega, Hon. Florence Namayanja, Hon. Francis Takirwa, Hon. Agnes Ameede, Hon. Abigaba C. Mirembe and Ms. Justine Namubiru, and had visited to interact with Watchdog Committees and other Government Accountability Offices.

- 3) On 3rd May 2018, the Ambassador of the Royal Danish Embassy in Kenya, Her Excellency Mette Knudsen, visited the National Assembly to observe proceedings from the Speaker's Gallery as a Guest of the Speaker.
- 4) On 17th April 2018, a Delegation from the Grand National Assembly of Turkey visited the House, and comprised of- Hon. Zekeriya Aslan, Hon. Suay Alpay, Hon. Adem Tatli, Hon. Fehmi Kupcu, Hon Bayram Ozcelik, Hon Mustafa Acikgoz, Hon Mustafa Kose, Hon Nihat Ozturk, Hon Tamer Dagli, Hon. Abdurahman Oz, Hon. Durmus Ali Salikaya, Hon. Saffet Sancakli, Hon Mehmet Akif Yilmaz, Hon Abdullah Agrili, Hon Okyay Canak, Hon Ibrahim Hilil Yildiz, Hon Saadettin Aydin, Hon. Fatih Ozturk, Hon Osman Oren, Mr. Didem Hasturk, Mr. Cem Sultan Aktas, Mr. Kazim Kirci and Mr. Sahin Susam. The delegation had visited to meet Members to benchmark on legislative matters as well as play a friendly football match at the Parkland Sports Club.
- 5) On 6th June 2018, a Delegation from the Parliament of Australia visited the National Assembly, and was composed of- Hon. Andrew Broad, Hon. Luke Hartsuyker, Hon. Tim Watts, Hon. Graham Perret, H.E Alison Chartres (Australia High Commissioner to Kenya), Mr. Jonathan Ball (Deputy High Commissioner to Kenya), Mr. Christian Josiah, and Ms. Julia Searle. The Delegation had visited to meet with the National Assembly Leadership and as well as to interact with Members.
- 6) On 12th June 2018, a Delegation from the Parliament of Zambia visited the National Assembly, and was composed of Members of the Committee of Privileges, Absences and Support Services and staff, namely- Hon. Gary Nkombo, Hon. Jacob Jack Mwiimbu, Hon. Maxwell Muma Kabanda, Hon. Elizabeth Phiri, Hon. George Muhali Imbuwa, Hon. (Brig.) Gen. Sitwala Morgan Sitwala, Hon. George Kingsley Mwamba, and Mr. Dominic Mwinamo. The delegation had visited to benchmark with the Committee of Powers and Privileges on matters relating to the privileges and discipline of Members of Parliament.
- 7) On 14th June 2018, the Cabinet Secretary for the National Treasury and senior Treasury officials were invited into the National Assembly Chamber, where the Cabinet Secretary made a public pronouncement of the Budget Highlights and Revenue Raising Measures for the National Government for the 2018/2019 financial year and the medium term.
- 8) On 19th June 2019, a delegation of Members of the Committee on Modernization and Reforms from the Parliament of the Republic of Zambia visited the House, and was composed of- Hon. Malama H. Mwimba, Hon. Rosaria C. Fundanga, Hon. Vincent Mwale, Hon. Remember C. Mutale, Hon. Jewis Chabi, Hon. Hastings H. Chansa, Hon. Kasauta S. Michelo, Hon. Clive D.

Miyanda, Mr. Thokozani Kamanga, and Mr. Obrey Katungu. The Delegation had visited to learn about the operations of constituency offices in Kenya, and specifically, to gain knowledge on how the offices are set up and managed.

- 9) On 20th June 2018, a delegation of Government officials from the People’s Republic of Bangladesh visited the National Assembly, and comprised of- Mrs. Ayesha Akther, Mr. Rezaul Islam, Mr. Mahedi Hasan, Mr. Mohammad Kaikobad Khandaker, Mr. Khandkar Estiaque Ahmed, Mr. Muhammad Asadul Haq, Mr. Choudhury Muazzam Ahmed, Mrs. Sheren Shobnom, Mr. Mutasimul Islam, Mr. Tawhid Ilahi, Mr. Bernhard J. Smid, and Ms. Sharon Kitony. The delegation had visited for a training on “Good Governance and Public Administration; *focusing on governance for enhanced public service delivery and leadership* at the Kenyatta University.
- 10) On 23rd August 2018, a delegation from the Parliament of Mozambique visited the House, and was comprised of Members of the Mozambique Parliamentary Conservation Forum, namely- Hon. Armando Ramiro Artur and Hon. Alfredo Magumisse. Accompanying the delegation, were Staffers Ms. Susan Lylis, Mr. Momade Mucanheia, Ms. Agnes Mosiany and Ms. Jill Barasa all from International Conservation Caucus Foundation - Washington. The delegation was part of an exchange programme with the Parliamentary Conservation Caucus-Kenya (PCC-K).
- 11) On 23rd August 2018, a delegation from the United States of America visited the National Assembly, and was composed of- Senator Dan Quick (Senator for the State of Nebraska), Mr. Dave Taylor (President-Grand Island Area Economic Development Corporation), among others. The delegation was in the country following an invitation from the Member from Githunguri, the Hon. Gabriel Kago, in relation to coffee farming.
- 12) On 28th August 2018, a delegation from the Parliament of Ghana visited the National Assembly, and comprised of- Hon. Matthew Nyindam, Hon. Ahmed Ibrahim, Hon. Moses Anim, Hon. Comfort D. C. Ghansah, Mr. Gilbert A. Armah and Mr. Dennis Tetteh. The delegation had visited to meet and interact with Members on matters relating to the whip system, party discipline and management of party funds.
- 13) On 30th August 2018, visiting Delegates attending the Africa-UK CPA Workshop visited the House, and were as follows- the Hon. Moutymbo Rosette Julienne Epse Ayayi from Cameroon, Hon. James KlutseAvedz from Ghana, Hon. Marie-Aurore Marie-Joyce Perraud from Mauritius, Hon. Esperanca Laurinda Franscisco Nhiume Bias from Mozambique, Hon. Mike Kavekatora from Namibia, Hon. Kingsley Chinda from Nigeria, Hon. Jean-Francois Ferrari from Seychelles, Hon. Sengehpoh Solomon Thomas from Sierra Leone, Hon. Muhamed Magassy from the Gambia, Hon. Meg Hillier from the United Kingdom, among others. The

Delegation was attending a three-day workshop focusing on regional challenges and opportunities through effective exchange of knowledge and practice, and collaboratively develop an approach for pan-Commonwealth coordination of Public Accounts Committee work.

- 14) On 16th October 2018, a delegation from the Assembly of the Republic of Mozambique comprising of Members of the Commission of Public Administration and Local Government of the Assembly visited the House. The Delegation was composed of- H.E. Lucas Chomera Jeremias, H.E. Antonio Pedro Muchanga, H.E. Martinha Januario Benfica, H.E. Gonçalves Maceda, H.E. Elisa Silvestre Isabel Cipriano, H.E. Manuel Jozi De Souza, H.E. Alberto Jumulate, Mr. Emidio Constantino Guambe, Mr. Dercio Alfazema, Ms. Lorena Mazive and Mr. Armenio Machiana. The delegation had visited the country to engage and share experiences with their counterparts on matters of decentralization, as Mozambique was at the time considering a review of their current model of governance.
- 15) On 15th November 2018, a delegation from the Republic of Malawi comprised of Parliamentarians, representatives of the Executive and Development Partners visited the National Assembly. The delegation was composed of- Hon Ralph Jooma, (Commissioner, Parliamentary Service Commission of Malawi), Hon. Lingison Belekanyama, Hon. Patricia Mkanda, Hon. Maxwell Thyolera, Hon. (Dr.) Allan Chiyembekeza, Hon. Martha Lunji, Hon. Bonface Kadzamira, Mr. Lucius Chipendo, Mr. Richard Santhe, Mr. Chikondi Kachinjika, Mr. Lovemore Nyongo, Mr. Martin Phiri (Programme Manager for African Institute for Development Policy), Dr. Ronald Manani, Mr. Jefferey Mwenyeheli, Mr. Fredrick Kamwani, and Mrs. Tilly Likommwa. The delegation was interested in benchmarking with the National Assembly and other Government Offices on best practices in attaining operational autonomy of parliament.
- 16) On 20th November 2018, a delegation from the Parliament of Sierra Leone visited the August House, and was composed of- Hon. Paran Umar Tarawally, Hon. Massay N'gahintay Arun, Hon. P.C. Haja F.B. Koroma Meame-Kajue, Hon. Sheriff Mohamed Kassim Carew, Mrs. Finda F. Fraser and Mr. Gilbert N'habay. The delegation had visited to learn operations of the Parliamentary Service Commission and the Parliamentary Budget Office with regard to their roles, functions, mandates and significant achievements, among other related issues.

1.9 Citizens' Interactions with the National Assembly

As part of its Open-Door Policy and involvement of the public in its proceedings in accord with Article 118 of the Constitution, the National Assembly has been welcoming citizens of the Republic in both its Chamber and Committee proceedings. A major highlight of this has been the

welcoming and recognition given to the delegations including schools visiting the National Assembly. Various delegations from across the country visited the House during its Second Session and followed proceedings from either the Speaker's Gallery or the Public Gallery. These included the following:-

- 1) On 17th April 2018, a Delegation of the Committee of Powers and Privileges from Bungoma County Assembly visited the National Assembly, and was composed of the following MCAs: Hon. Emmanuel Situma, Hon. Sophie Marumbu, Hon. Grace Sundukwa, Hon. Winny Nyambok, Hon. Jack Kawa, Hon. Christine Ngelech, Hon. Beatrice Wekesa, Hon. Joram Wanjala, Hon. Eunice Kirui, and Mr. John Mosongo, Mr. Francis Simiyu Tome, Ms. Josylyn Situma, Mr. Levis Wakhungu and Mr. Calistus Ndieyira. The delegation was on a three-day benchmarking visit to learn and share experiences on the mandate and working of the Committee of Powers and Privileges.
- 2) On 27th April 2018, the Speaker announced that Master Stanley Muendo, Master Emmanuel Tukei, Master Tom Otieno and Master Chrisantus Chitayi from Starehe Boys Centre and School had commenced a two-week Voluntary Service Scheme in the National Assembly, which was also an undertaking of the House to engage and mentor young students and pupils in the affairs of national governance.
- 3) On 11th October 2018, the Speaker introduced a Delegation that had come to present a Petition on behalf of the girl child, which was composed of Mr. Samuel Musyoka, Country Director for Plan international, and students, namely- Mercy Chege, Patrick Ngenga, Purity Mbugua, Martin Mwaura, Juliet Ratemo, Allan Musumba, Dorcas Odhiambo, Rama M'mbetsa, Ann Njuguna and Joseph Mbugua.
- 4) On diverse dates during the Session, tens of School delegations were formally recognized by the Speaker and other presiding officers.

2.0 PARLIAMENTARY PROCEEDINGS AND BUSINESS

2.1 Communications from the Chair (64 in number):-

The Speaker continued to guide the House on various matters through Communications from the Chair pursuant to Standing Order 40. This included issuance of considered rulings on matters arising on the floor of the House. They include Communication-

- 1) No. 1 of 2018 regarding the Statute Law (Miscellaneous Amendments) No. 2 and No. 3 Bills, 2017;
- 2) No. 2 of 2018 inviting Members for a Post-election seminar for Members of the National Assembly;
- 3) No. 3 of 2018 on visiting delegation from Parliament of Uganda;
- 4) No. 4 of 2018 on petition regarding removal from office of the Judicial Service Commission;
- 5) No. 5 of 2018 on Visiting Delegation of Members and staff of the Committee on Commissions Statutory Authorities and State Enterprises from the Parliament of Uganda;
- 6) No. 6 of 2017 on alleged Sub-Judice status and unconstitutionality of the Nairobi Metropolitan Area Transport Authority Bill, 2017;
- 7) No. 7 of 2018 on guide on the Zero Hour Statements;
- 8) No. 8 of 2018 on Visiting Delegation of Parliamentary Commissioners from the Parliament of Uganda.
- 9) No. 9 of 2018 on recognition of students from Starah Boys Centre;
- 10) No. 10 of 2018 on request for Members' Kamukunji;
- 11) No. 11 of 2018 on the demise of the late Hon. Kenneth Matiba;
- 12) No. 12 of 2018 on visiting delegation from the Turkish Grand National Assembly;
- 13) No. 13 of 2018 on visiting delegation from the Bungoma County Assembly;
- 14) No. 14 of 2018 on registration of Members in the New Chamber Biometric System;
- 15) No. 15 of 2018 on demise of the Late Hon. Grace Kipchoim (Baringo South Constituency);
- 16) No. 16 of 2018 on workshop for Members' personal assistants;
- 17) No. 17 of 2018 on withdrawal of amendments relating to the Kenya Revenue Act from the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018);
- 18) No. 18 of 2018 on proposed amendments to the Computer and Cybercrimes Bill, 2017;
- 19) No. 19 of 2018 on visiting delegation from Parliament of Algeria;
- 20) No. 20 of 2018 on registration of Members in the Biometric System;
- 21) No. 21 of 2018 on procedure for consideration of Budget Estimates and Committee of Supply;
- 22) No. 22 of 2018 on visiting delegation from Australian Parliament;
- 23) No. 23 of 2018 on visiting delegation from Parliament of Zambia;
- 24) No. 24 of 2018 on presentation of the Budget Highlights for the FY 2018/2019;
- 25) No. 25 of 2018 on guidance on proposed amendments to the Committee of Supply on the estimates for recurrent and development expenditure for the year ending 30th June, 2018;
- 26) No. 26 of 2018 Annual General Meeting(AGM) of the Commonwealth Parliamentary Association, Kenya Branch;
- 27) No. 27 of 2018 on visiting delegation from the Republic of Bangladesh;

- 28) No. 28 of 2018 on consideration of Legal Notice No. 128 of 21st June, 2018 relating to the provisional collection of taxes and duties order 2018;
- 29) No. 29 of 2018 on guidance on consideration of the Sacco Societies (Amendment) Bill, 2018 (National Assembly Bill No. 18 of 2018);
- 30) No. 30 of 2018 on proposed amendments to Standing Orders;
- 31) No. 31 of 2018 on progress of implementing paperless solution for Members of Parliament;
- 32) No. 32 of 2018 on investigatory mandate of House Committees and the Conduct of Members in Committees;
- 33) No. 33 of 2018 on guide on the Report of the inquiry into alleged importation of Illegal and Contaminated Sugar into the Country;
- 34) No. 34 of 2018 on guidance on methodology of approving nominees for appointment to public offices;
- 35) No. 35 of 2018 on visiting delegation from Parliament of Mozambique;
- 36) No. 36 of 2018 on visiting delegation from the United States of America;
- 37) No. 37 of 2018 on visiting delegation from Parliament of Ghana;
- 38) No. 38 of 2018 on guide on consideration of proposed amendments to the Finance Bill, 2018;
- 39) No. 39 of 2018 on rescission of a decision of the House relating to joint report on inquiry into alleged importation of Illegal and Contaminated Sugar into the Country;
- 40) No. 40 of 2018 on reconsideration of House resolution by the Committee on Implementation;
- 41) No. 41 of 2018 on Speaker's Roundtable Conference;
- 42) No. 42 of 2018 on nomination of persons for appointment as Commissioners to the National Cohesion and Integration Commission;
- 43) No. 43 of 2018 on members who have relinquished their positions in the Committee on Selection;
- 44) No. 44 of 2018 on recognition of a delegation from Parliament of Uganda;
- 45) No.45 of 2018 on Second Reading of the Constitution of Kenya (Amendment) No. 2 Bill (National Assembly Bill No. 5 of 2018);
- 46) No. 46 of 2018 on recognition of mentors in commemoration of the International Day of the Girl-Child;
- 47) No. 47 of 2018 on visiting delegation from the Assembly of Republic of Mozambique;
- 48) No. 48 of 2018 on guidance voting on the Constitution of Kenya (Amendment) No. 2 Bill (National Assembly Bill No. 5 of 2018);
- 49) No.49 of 2018 on Second Reading of the Constitution of Kenya (Amendment) No. 2 Bill (National Assembly Bill No. 5 of 2018);
- 50) No. 50 of 2018 on consideration of Health Laws(Amendment) Bill (National Assembly Bill No. 14 of 2018);
- 51) No. 51 of 2018 report on approval of payments from the Contingencies Fund;
- 52) No. 52 of 2018 on consideration of two Senate Bills: Office of the County Attorney Bill, 2018 and County Boundaries Bill, 2017;
- 53) No. 53 of 2018 on consolidated National Government Investment Report for the FY 2017/2018;
- 54) No. 54 of 2018 on a visiting delegation from the Republic of Malawi;
- 55) No. 55 of 2018 on Speaker's Kamukunji;
- 56) No. 56 of 2018 on a visiting delegation from Parliament of Sierra Leone;

- 57) No. 57 of 2018 on re-committal of provisions relating to some Statutes in the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018), 2018;
- 58) No. 58 of 2018 on a reprimand of the Hon. Babu Owino Ongili, MP;
- 59) No. 59 of 2018 on a reprimand of the Hon. Charles NjaguaKanyi, MP;
- 60) No. 60 of 2018 on a reprimand of Members in breach of privilege;
- 61) No. 61 of 2018 on consideration of three Senate Bills: Food Security Bill, 2017, the County Statistics Bill, 2018, and the Salaries and Remuneration Commission (Amendment) Bill, 2018;
- 62) No. 62 of 2018 on responsibility for statement of fact;
- 63) No. 63 of 2018 on mandates of the Budget and Appropriations Committee and the Departmental Committee on Finance Planning and Trade;
- 64) No. 64 of 2018 Guide on activities of Committees;
- 65) No. 65 of 2018 on a special sitting of the House on December 18, 2018; and
- 66) No. 66 of 2018 on the launch of strategic plan by the Arid and Semi-Arid Lands Programme.

2.2 Messages

(i) From the President (15 in number):

- 1) Message No. 1 of 2018 on approval of nominees for appointment to the positions of Cabinet Secretaries, Principal Secretaries and Ambassadors/ High Commissioners;
- 2) Message No. 2 of 2018 on approval of nominees for appointment as Members of the Judicial Service Commission;
- 3) Message No. 3 of 2018 on approval of nominee for appointment as the Solicitor General;
- 4) Message No. 4 of 2018 on approval of nominee for appointment as the Attorney General;
- 5) Message No. 5 of 2018 on approval of nominee for appointment as the Director of Public Prosecutions;
- 6) Message No. 6 of 2018 on nominees for appointment to the positions of Principal Secretaries; High Commissioners and Ambassadors;
- 7) Message No. 7 of 2018 on approval of Justice Mohammed Warsame for appointment as a Member of the Judicial Service Commission;
- 8) Message No. 8 of 2018 on the 2018 State of the Nation Address to Parliament by H.E the President;
- 9) Message No. 9 of 2018 on nomination of persons for appointment to the offices of Chairperson of the Salaries and Remuneration Commission, and Chairperson and Members of the Commission on Administrative Justice
- 10) Message No. 10 of 2018 on nomination of persons for appointment to the offices of Chairperson of the Public Service Commission, and Chairperson and Members of the National Gender and Equality Commission;
- 11) Message No. 11 of 2018 on nominees for appointment to the positions of Cabinet Secretaries, Principal Secretaries; High Commissioners and Ambassadors;
- 12) Message No. 12 of 2018 on nomination of persons for appointment to the offices of Chairperson and Members of the Independent Policing Oversight Authority;
- 13) Message No. 13 of 2018 on Presidential Reservations on the Finance Bill, 2018;
- 14) Message No. 14 of 2018 on nomination of persons for appointment to the offices of the Vice Chairperson and Members of the Public Service Commission; and

- 15) Message No. 15 of 2018 on nomination of a person for appointment to the offices of the Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission.

(ii) To the Senate (17 in number):

- 1) Message No. 1 of 2018 on approval of Members for appointment to the Parliamentary Service Commission;
- 2) Message No. 2 of 2018 on approval of the Division of Revenue Bill(National Assembly Bill No. 7 of 2018);
- 3) Message No. 3 of 2018 on approval of Members for appointment to the Pan-African Parliament;
- 4) Message No. 4 on the passage of the Physical Planning Bill, 2017, Irrigation Bill, 2017 and the Kenya Roads Bill, 2017;
- 5) Message No. 5 on the passage of the Energy Bill, 2017;
- 6) Message No. 6 the passage of the County Allocation for Revenue Bill, 2018;
- 7) Message No. 7 the passage of the Petroleum Bill, 2017;
- 8) Message No. 8 on appointment of Hon. Samuel Chepkonga as a member of the Parliamentary Service Commission;
- 9) Message No. 9 on the passage of the Copyright (Amendment) Bill, 2017;
- 10) Message No. 10 on the passage of the Public Private Partnerships(Amendment) Bill, 2017;
- 11) Message No. 11 on the passage of the Land Value Index (Amendment) Bill, 2018;
- 12) Message No. 12 on the passage of Division of Revenue(Amendment) Bill, 2018;
- 13) Message No. 13 on the passage of the County Governments Retirement Scheme Bill, 2018;
- 14) Message No. 14 on the passage of the Urban Areas and Cities(Amendment) Bill (Senate Bill No. 4 of 2017);
- 15) Message No. 15 on the passage of the County Allocation of Revenue (Amendment) Bill (Senate Bill No. 11 of 2018);
- 16) Message No. 16 on the passage of the Government Contracts Bill (National Assembly Bill No.9 of 2018); and
- 17) Message No. 17 on the passage of the Warehouse Receipt System Bill (Senate Bill No.10 of 2018).

(iii) From the Senate (12 in number):

- 1) No. 1 on approval of Members for appointment to the Parliamentary Service Commission;
- 2) No. 2 on the approval for appointment of the Members to the Pan-African Parliament;
- 3) No. 3 on the passage of Division of Revenue Bill, 2018;
- 4) No. 4 Passage by the Senate of the County Governments (Amendment) Bill (Senate Bill No. 11 of 2017), the Urban Areas and Cities (Amendment) Bill (Senate Bill No. 4 of 2017) and the Warehouse Receipts Bill (Senate Bill No. 10 of 2017);
- 5) No. 5 on the passage of the County Allocation of Revenue Bill(Senate Bill No.5 of 2018);
- 6) No. 6 on the passage Division of Revenue (Amendment Bill) Senate Bill No. 14 of 2018;
- 7) No. 7 on the passage of the County Governments (Amendment) (No.2) (Senate Bill No. 7 of 2017), National Flag, Emblem and Names(Amendment)Bill (Senate Bill No.

- 8 of 2017), and the Assumption of Office of the County Governor Bill(Senate Bill No. 1 of 2018);
- 8) No. 8 on appointment of Hon. Samuel Chepkonga as a member of the Parliamentary Service Commission;
 - 9) No. 9 on the passage of the County Boundaries Bill(Senate Bill No. 6 of 2017), and the County Attorney Bill (Senate Bill No. 3 of 2018);
 - 10) No. 10 on passage of the Office of the County Printer Bill (Senate Bill No. 7 of 2018) and the Disaster Risk Management Bill (Senate Bill No. 8 of 2018);
 - 11) No. 11 on passage of the Food Security Bill (Senate Bill No. 12 of 2017), the County Statistics Bill (Senate Bill No. 9 of 2018) and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018); and
 - 12) No. 12 on the passage of the County Allocation of Revenue (Amendment) Bill (Senate Bill No.29 of 2018).

2.3 Papers Laid

During the period under review, a total of **Nine Hundred and Six (906) Papers** were laid before the House(*see Annex III*). These include Audit and regular reports from Constitutional Commissions and Independent Offices, the Judiciary, Parliament, Ministries, Departments and Semi-Autonomous Government Agencies submitted to the House in accordance with the Constitution, Statutes and Standing Orders, including Sessional Papers, Constituency Development Fund Reports, Reports from the parliamentary Committees, among others, as follows: -

1. Auditor-General Reports
 - a) Constituencies Development Fund Reports – Two Hundred and Eighty (280)
 - b) Reports from various Institutions – Four Hundred and Two (402)
2. Committee Reports – One Hundred and Eighty Eight (188)
3. Annual Reports– Thirty Six (36).

2.4 Petitions

Article 119 of the Constitution accords every person a right to petition Parliament on any matter within its authority including seeking enacting, amending or even repealing of legislation. There are two types of public petitions permissible in the National Assembly-

1. Petition under Article 37 or Article 119 of the Constitution:

This is a written prayer to the House under Article 37 or Article 119 of the Constitution by a member of the public requesting the House *to consider any matter within its authority*, as contemplated in Article 94 and Article 95 of the Constitution, including enacting, amending or repealing any legislation.

2. Petition for the removal of a member of a Constitutional Commission or holder of an Independent Office pursuant to the provisions of Article 251:

This petition is made pursuant to the provisions of Article 251 of the Constitution. Such a

petition must indicate the alleged grounds under Article 251(1) of the Constitution which the member of the commission or holder of an independent office is in breach of and may contain affidavits or other documents annexed to it.

Every public petition for removal of a Member of a Constitutional Commission or independent Office established under Chapter 15 of the Constitution stands committed to the relevant Departmental Committee. Once it has received the petition, the Departmental Committee investigates the matter and reports within **fourteen days** (Standing Order 230) to the House whether the petition **discloses ground** for removal under Article 251(a) of the Constitution.

The House has **ten days** after tabling of the report of the committee to resolve whether or not the petition discloses any grounds for removal under Article 251(a) of the Constitution. This is done through a motion to adopt the report of the Departmental Committee. Where the House resolves that a petition discloses a ground for removal, the Speaker transmits the resolution and the petition to the President within **seven days** of the resolution.

Consequently, Petitions have given citizens opportunities to express issues of interest to them, in addition to enabling Members exercise their representation mandate more effectively.

During the period under review **ninety-five (95)** Petitions were presented and referred to the relevant departmental committees for consideration. Further, in accordance with Standing Order 225(2)(b), a total of thirty-five Petitions out of the ninety-five Petitions were conveyed by the Speaker. Out of the ninety-five Petitions referred to Committees only thirty-two Petitions were concluded and reports submitted to the petitioners and relevant agencies for their action.

2.5 Notices of Motion

Adjournment of the House to Discuss Matters of Urgent National Importance

Standing Order 33 allows Members to seek leave of the House to adjourn debate on scheduled business so as to discuss definite matters of urgent national importance. Such leave is preceded by approval by the Speaker on whom is vested authority to determine if the issue that a particular Member wants discussed is indeed of urgent national relevance and interest.

During the period under review, a total of five Motions seeking to adjourn scheduled House business so as to discuss urgent national matters were approved and debated. These were as follows:

- 1) On 1st February 2018, the House adjourned debate on scheduled business so as to discuss the state of insecurity in Wajir County, through a Motion moved by the Member for Wajir East, Hon. Rashid Kassim, MP.
- 2) On 1st March 2018, the House adjourned debate on scheduled business so as to discuss the urgent need for affirmative recruitment of teachers, through a Motion moved by Nominated Member, Hon. Wilson Sossion, MP.

- 3) On 26th April 2018, the House adjourned debate on scheduled business so as to discuss disasters occasioned by heavy rains in the country, through a Motion moved by the Member for Nandi Hills, Hon. Alfred Keter, MP.
- 4) On 19th June 2018, the House adjourned debate on scheduled business so as to discuss the ongoing crackdown on contraband sugar imported into the country, through a Motion moved by Nominated Member, Hon. Godfrey Osotsi, MP.
- 5) On 11th October 2018, the House adjourned debate on scheduled business so as to discuss the alarming rate of road accidents in the country, through a Motion moved by the Member for Busia County, Hon. Florence Mutua, MP.

2.6 Statements

The Session saw a continued use of General and Personal Statements by Members, and the Leader of the Majority Party on various issues, pursuant to the Standing Orders. However, there was a re-introduction of statements on topical issues/concerns, popularly known as **“Zero Hour”** Statements, whose procedure is provided for under Standing Order 43. It allows Members to make general statements on topical issues every Tuesday at 6.30 pm. This practice was prevalent in the 7th and 8th Parliaments, and part of the 9th Parliament, but gradually diminished. At the end of 2018, there were twelve (12) zero-hour statements, fifteen (15) general statements, twenty-four (24) statements by the Leader of the Majority Party on upcoming business, ten (10) statements by Chairs of various committees on their mandates or responses to queries made to them, three (3) personal statements by Members, and fourteen (14) statement requests by Members to Chairpersons of Committees.

During the Second Session of the National Assembly, Members issued various Statements on the floor of the House pertaining to diverse matters, from national to personal, formal to informal. The Statements included, but were not limited to the following-

- 1) Pursuant to the provision of Standing Order 44(2)(a), the Leader of the Majority Party issued, on every Thursday sitting of the House, and twenty-four (24) Statements regarding the Business of the House for the following week.
- 2) On 1st March 2018, the Member for Kisumu East (Hon. Shakeel Shabir) made a personal statement regarding an attempt to defraud him by persons claiming to be officers of the Kenya Power Limited allegedly working under the initiative titled “The Last Mile Connectivity Project”. The Member requested the Speaker to caution other Members on the scam and called upon the Inspector-General of Police to investigate the matter.
- 3) On 13th March 2018, the Member for Murang’a County (Hon. Sabina Chege) made Statement regarding privilege relating to privacy and security of Members of Parliament. The Member informed the House that several Members had over the past few weeks fallen victims to a fraud of scam through con individuals who have been registering mobile numbers in the Members’ names and thereafter using those numbers to solicit for funds from unsuspecting Members. The Hon. Member called on the Inspector General of Police to ensure investigations on the matter are expedited. The Speaker referred the matter to the Departmental Committee of Administration and National Security and directed that the Committee invites the Inspector General of Police, Director of Criminal Investigations, the

Director-General of the Communications Authority of Kenya and local telecommunications service providers.

- 4) On 27th March 2018, the Member for Kaiti (Hon. Joshua Kimilu) issued a Statement regarding the unfavourable deadline for schools to register pupils and students on the National Education Management Information System (NEMIS).
- 5) On 12th April 2018, the Member for Mathare (Hon. Tom Oluoch) issued a Statement regarding the need for the line Ministry to provide for the budget for establishment of Information Communication and Technology Hubs in every constituency instead of placing it under the National Government Constituencies Development Fund. The Speaker directed the Chairperson of the Select Committee on the National Government Constituencies Development Fund and the Chairperson of the Budget and Appropriations Committee to respond on the matter.
- 6) On 19th April 2018, the Chairperson of the Budget and Appropriations Committee, Chairperson of the National Government Constituencies Development Fund Committee, and the Chairperson of the Departmental Committee on Communication, Information and Innovation issued a joint statement regarding establishment of ICT Hubs in every constituency as requested by the Member for Mathare (Hon. Tom Oluoch).
- 7) On 7th June 2018, the Member for Kiminini (Hon. Chris Wamalwa) sought a Statement regarding the crash of an airplane flying from Kitale.
- 8) On 19th June 2018, the Member for Samburu West (Hon. Naisula Lesuuda) issued a Statement regarding contraband sugar recently seized in most part of the country. The matter was committed to the Department Committee on Trade, Industry and Cooperative for reporting.
- 9) On 19th June 2018, the Member for Mathare (Hon. Anthony Oluoch) made a Statement regarding the funding of political parties in the country in accordance with Section 24(1) of the Political Parties Act, 2011 and the Judicial Review No. 483 of 2016.
- 10) On 19th June 2018, the Member for Suna East (Hon. Junet Mohamed) made a Statement regarding the demise of the Senator for Migori (Sen. Ben Oluoch Okello).
- 11) On 21st June 2018, the Member for Lamu County (Hon. (Capt.) Obo Ruweida Mohamed) made a Statement on the Mismanagement of the Wildlife Sector in Kenya.
- 12) On 21st June 2018, the Member for Butere (Hon. Tindi Mwale) made a Statement on the Suspension of the Mumias Sugar Company Chief Executive, Mr. Nashon Aseka, by the Company's Board of Directors.
- 13) On 26th June 2018, the Nominated Member (Hon. David Sankok) made a Statement regarding the 11th Assembly of State Parties on the Convention on the Rights of Persons with Disabilities.

- 14) On 28th June 2018, the Member for Laikipia County (Hon. Catherine Waruguru) requested a Statement from the Chairperson, Departmental Committee on Labour and Social Welfare regarding flawed process for adoption of children in Kenya.
- 15) On 28th June 2018, the Chairperson, Departmental Committee on Trade, Industry and Cooperatives issued a Joint Statement by the Departmental Committee on Trade, Industry and Cooperatives and the Departmental Committee on Agriculture and Livestock regarding the progress made on the inquiry into the alleged importation of contraband sugar into the country. The Chairperson sought the permission of the House for an extension of time for tabling a Report so as to allow the Joint Committee to sift through evidence presented to it. The Speaker acceded to the request and directed that the Joint Report be tabled in the House not later than Thursday, July 5, 2018.
- 16) On 4th July 2018, the Member for Embakasi Central (Hon. Benjamin Gathiru) issued a Statement regarding recurrent and vicious fires at Gikomba Market. The Statement was committed to the Departmental Committee on Administration and National Security to report within a period of twenty-one days.
- 17) On 4th July 2018, the Member for Kaloleni (Hon. Paul Katana) made a Statement regarding the shooting of Master Katana Kazungu Fondo, a pupil at Ndatani Primary School in Kilifi County by Police Officers from in Mariakani Police Station. The Statement was committed to the Departmental Committee on Administration and National Security to report within a period of twenty-one days. On 5th July 2018, the Member for Subukia (Hon. Samuel Gachobe) issued a Personal Statement regarding compensation of the victims of the Solai Dam tragedy.
- 18) On 5th July 2018, the Member for Vihiga County (Hon. Beatrice Adagala) requested a Statement from the Chairperson, Departmental Committee on Transport, Public Works and Housing regarding detrimental effects of road construction on the residents of Mwoki-Masana area in Vihiga County.
- 19) On 5th July 2018, the Member for Wajir East (Hon. Rashid Kassim Amin) requested a Statement from the Chairperson of Departmental Committee on Administration and National Security regarding extra-judicial killings in Wajir County.
- 20) On 25th July 2018, the Nominated Member, Hon. Gideon Keter, made a Statement regarding the celebration of International Youth Day scheduled for 10th August, 2018 and sought the permission of the House to allow it to be celebrated in the National Assembly Chamber and requested Members to nominate two youth from each of the 290 constituencies.
- 21) On 26th July 2018, the Member for Cherangany (Hon. Joshua Kutuny) requested a Statement from the Public Investments Committee on the Implementation of the Excisable Goods Management System (EGMS) by Kenya Revenue Authority.
- 22) On 26th July 2018, the Member for Mbeere South (Hon. Col (Rtd.) Geoffrey King'ang'i) requested a Statement from Chairperson of the Departmental Committee on Lands

regarding allocation of land in the Mwea Settlement Scheme in Mbeere South Constituency in Embu County.

- 23) On 23rd August 2018, the Member for Kitui Rural (Hon. (Dr.) MakaliMulu) issued a Statement regarding the just concluded CPA Africa Region Conference and Annual General Meeting held in Gaborone, Botswana from 13th to 22nd August, 2018 in which the Speaker of the National Assembly (Hon. Justin Muturi, EGH, MP) was elected Chairperson of the CPA Africa Region Executive Committee and the Clerk of the National Assembly (Mr. Michael Sialai, EBS) was elected Vice Chairperson of the Coordinating Committee the Society-of-Clerks-at-the-Table (SoCATT Africa). A corresponding Statement was issued by Hon. Benjamin Washiali (Majority Whip) on 28th August 2018.
- 24) On 23rd August 2018, Hon. MaokaMaore, Chairperson of the Committee on National Government Constituencies Development Fund, issued a Statement on the status of disbursement and management of NG-CDF Funds.
- 25) On 30th August 2018, the Chairperson, African Network Parliamentarians Network Against Corruption (APNAC) Kenya (Hon. Shakeel Shabbir) made a Statement in condemnation of alleged bribery of Members in relation to the consideration of the Report of the Joint Committee on Agriculture and Livestock and Trade and Cooperatives on alleged importation of illegal and contaminated sugar into the country.
- 26) On 2nd October 2018, the Chairperson, Departmental Committee on Lands (Hon. (Dr.) Rachel Nyamai) issued a Statement from the Ministry of Interior and Coordination of National Government regarding allocation of land in the Mwea Settlement Scheme in Mbeere South Constituency, as requested by Hon. Col (Rtd.) Geoffrey King'ang'i. The Statement highlighted measures the Ministry had put in place to ensure resolve the matter of allocation of land in the in the Mwea Settlement Scheme.
- 27) On 23rd October 2018, the Chairperson, Departmental Committee on Trade, Industry and Cooperatives, Hon. KaniniKega, issued a Statement on the digital literacy programme.
- 28) On 25th October 2018, Hon. Alois Lentoimanga (Samburu North) made a Statement regarding delays in the disbursement of funds to the National Government Constituencies Development Fund.
- 29) On 6th November 2018, the Member for Butere Constituency (Hon. TindiMwale) made a Statement regarding insecurity in Butere Sub-County.
- 30) On 8th November 2018, the Chairperson, Departmental Committee on Labour and Social Welfare made a Statement in response to inquiry on Adoption of Children in Kenya in response sought by the Member for Laikipia County (Hon. Catherine Waruguru).
- 31) On 8th November 2018, the Member for Homa Bay County (Hon. Gladys Wang'a) sought a Statement on teenage pregnancies in the Country. The Deputy Speaker directed that the Chairperson of the Departmental Committee on Education and Research issues a Response within two weeks.

- 32) On 27th November 2018, the Member for Soy (Hon. Caleb Kositany, MP) issued a Statement alleging that the Member for Cherangany (Hon. Joshua Kutuny, MP) had made adverse allegations in the media against the House Business Committee regarding scheduling of Petitions sponsored by him. The Speaker, having heard the views of various Members, cautioned Members against making such unfounded allegations, noting that scheduling of Petitions to be presented before the House is not a mandate of the House Business Committee.
- 33) On 29th November 2018, the Nominated Member (Hon. David Ole Sankok) issued a Statement regarding the World Disability Day.
- 34) On 29th November 2018, the Chairperson of the Departmental Committee on Transport, Public Works and Housing (Hon David Pkosing) issued a Statement regarding funds allocated to roads countrywide and to the affordable Housing Programme.
- 35) On 4th December 2018, the Member for Kitui Central Constituency (Hon. (Dr.) MakaliMulu) issued a Statement seeking clarification on the role and mandate of Budget and Appropriations Committee vis a vis the Departmental Committee on Finance and National Planning particularly as pertains aspects of taxation and revenue, and in determination of amendments to Finance Bills that have a Money-Bill effect. The Speaker undertook to issue a Communication to guide the House on the matter, which he did on 6th December 2018.
- 36) On 4th December 2018, the Member for Suna East Constituency (Hon. Junet Sheikh Nuh) issued a Statement clarifying that the Parliamentary Service Bill 2018 (National Assembly Bill No. 6 of 2018) does not contain any provision regarding increment of Members' salaries or allowances as claimed by sections of the Media. Members who contributed on the matter took a similar stand, which was thereafter confirmed by the Speaker.
- 37) On 5th December 2018, the Chairperson of the Select Committee on National Government Constituencies Development Fund, the Hon. MaokaMaore, issued a Statement on the status of disbursement of funds by the National Government Constituencies Development Fund Board during the Financial Year 2018/2019 and the state of incomplete projects in constituencies around the country.
- 38) On 6th December 2018, the Member for Suba North, Hon. Millie Odhiambo, issued a Personal Statement regarding the issues raised by the Leader of Majority Party during the debate on the Statute Law (Miscellaneous Amendments) Bill, 2018 on 15th November, 2018 with regard to amendments to the Children Act.

The list of statements excludes Statements issued by the Leader of the Majority Party or Chairpersons of Departmental Committees seeking leave of the House to extend the consideration of particular Bills or particular vetting exercises, or to withdraw certain amendments from Statute Law (Miscellaneous Amendments) Bills, etc.

Zero Hour Statements

Despite the provision being in the National Assembly Standing Orders, it was not until 20th March 2018 that the first Zero Hour Statement was made in the 12th Parliament, with the Member for Mogotio Constituency, Hon. Daniel Tuitoek, being the first Member to utilize this provision. As

per the procedure, a Member making a Statement during Zero Hour is allowed to speak for not more than three minutes, and the same time period is prescribed for any other Member making comments on the Zero Hour Statement so moved. Additionally, debate on a Zero Hour Statement has no resolution. Consequently, any matters raised during debate/ discussion on the Zero Hour Statement do not qualify as matters for follow-up by the Committee on Implementation. The following Zero Hour Statements were made during the Second Session of the House-

- 1) On 20th March 2018, the Member for Mogotio (Hon. (Dr.) Daniel K. Tuitoek) made Statements, on which various Members made contributions to, regarding –
 - a) alleged harassment of the people of Mogotio Constituency by forest officers, and
 - b) the invasion of elephants in Sinende Location, Mogotio constituency,
- 2) On 27th March 2018, the Member for Moiben (Hon. Silas Tiren) made a Statement regarding provision of funds for purchase of maize and distribution of fertilizers to farmers.
- 3) On 26th June 2018, the Member for West Mugirango (Hon. Vincent Mogaka) made a Statement regarding harassment through frequent arrests by police.
- 4) On 7th August 2018, the Statement by the Members for West Mugirango (Hon. Vincent Mogaka) and Mwingi Central (Hon. Mutemi Mulyungi) on the Safety of School Children were merged since they addressed a similar matter/theme. This followed the untimely, tragic death of 10 Pupils from St Gabriel Primary School in Mwingi North who perished following an accident involving the school bus they were traveling in from Mombasa where they had gone for a study tour, which was involved in a head-on collision with a lorry at Kanginga bridge about 1 Km from Mwingi town on the Thika-Garissa Road.
- 5) On 6th November 2018, the Majority Whip and Member for Mumias East (Hon. Benjamin Washiali) made a Statement regarding funds for the elderly.
- 6) On 6th November 2018, the Member for Lamu County (Hon. (Capt.) Ruweida Obo) issued a Statement on the ban on importation of fish and revival of fishing industry.

2.7 Parliamentary Questions

Following the promulgation of the new Constitution and the transition to a presidential system of governance, Ministers no longer sit in the House because they are not Members of Parliament. The new dispensation saw the end of Question Time as it previously existed and the introduction of Statements directed at Committee Chairpersons.

Given the challenges experienced with this new process, where Chairpersons of Committees could not respond comprehensively or on behalf of the Executive, the Standing Orders were amended in 2014 to create the Committee on General Oversight. This Committee was later suspended due to operational challenges.

The proposed procedure would have admitted Cabinet Secretaries to the Chamber to answer questions from Members. However, following concerns raised by the Executive regarding the constitutionality of this process, it was reengineered to be dealt with by the respective Committees. Since then, Cabinet Secretaries have been appearing before Committees to respond to questions under their dockets.

During the 11th Parliament, over three hundred and ninety-one (391) questions were submitted, of which one hundred and eighteen (118) were responded to, while in the 12th Parliament, in the

Second Session between February 13, 2018 to August 30, 2018, a total of 131 Questions were referred to various Ministries for replies before relevant Departmental Committees between February 13, 2018 and August 30, 2018.

Questions before the relevant Government Ministries –

A total of **131 Questions** were referred to various Ministries for replies before relevant Departmental Committees between February 13, 2018 and August 30, 2018 as indicated hereunder:-

No	Ministry	Number of questions submitted and drafted	Percentage (%)
1.	Lands and Physical Planning	3	2%
2.	Interior and Coordination of National Government	30	23%
3.	Water and Sanitation	3	2%
4.	Labour and Social Protection	10	7.6%
5.	Attorney General	3	2%
6.	Health	1	0.8%
7.	Environment and Natural Resources	7	5.3%
8.	Education	15	11.4%
9.	Defence	2	1.5%
10.	Industry, Trade and Cooperatives	2	1.5%
11.	Transport, Infrastructure, Housing and Urban Development	21	16%
12.	Public Service, Youth and Gender Affairs	6	4.6%
13.	The National Treasury and Planning	9	6.8%
14.	Sports and Heritage	2	1.5%
15.	Agriculture and Irrigation	13	9.9%
16.	Energy	3	2.2%
17.	Wildlife and Tourism	2	1.5%
	Total	131	100%

Following the review and subsequent amendments to the Standing Orders in August 2018, where Questions would now be asked on the floor then responded to before Committees, the number of Questions to Cabinet Secretaries submitted by Members took a sharp curve upwards.

a) After Amendment of Standing Order 42– PART IXA (QUESTIONS)

General

A total of **310 Questions** were submitted by Members to be asked in House before the Departmental Committees between **October 02, 2018 and December 06, 2018** as hereunder-

Question	No. of Questions	Percentages (%)
Ordinary and Private Questions Asked	192	62%
Supplementary Questions Asked	1	0.3%
Questions Dropped	18	5.8%
Questions Deferred	15	4.8%

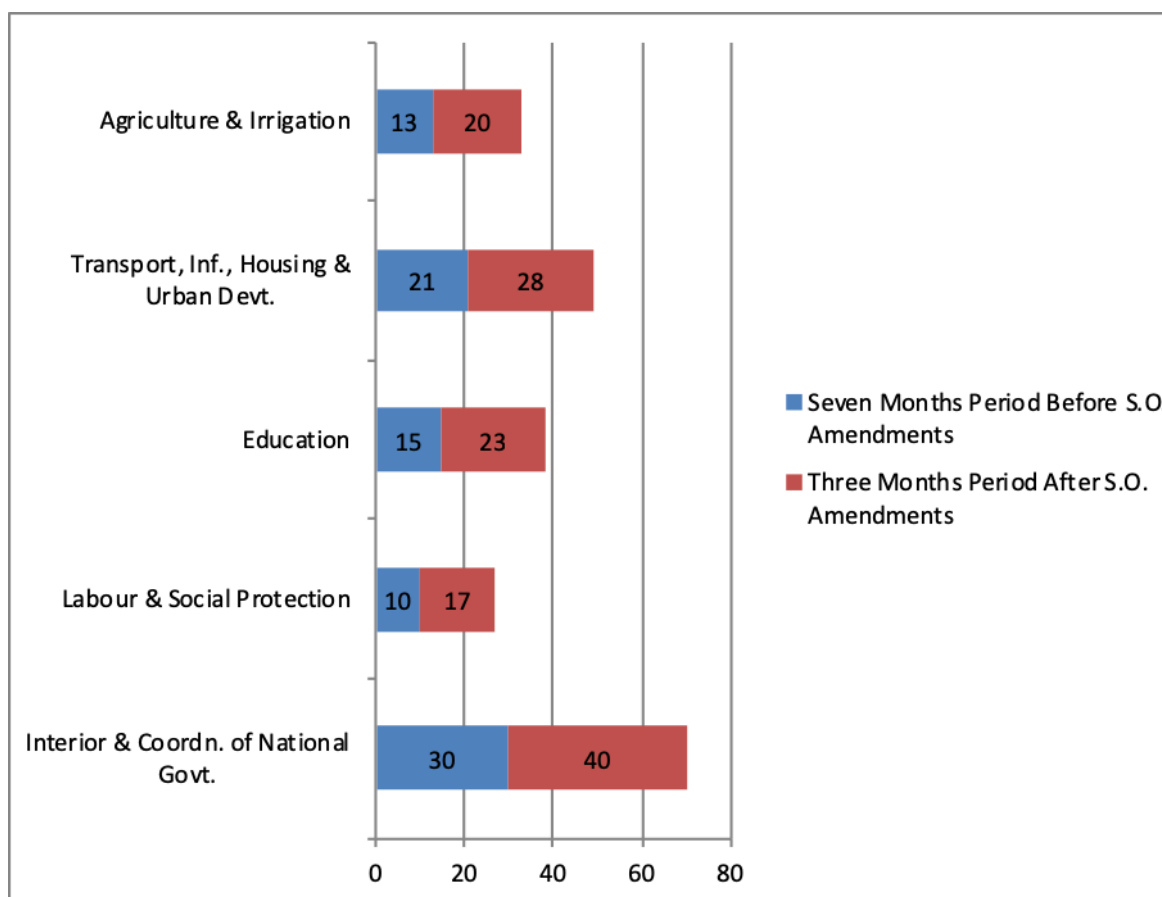
Other Questions under processing as at 06/12/2018	84	27.1%
Total	310	100%

Questions per subject (state Department)

The analysis of **Questions** submitted between October 02, 2018 and December 06, 2018, analysed subject is as shown in the table below-

Ministry	No. of questions	Percentages (%)
Lands and Physical Planning	6	3.1%
Interior and Coordination of National Government	40	20.7%
Water and Sanitation	6	3.1%
Labour and Social Protection	17	8.8%
Petroleum and Mining	7	3.6%
Health	2	1%
Environment and Natural Resources	2	1%
Education	23	11.9%
Defence	4	2%
Industry, Trade and Cooperatives	3	1.5%
Transport, Infrastructure, Housing and Urban Development	28	14.5%
Public Service, Youth and Gender Affairs	6	3.1%
The National Treasury and Planning	5	2.6%
Sports and Heritage	3	1.5%
Agriculture and Irrigation	20	10.3%
Energy	9	4.6%
Wildlife and Tourism	7	3.6%
Foreign Affairs	4	2.1%
Information, Communication and Technology	1	0.5%
Total	193	100%

Top five Ministries/State Departments-



Conclusion

From the foregoing, it is clear that the amendments made to the Standing Orders increased the volume of Questions submitted by Members. This can be observed from the fact that the period of the Second Session before the review of the Standing Orders was seven months, whilst the period after the review was only three months yet the output was more in the latter part of the year than in the former.

Questions for Written Reply – A total of 7 questions were submitted by Members for Written Reply by Constitutional Commissions and Independent Offices between October 02, 2018 and December 06, 2018. Out of the total 7 questions, 4 were asked and transmitted, 1 question dropped and 2 were under consideration as shown in the table below.

Question for Written Reply	No. of Questions
The Attorney General - <i>submitted</i>	1
The National Land Commission – <i>submitted</i>	1
The Judicial Service Commission – <i>submitted</i>	1

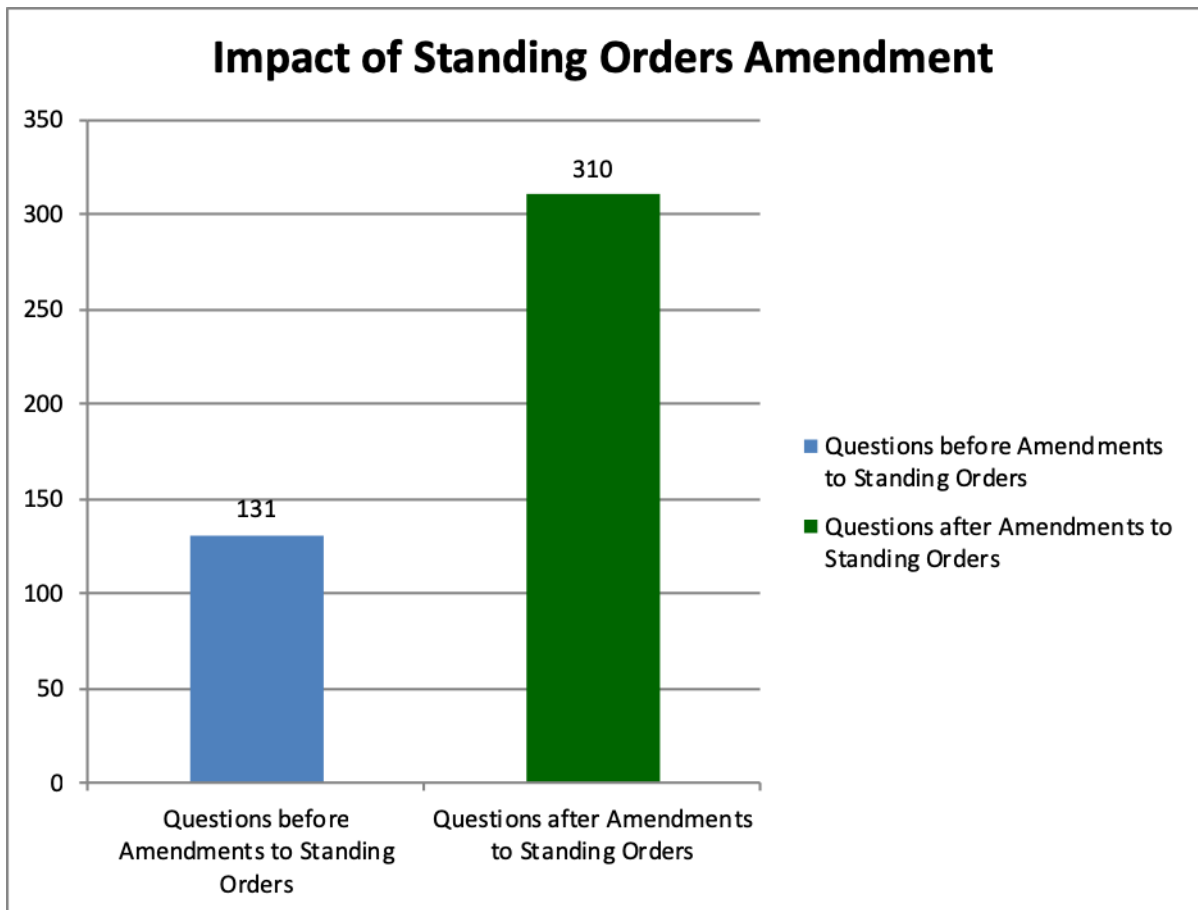
The Ethics and Anti-Corruption Commission – <i>submitted</i>	1
The Salaries and Remuneration Commission – <i>dropped</i>	1
Other Questions which were being processed as at 06/12/2018	2
Total	7

Grand Total for 2018

Before the new procedure, **131 questions** were asked by Members before Departmental Committees. Thereafter, upon introduction of the new procedure, **310 questions** were submitted by Members for asking in the House and reply before the various Departmental Committees. An additional **7 questions** were for Written Reply by the Constitutional Commissions and Independent Offices. This totaled to 448 Questions handled during the Second Session as shown in the table below-

	Questions	No. of Questions
1.	Questions submitted during the period of the former procedure of questions (February 13, 2018 - August 30, 2018.)	131
2.	Questions submitted during the new procedure (October 02, 2018- December 06, 2018)	310
3.	Questions for Written Reply	7
4.	Total	448

After amendment of the Standing Orders, the situation of Questions is as follows:-

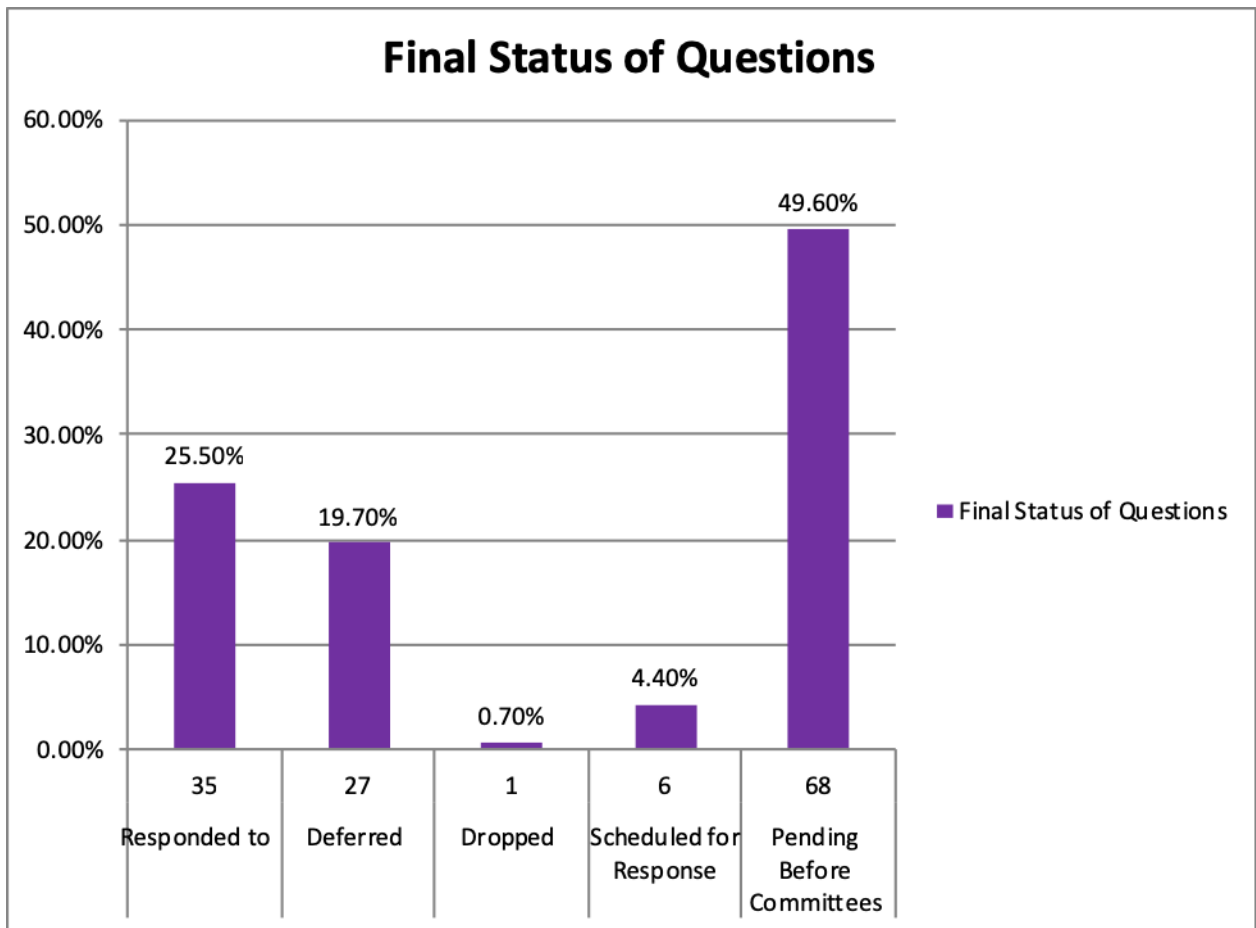


b) Final Analysis (Questions *answered/acted upon before committees*).

The Final Analysis of Questions from the Directorate of Committee Services at the end of the Second Session was as follows:

Action taken on questions referred for reply before respective Committees	No. of Questions	Percentage (%)
Responded to	35	25.5%
Deferred	27	19.7%
Dropped	1	0.7%
Scheduled for Response	6	4.4%
Pending Before Committees	68	49.6%
Total	137	100%

Questions at the close of the Second Session can be summarized as follows:-



2.8 Motions

A total of **two hundred and five (205)** were introduced in the House, out of which-

- (a) **forty three (43)** were **Procedural motions**;
- (b) **thirty five (35)** were **Special Motions** involving approving nominees for appointment to State offices;
- (c) **eighty seven (87)** on adoption of Committee Reports on consideration of various business referred to them;
- (d) **five (5)** adjournment Motions on adjournment of the House to discuss matters of National importance;
- (e) **five (5)** motions on approval of Membership to the Parliamentary Committees,
- (f) **one (1)** on approval of Members for appointment to the Pan-African Parliament;
- (g) **one (1)** Sponsored by both Majority and Minority Parties (*Motion on Building Bridges Initiative*);
- (h) **two (2)** were Sponsored by the Minority Party; and,
- (i) **twenty six (26)** were introduced by Private Members.

(i) Motions concluded

A total of one hundred and seventy-two (**175**) motions were adopted, **one (1)** (motion on **approval of the provisional collection of taxes**) was deferred; **one (1)** (Motion Inquiry into Alleged Importation of illegal and Contaminated Sugar into the Country) was negated.

During the session, the Member for Nyali (Hon. Mohamed Ali) sponsored a motion urging the Government to fast-track the establishment of a National Health Referral Hospital in Mombasa County in Kiswahili. It is worth noting that this Notice of motion had its notice re-issued in Kiswahili language, with most of the debate occurring in the same language.

(ii) Motions awaiting debate/ pending

A total of twenty 22 motions were awaiting consideration by the House at the end of 2018. Since the House adjourned upon expiry of the Second Session, the said motions lapsed, therefore, the House could only consider them upon fresh introduction in the Third Session as provided for in the rules of procedure and by parliamentary practice.

2.9 Legislative Proposals and Bills



Pursuant to Standing Order 114, before a Committee or an Individual Member's proposed legislative mechanism is published into a Bill, the instructions or proposal of a Committee or a Member are carefully considered by the legal team and prepared in the form of a draft Legislative Proposal, always printed in a White Paper now popularly known as a Legislative Proposal. This Proposal is then subjected to a process now known as Pre-publication Scrutiny, whereby the proposal is referred to the Parliamentary Budget Office for advice on whether it is a money Bill.

If it is determined to be a money Bill, the proposal is forwarded to the Budget and Appropriations Committee for consideration and to obtain the views of the Cabinet Secretary for the National Treasury in accordance with the provisions of Article 114 of the Constitution. The Budget and Appropriations Committee thereafter recommends to the Speaker whether the Proposal should be published into a Bill for introduction in the House, given the budgetary implications of the proposal. If the Budget Committee recommends the publication of the proposal, with or without amendments, the proposal is subsequently referred to the relevant Departmental Committee for consideration of its sectoral policy implications. The Departmental Committee also recommends

to the Speaker whether the proposal should be published into a Bill. If the Departmental Committee recommends publication, the Bill is published on green paper for introduction into the House. Bills originating from the Executive are exempted from Pre-publication Scrutiny and are normally published in the name of the Leader of the Majority Party, or on some occasions sponsored in the name of either the Chairperson of a relevant Committee or a Member of the House.

During the Second Session, a total of 248 legislative proposals were introduced, 38 of which were published. A larger majority of those published originated from the Executive. The remainders (210) are Legislative Proposals by individual Members and are undergoing Pre-publication Scrutiny. The legislative tracker attached provides the status of the legislative proposals.

Bills

During the Second Session of the Twelfth Parliament, the National Assembly considered a total of sixty-two (62) Bills. Of these, forty-six (46) were Bills originating in the National Assembly, while sixteen (16) originated in the Senate. **Annexure IV** indicates the stage at which the 62 Bills were by the end of the calendar year (31st December, 2018).

Omnibus Bills: The Experience in the Second Session

Omnibus Bills are amendment Bills that are intended to occasion various changes to different existing statutes through one Bill. In practice, omnibus Bills have taken the form of general Statute Law (Miscellaneous Amendments) Bills. Lately, the Assembly has also adopted the practice of introducing omnibus Bills seeking to amend statutes relating to the same thematic area e.g. Health sector (Health Laws Amendment Bill) , Tax ((Tax Laws Amendment Bill) and Land (Land Value Index Laws Amendment Bill) . An analysis of the emerging trend is partly attributable to the enactment of the Constitution of Kenya, the consequence of which has been the push to align or accord various existing statutes to the dictates of the new Constitution.

The National Assembly considered 7 omnibus Bills in the Second Session, out of which 5 were introduced in the Session while 2 were carried over from the First Session.

A review of the omnibus Bills considered in the Second Session clusters them into two categories, namely–

(a) Omnibus Bills intended to effect various amendments to different unrelated statutes –

- (i) The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 37 of 2017);
- (ii) The Statute Law (Miscellaneous Amendments) (No. 3) Bill (National Assembly Bill No. 44 of 2017);
- (iii) The Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018); and
- (iv) The Statute Law (Miscellaneous Amendments) (No. 2) Bill (National Assembly Bill No. 13 of 2018).

(b) Omnibus Bills intended to amend various related statutes –

- (i) The Land Value Index Laws (Amendment) Bill (National Assembly Bill No. 3 of 2018);
- (ii) The Tax Laws (Amendment) Bill 2018 (National Assembly Bill No. 11 of 2018);
- (iii) The Health laws (Amendment) Bill (National Assembly Bill No. 14 of 2018); and

(iv) The Finance Bill (National Assembly Bill No. 20 of 2018).

The Chart bellow presents a summary of the omnibus Bills considered in the Second Session:

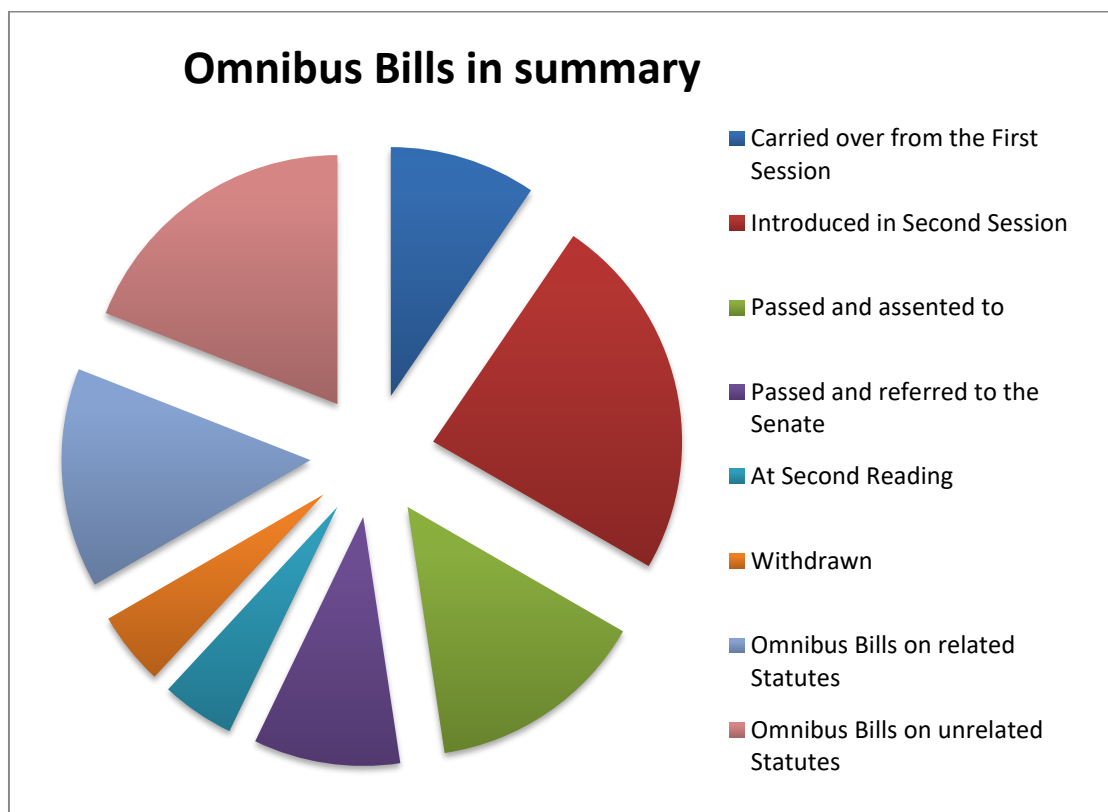


Chart 1: Summary of Omnibus Bills in the Second Session

The experience with omnibus Bills in the Second Session

The consideration of omnibus Bills has posed a number of challenges, both to Members and the technical staff particularly in terms of procedure. Quite often, the unrelated nature of the amendments under consideration has occasioned a strain to the House and its Committees. Some of the challenges experienced included—

Longer time in the Committee of the Whole House

The unrelated volume and the unrelated nature of the amendments in omnibus Bills demanded much time in the Committee of the Whole House. This was on account that the Committee of the Whole House proceeded at a slow pace due to the time taken to clarify certain complex matters to the Members and understanding the procedure and import of decisions made.

For instance, the Committee of the Whole House on the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018) and the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018) took three days each to conclude. Further, on the final day for consideration of the Statute Law (Miscellaneous Amendments) Bill (National Assembly Bill No. 12 of 2018), the House had to sit for longer hours, rising at 11.59 pm! This is perhaps the second longest time taken in the Committee of the Whole House on a Bill, comparable to the lengthy time taken to consider all the over 1,020 clauses in Companies Bill in 2014.

Complexity of the Bills

On a number of occasions, consideration of omnibus Bills proved to be complex, both to the House and technical team at the Table. For instance, the Member for Seme (Hon. Dr. James Nyikal) said the following in expression of the complexity of considering the Health Laws (Amendment) Bill (National Assembly Bill No. 14 of 2018) –

“This has been the most difficult work we have done in the Committee of the whole House. I will reiterate what the Member for Tongaren said. It is not only the Health Bill. When these omnibus Bills, even Statute Law (Miscellaneous Amendments) Bills, are many, they become extremely complex.”¹

Authority of the House to chose the medium for legislation

The omnibus format is but one of the formats in which Bills are introduced in Parliament. Though matters have been filed in Court with regard to the nature and content of various enacted Statute Law (Miscellaneous) Amendments Act, the Court has been cautious in response to requests that it declare entire statutes unconstitutional for want of form. A misconception exists that only Statute Law (Miscellaneous) Amendments Bills/Acts are omnibus in nature. Little objection, if any, has been made over the years with regard to the enactment of the Finance Bill - an omnibus amendment Bill seeking to amend various fiscal statutes for the purpose of financing the annual budget. This indicates that there is need for the public to be sensitized on the exercise of legislative powers by the House, and its inherent choice of the nomenclature to attach to its Bills. Indeed, during the session, the House considered and passed the Health Laws (Amendment) Bill, 2017 and the Tax Laws (Amendment) Bill, 2017 which are omnibus Bills that attracted little, if any, objection.

The Court pronouncements made with regard to previous Statute Law (Miscellaneous Amendments) Acts that have been passed by the House relate to specific portions of those Acts and, even where orders have been sought to declare entire omnibus amendment Acts as unconstitutional on the basis of form, the Courts have declined such invitation noting that specific proof of unconstitutionality must be proven to attract such a remedy. In Nairobi High Court Constitutional Petition No. 3 of 2016 the Court, in nullifying amendments to the Judicial Service Act contained in the Statute Law (Miscellaneous Amendment) Act, 2015 on account of the House legislating on a matter dispensed with by the Constitution, did not accede to the request of the Petitioners to strike out the entire Act. Similarly, in Nairobi High Court Constitutional Petition No. 120 of 2017, the Court while nullifying provisions amending the Auctioneers Act in the Statute Law (Miscellaneous Amendment) Act, 2016 for inadequate public participation refused invitation to strike out the entire Act.

This authorities buttress the point of view that Parliament chooses the manner it proposes to legislate within the constitutional confines of its legislative mandate as provided under Articles 94,95, 96 and 109 of the Constitution. Form is secondary to the exercise of this mandate and primary regard is to be given to maximum adherence to the Constitution. Indeed, the Court has ruled that the House appropriately discharged its constitutional mandate in enactment of omnibus Bills both in content and form. In Nairobi High Court Constitutional Petition No. 557 of 2015 the Court dismissed the claim by the petitioners that the House had acted unconstitutionally, discriminatively and in excess of its powers in amending the Pharmacy and Poisons Act though

¹National Assembly Official Report, Wednesday, November 7, 2018, p. 40

the Statute Law (Miscellaneous Amendments) Act, 2016.

Implication on procedure

In spite of the challenges relating to the consideration of omnibus Bills during the Second Session, it is worth noting that the complexity they posed, especially in the Committee of the Whole House, had positive impact when examined with “procedural” lens. To the technical staff, the novel procedural scenarios with omnibus Bills has been an opportunity to ingeniously review its procedure in Committee of the whole House so as to allow the House to meticulously capture every detail in the amendments. Further, the style of recording Votes and Proceedings on the Committee of the Whole House on omnibus Bills has had to be modified so as to record, with accuracy, each step and decision in the Committee of the whole House.

Presidential Reservations on Bills

One of the milestone departures that the Constitutional dispensation of 2010 heralded on the architecture of government is the entrenchment of the principle of separation of powers and functions among the arms of Government. Notably, the Constitution drew a clear demarcation of powers and functions of the executive from those of the legislative arm, that prior to 2010 were somewhat fused together.

Consequent to this new dispensation, the legislative function of Government is now exclusively within the province of Parliament, including government-sponsored legislation, which may only be introduced in either House of Parliament by a Member of the Party or coalition of parties forming the incumbent Government. Since the inauguration of the Eleventh Parliament, the first to operate under the new dispensation, a practice has been developed whereby the Leader of the party or coalition of parties forming government of the day sponsors legislation from the Executive.

Article 94(1) and (5) provides thus –

94. (1) The legislative authority of the Republic is derived from the people and, at the national level, is vested in and exercised by Parliament.

5) No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.”

Notwithstanding the apparent vesting of legislative powers in Parliament under Article 94 of the Constitution, the same Constitution enjoins the President in the law-making process. This legislative power and/or function of the President is anchored in Article 115 (1)(b) of the Constitution, which provides that –

“115. (1) Within fourteen days after receipt of a Bill, the President shall—

(a)

(b) refer the Bill back to Parliament for reconsideration by Parliament, noting any reservations that the President has concerning the Bill.”

It is interesting to note that, whereas law-making is invariably perceived to be an exclusive province of Parliament, the otherwise ‘peripheral’ role of the President in the legislative process as contemplated under Article 115(1)(b), the same Constitution grants the President a central role in

deciding the manner in which certain provisions of law ought to read.

The participation of the President, either actively or passively, in law-making is a common feature across the world. As the Head of Government, a President participates in the making of laws through the exercise of his or her veto power in accordance with the limits imposed by the Constitution. The grant of veto power is viewed as a necessary check on the legislative arm of government by the executive in instances where the President is constrained to object to the passage of laws to protect the Constitution, to protect the people against harmful policies or corrupt practice by the legislature; or as a general show of leadership.²

There are four different types of vetoes. First, an *absolute veto* allows a President to oppose the coming into force of a law with the Legislature having no recourse to override the view(s) of the President. Secondly, a *qualified veto* allows a President to oppose the coming into force of a law but the Legislature may override such refusal to assent by a specified super-majority e.g. two-thirds of its members. Where the legislature garners the majority specified, the law comes into force without the need for Presidential assent. Thirdly, a *suspensive veto* allows a President to object to the passage of a law by refusing assent, but the Legislature may override the veto by passing the Bill a second time with an ordinary majority of its members. Fourth, where there are no applicable timelines to the assent of a Bill; or where the session in which a Bill is passed by a legislature is set to lapse before the prescribed period within which the President must assent or veto a Bill, a President may exercise a *pocket veto* by refusing to act on the Bill.

In Kenya, Article 115 of the Constitution grants the President a *qualified veto* power with an option of recommending changes to legislation passed by Parliament through reservations. Where Parliament does not agree with the President's reservations, it may only reject or amend those reservations with an absolute majority. Article 115(4) provides that—

“(4) Parliament, after considering the President’s reservations, may pass the Bill a second time, without amendment, or with amendments that do not fully accommodate the President’s reservations, by a vote supported—

*(a) by **two-thirds** of members of the National Assembly; and*

*(b) by **two-thirds** of the delegations in the Senate, if it is a Bill that requires the approval of the Senate.”*

During the Eleventh Parliament – the first to come face to face with the reality of the President's legislative function under Article 115 of the Constitution, questions were raised by Members of Parliament with regard to the scope of the President's reservations. Further, questions arose as to whether, in the spirit of separation of powers between the executive and the legislature, the President did not exceed his powers by expressing the form in which he/she wishes to have the contested provisions passed in his Memorandum to Parliament.

On July, 28, 2015, the Speaker of the National Assembly made a comprehensive Considered Ruling on the scope and manner of considering the President's Reservations on a Bill. Of relevance to this Report, the Speaker did make a finding that the Constitution enjoins the President in the law-making process. He ruled that –

²InternationalIDEA, 'Presidential Veto Powers', *Constitution Building Primers* (May, 2015) available at http://constitutionnet.org/sites/default/files/presidential_veto_powers.pdf

“... we must not lose sight of the fact that in whatever form the President expresses a reservation, he is seeking essentially an amendment to the Bill in question. He is merely seeking to avail himself of an opportunity similar to that enjoyed by the members of this House, namely to participate in the law-making process as expressly contemplated by Article 115 of the Constitution.”³

This ruling settled the question of whether or not the President was violating the principle of separation of functions and usurping the legislative authority exclusively vested in parliament under Article 94 of the Constitution. He is enjoined in the process through Article 115 of the Constitution.

On the question of whether or not the President could suggest a specific form of the text and/or content of certain provisions in his Memorandum, yet Article 115 does not expressly provide as much, the Speaker did acknowledge that, whereas the repealed Constitution at Section 46 did empower the President to make specific recommendations to the House, Article 115 of the new Constitutional dispensation is silent on this power. Consequently, the Speaker ruled as follows –

“... despite the lack of an express provision in Article 115 of the Constitution requiring the President to submit his recommendations on a Bill, the Constitution does not prohibit this practice either.” [of the President indicating the text on specific provisions for reconsideration] Indeed, it is a cardinal principle of interpretation of law that whatever is not prohibited by the Constitution or any other law is presumed to be allowed by the same. A keen reading of Article 115 reveals that the President in referring a Bill back to Parliament has a mandatory obligation to note his reservations but may choose to include or not to include specific recommendations on how to deal with the reservation.”⁴ (emphasis mine)

Article 115 of the Constitution recognizes the President’s role in the law-making process. The Courts, in separate suits and on appeal have affirmed this role. In its interpretation of the Constitution, the Court has held that the President is entitled to make reservations to Bills passed by the House and provide suggestions on how the House can accommodate the President’s views in order for the Bills to be assented to.

On the enactment of the Kenya Information and Communication (Amendment) Act, 2013 by the House after its consideration of the reservations by the President, a three-judge bench of the High Court in Nairobi High Court in Constitutional Petition No. 30 of 2014 which was consolidated with Petition No. 31 of 2014 and Judicial Review Misc. Appl. No. 30 of 2014 ruled that the petitioners had assigned a narrow meaning to the term “reservations” which did not accord with the Constitution. The Court noted that it does not expect the President to simply state, “I have reservations about this Bill,” since without more information in the memorandum there would be nothing for the Legislature to consider, accommodate, or reject. This decision was subsequently upheld by the Court in Nairobi High Court Constitutional Petition No. 388 of 2016 in response to a query on the participation of the President in the enactment of the Public Audit Act, 2015.

The enactment of the Finance Bill, 2017 also faced legal challenge on account of the President having allegedly overstepped his mandate by recommending the reduction of the rates of taxation applicable to betting, lotteries and gaming activities which had been proposed by the House to the Betting, Lotteries and Gaming Act. The decision of the Court in Nairobi High Court Constitutional Petition No. 353 of 2017 affirmed the role of the President in the law-making

³The National Assembly Speaker’s Considered Rulings and Guidelines 2013 – 2017, p. 129

⁴The National Assembly Speaker’s Considered Rulings and Guidelines 2013 – 2017, p. 127

process noting that it would be unsafe to conclude that Parliament is subject to the influence of proposals by the President as Members are free to reject any proposal forwarded to it. On appeal, this view was upheld by a three-judge bench of the Court of Appeal in Nairobi Civil Appeal No. 11 of 2018.

Henceforth, the practice has been that whenever the President refers a Bill back to Parliament for reconsideration, he makes specific recommendations in the Memorandum for the relevant House to consider in terms of Article 115 of the Constitution.

Suffice to observe that, the question of Presidential reservations on Bills passed by Parliament is not unique to Kenya alone. It is mirrored in several other jurisdictions, such as the United States of America, the Philippines, Australia, India and the Republic of South Africa, among others.

The Experience in the Second Session

Of the 17 Bills presented to the President for assent during the Second Session, he returned two (2 back to the National Assembly for reconsideration- that is - The Finance Bill (National Assembly Bill No. 20 of 2018) and The Health Laws (Amendments) Bill (NA Bill No. 14 of 2018, which were later passed by the House fully accommodating the President's reservations.

“Ayes” and “Nays”: The experience of Sept.20, 2018

The experience of Thursday, September 20, 2018 exposed challenges with regard to sequence of voting on a reservation to which majority of the Members are opposed to. Invariably, the Question on a Motion in the Committee of the Whole House in the National Assembly is disposed of through acclamation, but may escalate to Division in the event that thirty (30) or more Members rise in their places to petition the Chairperson of Committees to cause a Division on the Motion in terms of Standing Order 72. Until September 20, 2018, the House did not expect that an acclamation vote may swing in favour of the ‘Nays’, even when the ‘Ayes’ were less, hence affecting the outcome after the proclamation by the Chairperson of Committees that ‘the Nays have it’ without ascertaining whether they meet the threshold contemplated in Article 115(4) Constitution. This was the scenario during Committee of the Whole House on Thursday, September 20, 2018 that prompted the presiding Chairperson of Committee to declare that the “Ayes” had it on the President’s reservations to Clause 18, to the contestation of the “Nays”, who presumed they had outnumbered the “Ayes”.

Ordinarily, the only way to confirm whether or not the number of those **opposed** to the President’s reservations on a Clause is by proceeding to a Division and ascertaining numbers for and against. The resultant contestation in the House and public outcry over the Chairperson’s decision was wrongly premised on the argument that the voices of the “Nays” outnumbered the “Ayes”. The decision of the Chairperson was meant to prompt a confirmation of whether the “Noes” met the constitutional threshold required to reject the reservations and recommendation of the President. In the event the Chairperson was to declare that the “Noes” had it, without ascertaining their numbers through a Division, the Chairperson would have misled the House into taking a decision in a manner contrary to that contemplated by Article 115 of the Constitution and the Standing Orders.

Given that, passing the Bill a second time fully accommodating the President’s reservations requires **a simple majority of those present and voting**, provided that the House has quorum (Articles 115(2)(a) as read together with Article 122(1)), it is proposed that, to reassure those opposed to the simple majority’s vote, future votes on President’s reservations may have to be

proceeded with through a Division. This will bring clarity on whether those desirous of rejecting the President’s proposals number at least two-thirds as provided for in Article 115(4) of the Constitution.

Bicameral consideration of Bills

a) Senate Bills to the National Assembly

Articles 110 to 114 of the Constitution subject legislation concerning county governments to bicameral consideration of both Houses of Parliament. In the second Session, the National Assembly received sixteen (16) Bills from the Senate for consideration. By the close of the Session on 6th December 2018, the status of Senate Bills in the National Assembly was as hereunder –

- 6 Bills had been passed and returned to the Senate;
- 1 Bill was awaiting Committee of the Whole House;
- 2 Bills had been read a First Time and were pending Second Reading; and,
- 7 Bills had been referred to the Parliamentary Budget Office (PBO for review in accordance with Article 114 of the Constitution)

The PBO had concluded technical review of 3 of the 7 Bills referred to it for review pursuant to Article 114 of the Constitution and cleared them to proceed to Second Reading when the House resumes for the Third Session. These are –

- (i) The Office of the County Attorney Bill (Senate Bill No. 3 of 2018)
- (ii) The County Statistics Bill (Senate Bill No. 9 of 2018)
- (iii) The Salaries and Remuneration Commission (Amendment) Bill (Senate Bill No. 12 of 2018)

Chart 1 below is a summary of the status of Senate Bills in the National Assembly as at the end of the Second Session:

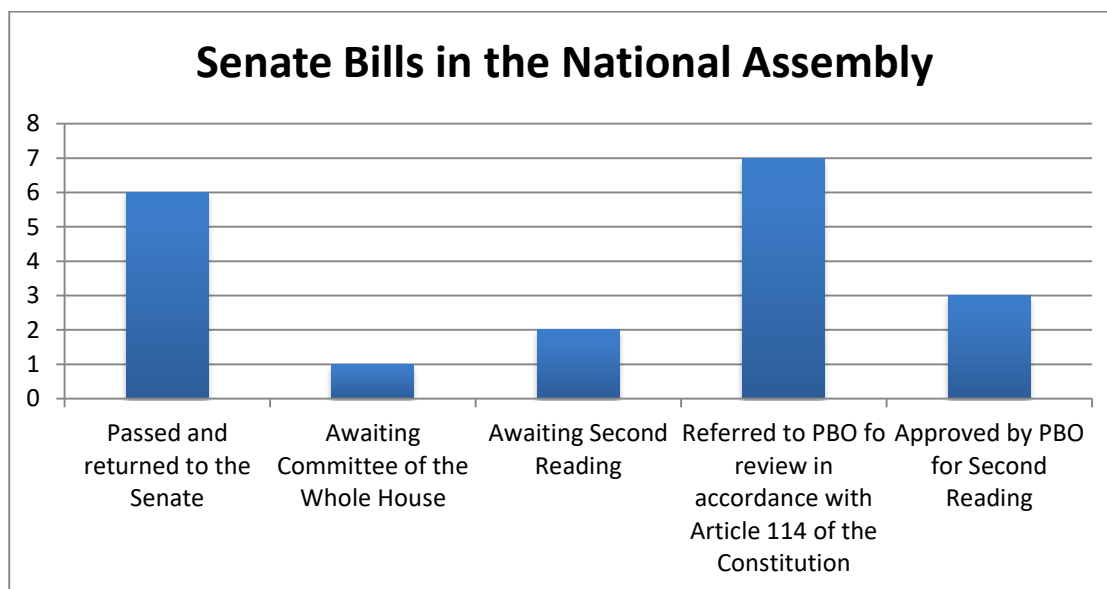


Chart 1: An overview of Senate Bills in the National Assembly

b) National Assembly Bills in the Senate

During the Second Session, and pursuant to the provisions of Article 110 of the Constitution, the National Assembly passed and referred to the Senate 11 Bills originating in the National Assembly.

The Senate had concluded and returned only one Bill, the Division of Revenue Bill (National Assembly Bill No. 7 of 2018), to the National Assembly. It remains the only National Assembly Bill referred to the Senate that went through bicameral consideration and assent. By the end of the Session, all the other 10 National Assembly Bills referred to the Senate remained pending in the Senate. Below is a pictorial presentation of National Assembly Bills referred to the Senate –

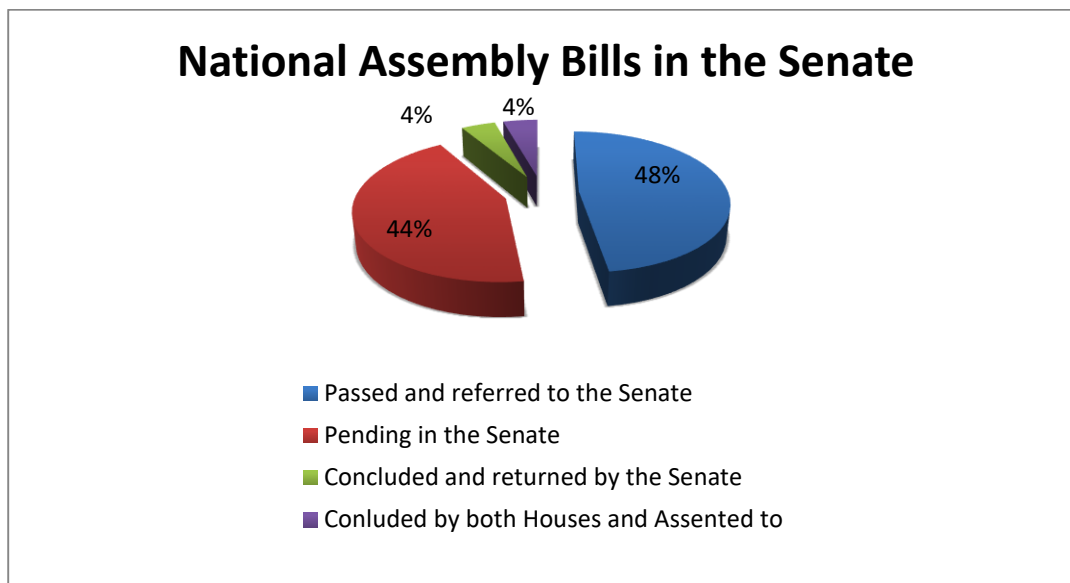


Chart 2: National Assembly Bills to the Senate

An overview of bicameral relations in legislative process

As stated earlier, bicameral consideration of Bills is anchored in Articles 110-113 of the Constitution. Over the 6 years of bicameralism, there has been contestation between the Houses with regard to the extent of each House’s legislative mandate. Two areas of contention have been arisen. First, the National Assembly has, on numerous occasions claimed that the Senate is overstepping its mandate by originating legislation on areas that fall within the purview of the National Assembly, particularly where the intended legislation is perceived to relate to functions assigned to the national government in Part I of the Fourth Schedule to the Constitution. Secondly, the National Assembly has made assertions that some of the Bills from the Senate do not comply with the provisions of Article 114 of the Constitution, which provides that such legislation may only originate in the National Assembly.

A review of the Official Reports (*Hansard*) reveals two occasions where the Houses of Parliament differed with each other on the aforementioned matters. On July 24, 2018, the Leader of the Majority, with the support of the Leader of the Minority Party, sought the Speaker’s indulgence to strike out three Orders for First Reading of Senate Bills. He argued that they were misplaced, to the extent that the Budget and Appropriations Committee had not tabled its Report on a review of the said Bills in terms of Article 114 of the Constitution, which was a prerequisite for consideration of such Senate Bills by the National Assembly. The Leader of the Majority said –

*“Article 109(5) of the Constitution says that a Bill may be introduced by any Member or Committee of the relevant House of Parliament, but a money Bill may be introduced only in the National Assembly in accordance with Article 114 of the Constitution. **Before we deal with Order Nos. 8, 9 and 10, we want your guidance on whether the Chair of the Budget and Appropriations Committee has tabled a report before this House in accordance with Article 114(2) of the Constitution because these are money Bills. What is the position of the***

Budget and Appropriations Committee? If they have not submitted a report to the House, then Order Nos. 8, 9 and 10 are misplaced. I need your guidance to remove them from the Order Paper until the Chair of the Budget and Appropriations Committee tables the relevant departmental committee report, so that we move on.

In exercising our legislative powers, we must always respect the Constitution and what it says in terms of the demarcation of roles and mandate of the two Houses. The Clerks-at-the-Table cannot read these Bills for the first time, if the Budget and Appropriation Committee has not tabled its report.⁵

The Leader of the Minority Party also weighed in, stating that –

“Article 109 (5) says that a money Bill may be introduced only in the National Assembly in accordance with Article 114 of the Constitution.

*The question that we need to determine is at what point is a Bill considered to have been introduced in the National Assembly. First Reading of the Bill introduces the Bill in the National Assembly. That can only be done in accordance with Article 114 of the Constitution, which requires that money Bills can only originate from the National Assembly, but not from the Senate. So, if some of the Bills that have listed for First Reading turn out to be money Bills, then certainly they cannot be introduced for the First Reading because they have come from the Senate. That is fidelity to the Constitution and rule of law. ... **The Constitution is clear. A money Bill cannot originate from the Senate.**”⁶*

The protracted debate that ensued thereafter in the National Assembly called for the Senate to confine itself to its legislative mandate on matters concerning County Governments and leave legislation not concerning County Governments and origination of Money Bills to the National Assembly.

Article 110(3) of the Constitution provides some window for addressing the structural bottlenecks that inhibit smooth bicameral legislative process whenever a question arises on whether a Bill concerns County Governments. The mandate given to the two Speakers under Article 110(3) is with regard to the resolution of any question that arises in either House. However, the remit of raising or originating such a question lies with the Members of the respective Houses, not the Speakers.

Standing Order 143 of the National Assembly Standing Orders outlines the procedure applicable to the consideration of Bills originating from the Senate which have a “money” effect. Upon the First Reading of any Bill from the Senate, the Speaker is required to determine whether or not the Bill is a money Bill in line with the provisions of Article 114 of the Constitution. Where the Speaker determines a Bill originating from the Senate to be a money Bill, the Bill is referred to the Budget and Appropriations Committee to obtain the views of the Cabinet Secretary for the National Treasury and to advise the House on whether or not to proceed with the consideration of the Bill.

The provisions allowing consultations between the two Speakers as and when a question arises on whether a Bill concerns County Governments and the recent procedure seeking recommendations of the Budget and Appropriations Committee with regard to a money Bill from the Senate, provide an avenue for limiting contestations between the two Houses over their respective legislative

⁵National Assembly, Official Report, Tuesday, July 24, 2018, p. 8

⁶National Assembly, Official Report, Tuesday, July 24, 2018, p. 8 – 9

mandates.

Constitution of Kenya (Amendment) Bills

Eight years down the lane of implementing the Constitution of Kenya since its promulgation on August 2010, there have been numerous calls to revisit the Constitution and make certain amendments to it.

Chapter Sixteen of the Constitution provides the procedure for amending the Constituting. Under Article 256 of the Constitution, Parliament is mandated to initiate an amendment of the Constitution through “Parliamentary Initiative” by way of a Bill, which may be introduced in either House of Parliament. It is worth noting that, unlike ordinary Bills, consideration of a Bill to amend the Constitution must adhere to the following thresholds as set out in the Constitution –

- (i) once read a First Time, a Bill to amend the Constitution cannot be read a Second Time until after expiration of ninety (90) days from the day it was read a First Time;
- (ii) a Bill to amend the Constitution shall be deemed to have been passed by Parliament only when each House of Parliament has passed it, in both its second and third Reading, if it garners support of not less than two-thirds of all the members of that House; and,
- (iii) a Bill to amend the Constitution cannot be amended at the Committee of the Whole House.

In the Second Session of the Twelfth Parliament, two Bills were introduced in the National Assembly to amend the Constitution. These are –

- (i) The Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2018) by the Leader of the Majority Party, Hon. Aden Duale, EGH, MP;
- (ii) The Constitution of Kenya (Amendment) (No.2) Bill (National Assembly Bill No. 5 of 2018) by the Minority Party Deputy Chief Whip, Hon. Chris Wamalwa, CBS, MP.

a) The Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2018)

The Leader of the Majority Party (Hon. Aden Duale) sponsored this Bill, which was introduced in the House on Thursday, February 27, 2018. The principal objective of the Bill was to amend the Constitution to implement the two-thirds gender rule under Article 27(8) of the Constitution, which provides that the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Article 81(d) of the Constitution provides that electoral systems in our country shall comply with the general principles of the electoral systems including that of making sure that the principle of not more than two-thirds of the members of elective public bodies shall be of the same gender. That is the genesis of this Bill.

This is a subsequent attempt following previous legislative efforts that were either negated or lapsed in the Eleventh Parliament. The Bill also sought to address the Supreme Court Advisory Opinion No.2 of 2012, where the Supreme Court observed that the rights under Articles 27(6) and 27(8) of the Constitution could only be fully realized using legislative as well as other measures.

The Bill was debated at Second Reading in three Sittings – Tuesday, November 20, 2018, Wednesday, November 21, 2018 and Wednesday, November 28, 2018.

As mentioned earlier, such a Bill may only proceed to the next stage after Second Reading when it

garners the support of at least two-thirds of the Members of the House. Accordingly, and so as to mobilize sufficient numbers for purposes of putting and possibly having the Question for Second Reading carried in the affirmative, Standing Order 96 was invoked to defer the conclusion of debate, that is, the reply of the Mover and putting of the Question for Second Reading. By the end of the Second Session, the Speaker had not designated a day for the Mover to reply and the Question to be put. It is among the spotlight business that the House Business Committee is likely to prioritize when the House resumes in February 2019 for the Third Session.

b) The Constitution of Kenya (Amendment) (No. 2) Bill (National Assembly Bill No. 5 of 2018)

The principal objective of the Bill was to amend Articles 101(1), 136(2)(a), 177(1)(a) and 180(1) of the Constitution of Kenya by changing the existing date for the general election for members of Parliament, the President, member of County Assembly and the county governors and deputy county governors from the subsisting second Tuesday of August in every fifth year to third Monday in December in every fifth year. Hon. Wamalwa opined that holding general elections in August as currently stipulated in the Constitution “*unduly disrupts the education calendar and most importantly the conduct of national examinations in case of either a fresh election or a ‘run-off’ or an invalidation of a Presidential election.*”

The House debated the Bill at Second reading in two Sittings, Wednesday, August 29, 2018 and Wednesday, October 3, 2018. At the conclusion of debate, the Question was deferred to a later. On Wednesday, October 17, 2018, which was the day designated by the Speaker for putting of the Question for Second Reading, the House failed to muster the two-thirds minimum threshold for putting of the Question. Hence, the Bill stood defeated at Second Reading.

A review of the *Hansard* Report of the Sittings in which the Bill was debated at Second Reading reveals some of the reasons that might have caused the House to be reluctant in supporting the Bill. Some did argue that the election date as set in the Constitution was arrived at after extensive deliberative sessions during the Constitutional review process.

For instance, the Member for Homa Bay Town Constituency (Hon. Peter Kaluma) did observe that—

“I did dissent before the Departmental Committee on Justice and Legal Affairs. I therefore oppose this Bill. This Bill proposes that we move the election date from August to December as it was before. My opposition is based on the ground that there is no good reason in the memorandum that would justify our changing the election date from the current August to December. The process of setting the election date in Kenya was a very rigorous process during the constitution-making process. We would remember that there was a committee that was in charge of this process. The House will also remember that before the new Constitution, most of our general elections, except the snap elections, were conducted in December. A suggestion has been given that we should hold them in December since it is during school holidays.

... The thinking, as to why we hold our elections in August, if we would dare or care to look at the Bomasmaterials, is that we wanted the election cycle to end within the year of election. We were contemplating a situation whereby, if we had elections in August and subsequently have disputes around elections, we looked at settling the nation by December. So, as we begin our societal life the following year, we would proceed

smoothly. This will be jolted fundamentally because we just experienced this last year.”⁷

The Member for Kitui Central Constituency (Hon. Makali Mulu) also weighed in with the following contribution –

“I am not convinced that I should support this Bill and I have five points why I oppose it.

The first point comes from what we went through to come up with the 2010 Constitution. The process was very consultative. Very many Kenyans from all walks of life like religious leaders, serious lawyers like you and professionals like me added their voices to the debate on the Constitution of Kenya, 2010. We all agreed that we hold our elections on the second Tuesday of August in the fifth year. We need to agree that there were a few people who were still pushing for the elections to be held in December. However, the majority said that August is the best time. It is very clear that democracy demands that the majority will have their way and the minority will be listened to. Since we got this new election date, we have only managed to hold elections once, which were in August last year. ... Holding elections once is not good enough to start saying that we need to change the date. ... So, let us allow the new date to be practised for about three or four times. We are in the 12th Parliament. By the time we will have the 17th or 18th Parliament, we will talk about this date because we will have gone through the process many times and we will see whether it makes or does not make sense to change the date.

Hon. Sakwa Bunyasi, the Member for Namable Constituency also opposed the Bill at Second Reading. He argued that–

“I am inclined to oppose this Bill, much as I respect the views that have been given by Hon. Chris Wamalwa and the contributions of my colleagues to the contrary.

My first reason is a matter of principle. We passed a Constitution not too long ago. I really would have liked it to stay without us meddling with it for 10 years or more. We should adjust ourselves to fit in the Constitution and not adjust it to fit to our preferences. We have such diverse views, perhaps, all valid and we cannot depend on who has the majority to keep changing it on the basis that the majority would have their way. The Constitution should bind us and if we do so, and as we change our individual and collective habits to conform with the Constitution, we will learn to accommodate each other because we negotiate our way through life to conform to the provisions of the Constitution. ... I strongly feel that if we learnt to obey and live under the Constitution, we will find no difficulty staying with it for at least five to six election cycles and see what we need to do. The House will then see what to do at that time.”⁸

The Member for Saku constituency (Hon. Dido Rasso) also opposed the Bill, stating that–

“I rise to oppose this Bill. When we are elected to this House to represent the people of this country, we take an oath of office to protect the Constitution. We cannot amend or attempt to change the Constitution on a whim. There are democracies that we borrow from: the United States of America, Canada and Britain. Since 1776 until around 1954, the Americans were able to change their Constitution 14 times. The Canadians for 45 years did not make a single amendment to their Constitution. Changing the Constitution on a whim is a weighty thing. We, in this House, cannot arrogate to ourselves the knowledge, the expertise or whatever thing to pretend that we can sit here to say that something is wrong with our Constitution.”⁹

⁷ The National Assembly Official Report, Wednesday, October 3, 2018, pp. 4-5

⁸ The National Assembly Official Report, Wednesday, October 3, 2018, p.12

⁹ Ibid, p. 14

3.0 STATUTORY INSTRUMENTS



Section 8 of the Treaty Making and Ratification requires that the relevant Committee of the National Assembly considers subsidiary legislation any statutory instrument made under any law, before it could have a full force of the law. The relevant committee is the Committee on Delegated Legislation, which may, in exercise of the delegated power give a “no-objection” verdict to a statutory instrument on behalf of the National Assembly or recommend that the House annuls all or part of a particular statutory instrument.

During the Second Session a total of 86 Statutory Instruments were submitted to the National Assembly Out of the 86 instruments submitted, 42 instruments were approved by the House five (5) were recommended for revocation to allow to republishing by the Regulation Making Authority, 16 were annulled by the House and twenty three (23) are pending consideration in the Third Session.

a) Statutory Instruments (Total number introduced 86)

(i) Instruments for which the Committee gave a “no-objection”

- 1) The Kenya Defence Forces (Rules of Procedure) Regulations, 2017;
- 2) The Kenya Defence Forces (Retired Officers and Service Members) Regulations, 2017;
- 3) The Kenya Defence Forces (Missing Persons) Regulations, 2017;
- 4) The Kenya Defence Forces (Internal Grievance Mechanism) Regulations, 2017;
- 5) The Kenya Defence Forces (Imprisonment) Regulations, 2017;
- 6) The Kenya Defence Forces (General) Regulations, 2017;
- 7) The Kenya Defence Forces (Execution of Sentence of Death) Regulations, 2017;

- 8) The Kenya Defence Forces (Constabulary) Regulations, 2017;
- 9) The Kenya Defence Forces (Commissioning of Officers) Regulations, 2017;
- 10) The Kenya Defence Forces (Board of Inquiry) Regulations, 2017;
- 11) The Kenya Defence Forces (Active Service Punishment) Regulations, 2017;
- 12) The Competition Tribunal (Procedure) Rules, 2017;
- 13) The Companies (General) (Amendment) (No. 2) Regulations, 2017;
- 14) The Capital Markets Authority (Online Foreign Exchange) Regulations, 2017;
- 15) The Land Regulations, 2017;
- 16) The Land Registration (Registration Units) Order, 2017;
- 17) The Land Registration (General Registration) Regulations Order, 2017;
- 18) The Land (Extension and Renewal of Leases) Rules, 2017;
- 19) The Land (Conversion of Land) Rules, 2017;
- 20) The Land (Assessment of Just Compensation) Rules, 2017;
- 21) The Land (Allocation of Public Land) Regulations, 2017;
- 22) The Capital Markets Authority (Securities Lending, Borrowing and Short-Selling) Regulations, 2017;
- 23) Legal Notices 44 & 45 relating to Income Tax Act (Exemption from Tax);
- 24) Insolvency (Amendment) Regulations, 2018;
- 25) The Companies (General) (Amendment) Regulations, 2018;
- 26) The SACCO Societies Deposit Levy (Amendment) Order, 2018;
- 27) Exemption from expiry of LN. 86/2014 and LN.44/2018;
- 28) The Insolvency (Amendment) (No.2) Regulations, 2018;
- 29) The Kenya Defence Forces Rules of Procedure (Amendment) Regulations, 2018;
- 30) The Kenya Defence Forces (Retired Officers & Service Members) (Amendment) Regulations, 2018;
- 31) The Kenya Defence Forces (Missing Persons) (Amendment) Regulations, 2018;
- 32) The Kenya Defence Forces (Internal Grievance Mechanism) (Amendment) Regulations, 2018;
- 33) The Kenya Defence Forces (General) (Amendment) Regulations, 2018;
- 34) The Kenya Defence Forces (Constabulary)(Amendment) Regulations, 2018;
- 35) The Kenya Defence Forces (Board of Inquiry) (Amendment) Regulations, 2018;
- 36) The Retirement Benefits (Individual Retirement Benefit Scheme) (Amendment) Regulations, 2018;
- 37) The Proceeds of Crime and Anti-Money Laundering (Amendment) Regulations, 2018;
- 38) The Public Finance Management (National Government) (Amendment) Regulations, 2018;
- 39) The Retirement Benefits (Occupational Retirement Benefits Schemes) (Amendment) Regulations, 2018;
- 40) The Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018 and the Explanatory Memorandum;
- 41) Retirement Benefits (Post-Retirement Medical Funds) Guidelines, 2018 and the Explanatory Memorandum; and
- 42) Retirement Benefits (Good Governance Practices) Guidelines, 2018 and the Explanatory Memorandum.

(ii) Instruments recommended for revocation to allow to republishing by the Regulation Making Authority

- 1) The Wildlife Conservation Management (Protection of Endangered and Threatened Ecosystems, Habitats and Species) Regulations, 2017;
- 2) The Wildlife Conservation Management (Joint Management and Protection of Water Towers) Regulations, 2017;
- 3) The Wildlife Conservation Management (Implementation of Treaties) Regulations, 2017;
- 4) The Wildlife Conservation Management (Government Trophies) Regulations, 2017; and
- 5) The Wildlife Conservation Management (Compensation) Regulations, 2017.

(iii) Instruments annulled by the House

- 1) The National Land Commission (Investigation of Historical Injustices) Regulations, 2017;
- 2) The Kenya Defence Forces (Pensions and Gratuities) Regulations, 2017;
- 3) The Community Land Regulations, 2017 (*only the proposed Regulations 23 and 24*);
- 4) The Civil Aviation (Remote Piloted Aircraft Systems) Regulations, 2017;
- 5) The National Construction Authority (Amendment) Regulations, 2017;
- 6) The Traffic (Amendment) (No.3) Rules, 2017;
- 7) The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2018;
- 8) The Public Finance Management (Senate Monitoring and Evaluation) Regulations, 2018;
- 9) Traffic (Driving Schools, Driving Instructors & Driving Licenses) Rules, 2018;
- 10) The Excise Duty Act (Adjustment of Rates for Inflation) Schedule, 2018
- 11) The Public Finance Management (Tourism Promotion Fund) Regulations, 2018
- 12) The Tax Procedures (Tax Agents) Regulations, 2018;
- 13) The Air Passenger Service Charge Act (Apportionment) Order, 2018;
- 14) The Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018;
- 15) The Energy (Solar Water Heating) Regulations, 2012; and
- 16) The Judiciary Fund Regulations, 2018.

(iv) Instruments pending consideration (to be considered in the Third Session)

- 1) Approved Kenya manufacturers and quantities of duplex board to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- 2) Approved Kenya Manufacturers and quantities of inputs for the manufacture of filters to be imported at a duty rate 0% under duty remission scheme for twelve months;
- 3) Approved Kenya Manufacturers and quantities of raw materials for manufacture of goods for export to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- 4) Approved Kenya Manufacturer and quantities of inputs for manufacture of matches to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months;

- 5) Approved Kenya Manufacturers and quantities of inputs for manufacture of leaf springs, both and nuts to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- 6) Approved Kenya manufacturer and quantities of glucose to be imported at the rate of 0% under duty remission scheme for twelve months;
- 7) Approved Kenya manufacturers and quantities of sugar for industrial use to be imported at a duty rate of 10% under duty remission scheme for twelve months;
- 8) Approved Kenya Manufacturers and quantities of Raw Materials for manufacture of Solar panels to be imported at a duty rate of 0% under Duty Remission Scheme for twelve months;
- 9) Approved Kenya Manufacturers and quantities of duplex board and paper for manufacture of text and exercises books to be imported at a duty rate of 0% under duty remission scheme for twelve months;
- 10) Corrigenda to EAC Gazette Vol.AT.1 – No. 8 Legal No. 85 of 30th June, 2017;
- 11) Amendments to the Fifth Schedule of the EAC Customs Management Act, 2004;
- 12) Approved Duty Remission on Raw Materials and Inputs for Rwanda;
- 13) Stay of Application of EAC CET on Telecommunication equipment in Rwanda;
- 14) Stay of Application of EAC CET on raw materials and inputs for manufacture of textile and footwear for Rwanda;
- 15) Approved Duty Remission on raw materials and inputs for the manufactures of textile and footwear for Tanzania;
- 16) Approved Duty Remission on Raw Materials and inputs for Rwanda;
- 17) Approved Duty Remission on raw materials and Inputs for the manufactures of textile and footwear for Uganda;
- 18) Approved Duty Remission on Raw Materials and inputs for Uganda;
- 19) Revocation of the conditions contained in Legal Notice No. EAC/32/2016 of 30th June, 2016 on duty remission for sugar for Industrial Use;
- 20) Stay of Application of the conditions contained in Legal Notice EAC /39/2013 of 30th June, 2013 on duty remission for motorcycle assembly for one year;
- 21) Approved Duty Remission on Raw Materials and Inputs;
- 22) Approved measures on Import Duty Rates in the EAC Common External Tariff;
- 23) Draft Judicial Code of Conduct and Ethics (and Explanatory Memorandum).

3.1 TREATIES/PROTOCOLS/AGREEMENTS

A number of protocols and agreements were tabled in House for ratification in accordance with the Treaty Making and Ratification Act, 2012 during the Second Session. The following is the status of the various protocols, agreements and treaties submitted to the House-

Concluded and ratification approved by the House

- (a) Agreement establishing the African Continental Free Trade Area (AfCFTA);
- (b) Agreement establishing a Tripartite Free Trade Area among the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Southern African Development Community (SADC);
- (c) East African Community Protocol on Cooperation of Meteorological Services;
- (d) East African Community Protocol on Information and Communication Technology Networks;

- (e) Protocol to Eliminate Illicit Trade in Tobacco Products; and
- (f) Bilateral Air Services Agreements between Kenya & Jordan, Kenya & Jamaica and Kenya & Bahamas, and the Protocol amending the Bilateral Air Services Agreement between Kenya and Turkey.

Awaiting consideration

- (a) Inter-Governmental Convention on the International Hydrographic Organization (IHO);
- (b) Agreement for establishment of the International Anti-Corruption Academy (IACA) as an international organization;
- (c) Revised Constitution of the African Civil Aviation Commission;
- (d) Beijing Treaty on Audiovisual Performances; and
- (e) The Protocol to amend the Convention on offences and certain other acts committed on Board an Aircraft (Montreal Protocol 2014).

a) Sessional Papers

The following Sessional Papers were received within the Session:

- (i) Sessional Paper No. 3 of 2016 on the National Housing Policy **[concluded]**;
- (ii) Sessional Paper No.3 of 2017 on the National Policy on Climate Finance **[concluded]**;
- and
- (iii) Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy.



In order to fulfill its international obligations and to enhance its role in international relations, cooperation and participation, the Parliament of the Kenya is a member of various inter-parliamentary organizations and associations including:

a) ***The East African Legislative Assembly (EALA)***

The East African Legislative Assembly (Assembly) is an organ of the East African Community; established under Article 9 of the Treaty for the Establishment of the East African Community. Under the Treaty, the Assembly has a Membership comprising nine members elected by each Partner State; ex-officio members consisting of the Minister or Assistant Minister responsible for the East African Community Affairs from each Partner State; the Secretary General and the Counsel to the Community. The Assembly has a cardinal function in the furtherance of Community objectives; this function encompasses the legislative, representative and oversight mandate.

b) ***The Pan African Parliament (PAP)***

The Pan African Parliament was established as an organ of the African Union (AU) in order to ensure the full participation of African people in the development and economic integration of the continent. The ultimate aim of the Pan African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage.

c) ***The African, Caribbean, Pacific-European Union Joint Parliamentary Assembly (ACP-EU – JPA)***

The ACP-EU Joint Parliamentary Assembly is one of the organs of joint institutions established under the *Cotonou* Agreement. The Assembly was created out of a common desire to bring together the representatives of the African, Caribbean and Pacific states

that have signed the *Cotonou* Agreement, and the European Parliament. The ACP-EU brings together more than 320 MPs from the 79 ACP Countries and Members of the European Parliament, drawn from the 27 member states of the EU.

d) *The Inter-Parliamentary Union (IPU)*

The IPU is the international organization of Parliaments and was established under Article 1 of the Statutes of the Inter-Parliamentary Union in 1889.

The Union is the focal point for world-wide parliamentary dialogue and works for peace and co-operation among peoples and for the firm establishment of representative democracy.

e) *The Commonwealth Parliamentary Association (CPA)*

The Commonwealth Parliamentary Association (CPA) is an association of Parliamentarians from the Commonwealth countries. The CPA was formed to promote parliamentary democracy, and enhance governance, respect for individual rights and rule of law. It also facilitates co-operation between the Parliaments and Legislatures represented in it.

f) *The Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR)*

The Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR) was established in 2008 to, *inter alia*, provide a platform for exchange of experiences, conflict resolution and dialogue between Parliaments of the Member States of the ICGLR. These Member States are Angola, Burundi, Central African Republic, Republic of Congo, the Democratic Republic of Congo, Kenya, Rwanda, Sudan, South Sudan, Tanzania, Uganda and Zambia.

The National Assembly participated in events relating to International Desks in the period under review as follows:-

Desk	Activity	Dates	Venue
EALA	5 th Meeting of the 1 st session of the 4 th Assembly of the East African Legislative Assembly	11 th May, 2018	Nairobi, Kenya
CPA	Budget and Coordinating Committee Meetings	13 th – 22 nd January, 2018	Yaoundé & Buea, Cameroon
	CWP Sensitization Regional Workshop	24 th – 27 th January, 2018	Durban, Kwazulu - Natal, South Africa
	Commonwealth Parliamentarians Forum	26 th February - 1 st March, 2018	London, UK
	Post-Election Seminar for Members of the National Assembly of the Twelfth Parliament	4 th – 8 th March 2018	Mombasa, Kenya
	74 th Executive Committee Meeting	7 th -12 th March, 2018	Bayelsa State, Nigeria
	Residency Component of McGill's Professional Development Course: <i>Current Trends in Parliamentary Administration</i>	19 th - 23 rd March, 2018	Naivasha, Kenya
	CPA Mid-Year Executive Committee Meeting	21 st – 23 rd March, 2018	Port Louis, Mauritius
	4 th Youth Parliament	14 th – 19 th April, 2018	Kampala, Uganda
	3 rd Professional Development Seminar of the Society of Clerks-At-The-Table (SoCATT), Africa Region	1 st – 5 th July, 2018	Windhoek, Namibia
	Budget Committee Meetings	17 th -20 th July, 2018	Nairobi, Kenya
	Coordinating Committee Meetings	19 th -21 st July, 2018	Nairobi, Kenya
	49 th Africa Region Conference	13 th – 22 nd August, 2018	Gaborone, Botswana
	CPA Africa SoCATT Steering Committee	9 th -12 th November, 2018	Avani, Victoria Falls, Zambia
	Special Excom, Constitutional Committee and Budget Committee Meetings	23 rd November, 2018	Dar es Salaam, Tanzania
	CPA Fundamentals Programme on Parliamentary Practice and Procedures	19 th - 24 th November, 2018	Witwatersrand, South Africa
	Westminster Seminar on Parliamentary Practice and Procedures	26 th – 30 th November, 2018	UK, London
ACP-EU	The 49 th Session of the ACP Parliamentary Assembly and the Inter-sessional meetings of the ACP-EU Joint Parliamentary Assembly	19 th to 22 nd March, 2018	Brussels, Belgium
	15 th Regional Meeting (East Africa) of the ACP-EU JPA	10 th to 14 th April, 2018	Nairobi, Kenya
	The 50 th Session of the ACP Parliamentary Assembly and 35 th Session of the ACP-EU Joint Parliamentary Assembly	12 th to 20 th June, 2018	Brussels, Belgium
	The 51 st Session of the ACP Parliamentary Assembly and the Inter-sessional meetings of the ACP-EU Joint Parliamentary Assembly	9 th to 11 th October, 2018	Brussels, Belgium

	The 52 nd Session of the ACP Parliamentary Assembly and 36 th Session of the ACP-EU Joint Parliamentary Assembly	28 th November to 5 th December, 2018	Cotonou, Benin
PAP	6 th Ordinary Session of the 4 th Parliament of the Pan-African Parliament	3 rd – 19 th May 2018	Midrand, South Africa
	Committee Sitzings of the Pan-African Parliament	4 th – 11 th August, 2018	Midrand, South Africa
	First Ordinary Session of the Fifth Parliament of the Pan-African Parliament	18 th October – 3 rd November, 2018	Kigali, Rwanda
	11 th Annual Women’s Conference of the Pan-African Parliament	31 st October – 1 st November, 2018	Kigali, Rwanda
	UNFCCC Conference of Parties (COP - 24)	3 rd – 14 th December, 2018	Katowice, Poland
IPU	Annual Parliamentary Hearing at the United Nations	22 nd -23 rd February 2018	New York, USA
	138 th Assembly of the Inter-Parliamentary Union (IPU)	22 nd to 28 th March, 2018	Geneva, Switzerland
	2018 High Level Political Forum on Sustainable Development and Related IPU Activities	9 th to 18 th July, 2018	New York, USA
	139 th Assembly of the Inter-Parliamentary Union (IPU)	10 th to 20 th October, 2018	Geneva, Switzerland
	Parliamentary Seminar on Advancing Gender Equality in Kenya	15 th to 17 th November, 2018	Naivasha, Kenya
FG-ICGLR	The Legislative Elections Observer Mission (LEOM)	29 th August - 5 th September, 2018	Kigali,Rwanda
	Joint Committee Meetings of the Committee on Peace and Security and the Committee on Democracy and Good Governance	13 th - 15 th November, 2018	Khartoum, Sudan
Other International Events			
1.	The Conseil Business Meetings of Brussels	5 th – 6 th September, 2018	Brussels, Belgium
2.	2 nd World Parliamentary Forum on Sustainable Development	12 th -13 th September, 2018	Bali, Indonesia
3.	UN High Level Meeting on Non-communicable Diseases	27 th September, 2018	New York, USA
4.	The 73 rd Session of the United Nations General Assembly	18 th September - 5 th October, 2018	New York, USA
5.	International Leadership Conference	18 th Feb – 22 nd Feb, 2018	Seoul, Korea
6.	Workshop on the Role of Parliaments in Combating Illicit Financial Flows from Africa	24 th -26 th April, 2018	Abuja,Nigeria
7.	22 nd St. Petersburg International Economic Forum	24 th – 26 th May, 2018	Russia
8.	National Conference of State Legislatures Annual Legislative Summit	30 th July – 2 nd August 2018	Los Angeles, USA
9.	<i>Evalcolombo</i> 2018 Parliamentarians’ Global Event	17 th – 19 th September, 2018	Colombo,Sri Lanka

4.1 Caucuses

Standing Order 259A provides that the Speaker may, upon the written request of at least ten Members, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective.

4.2 Friendship Groups

Parliamentary cooperation is also undertaken through a number of bilateral relations initiatives that are aimed at developing strategic partnerships with other Parliaments so as to share experiences, strengthen inter-parliamentary cooperation and provide the necessary support for the achievement of the country's foreign policy objectives. The following are some of the activities that were undertaken by Caucuses and Friendship Groups during the period under review-

Caucus/ PFG	Activity	Dates	Venue
KEWOPA	Inauguration of the Women Political Leaders (WPL) Africa Office	27 th – 29 th April, 2018	Kigali, Rwanda
KYPA	Retreat for the Kenya Young Parliamentarians Association (KYPA)	18 th – 20 th May 2018	Mombasa, Kenya
KEDIPA	The Global Disability Summit	22 nd – 28 th July 2018	London, UK
KYPA	One Young World Summit	17 th – 20 th October, 2018	The Hague, Netherlands
PGA	The 10 th Consultative Assembly of Parliamentarians for the International Criminal Court and the Rule of Law (CAP-ICC) and the 40 th Annual Forum for the Parliamentarians for Global Action (PGA)	16 th – 17 th November, 2018	Kiev, Ukraine
Kenya-China PFG	Visit to the National Assembly by the China-Kenya Friendship Group	11 th -15 th November, 2018	National Assembly
WSPU	World Scout Parliamentary Union	12 th to 15 th November, 2018	Bangkok, Thailand

4.3 Attachments/Internships

The Directorate, through the Office of the Clerk of the National Assembly, receives requests for internships/attachments from time to time. These requests are managed on a need basis taking into consideration the relevance of the field of training of the applicant vis-a-vis the operations of the Directorate and the expected benefit to the student/intern. The following interns were attached to various departments in the National Assembly during the period under review:-

4.4 Key Procedural issues and other developments

A number of procedural developments were observed in the Second Session.

- (i) **Budget-related processes:** 2018 saw the re-introduction the Committee of Supply procedure provided for under Standing Orders 239, 240 and 240A. This entailed having a general debate on the Report of the Budget and Appropriations Committee on the annual budget estimates and then considering the budget estimates at Committee stage and voting on each Ministry or State Department's Vote and Programme(s). It is still a matter of debate whether to re-introducethe Committee of Ways and Means to deal with the revenue side of the Budget and provide for collection of taxes by the Government before passage of the Finance Bill. Of interest too is consideration on whether the Finance Bill ought to be passed

before the budget itself or at the same time to ensure the revenue and expenditure sides are better managed.

(ii) **Question Time:** a new procedure was introduced in the amendments to the Standing Orders in July 2018. The amendments re-introduced question time, albeit in a different style. More detail on this process is discussed elsewhere in this report.

(iii) **Challenges during consideration of the Presidential Memorandum on the Finance Bill, 2018:** the President refused to assent to the Finance Bill as passed by the National Assembly in August 2018, submitting a memorandum proposing re-instatement of Value Added Tax rates and other levies which had not been passed. This led to public outcry as reported in the media. During the special sitting convened for purposes of this reconsideration, even though the reconsideration of the of the Bill fully accommodating the President's reservations obtained the simple majority required to pass in terms of Article 115(2)(a) as read together with Article 122(1) of the Constitution, a section of the Members present opted not to participate in an electronic or roll-call vote. This made it difficult to determine if the two-thirds majority threshold required by the Constitution to negate the President's recommendations was present. As such, there was disorder witnessed in the Chamber during the sitting, and eventual consideration of the Bill at Committee stage.

(iv) **Reconsideration of a House Decision:** during the year, a certain firm wrote to the Speaker regarding a resolution by the House with regard to the Report of the Departmental Committee on Agriculture, Livestock and Cooperatives on *'The Crisis Facing the Sugar Industry in Kenya'* adopted in the 1st Parliament. The Report recommended the cancellation of import licenses for the firm without having accorded it a right to be heard despite their attempts to do so before tabling and adoption of the report. As a result, the firm was unable to obtain its import permit. The company therefore petitioned the National Assembly to assist in this regard, despite having gone to court to seek legal redress on the same. Given that a Committee of the House made an omission by not giving opportunity to the said company to rebut the claims made against it, the Speaker ruled that the Committee on Implementation looks into the matter and reports its findings to the House. Ultimately, the House adopted a Report of the Committee on Implementation resolving to reconsider its resolution made during a previous Parliament and to expunge the name of *M/s. Kenafri Limited* from the adverse recommendations.

4.5 Disciplinary and Penal Powers of the House

The Parliamentary Powers and Privileges Act provides for the powers, privileges and immunities of Members of Parliament to make provision regulating admittance to and conduct within the precincts of Parliament. Upon swearing in, each Member automatically swears to abide by the Code of Conduct which is incorporated in the Fourth Schedule of the Parliamentary Powers and Privileges Act. In addition, the National Assembly is governed by rules established by Members themselves in the form of Standing Orders.

4.6 Order in the House and in Committee of the Whole House

During the review of the Standing Orders at the end of the 11th Parliament in June, 2017, the House made the following amendments regarding Disciplinary Powers of the House

(a) **Standing Order 107:** under the provisions for Disorderly conduct, there was need to redefine and categorize disorderly conduct into two, that is, ‘disorderly conduct and ‘gross disorderly conduct.’ This amendment was to expand the definition of ‘disorderly conduct’ to provide for graduated punishment commensurate to the disorder and penalty to be meted on Members of Parliament.

(b) **Effect of suspension:** Standing Order 110A provides that a Member who is ordered to withdraw from the precincts of the Assembly shall during the period of such withdrawal or suspension forfeit the right of access to the precincts of the Assembly and his or her salary and all allowances payable during the period. An amendment to provide that on suspension from the service of the House a Member may appear before a Committee for the consideration of a Bill sponsored by the Member was adopted by the House.

(c) **Appeal against suspension:** Standing Order 110B provides for the procedure for a Member to appeal against a suspension to the Committee of Privileges.

The Committee appreciated issues raised regarding the matter of the breach of the Member’s rights under Article 47 of the Constitution and in particular touching on fair administrative action and fair hearing. It was proposed that an offender should be provided an opportunity of being heard through referral of matters of grievous conduct to the Committee of Parliamentary Powers and Privileges with clear mechanisms for appeal.

(d) **Action to be taken on refusal to withdraw:** Standing Order 111 was amended to reduce the severity of penalty upon refusal by a Member to withdraw when required to do so by the Speaker or the Chairperson of a Committee, having called the attention of the House or Committee to the fact that recourse to force is necessary in order to compel such Member to withdraw. Previously, a Member would be suspended from the service of the House for the remainder of the Session. The current Standing Orders provide for suspension for a *minimum of twenty-one days* and a *maximum of ninety days*.

The amendments were brought about by a recommendation of the Committee of Powers and Privileges on the matter of suspension of the Hon. James Opiyo Wandayi, MP in the 11th Parliament. The Committee considered the issue of uniformity of punishment, an important principle of criminal justice emphasizing pre-offense predictability, retributive proportionality, in-system predictability and purposeful sentencing. It was observed that an offending Member at the beginning of a Session does not get a similar treatment and punishment as a Member committing the same offence towards the end of the same Session. It was recommended that the National Assembly Standing Order 111 be reviewed to cure the unequal treatment for the same offence committed at different times during the Session.

It was further observed that Standing Order 111 is self-executing without providing room for the presiding officer or chairperson of a Committee to manage unique situations.

Issues had arisen on whether the decision taken by the Speaker when enforcing this Standing Order violated the principles of proportionality. The Committee appreciated that owing to the self-executing nature of the then Standing Order 111, the hands of the Speaker were tied. The Committee recommended that the Standing Orders be reviewed to provide room for presiding officers to manage unique circumstances as and when they arise.

Suspensions from the House

Standing Order 107 (1) (b) provides that “A Member commits an act of disorderly conduct if the Member knowingly raises a false point of order.” Standing Order 107 (2) provides that the Speaker may call a Member whose conduct is disorderly to order, and caution the Member; or order the Member to withdraw from the precincts of the Assembly for a maximum of four days.

The following suspensions were recorded:

1. During the House proceedings of 13th March, 2018, the Leader of the Majority Party rose on a point of order and brought to the attention of the House that the Member for Mavoko (Hon. Patrick Makau) was seated in the place of the Leader of the Minority Party. The Speaker ordered the Member for Mavoko to vacate the seat three times, but the Member did not move from his position. Standing Order 20 read together with Article 108 of the Constitution provide for the Offices of the Leader of the Minority Party and Deputy Leader of the Minority Party. Further, Standing Order 259 provides for reservation of seats in the Chamber of the House for the exclusive use of each of the Leadership of the House including the Leader of the Minority Party. The Speaker invoked the provisions of Standing Order 107 (2) (b) and ordered the Member to withdraw from the precincts of the Assembly for the remainder of the day.
2. During the sitting of Tuesday, 17th April, 2018, the House considered the report on the vetting of the nominee for appointment as a member of the Judicial Service Commission. As the Speaker proposed the Question to an amendment to the Motion, the Hon. Millie Odhiambo interrupted the Speaker by shouting “Point of Order” without requesting to speak through the intervention button in the electronic system. The Speaker asked her to log into the system and place her request. Upon failure to do so, the Speaker ordered the Member out of the House for the remainder of the day.

4.7 Matters referred to the National Assembly Committee of Powers and Privileges

Section 15(4)(a) of the Parliamentary Powers and Privileges Act, 2017 mandates the Committee to inquire into the conduct of a Member which is alleged to constitute a breach of privilege in terms of section 16 of the Act. The Committee may inquire into such conduct of a Member either of its own motion (*suo moto*) or as a result of a complaint made by any person. Upon conclusion of the inquiry, the Committee may recommend any or all the sanctions under Section 17 of the Act.

The following were the main issues on privilege considered by the Committee during the period under review.

I. Inquiry Into Alleged Unethical Conduct by the Member For Embakasi East (Hon. Paul Ongili, MP) and the Member For Starehe (Hon. Charles NjaguaKanyi, MP)

The Office of the Speaker of the National Assembly received a letter from the Ethics and Anti-Corruption Commission (EACC) dated October 12, 2017 requesting the National Assembly to investigate and take necessary action against the Member for Embakasi East Constituency, Hon. Paul Ongili, MP, alias *Babu Owino* and the Member for Starehe Constituency, Hon. Charles Kanyi, MP, alias *Jaguar* for unethical conduct and breach of privilege relating to a scuffle between them within the precincts of Parliament on 10th October 2018. The Speaker noted the

contents of the letter and referred it to the Committee of Powers and Privileges for consideration.

On 9th November 2017, the Office of the Speaker also received a Petition signed by one Bernard Abuya Momanyi, a resident of Embakasi East Constituency. The Petitioner claimed that the Member acted in a manner that demeaned his office contrary to the provisions of Chapter Six of the Constitution and in contravention of section 16(e) of the Parliamentary Powers and Privileges Act, 2017. He prayed that the National Assembly investigate the conduct of the Member for Embakasi East Constituency and recommends the vacation of office by the Member pursuant to Article 103(1) (c) of the Constitution. The Speaker conveyed the Petition to the House on Thursday, 14th December 2017 and referred it to the Committee of Powers and Privileges for consideration.

The Committee held five (5) sittings to gather and consider evidence on the matter. Oral submissions were received from the Hon. Paul Ongili, MP, the Hon. Charles Njagua Kanyi, MP, and from the Deputy Chief Parliament Security and Safety Officer, among other witnesses. However, the Petitioner, Bernard Abuya Momanyi, did not appear before the Committee despite being invited vide a letter dated 28th June 2018 and numerous attempts by the Secretariat to reach him. Accordingly, the Committee resolved to proceed to consider the Petition without his input. The Committee also reviewed related documents and video clips submitted to it.

The Committee found that notwithstanding the then prevailing political environment in the country, which was said to be the cause of the altercation, the Hon. Paul Ongili Owino and Hon. Charles Kanyi Njagua conducted themselves in a manner that reflected adversely on the dignity and integrity of the National Assembly and its Members, and that their actions were a breach of privilege and punishable in accordance with Section 41 of the Leadership and Integrity Act, 2012 and Section 17(3) of the Parliamentary Powers and Privileges Act, 2017.

The Committee therefore made the following recommendations—

- (1) THAT pursuant to section 17(3)(b) of the Parliamentary Powers and Privileges Act, 2017, the Speaker reprimands the Hon. Paul Ongili Owino and Hon. Charles Kanyi Njagua for conducting themselves in a manner that reflected adversely on the dignity and integrity of the National Assembly and its Members, contrary to section 16(e) of the Parliamentary Powers and Privileges Act, 2017; and
- (2) THAT pursuant to section 17(3) (c) of the Parliamentary Powers and Privileges Act, 2017, the Speaker orders the Hon. Paul Ongili Owino and Hon. Charles Kanyi Njagua to apologize to the House and the Members for conducting themselves in a manner that reflected adversely on the dignity and integrity of the National Assembly and its Members contrary to section 16(e) of the Parliamentary Powers and Privileges Act, 2017.

The Deputy Speaker, who was presiding over the sitting during which the Committee's Report with these recommendations was adopted, communicated to the House that the two Members were considered strangers forthwith until they had been reprimanded and tendered a suitable apology to the House and Members in accordance with section 17(3)(b) and (c) of the Parliamentary Powers and Privileges Act, 2017. The two Members tendered their apologies at

the Bar of the House during the same sitting and were subsequently admitted back to the House.

II. Inquiry into allegations of bribery of some Members of the National Assembly during consideration of the Report of the Joint Sittings of the Departmental Committees on Agriculture and Livestock, and, Trade, Industry and Co-Operatives on the Inquiry into Alleged Importation of Illegal and Contaminated Sugar into the Country

On or around July 7, 2018 there were media reports published in *The People Daily* Newspaper of bribery allegations against Members of Parliament and which also referred to Parliament as a “house of bribes.” Subsequently, allegations of bribery against certain Members of Parliament arose during the debate on the Report of the Joint Committee on Trade, Industry and Cooperatives and that on Agriculture and Livestock, on the inquiry into importation of alleged illegal and contaminated sugar into the country. Consequently, the Speaker of the National Assembly referred the claims to the Committee of Powers and Privileges to investigate and report on the matters, which touch and relate not only to the integrity of the Members of the National Assembly but the dignity of the House as well.

As the Committee mandated to deal with matters relating to the integrity of the Members of the National Assembly and the House, the Committee resolved to investigate the adverse allegations on the conduct of certain Members of the National Assembly around the time of the debate on the report of the Joint Committee.

The Committee held twelve sittings to consider the matter, and received oral submissions from twelve Members who had been identified as persons of interest, in addition to reviewing media reports including newspaper articles and video clips on the matter. A Report with the Committee’s findings and recommendations was subsequently tabled. On Wednesday, 28th November, 2018, the House adopted the recommendation of the report with amendments as follows:-

“THAT, in view of the foregoing, and taking into account the contradictions and inconsistencies in the evidence of the witnesses who appeared before the Committee of Powers and Privileges, and the fact that the Committee lacks capacity to conclusively investigate such matters which may border on criminality, this House notes that the Honourable Members who made claims of bribery against fellow Members are at liberty to make formal reports to other competent state investigative agencies to undertake investigations.”

5.0 REVIEW OF THE STANDING ORDERS

In exercise of the powers conferred to it under Article 124 of the Constitution of the Republic of Kenya, the National Assembly crafted and by resolution adopted its current Standing Orders under the new Constitutional dispensation on 9th January, 2013. Subsequently, the Standing Orders were amended three more times by the House. The 3rd Edition of the Standing Orders incorporated amendments made by the House on the following dates -

- (a) 25th April 2013;
- (b) 6th May 2013;
- (c) 4th December 2013;
- (d) 11th June 2014;
- (e) 28th August 2014; and,
- (f) 15th June 2017.

The re-constitution of Committees in the Twelfth Parliament presented challenges that needed to be addressed through amendments to Standing Orders. Consequently, in December, 2017 and June 2018, amendments to the Standing Orders were proposed by Members and Committees pursuant to Standing Order 263 which provides for amendments on the initiative of a Member.

The Committee met on Wednesday, 6th December, 2017 to consider the proposals submitted as follows-

(i) Changes to raise the Committee membership

- (a) The membership of various Committees be increased by between two and six Members, depending on the type of Committee and existing membership;
- (b) There be a limitation on a Chairperson or Vice-Chairperson from serving in more than one Committee;
- (c) References to the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library be deleted, and the two committees be established as National Assembly Select Committees;
- (d) Standing Order 212B (*Committee on Members' Services and Facilities*) be chaired by the Leader of the Majority Party because of his position to interact with the welfare of Members; and
- (e) Standing Order 207 (*Budget and Appropriations Committee*) be amended to create two positions of Vice Chairpersons.

Justification for proposed amendments

1. While amendments adopted by the House during the 11th Parliament on reduction of membership of the Committees were aimed at increasing the efficiency and effectiveness of Members of Committees, it was noted that these amendments reduced the number of slots available to Members of Parliament to **five hundred and fifty-four (554)**. This reduction therefore effectively limits Members' participation in Committee work to at least one active Committee. Inadvertently, this reduction negates the initial intention as it

limits the effectiveness of Members in the legislative process, aware that the bulk of the House business is transacted through Committees.

2. Considering the effect of the review and taking into account the need for the Members to effectively participate in Committee business, it was proposed that the number of Members in Committees be increased to reflect the nature of the mandate given to the Committees under the Standing Orders. This would be in keeping with the original intention of fostering effectiveness and efficiency in Committee work. It was further observed that the proposed increment was minimal with an addition of only two (2) slots proposed for Departmental Committees and Watchdog Committees, and an addition of four (4) slots for the Budget and Appropriations Committee. The net effect of the proposed amendments would be to create a total of **six hundred and forty-two (642)** slots available for distributions amongst the general membership of the House, an increase of eighty-eight (88) slots.
3. It was further noted that during the review of the Standing Orders, the National Assembly retained the provisions relating to Joint Committees of Parliament whereas the Senate scrapped the provisions. Effectively, provisions establishing the Joint Committee on National Cohesion and Equal Opportunity and the Joint Committee on Parliamentary Broadcasting and Library exist only in the National Assembly Standing Orders. The purpose of the proposed amendments was therefore to mirror the change made by the Senate. It was further proposed that there be established two Committees to undertake the mandate of the Joint Committees considering their significance.

Committee Consideration

4. After deliberations, the Procedure & House Rules Committee resolved to adopt the proposed amendments save for the following observations-
 - (i) In the proposed amendment to Standing Order 174, the limitation of Vice-Chairpersons from sitting in more than one Committee be removed. This is to allow Vice Chairpersons to sit in other Committees other than the one that they have been elected to deputise. This will ensure equity aware that as in most instances, except in the absence of the Chairperson, Vice Chairpersons are by all intents and purposes considered ordinary Members of the Committee.
 - (ii) The proposed amendment to Standing Order 212B designating the Leader of the Majority Party as the Chairperson of the **Committee on Members' Services and Facilities**. The Committee observed that the inclusion of the Leader of the Majority Party as the Chair of the Committee on Members' Services and Facilities would conflict with the position of the Leader of the Majority Party in the House.
 - (iii) **The proposed amendment to Standing Order 207 (Budget and Appropriations Committee (BAC)) allocating two positions of Vice Chairpersons of the Committee.** It was the view of the Committee that having two Vice Chairs would create unnecessary bureaucracies in the Committee. Further, the Committee observed that Standing Order 183 provides for the establishment of sub-committees. The Committees resolved to allow Select Committees to freely establish sub-committees as they deem necessary for the effective conduct of their business pursuant to Standing Orders.

(ii) Amendments on procedure for Questions

1. On Tuesday, 26th June, 2018, a presentation was made to the Committee on proposed changes to the Standing Orders, following a culmination of extensive deliberations by the House Business Committee which had resolved on Tuesday, 4th June, 2018, to allow a return of **Question Time** in the House. This decision arose out of the need to make **Question Time more pronounced and make use of the plenary** in comparison to the current process.
2. Following this, the Procedure and House Rules Committee considered amendments as recommended by the House Business Committee. The amendments underwent further amendments taking into account need to ensure that Members are able to effectively carry out oversight of the Executive through the reintroduction to Question Time. In brief, the proposal was as follows-
 - (a) The processing of Questions would remain the same under the new proposal in terms of drafting, getting requisite approval and forwarding them to the relevant Ministries.
 - (b) Major points to note regarding the request for questions:
 - (i) *10-15 Questions to be asked on the floor by Members at each sitting;*
 - (ii) *Questions will be brief and placed in the Order Paper each Tuesday, Wednesday, and Thursday;*
 - (iii) *The Speaker may either drop or defer a question in the House, if the Member requesting it is absent. However, a question can be dropped at Committee level, and the written response forwarded to the Member;*
 - (iv) *A question dropped by the Speaker shall not be asked again in the same Session, unless with the leave of the Speaker; and*
 - (v) *Questions for written reply will be asked on the floor, but the response would be sent directly to the Member without going to the Committee.*

On 23rd August 2018, the House adopted the Second Report of the Procedure and House Rules Committee on the consideration of the amendments to the Standing Orders as laid on the Table of the House on 5th July 2018, and pursuant to the provisions of Standing Order 265(2), further resolved that the amendments agreed to in the Committee of the Whole House and approved by the House takes effect from 30th August 2018. The general highlights of the new procedure is as follows-

- (a) Introduction of Questions and Statements segment as part of the preliminary business of the House, which was incorporated into the Order Paper.
- (b) A Member seeking to ask a Question in the House has to give notice to the Clerk and deliver a signed copy of the Question to the Clerk for submission to the Speaker for approval. Upon the Speaker's approval of a Question, the Clerk is to publish the Question in the Order Paper.
- (c) The urgency of a Question is determined by the Speaker and is a factor of consideration during scheduling of questions.
- (d) The Leader of Majority Party informs the House of the date and time when Cabinet Secretaries are required to appear before Committees to reply to Questions. In determining the date Cabinet Secretaries are to appear before Committees, the Leader of the Majority Party considers the urgency of the Questions as determined by the Speaker and consults with the Chairpersons of Committees so as to synchronize the

scheduling of Questions with their scheduled Committee business so as to avoid overlap and short notices.

- (e) Specific guidelines on the factors affecting admissibility of Questions and the manner of responses to the Questions were stipulated.
- (f) Committee Chairpersons are now expected to submit a progress report to the House on Questions referred to the Committee, replied to, which the Committee has directed a Cabinet Secretary to provide additional information or further reply, and Questions pending before the Committee.

5.1 The place of Kiswahili in the Chamber

Article 7 of the Constitution of Kenya identifies Kiswahili as the National Language of the country, and as one of the two Official Languages (the other being English). Further, both Article 120 and Standing Order 77 provide that the official languages of Parliament are Kiswahili, English and Kenyan Sign Language. The use of Kiswahili both as a subject of study in primary and secondary schools, as a course of study in universities and as a medium of teaching in all levels of education has been a well-established practice in the country. It has also been a popular language for the masses since Independence in 1963, to community and political leaders as well as to *wananchi*. Kiswahili as a language transcends multiple cultures, regions and religions, and has long been identified as the unifying language for Africa's integration. During the period under review, the use of Kiswahili during proceedings of the House was witnessed in several occasions, including, but not limited to, the following:-

- 1) On 14th March 2018, the Member for Nyali Constituency, Hon. Mohamed Ali Mohamed, moved a Motion, which was approved by the House, seeking the establishment of a referral hospital in Mombasa County in Kiswahili:
- 2) On 14th November 2018, the Member for Nyali Constituency, Hon. Mohamed Ali Mohamed, gave a Notice of Motion meant to urge the Government to scrap medical bills for patients who pass away in public referral hospitals.

5.2 New developments during the Session

Student presents a Petition at the Bar of the House:

Standing Order 25A(b) empowers the Speaker to designate a suitable place in the Chamber or at the bar of the House for persons other than the Cabinet Secretary responsible for finance to make submissions or presentations before the House. On 11th October 2018, three female strangers, being two minors in school uniform and one adult (Plan International Country Director) approached the Chamber and stood at the Bar of the House, in the company of the Serjeant-at-Arms. The attention of the Speaker was drawn to the presence of these *strangers* at the Bar of the House, and he directed the Serjeant-at-Arms to immediately draw the Bar of the House. After this was done, the Speaker granted leave to the representative of the *strangers* to introduce themselves and to make known their motive. Ms. Mary Georgiah Onyango, a seventeen-year old form three student at St. Thaddeus High School in Nairobi County submitted to the House that she, alongside eight colleagues from eight other secondary schools in the County, had visited the National Assembly as Ambassadors of the Girl-Child. She expressed gratitude to the Honourable

Speaker for granting them the rare and unprecedented opportunity to appear at the Bar of the National Assembly and make submissions on matters affecting the girl-child. She requested the Speaker to accept and present a Petition to the House on behalf of the girl child. The Speaker directed the Serjeant-at-Arms to receive the Petition and hand it over to the Clerks-at-the-Table, where the Clerk of the National Assembly received the Petition and verified its qualification to Petition standards in line with Standing Order 220(2). The Clerk then handed the Petition to the Speaker, who conveyed the Petition to the House pursuant to Standing Order 225(2) (b).

Changes to Committee membership

Committees, whether Departmental, Select, Sessional or *Ad hoc*, are basically an extension of the House, and play a critical role in facilitating, fast-tracking and managing the passage and execution of House business. During the period under review:

- 1) The Hon. Alfred Keter (Member for Nandi Hills Constituency) was replaced, by a vote, as the Chairperson of the Departmental Committee on Labour and Social Welfare.
- 2) The Hon. Kangogo Bowen (Member for Marakwet East Constituency) was replaced, by a vote, as the Vice Chairperson of the Departmental Committee on Environment and Natural Resources.
- 3) The Hon. Silas Tiren (Member for Moiben Constituency) was replaced, by a vote, as the Chairperson of the Departmental Committee on Agriculture and Livestock.
- 4) The Hon. James Gakuya (Member for Embakasi North Constituency) was replaced, by a vote, as the Chairperson of the Committee on Parliamentary Broadcasting and Library.

The fresh elections followed a High Court ruling in December 2017 that had temporarily reinstated the four Jubilee Party's lawmakers who had been removed from heading the respective committees, pending hearing and determination of the case. Justice John Mativo issued a stay order against the decision by Majority Chief Whip to remove the MPs from the parliamentary committees they had been elected to head.

Whilst the bulk of appointment of Members to various Committees of the House had taken place in the First Session following the opening of the Twelfth Parliament in 2017, the Second Session did witness various appointments on 11th October 2018 as follows-

- 1) The Hon. Gideon Sitelu Konchella was appointed to the Departmental Committee on Trade Industry and Cooperatives to replace the Hon. Kathuri Murungi.
- 2) The Hon. Christopher Omulele and Hon. Edith Nyenze were appointed to the Departmental Committee on Finance and National Planning to replace the Hon. Alfred Sambu Wekesa and Hon. David Mboni Mwalika respectively.
- 3) The Hon. Alfred Sambu Wekesa was appointed to the Select Committee on Constitutional Implementation and Oversight to replace the Hon. Tom Joseph Kajwang'.
- 4) The Hon. Charles Kamuren was appointed to the Departmental Committee on Sports, Tourism and Culture and the Committee on Broadcasting and Library to take the slots of the Majority Party and to replace the Hon. Lilian Tomitom respectively.
- 5) The Hon. Silvanus Osoro Onyiego was appointed to the Departmental Committee on Agriculture and Livestock to take up the remaining slot for the Minority Party.

- 6) The Hon. Peter Kaluma was appointed to the Departmental Committee on Administration and National Security to replace the Hon. Justus Gesito Mugali.
- 7) The Hon. Gladys Wanga and the Hon. Justus Gesito Mugali were appointed to the Public Investments Committee to replace the Hon. Gideon Mulyungi and Hon. Nicholas Tindi Mwale respectively.
- 8) The Hon. Sakwa Bunyasi was appointed the Budget and Appropriation Committee to replace the Hon. Christopher Wangaya Aseka.
- 9) The Hon. Nicholas Tindi Mwale and the Hon. Gideon Mulyungi were appointed to the Committee on Delegated Legislation to replace the Hon. Charles Gimose and Hon. Abdulsamad Shariff Nassir respectively;
- 10) The Hon. John Walter Owino, MP was appointed to the Select Committee on Members' Services and Facilities to replace the Hon. Catherine Wambilianga.
- 11) The Hon. James Lusweti Mukwe was appointed to the Committee on National Cohesion and Equal Opportunity to replace the Hon. Mohammed Ali Lokiru.
- 12) The Hon. Tom Joseph Kajwang' was appointed to the Public Accounts Committee to replace the Hon. John Sakwa Bunyasi.
- 13) The Hon. Asha Mohamed Hussein was appointed to the Departmental Committee on Defence and Foreign Relations to replace the Hon. Silvanus Osoro Onyiego.
- 14) The Hon. Jeremiah Ekamais Lomorukai was appointed to the Departmental Committee on Trade, Industry and Cooperatives to replace the Hon. Ferdinand Wanyonyi; and
- 15) The Hon. Ferdinand Wanyonyi was appointed to the Select Committee on National Government-Constituencies Development Fund to replace the Hon. James Lusweti Mukwe.

5.3. Vetting of nominees to various public offices

The National Assembly exercised its oversight role as mandated by the supreme law of the land and by various pieces of statute by undertaking vetting of various nominees to public offices forwarded to the House by H.E. the President and other authorized institutions. During the period under review, the following nominees to public offices were vetted by the House through its designated Select or Departmental Committees:-

- 2) On 14th February 2018, the House debated and approved the appointment of the following Cabinet Secretaries:-
 - a) Prof. Margaret Kobia -Public Service, Youth & Gender Affairs
 - b) Hon. John Munyes -Petroleum & Mining
 - c) Amb. (Dr.) Monica Juma -Foreign Affairs & International Trade
 - d) Ms. Farida Karoney -Lands & Physical Planning
 - e) Hon. Peter Munya -East African Community & Northern Corridor Devt
 - f) Mr. Keriako Tobiko -Environment & Forestry
 - g) Mr. Simon Chelugui -Water & Sanitation
 - h) Hon. UkurYatani -Labour & Social Protection
 - i) Mr. Rashid Echesa M. -Sports and Heritage
- 3) On 28th February 2018, the House debated and approved the appointment of Prof. Hamadi Iddi Boga as the Principal Secretary, State Department for Agricultural Research.
- 4) On 28th February 2018, the House debated and approved the appointment of the following persons:

- a) Dr. Julius Muia -Principal Secretary, State Department for Planning
 - b) Mr. Nelson Marwa -Principal Secretary, State Department for Devolution.
 - c) Ms. Safina Kwekwe Tsungu -Principal Secretary, State Department for Gender.
 - d) Mr. Peter Kiplagat Tum -Principal Secretary, State Department for Health.
 - e) Mr. Charles Hinga Mwaura -Principal Secretary, State Department for Housing and Urban Development.
 - f) Dr. Kevit Desai -Principal Secretary, State Department for Vocational and Technical Training.
 - g) Mr. Joseph Wairagu Irungu -Principal Secretary, State Department for Water and Sanitation.
 - h) Amb. Macharia Kamau -Principal Secretary, State Department for Foreign Affairs.
- 5) On 28th February 2018, the House also debated and approved the appointment of the following Ambassadors and High Commissioners:-
- a) Prof. Judy Wakhungu -Ambassador to France
 - b) Dr. Cleopa Mailu -Permanent Representative to UN, Geneva
 - c) Hon. Dan Kazungu -High Commissioner to the United Republic of Tanzania
 - d) Mrs. Phyllis Kandie -Ambassador to Belgium, Luxemburg and the EU
 - e) Mr. Willy Bett Kipkorir -High Commissioner to India
 - f) Prof. Jacob Kaimenyi -Permanent Representative to UNESCO
 - g) Dr. Hassan Wario Arero -Ambassador to Austria
 - h) Mr. Lawrence N. Lenayapa -Ambassador to the Kingdom of Netherlands
- 6) On 28th February 2018, the House debated and approved the appointment of the following Members of the Judicial Service Commission:-
- a) Mr. Patrick Gichohi, CBS -Under Article 171(2)(g) of the Constitution
 - b) Prof. Olive Mugenda -Under Article 171(2)(h) of the Constitution
 - c) Mr. Felix Koskei
- 7) On 14th March 2018, the House debated and approved the appointment of Mr. Kennedy Nyabuti Ogeto to the Office of the Solicitor-General.
- 8) On 28th March 2018, the House debated and approved the appointment of Justice (Rtd.) Paul Kihara Kariuki as the Attorney General of the Republic of Kenya.
- 9) On 28th March 2018, the House debated and approved the appointment of Mr. Noordin Mohamed Haji to the Office of the Director of Public Prosecutions.
- 10) On 28th March 2018, the House debated and approved the appointment of Mr. Alfred Cheruiyot as Principal Secretary, State Department for Correctional Services.
- 11) On 28th March 2018, the House debated and approved the appointment of Mr. Harry K. Kimtai as Principal Secretary, State Department for Livestock.
- 12) On 14th March 2018, the House debated and approved the appointment of Mr. Jerome Okoth Ochieng as Principal Secretary, State Department for Information, Communication and Technology.
- 13) On 28th March 2018, the House debated and approved the appointment of Dr. Susan Jemtai Komen as Principal Secretary, State Department for East African Community.
- 14) On 28th March 2018, the House debated and approved the appointment of Mr. John Morangi Omenge as Principal Secretary, State Department for Mining.

- 15) On 28th March 2018, the House debated and approved the appointment of the following Ambassadors/ High Commissioners:-
- a) Amb. Richard Titus Ekai,
 - b) Hon. Wilfred Gisuka Machage and
 - c) Hon. Mohamed Muktar Shidiye
- 16) On 26th July 2018, the House debated and approved the appointment of the Chairperson and Members of the Commission on Administrative Justice as follows:- of the following persons to the Commission on Administrative Justice:
- a) The Hon. Florence Kajuju -Chairperson
 - b) Mr. Washington Opiyo Sati -Member
 - c) Mrs. Lucy Kamunye Ndung'u -Member
- 17) On 1st August 2018, the House debated and approved the appointment of Hon. Samuel Kiprono Chepkong'a as a Member of the Parliamentary Service Commission, with the Senate concurring with the National Assembly on 13th September 2018.
- 18) On 2nd August 2018, the House debated and approved the appointment of Mr. Stephen K. Kirogo as the Chairperson of the Public Service Commission.
- 19) On 8th August 2018, the House debated and approved the appointment of Dr. Francis Otieno Owino as the Principal Secretary for State Department of Youth.
- 20) On 8th August 2018, the House debated and approved the appointment of Ms. Esther Koimett as the Principal Secretary for State Department of Transport.
- 21) On 8th August 2018, the House debated and approved the appointment of the following persons as the Chairperson and Members of the National Gender and Equality Commission:-
- a) Dr. Joyce Mwikali Mutinda -Chairperson;
 - b) Hon. Priscilla Nyokabi Kanyua -Member; and
 - c) Dr. Murithi J. Chomba Munyi -Member (Person with Disability).
- 22) On 8th August 2018, the House debated and approved the appointment of the following persons as Ambassadors and High Commissioners:-
- a) Mr. Francis Ndegwa Muhoro -High Commissioner to Malaysia;
 - b) Mr. Manoah Esipisu -High Commissioner to the United Kingdom;
 - c) Hon. Benjamin Langat -High Commissioner to Namibia;
 - d) Ms. Sarah Serem -Ambassador to China;
 - e) Lt. Gen. Samuel Thuita -Ambassador to Israel;
 - f) Hon. Patrick C. Odero Ahenda -Ambassador to Qatar;
 - g) Amb. Peter Nicholas Oginga Ogego -Ambassador to Saudi Arabia;
 - h) Lt. Gen. Johnson Kimani Ondieki -Ambassador to Turkey; and
 - i) Mr. Chris Karumba Mburu -Ambassador to South Sudan.
- 23) On 23rd August 2018, the House debated and approved the appointment of the following persons to the Independent Policing Oversight Authority (IPOA):
- a) Ms. Anne Wacheke Makori - Chairperson

- b) Ms. Doreen Nkatha Muthaura - Member
- c) Ms. Fatuma Mohamud Mohamed - Member
- d) Dr. Walter Owen Owour Ogony - Member
- e) Mr. Jonathan Ltipalei Lodompui - Member
- f) Hon. Waiganjo John Muriithi - Member
- g) Ms. Praxedes Chepkoech Tororey - Member
- h) Dr. Jimmy Mutuku Mwithi - Member

24) On 30th August 2018, the House debated and appointment of the following persons to the Salaries & Remuneration Commission:-

- a. Ms. Lyn Cherop Mengich - Chairperson;
- b) Dr. Leah Mumbua Munyao - nominated by the Teachers Service Commission;
- a. Mr. John Kennedy Monyoncho - nominated by the Defence Council;
- c) Dr. Amani YudaKomora -nominated by the umbrella body representing Employers
- d) CPA Sophie Moturi - nominated by a Joint forum of professional Bodies
- e) Ms. Margaret Sawe -nominated by the Senate on behalf of the County Governments;
- f) Hon. Dalmas Otieno Onyango -nominated by the Public Service Commission; and
- g) Ms. Nelly Peris Ashubwe -nominated by the umbrella body representing Trade Unions.

25) On December 6th 2018, the House debated and approved the appointment of the Vice Chairperson and Members of the Public Service Commission as follows:-

- a) Ms. Charity Seleina Kisotu -Vice-Chairperson;
- b) Dr. Joyce K. Nyambuti -Member
- c) Dr. Mary C. Mwiandi -Member
- d) Dr. Reuben K. Chirchir -Member
- e) Amb. Patrick Simiyu Wamoto -Member
- f) Amb. Salma A. Ahmed -Member
- g) Mr. Andrew N. Muriuki -Member
- h) Ms. Joan Odhiambo Otieno -Member.

26) At the end of the ordinary sittings of the Second Session, one vetting/ approval exercise was pending, namely, the consideration of Mr. Twalib Abdallah Mbarak for appointment as the Secretary/Chief Executive Officer of the Ethics and Anti-Corruption Commission (EACC), which was expected to be conducted at a Special Sitting of the House on 18th December 2018.

27) On 25th July 2018, the House **rejected** the appointment of Dr. Ben K.Chumo as Chairperson of the Salaries & Remuneration Commission.

28) Overall, the National Assembly vetted a total of eight six (86) nominees for appointment to various state and public offices, approving eighty five (85) of them and rejecting the appointment of one (1).

BRIEF ON COMMITTEE ACTIVITIES FOR THE SECOND SESSION, 2018

During the Second session of the 12th Parliament, Committee being the engine of the House carried out a lot of work in terms of facilitating members of parliament to discharge their constitutional roles of oversight, representation and legislation. During the period under review (January-December 2018) committees of the House cumulatively held over **2,420** sittings both in-house and with various stakeholders in execution of their mandate. The meetings were held for various action items.

Over 202 Parliamentary Question were raised and responded to before committees. During the same period over **100** legislative proposals were introduced in accordance with Standing order 114 and subsequently referred to committees for pre-publication scrutiny. Members of the various committees undertook over **182** foreign trips which were aimed at offering opportunities to the members of parliament to benchmark with other jurisdictions and share best practices with their counterparts in other jurisdictions.

It is also worthy to note that over 117 public petitions were processed by the various departmental committees. During the same period under review there was an exponential rise in the number of statutory instruments that were considered by the Committee on Delegated legislation. Indeed 103 regulations were processed by the Committee on delegated Legislation.

The table below provides details on specific activities of the House Committees that were undertaken during the period under review-

TABLE SUMMARY COMMITTEE ACTIVITIES FOR THE SECOND SESSION, 2018

		LEGISLATIVE TOOLS/ACTIVITIES											
	Committees	No. of Sittings	Vetting	Questions	Petitions	Legislative Proposals	Bills	Local Visits	Foreign Visits	Protocols/ Treaties ratified	Inquiries	Statutory instruments	stakeholder engagements
1	<i>Administration and National Security</i>	199	7	57	10	9	8	7	6	0	0	0	5
2	<i>Agriculture and Livestock</i>	87	2	21	3	0	7	9	6	0	1	0	5
3	<i>Communication, Information & Innovation</i>	99	0	0	2	2	3	10	7	0	0	0	9
4	<i>Defence & Foreign Relations</i>	90	22	3	3	0	2	11	7	3	5	0	4
5	<i>Education and Research</i>	98	0	21	8	3	2	10	7	0	2	0	5
6	<i>Energy</i>	142	0	5	5	0	5	18	8	0	0	0	12

7	<i>Environment and Natural Resources</i>	112	0	19	12	2	1	16	8	0	4	0	8
8	<i>Finance and National Planning</i>	75	11	8	5	4	16	11	7	0	0	0	7
9	<i>Health</i>	103	0	4	1	3	4	5	13	0	0	0	11
10	<i>Labour and Social Welfare</i>	103	0	17	11	4	3	7	5	0	0	0	4
11	<i>Lands</i>	90	0	10	23	0	4	12	4	0	1	0	3
12	<i>Sports, Culture and Tourism</i>	80	0	2	3	1	3	9	5	0	0	0	4
13	<i>Trade, Industry and Cooperatives</i>	86	0	3	4	1	5	10	9	0	0	0	8
14	<i>Transport, Public Works and Housing</i>	65	1	57	11	1	4	5	7	2	0	0	6
15	<i>Justice & Legal Affairs</i>	94	0	1	11	10	5	8	7	0	0	0	10
16	<i>Committee on Appointments</i>	19	9	0	0	0	0	2	1	0	0	0	0
17	<i>Delegated legislation</i>	39	0	0	0	0	0	10	4	0	0	91	2
18	<i>NG-CDF</i>	42	0	0	0	0	0	8	3	0	0	0	9
19	<i>CIOC</i>	41	0	0	0	0	5	0	5	3	0	0	0
20	<i>Members Services & facilities</i>	96	0	0	0	0	0	5	4	0	0	0	9
21	<i>Regional Integration</i>	102	0	0	0	0	20	7	8	3	0	0	0
22	<i>Committee on Implementation</i>	82	0	0	0	0	0	7	3	0	0	0	3
23	<i>National Cohesion & Equal opportunities</i>	70	0	0	0	1	0	10	6	0	0	0	6

24	<i>Parliamentary Broadcasting & Library</i>	89	0	0	0	0	0	9	7	0	0	0	6
25	<i>Public Accounts Committee</i>	124	0	0	0	0	0	4	10	0	0	0	0
26	<i>Public Investments Committee</i>	95	0	0	0	0	0	6	7	0	0	0	0
27	<i>Special Funds Accounts Committee</i>	91	0	0	0	0	0	6	7	0	0	0	0
28	<i>Budget & Appropriations Committee</i>	61	0	0	0	34	0	10	6	0	0	0	6

Challenges faced by Committees

The Committees faced the following challenges during the execution of their mandate-

- (a) Frequent postponement of meetings with Cabinet Secretaries who often cite busy schedules. Towards this end, the Committees may have to regularly invoke the provisions of Standing Order 209 (3) on sanctioning of any Cabinet Secretary who fails to appear before it without a valid reason.
- (b) The Committees have also been facing challenges of meeting venues due to insufficient infrastructure (Committee rooms). This led to either Committee Members waiting for long outside the Committee rooms for other Committees to finish their businesses or being forced to adjourn before finishing business before the Committee for other Committees to use the same room.
- (c) During organization of local and foreign visits, there have been challenges on provision of funds to undertake such visits causing postponement of scheduled activities. This has impacted negatively on execution of the work plans of committees.
- (d) Delayed response from the Executive to Committee requests especially comments on Bills which delays introduction of Bills in the House for 2nd reading.
- (e) The Working Calendar of the National Assembly being different with the working calendar of the Senate made it difficult for some committees to undertake their activities accordingly. This interfered with Committee programmes.

Directorate of Committee Services

In 2018, Parliamentary Committees performed their functions of summoning of witnesses, vetting of nominees to state offices, facilitating presentation and analysis of evidence, conducting in-depth inquiries, undertaking inspection tours, and scrutinizing legislative proposals, offered secretariat services to committees among other duties. Key achievements during the Session were:-

- Total of One Hundred and Eighty Eight (188) reports tabled in the House;
- Vetting of nominees to various public offices;
- Consideration of Budget Policy Statement and the Budget Estimates
- Training of staff both locally and internationally to build capacity.

Directorate of Legal Services (DLS)

The Directorate of Legal Services (DLS) has continued to provide in-house legal services to the National Assembly in fulfilment of its mandate. In 2018, the DLS processed the following-

ACTIVITY	QUANTITY
Drafting, reviewing and publishing Bills originating from the Executive	33
Formulating and Drafting Legislative Proposals	243
Preparation of Vellum Copies	23
Legal Opinions on admissibility of Petitions	280
Drafting Committee Stage amendments	1,050
Scrutiny of Statutory Instruments	72
Formulating and Drafting Legal Opinions	713

Directorate of Legislative and Procedural Services

The Directorate continues to play a key role in marshalling business for the National Assembly. It has continued to offer legislative and procedural advice to Members, staff and the public while offering secretariat service to different committees including the House Business Committee, the Procedure and House Rules Committee, the Chairpersons' Panel and the Powers and Privileges Committee.

During the Session, the Directorate accomplished several tasks key among them being:-

Marshalling the publication and consideration of seventy seven (62) Bills, fifty one (51) Petitions, one hundred and twenty five (125) Motions and more than one hundred and twenty six (126) Questions.

In the coming Session, the Directorate envisages a more vibrant approach to the activities in the National Assembly.

Hansard Department

The Hansard Department continues to ensure timely production of accurate record of the proceedings of the House. During the year under review, a number of activities were undertaken by the Department. For instance, at the beginning of the year, January 2018, staff from National Assembly joined their counterparts from the Senate to host the third conference for Hansard Editors and Reporters from the 47 county assemblies, in Naivasha.

House and Committee Sittings

In line with the mandate of Hansard Department, a total of 125 Hansard Reports for plenary sessions were transcribed and edited, and copies uploaded on the Bunge website. Secondly, the department provided Hansard Services to some Committees of the National Assembly. It was not possible to provide services to all the 33 Committees because the department is currently understaffed. The audio recordings of 86 sittings of Public Investments Committee and 128 sittings of the Public Accounts Committee are in various stages of transcription.

Training/Attachments

Training is very important for organizational development and success. Training develops competencies and skills in employees in organizations. The National Assembly Training Committee has over the past year provided opportunity to staff of the Hansard Department to train in various areas. Skills and knowledge learnt has benefited the department immensely. Four Reporters benefited from an attachment programme to the Parliament of Ghana where they spent five days interacting and exchanging ideas with staff of the Department of Official Report, Ghana. The programme was beneficial to the department.

Commonwealth Hansard Editors Association (CHEA) Conferences

The Hansard Department (National Assembly) is a member of the Commonwealth Hansard Editors Association (CHEA), whose objective is to provide a forum for exchange of ideas and information to enable the Hansard Department of each Commonwealth Parliament to service its legislators as well as possible. During the 8th Biennial CHEA (Africa Region) Conference held in Swaziland, three officers attended the conference between 6th and 14th January, 2018 and participated in important discussions, all aimed at improving the working of the department.

During the triennial conference of the same association which was held in London between 21st and 28th July, 2018, two officers represented the department.

Two officers from the department were nominated to accompany Members of Parliament to the 9th General Assembly of the World Scout Parliamentary Union which was held in Thailand and to the 10th Consultative Assembly of Parliamentarians for the International Criminal Court and the Rule of PGA which was held at Kiev, Ukraine.

Serjeant-At-Arms Department

The Serjeant-at-Arms is responsible for performing chamber and ceremonial duties, estate management, operation and liaison functions to enable the National Assembly to effectively discharge its mandate.

During the period under review, the Department made the following key achievements:-

In the performance of its core role, the department undertook the following activities:-

- (i) Enforced Speaker's rules;
- (ii) Coordinated and facilitated Presidential addresses;
- (iii) Facilitated memorial and funeral services of Members and/or former Members; and
- (iv) Liaised with the Executive for Members' security (Bodyguards).

The Parliamentary Budget Office (PBO)

Background

The Parliamentary Budget Office (PBO) was established in May, 2007 with the main objective of enhancing oversight role of Parliament by creating the necessary capacity for scrutiny of the national budget. The PBO is non-partisan, professional office of Parliamentary Service Commission anchored in Section 9 of Public Finance Management (PFM) Act, 2012. The PFM Act, 2012 establishes the PBO and defines the statutory mandate of the office as well as stipulating the budget process in Kenya in accordance with the Constitution of Kenya 2010. The primary mandate of the PBO is to provide timely and objective information and analysis concerning the national budget, economy and finance to the Committees of Parliament. The office strives to enhance the oversight role of Parliament by creating the necessary capacity for scrutiny of the national budget and the economy. The vision of the PBO is: to be a leading centre of Economic, Finance and Budget Analysis for legislative decision making while the mission is to enhance the oversight role of Parliament.

Key Publications and Analytical briefs

The Directorate is charged with the task of collecting data on macroeconomic variables and maintaining respective databases, information which can be used in carrying out macroeconomic research, reviewing effects of policy proposals and macroeconomic forecasting. Using the Parliamentary Budget Office Macro (PBOM) model and the Poverty micro module as well as the macroeconomic diagnostics framework the Directorate spearheaded following publications.

- a) The Budget Options 2018:- This document proposed concrete key policy objectives and options that guided budget estimates formulation for the FY 2018/2019 and the medium term; and

- b) The Budget Watch 2018:- An ex-post budget guide for Members of Parliament and other stakeholders to monitor the implementation of the approved budget for the FY 2018/2019 and the medium term

The Directorate analyzed various budget related documents and made presentations to the BAC. The following briefs were prepared and presented:

- a) unpacking of the Budget Estimates FY 2018/19
- b) unpacking of the 2018 Budget Policy Statement
- c) unpacking of the Medium Term Debt Strategy for 2018 and the medium term
- d) unpacking of the Budget Review and Outlook Paper 2018
- e) Review of the National Government Controller of Budget Reports

Secretariat Support to the BAC

The Departments actively clerks, support BAC and facilitated in the preparation of the following documents;

- (i) The BAC Report on the Budget Estimates FY 2018/19;
- (ii) The BAC Report on the 2018 Budget Policy Statement;
- (iii) Prepared the framework for public hearings, successfully organized and coordinated public hearing on the budget estimates in 12 counties;
- (iv) Report of Public Hearing Report on FY 2018/19 budget estimates;
- (v) Preparation of the Budget and Supplementary Estimate Certificates to the National Treasury;
- (vi) Preparation of committee minutes, internal memos, letters and other communication documents;
- (vii) Support to committee delegations to external committee assignments in South Korea, Germany, Indonesia and preparation of respective reports

Activities under macroeconomic forecasting and data collection

The Department undertook the following activities under macroeconomic forecasting and data collection:

- (i) Review of the quarterly economic and outlook paper released by government;
- (ii) Data collection on macroeconomic variables i.e. inflation, exchange rate, interest rates and review of their impact on economic development;
- (iii) Review of economic performance and economic forecasting through use of PBOM and Macro-diagnostics tools; and
- (iv) Publication of the monthly bulletins.

Support to the Senate

The Department coordinated the support to the Senate Standing Committee on Finance and Budget through analytical brief of the following documents:

- (i) The Division of Revenue Bill 2018;
- (ii) County allocation of revenue Bill 2018;
- (iii) The proposed ceilings for the County Executive and Assemblies for FY 2018/19;
- (iv) The Cash Disbursement Schedule for FY 2018/19;
- (v) The County Government Controller of Budget Quarterly Reports; and
- (vi) Monthly Exchequer Releases.

The Directorate's core mandate also includes on revenue performance analysis, bill determination and costing in line with Article 114 of the Constitution. It carries out revenue projections; provide guidance in policy analysis of revenue measures proposed in the budget, assess government's policy options relating to mobilization of resources and carry out budget and economic analysis and research on specific areas in tax and revenue analysis. The directorate analysed revenue estimates for 2018/2019,

Directorate of the Speaker's Office



The Directorate has continued to work closely with all parliamentary offices to ensure the effective fulfillment of the functions of the Speaker's office. As the administrative arm of the Speaker's office, the directorate has ensured that the Speaker's office is properly facilitated to effectively and efficiently perform its duties.

During the period under review, the Directorate:-

- (i) Facilitated the Speaker in outreach programmes with a view to improving the image of Parliament;
- (ii) Facilitated the Speaker's attendance in various conferences and seminars;
- (iii) Was involved in hosting various parliamentary caucuses and diplomatic courtesies;
- (iv) Coordinated and attended various Speakers' conferences including the East African Community Speakers' Conference and the PAP African speakers' conference in South Africa.

The **Media Relations** section within the Speaker's office has also been instrumental in highlighting the business of the directorate in the media. The department has been critical in profiling stories and activities of the Speaker's Office. This has been done through enhancing parliamentary visibility by placing important information in the local media as well as daily engaging with the editors and reporters to avert negative publicity.

Sports

During the year, the National Assembly took an active role in sporting activities, as part of work-life balance. Members and Staff staff participated in the 2018 East African Inter-Parliamentary Games that were held in Bujumbura, Burundi between 30th November and 10th December, 2018.



ANNEXURES

ANNEX I: CALENDAR OF THE ASSEMBLY (REGULAR SESSIONS), 2018

TWELFTH PARLIAMENT- (SECOND SESSION)

THE NATIONAL ASSEMBLY

IT IS NOTIFIED for general information that, pursuant to the provisions of Standing Order 28 of the National Assembly Standing Orders, by a resolution made on Wednesday, February 14, 2018, the National Assembly approved the calendar of the Assembly (*Regular Sessions*) for 2018 as set out in the Schedule-

SCHEDULE

PERIOD	DAYS
SECOND SESSION	13TH FEBRUARY 2018 – 6TH DECEMBER, 2018
FIRST PART	
A. Sitting Days Tuesday, 13 th February – Thursday, 29 th March, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
B. Short Recess: Friday, 30 th March – Monday, 9 th April, 2018	
C. Sitting Days Tuesday, 10 th April – Thursday, 3 rd May, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
D. Long Recess: Friday, 4 th May – Monday, 4 th June, 2018	
SECOND PART	
E. Sitting Days Tuesday, 5 th June – Thursday, 12 th July, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
F. Short Recess: Friday, 13 th July – Monday, 23 rd July, 2018	
G. Sitting Days Tuesday, 24 th July – Thursday, 30 th August, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
H. Long Recess: Friday, 31 st August – Monday, 24 th September, 2018	
THIRD PART	
I. Sitting Days Tuesday, 25 th September – Thursday, 25 th October, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
J. Short Recess: Friday, 26 th October – Monday, 5 th November, 2018	
K. Sitting Days Tuesday, 6 th November – Thursday, 6 th , December, 2018	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
L. Long Recess: Friday, 7 th December, 2018– Monday, 11 th February, 2019	

ANNEX II: BASIC STATISTICS ON THE COMPOSITION OF THE NATIONAL ASSEMBLY

a) Returning Members

RETURNING MPS ELECTED	NO.	% OF TOTAL NA MPS
IN CONSTITUENCIES	138	
IN COUNTIES	10	
NOMINATED	3	
FORMER SENATORS	4	
TOTAL	155	44.4%

*It should be noted that, of the returning MPs, 11 of them served in the 10th Parliament and earlier.

b) Percentage of first-time Members:

(iii)	Returning MPs	-	155 (44.4%)
(iv)	New MPs	-	194 (55.6%)

c) How many have served 5 terms, 4 terms, 3 terms and 2 terms?

(vi)	5 terms	-	1 Member
(vii)	4 terms	-	9 Members
(viii)	3 terms	-	24 Members
(ix)	2 terms	-	121 Members

d) Breakdown by Gender:

(i)	Female MPs	-	76 (21.78%)
(ii)	Male MPs	-	273 (78.22%)

WOMEN ELECTED	NUMBER	% OF TOTAL NA MPS
IN CONSTITUENCIES	23	
IN COUNTIES	47	
NOMINATED	6	
TOTAL	76	21.78%

*The 11th Parliament had a total of 68 female Members made up of 47 elected from the counties, elected 16 in the Constituencies and 5 nominated. This represented 19.48% of the Total membership of the House.

e) Breakdown of Members by party:

(AS AT DECEMBER 6, 2018)

PARTY	NO. OF MPS			
	The 290 Constituencies	The 47 Women Reps	Nominated MPs	Total
JUBILEE PARTY (JP)	140	25	6	171
EFP	4	1	0	5
FAP	1	0	0	1
PDP	2	0	0	2
MCCP	3	1	0	4
PDR	3	1	0	4
KANU	8	2	0	10
PNU	1	0	0	1
KPP	2	0	0	2
DP	1	0	0	1
KNC	2	0	0	2
NAPK	1	0	0	1
S. Total	168	30	6	204
FORD-K	11	1	1	13
ODM	62	11	3	76
ANC	12	1	1	14
WDM-K	19	3	1	23
CCU	1	0	0	1
MUUNGANO	1	0	0	1
CCM	2	0	0	2
S. Total	107	16	6	129
ND	1	0		1
INDEPENDENT (IND)	13	1		14
TOTAL	290	47		349

KEY

ABBREVIATION	Full Party Name
JP	Jubilee Party
EFP	Economic Freedom Party
FAP	Frontier Alliance Party
IND	Independent
MCCP	Maendeleo Chap Chap
PDR	Party for Development and Reform
KANU	Kenya African National Union
PNU	Party of National Unity
CCM	Chama Cha Mashinani
KPP	Kenya Patriots Party
ND	New Democrats
CCU	Chama Cha Uzalendo
DP	Democratic Party of Kenya
KNC	Kenya National Congress
MUUNGANO	Muongano Party
NAPK	National Agenda Party of Kenya
PDP	People's Democratic Party
FORD-K	Forum for Restoration of Democracy - Kenya
ODM	Orange Democratic Movement
ANC	Amani National Congress
WDM-K	Wiper Democratic Movement - Kenya

LIST OF MEMBERS OF THE NATIONAL ASSEMBLY
IN ORDER OF NUMBER OF TERMS SERVED

	NAME	CONSTITUENCY	PARTY	TERMS SERVED
1.	Angwenyi, Jimmy NuruOndieki	Kitutu Chache North	JP	5
2.	Chumel, Samwel Moroto	Kapenguria	JP	4
3.	Kamanda, Maina	Nominatedz	JP	4
4.	Keynan, Wehliye Adan	Eldas	JP	4
5.	Konchela, Gideon Sitelu	Kilgoris	JP	4
6.	Maoka, Richard Maore	Igembe North	JP	4
7.	Mbarire, Cecily	Nominated	JP	4
8.	Ole Metito, Katoos Judah	Kajiado South	JP	4
9.	Shaban, Naomi Namsi	Taveta	JP	4
10.	Wamunyinyi, Athanas Misiko Wafula	Kanduyi	FORD-K	4
11.	Abdi, Yusuf Hassan	Kamukunji	JP	3
12.	Ahmed, Shakeel Ahmed Shabbir	Kisumu East	IND	3
13.	Aluoch, John Olago	Kisumu West	FORD-K	3
14.	Cheboi, Moses Kipkemboi	Kuresoi North	JP	3
15.	Duale, Aden Bare	Garissa Township	JP	3
16.	Ganya, Francis Chachu	North Horr	FAP	3
17.	Kibunguchy, Enoch Wamalwa	Likuyani	FORD-K	3
18.	Kilonzo, Charles Mutavi	Yatta	IND	3
19.	Kimunya, Amos Muhinga	Kipipiri	JP	3
20.	Kipkiror, William Cheptumo	Baringo North	JP	3
21.	Leshoomo, Maison	Samburu	KANU	3
22.	Lessonet, Moses K.	Eldama Ravine	JP	3
23.	Mbiuki, Japhet MiritiKareke	Maara	JP	3
24.	Munyaka, Victor Kioko	Machakos Town	JP	3
25.	Ndirangu, Isaac Waihenya	Roysambu	JP	3
26.	Ng'ongo, Mbadi John	Suba South	ODM	3
27.	Odhiambo, Millie Grace Akoth	Suba North	ODM	3
28.	Onyonka, Richard Momoima	KitutuChache South	FORD-K	3
29.	Sambu, Bernard Alfred Wekesa	Webuye East	ANC	3
30.	Simiyu, David Eseli	Tongaren	FORD-K	3
31.	Wanjala, Raphael BittaSauti	Budalangi	ODM	3

32.	Wario, Ali	Bura	JP	3
33.	Washiali, Benjamin Jomo	Mumias East	JP	3
34.	Nakuleu, Christopher Doye	Turkana North	JP	3
35.	Ali, Sharif Athman	Lamu East	JP	2
36.	Angatia, Ayub Savula	Lugari	ANC	2
37.	Arama, Samuel	Nakuru Town West	JP	2
38.	Aramat, Lemanken	Narok East	JP	2
39.	Arati, Paul Simba	Dagoretti North	ODM	2
40.	Bady, BadyTwalib	Jomvu	ODM	2
41.	Bowen, David Kangogo	Marakwet East	JP	2
42.	Bunyasi, Sakwa John	Nambale	ANC	2
43.	Chege, Maitu Sabina Wanjiru	Muranga	JP	2
44.	Chesebe, Fred Kapondi	Mt Elgon	JP	2
45.	Dawood, Abdul Rahim	North Imenti	JP	2
46.	Duale, Mohamed Dahir	Dadaab	KANU	2
47.	Ekomwa, James Lomenen	Turkana South	JP	2
48.	Emanikor, Joyce Akai	Turkana	JP	2
49.	Gakuya, James Mwangi	Embakasi North	JP	2
50.	Ghati, Dennitah	Nominated	ODM	2
51.	Gikaria, David	Nakuru Town East	JP	2
52.	Gimose, Charles Gumini	Hamisi	FORD-K	2
53.	Hassan, ZuleikhaJuma	Kwale	ODM	2
54.	Ichung'wah, Anthony Kimani	Kikuyu	JP	2
55.	Injendi, Moses Malulu	Malava	JP	2
56.	Iringo, Cyprian Kubai	Igembe Central	JP	2
57.	Kajwang', Francis Tom Joseph	Ruaraka	ODM	2
58.	Kaluma, George Peter Opondo	Homa Bay Town	ODM	2
59.	Kanchory, Elijah Memusi	Kajiado Central	ODM	2
60.	Katana, Aisha Jumwa Karisa	Malindi	ODM	2
61.	Kega, Mathenge James Kanini	Kieni	JP	2
62.	Keter, AlfredKiptoo	Nandi Hills	JP	2
63.	Kiaraho, David Njuguna	OlKalou	JP	2
64.	Kihara, Jayne Njeri Wanjiru	Naivasha	JP	2
65.	King'ola, Patrick Makau	Mavoko	WDM-K	2
66.	Kioni, Jeremiah Ng'ayu	Ndaragwa	JP	2
67.	Kibiwot, Julius Melly	Tinderet	JP	2

68.	Kipyegon, Johana Ngeno	EmuruaDikirr	KANU	2
69.	Kisang, William Kipkemoi	Marakwet West	JP	2
70.	Koinange, Paul	Kiambaa	JP	2
71.	Kones, Beatrice Pauline Cherono	Bomet East	JP	2
72.	Korere, Sarah Paulata	Laikipia North	JP	2
73.	Kosgey, Alexander Kimutai Kigen	Emgwen	JP	2
74.	Koyi, John Waluke	Sirisia	JP	2
75.	Kuria, Moses Kiarie	Gatundu South	JP	2
76.	Lentoimaga, Alois Musa	Samburu North	JP	2
77.	Limo, Kirui Joseph	Kipkelion East	JP	2
78.	Lomunokol, Mark	Kacheliba	PDR	2
79.	M'mbaya, Justus Gesito Mugali	Shinyalu	ODM	2
80.	Maanzo, Daniel Kitonga	Makueni	WDM-K	2
81.	Manje, Joseph Wathigo	Kajiado North	JP	2
82.	Masadia, Alfred Agoi	Sabatia	ANC	2
83.	Mbalu, Jessica NdukuKiko	Kibwezi East	WDM-K	2
84.	Mboko, Mishi Juma Khamisi	Likoni	ODM	2
85.	Mbui, Robert	Kathiani	WDM-K	2
86.	Mlolwa, Jones Mwagogo	Voi	ODM	2
87.	Moi, Kipruto	Rongai	KANU	2
88.	Momanyi, Ben George Orori	Borabu	WDM-K	2
89.	Mukwe, James Lusweti	Kabuchai	FORD-K	2
90.	Mule, Stephen Mutinda	Matungulu	WDM-K	2
91.	Mulu, Benson Makali	Kitui Central	WDM-K	2
92.	Mumo, Rose Museo	Makueni	WDM-K	2
93.	Murgor, James Kipkosgei	Keiyo North	JP	2
94.	Murungi, Kathuri	South Imenti	IND	2
95.	Musau, Vincent Musyoka	Mwala	MCCP	2
96.	Musimba, Patrick Mweu	Kibwezi West	IND	2
97.	Mutua, Florence Mwikali	Busia	ODM	2
98.	Mwadime, Andrew	Mwatate	ODM	2
99.	Mwamkale, William Kamoti	Rabai	ODM	2
100.	Mwashetani, Khatib Abdallah	Lungalunga	JP	2
101.	Mwathi, Peter Mungai	Limuru	JP	2
102.	Naicca, Johnson Manya	Mumias West	ODM	2
103.	Nakara, John Lodepe	Turkana Central	ODM	2

104.	Nanok, Daniel Epuyo	Turkana West	JP	2
105.	Nassir, Abdullswamad Sheriff	Mvita	ODM	2
106.	Ngunjiri, Onesmas Kimani	Bahati	JP	2
107.	Njagagua, Charles Muriuki	Mbeere North	JP	2
108.	Njomo, Jude L. Kangethe	Kiambu	JP	2
109.	Noor, Sophia Abdi	Ijara	PDR	2
110.	Nuh, Junet Sheikh	Suna East	ODM	2
111.	Nyaga, Beatrice Nkatha	Tharaka-Nithi	JP	2
112.	Nyaga, John Muchiri	Manyatta	JP	2
113.	Nyamai, Rachael Kaki	Kitui South	JP	2
114.	Nyikal, James Wambura	Seme	ODM	2
115.	Odanga, Geoffrey Makokha	Matayos	ODM	2
116.	Oduor, Christine Ombaka	Siaya	ODM	2
117.	Ogolla, Gideon Ochanda	Bondo	ODM	2
118.	Okoth, Kenneth Odhiambo	Kibra	ODM	2
119.	Ole Kenta, Richard Moitalel	Narok North	ODM	2
120.	Ole Lemein, Korei	Narok South	JP	2
121.	Omulele, Christopher	Luanda	ODM	2
122.	Owuor, Joshua Aduma	Nyakach	ODM	2
123.	Oyioka, John Oroo	Bonchari	PDP	2
124.	Oyoo, James Onyango	Muhoroni	ODM	2
125.	Pkosing, David Losiakou	Pokot South	JP	2
126.	Pukose, Dr Robert	Endebess	JP	2
127.	Ramadhani, Suleiman Dori	Msambweni	ODM	2
128.	Raso, Dido Ali	Saku	JP	2
129.	Robi, Mathias Nyamabe	Kuria West	JP	2
130.	Serem, Cornelly	Aldai	JP	2
131.	Serem, Joshua Kutuny	Cherangany	JP	2
132.	Shimbwa, Omar Mwinyi	Changamwe	ODM	2
133.	Shinali, Benard Masaka	Ikolomani	JP	2
134.	Sitati, Daniel Wanyama	Webuye West	JP	2
135.	Sudi, Oscar Kipchumba	Kapseret	JP	2
136.	Teyiaa, Janet Marania	Kajiado	JP	2
137.	Theuri, George	Embakasi West	JP	2
138.	Tiren, Silas Kipkoech	Moiben	JP	2
139.	Tobiko, Peris Pesi	Kajiado East	JP	2

140.	Tongi, Richard Nyagaka	NyaribariChache	JP	2
141.	Tonui, Ronald Kiprotich	Bomet Central	JP	2
142.	Tuya, RoselindaSoipan	Narok	JP	2
143.	Wahome, Alice Muthoni	Kandara	JP	2
144.	Waititu, Francis Munyua	Juja	JP	2
145.	Wakhungu, ChrisantusWamalwa	Kiminini	FORD-K	2
146.	Wandayi, James Opiyo	Ugunja	ODM	2
147.	Wanga, Gladys Atieno Nyasuna	Homa Bay	ODM	2
148.	Wangwe, Emmanuel	Navakholo	JP	2
149.	Wanyama, Janet Nangabo	Trans Nzoia	JP	2
150.	Wanyonyi, Ferdinard Kevin	Kwanza	FORD-K	2
151.	Lesuuda, Josephine Naisula	Samburu West	KANU	2
152.	Liza, CheluleChepkorir	Nakuru	JP	2
153.	Ongera, Janet	Kisii	ODM	2
154.	Wanjira, Martha Wangari	Gilgil	JP	2
155.	Wetangula, Timothy Wanyonyi	Westlands	ODM	2
156.	Abdullah, Bashir Sheikh	Mandera North	JP	1
157.	Abuor, Paul Odalo Mak'Ojuando	Rongo	ODM	1
158.	Adagala, Beatrice Kahai	Vihiga	ANC	1
159.	Adan, Safia Sheikh	Marsabit	JP	1
160.	Alfah, Miruka Ondieki	Bomachoge Chache	KNC	1
161.	Ali, Adan Haji	Mandera South	JP	1
162.	Ali, Amin Deddy Mohamed	Laikipia East	JP	1
163.	Ali, Fatuma Gedi	Wajir	PDR	1
164.	Amin, Rashid Kassim	Wajir East	WDM-K	1
165.	Amollo, Paul Otiende	Rarieda	ODM	1
166.	Arbelle, Marselino Malimo	Laisamis	JP	1
167.	Atandi, Samuel Onunga	AlegoUsonga	ODM	1
168.	Babu, Owino Paul Ongili	Embakasi East	ODM	1
169.	Baya, Owen Yaa	Kilifi North	ODM	1
170.	Buyu, RozaahAkinyi	Kisumu	ODM	1
171.	Chebaibai, Jane Jepkorir Kiptoo	Elgeyo/Marakwet	JP	1
172.	Chepkoech, Joyce Korir	Bomet	JP	1
173.	Chepkut, William Kamuren Chirchir	Ainabkoi	IND	1
174.	Chepkwony, Charity Kathambi	Njoro	JP	1
175.	Cheruiyot, Gladwell Jesire	Baringo	KANU	1

176.	Gaal, Ahmed Bashane	Tarbaj	PDR	1
177.	Gachagua, Rigathi	Mathira	JP	1
178.	Gachobe, Samuel Kinuthia	Subukia	JP	1
179.	Gakuya, Mercy Wanjiku	Kasarani	JP	1
180.	Garane, Mohamed Hire	Lagdera	KANU	1
181.	Gitau, Faith Wairimu	Nyandarua	JP	1
182.	Githinji, Robert Gichimu	Gichugu	JP	1
183.	Gk, George Macharia Kariuki	Ndia	JP	1
184.	Gogo, Lilian Achieng	Rangwe	ODM	1
185.	Gure, Anab Mohamed	Garissa	JP	1
186.	Guyo, Ali Wario	Garsen	WDM-K	1
187.	Hassan, Amina Gedow	Mandera	EFP	1
188.	Hassan, KulowMaalim	Banissa	EFP	1
189.	Hassan, Omar Mohamed Maalim	Mandera East	EFP	1
190.	Hassan, Rehema	Tana River	MCCP	1
191.	Hiribae, Said Buya	Galole	FORD-K	1
192.	Hulufo, Hassan Oda	Isiolo North	KPP	1
193.	Ibrahim, Abdi Mude	Lafey	EFP	1
194.	Ibrahim, Ahmed Abdisalan	Wajir North	ODM	1
195.	Ibrahim, NasriSahal	Nominated	FORD - K	1
196.	Jaldesa, Rehema Dida	Isiolo	JP	1
197.	Jungle, Patrick Kimani Wainaina	Thika Town	IND	1
198.	Kabeabea, Josphat Gichunge Mwirabua	Tigania East	PNU	1
199.	Kamene, Joyce	Machakos	WDM-K	1
200.	KamketKassait, William	Tiaty	KANU	1
201.	Kamuren, Charles	Baringo South	JP	1
202.	Kandie, Joshua Chepyegon	Baringo Central	MCCP	1
203.	Karani, Christopher Odhiambo	Ugenya	ODM	1
204.	Kasalu, Irene Muthoni	Kitui	WDM-K	1
205.	Katana, Paul Kahindi	Kaloleni	ODM	1
206.	Kaunya, Edward Oku	Teso North	ANC	1
207.	Keter, Gideon	Nominated	JP	1
208.	Kiai, Anthony Githiaka	Mukurweini	JP	1
209.	Kibeh, Annie Wanjiku	Gatundu North	JP	1
210.	Kigano, Clement Muturi	Kangema	JP	1
211.	Kihara, Peter Kimari	Mathioya	JP	1

212.	Kimani, Francis Kuria	Molo	JP	1
213.	Kimilu, Joshua Kivinda	Kaiti	WDM-K	1
214.	Kingara, Simon Nganga	Ruiru	JP	1
215.	Kingi, Michael Thoyah	Magarini	ODM	1
216.	Kipkosgei, Joseph Tonui	Kuresoi South	JP	1
217.	Kirima, Moses Nguchine	Central Imenti	JP	1
218.	Kitayama, Marwa Kemero Maisori	Kuria East	JP	1
219.	Kiti, Richard Ken Chonga	Kilifi South	ODM	1
220.	Kivai, Ernest Ogesi	Vihiga	ANC	1
221.	Koech, Nelson	Belgut	JP	1
222.	Kogo, Wilson Kipngetich	Chesumei	JP	1
223.	Korir, Generali Nixon Kiprotich	Langata	JP	1
224.	Koros, Benard Kipsengeret	Sigowet/Soin	IND	1
225.	Kosgei, Hilary Kiplang'at	Kipkelion West	JP	1
226.	Kositany, Caleb Kipkemei	Soy	JP	1
227.	Koske, Gideon Kimutai	Chepalungu	CCM	1
228.	Koskei, Dominic Kipkoech	Sotik	JP	1
229.	Koskey, Florence Chepngetich	Kericho	JP	1
230.	Lekumontare, Lento Joni L. Jackson	Samburu East	KANU	1
231.	Leonard, Yegon Brighton	Konoin	JP	1
232.	Lochakapong, Peter	Sigor	JP	1
233.	Lomorukai, Jeremiah Ekamais	Loima	ODM	1
234.	Luyai, Caleb Amisi	Saboti	ODM	1
235.	Mabonga, Moses Wekesa Mwambu	Bumula	IND	1
236.	Makokha, Justus Murunga	Matungu	ANC	1
237.	Mariru, Patrick Kariuki	Laikipia West	JP	1
238.	Maritim, Sylvanus	Ainamoi	JP	1
239.	Masara, Peter Francis	Suna West	IND	1
240.	Mawathe, Julius Musili	Embakasi South	WDM-K	1
241.	Mbai, Nimrod Mbithuka	Kitui East	JP	1
242.	Mbogo, Ali Menza	Kisauni	WDM-K	1
243.	Mboni, David Mwalika	Kitui Rural	CCU	1
244.	Milemba, Jeremiah Omboko	Emuhaya	ANC	1
245.	Mishra, Swarup Ranjan	Kesses	JP	1
246.	Mizighi, Lydia HaikaMnene	Taita Taveta	JP	1
247.	Mogaka, Vincent Kemosi	West Mugirango	FORD-K	1

248.	Mohamed, Abdikhaim Osman	Fafi	KANU	1
249.	Mohamed, Ahmed Kolosh	Wajir West	ODM	1
250.	Mohamed, Asha Hussein	Mombasa	ODM	1
251.	Mohamed, Mohamed Ali	Nyali	IND	1
252.	Mohammed, Lokiru Ali	Turkana East	ODM	1
253.	Mohammed, Mohamud Sheikh	Wajir South	JP	1
254.	Momanyi, Jerusha Mongina	Nyamira	JP	1
255.	Mose, Shadrack John	KitutuMasaba	JP	1
256.	Muchira, Michael Mwangi	OlJorok	JP	1
257.	Mugambi, James Gichuki	Othaya	JP	1
258.	Muhanda, Elsie Busihile	Kakamega	ODM	1
259.	Mukhwana, Titus Khamala	Lurambi	ANC	1
260.	Mukuha, Gabriel Kago	Githunguri	JP	1
261.	Muli, Fabian Kyule	Kangundo	MUUNGANO	1
262.	Mulyungi, Gideon Mutemi	Mwingi Central	WDM-K	1
263.	Murugara, George Gitonga	Tharaka	DP	1
264.	Mutai, Japheth Kiplangat	Bureti	JP	1
265.	Muthama, Stanley Muiruri	Lamu West	MCCP	1
266.	Mutua, Didmus Wekesa Barasa	Kimilili	JP	1
267.	Mutunga, John Kanyuithia	Tigania West	JP	1
268.	Muturi, Geoffrey Kingagi	Mbeere South	JP	1
269.	Mwakuwona, Danson Mwashako	Wundanyi	WDM-K	1
270.	Mwale, Nicholas Scott Tindi	Butere	ANC	1
271.	Mwalyo, Joshua Mbithi	Masinga	WDM-K	1
272.	Mwambire, Teddy Ngumbao	Ganze	ODM	1
273.	Mwangaza, Kawira	Meru	IND	1
274.	Mwangi, Benjamin Gathiru	Embakasi Central	JP	1
275.	Mwangi, James Gichuhi	Tetu	JP	1
276.	Mwangi, Jonah Mburu	Lari	JP	1
277.	Mwaniki, Ruth W.	Kigumo	JP	1
278.	Mwanyanje, Gertrude Mbeyu	Kilifi	ODM	1
279.	Mwirigi, John Paul	Igembe South	IND	1
280.	Ngirici, Purity Wangui	Kirinyaga	JP	1
281.	Ngugi, Joseph Nduati	Gatanga	JP	1
282.	Nguna, Charles Ngusya	Mwingi West	WDM-K	1
283.	Njagua, Charles Kanyi	Starehe	JP	1

284.	Njiru, Eric Muchangi	Runyenjes	JP	1
285.	Njiru, Jane Wanjuki	Embu	JP	1
286.	Njoroge, Mary Wamaua Waithira	Maragwa	JP	1
287.	Ntwiga, Patrick Munene	Chuka/Igambang'ombe	JP	1
288.	Nyamita, Mark Ogolla	Uriri	ODM	1
289.	Nyamoko, Joash Nyamache	North Mugirango	JP	1
290.	Nyenze, Edith Vethi	Kitui West	WDM-K	1
291.	Nyoro, Samson Ndindi	Kiharu	JP	1
292.	Nzambia, Thuddeus Kithua	Kilome	WDM-K	1
293.	Nzengu, Paul Musyimi	Mwingi North	WDM-K	1
294.	Nzioka, Erastus Kivasu	Mbooni	ND	1
295.	Obara, Eve Akinyi	KabondoKasipul	ODM	1
296.	Obiri, Innocent Momanyi	Bobasi	PDP	1
297.	Obo, Ruweida Mohamed	Lamu	JP	1
298.	Ochieng, Pamela Awuor	Migori	ODM	1
299.	Odege, Tom Mboya	Nyatike	ODM	1
300.	Odhiambo, Elisha Ochieng	Gem	ODM	1
301.	Oduol, Prof. Jacqueline Adhiambo	Nominated	ODM	1
302.	Ogutu, Zadoc Abel	BomachogeBorabu	IND	1
303.	Okelo, Jared Odoyo	Nyando	ODM	1
304.	Okuome, Andrew Adipo	Karachuonyo	ODM	1
305.	Ole Sankok, David	Nominated	JP	1
306.	Oluoch, Anthony Tom	Mathare	ODM	1
307.	Ombaki, Ezekiel Machogu	NyaribariMasaba	NAPK	1
308.	Omuse, Geoffrey	Teso South	ODM	1
309.	Omwera, George Aladwa	Makadara	ODM	1
310.	Onyiego, Silvanus Osoro	South Mugirango	KNC	1
311.	Osotsi, Godfrey	Nominated	ANC	1
312.	Ouda, Fred Odhiambo	Kisumu Central	ODM	1
313.	Oundo, Wilberforce Ojiambo	Funyula	ODM	1
314.	Owino, John Walter	Awendo	ODM	1
315.	Owino, Martin Peters	Ndhiwa	ODM	1
316.	Oyula, Joseph H. Maero	Butula	ODM	1
317.	Passaris, Esther Muthoni Rosanna	Nairobi City	ODM	1
318.	Rindikiri, Mugambi Murwithania	Buuri	JP	1
319.	Rono, Daniel Kipkogei	Keiyo South	JP	1

320.	Seroney, Sammy Kipkorir	Nominated	WDM - K	1
321.	Shamalla, Jennifer	Nominated	JP	1
322.	Shollei, Gladys Jepkosgei-Boss	Uasin Gishu	JP	1
323.	Shurie, Abdi Omar	Balambala	JP	1
324.	Sitienei, Janet Jepkemboi	Turbo	IND	1
325.	Sossion, Wilson	Nominated	ODM	1
326.	Sunkuyia, George Risa	Kajiado West	JP	1
327.	Tandaza, KassimSawa	Matuga	ANC	1
328.	Tayari, Benjamin Dalu Stephen	Kinango	ODM	1
329.	Tepo, Abdi Koropu	Isiolo South	KPP	1
330.	Thuku, Zachary Kwenya	Kinangop	JP	1
331.	Tomitom, Lilian Cheptoo	West Pokot	JP	1
332.	Tongoyo, Gabriel Koshal	Narok West	CCM	1
333.	Tuitoek, Daniel Kamuren	Mogotio	JP	1
334.	Tum, Tecla Chebet	Nandi	JP	1
335.	Tuwei, Vincent Kipkurui	Mosop	JP	1
336.	Wachira, JosphatKabinga	Mwea	JP	1
337.	Wachira, Rahab Mukami	Nyeri	JP	1
338.	Wamacukuru, James Githua Kamau	Kabete	JP	1
339.	Wambilianga, Catherine Nanjala	Bungoma	FORD-K	1
340.	Wambugu, John Munene	Kirinyaga Central	JP	1
341.	Wambugu, Martin Deric Ngunjiri	Nyeri Town	JP	1
342.	Wamuchomba, Gathoni	Kiambu	JP	1
343.	Wangaya, Christopher Aseka	Khwisero	ANC	1
344.	Wario, QalichaGufu	Moyale	JP	1
345.	Waruguru, Catherine Wanjiku	Laikipia	JP	1
346.	Waweru, John Kiarie	Dagoretti South	JP	1
347.	Were, Charles Ong'ondo	Kasipul	ODM	1
348.	Yussuf, Adan Haji	Mandera West	EFP	1
349.	Yussuf, Mucheke Halima	Nominated	JP	1

ANNEXURE III: SUMMARY OF PAPERS LAID

During the period under review, a total of **Nine Hundred and Six (906) Papers** were laid before the House. These include Audit and Annual reports from the Government Institutions submitted to the House in accordance with Article 229(8) of the Constitution, Sessional Papers, Annual Reports and Constituency Development Fund Reports as follows: -

1. Auditor-General Reports-
 - a) Reports on Audited Accounts of various Constituencies Development Fund – Two Hundred and Eighty (280)
 - b) Reports on audited accounts of various other Institutions– Four Hundred and Two (402)
2. Committee Reports – One Hundred and Eighty Eight (188)
3. Other annual Reports of various entities – Thirty Six (36).

ANNEX IV: BILLS CONSIDERED IN THE SECOND SESSION

- A.** The following Bills were passed by the National Assembly assented to by H.E the President-
- (1) The Division of Revenue Bill (NA Bill No. 7 of 2018);
 - (2) The County Allocation of Revenue Bill, 2018 (Senate Bill)
 - (3) The Supplementary Appropriation Bill (NA Bill No. 15 of 2018);
 - (4) The Equalization Fund Appropriation Bill (NA Bill No. 16 of 2018);
 - (5) The Public Trustee (Amendment) Bill (NA Bill No. 32 of 2017);
 - (6) The Kenya Coast Guard Service Bill (NA Bill No. 45 of 2017);
 - (7) The Finance Bill (NA Bill No. 20 of 2018);
 - (8) The Supplementary Appropriation (No. 2) Bill (NA Bill No. 23 of 2018);
 - (9) The Computer Misuse and Cybercrimes Bill (NA Bill No. 36 of 2017);
 - (10) The Tax Laws (Amendment) Bill (NA Bill No. 11 of 2018);
 - (11) The Appropriation Bill (NA Bill No. 22 of 2018);
 - (12) The Statute Law (Miscellaneous Amendments) (No. 3) Bill (NA Bill No. 44 of 2017).
 - (13) The Building Surveyors Bill (NA Bill No. 35 of 2017);
 - (14) The Statute Law (Miscellaneous Amendments) Bill (NA. Bill No. 12 of 2018);
 - (15) The Sacco Societies (Amendment) Bill (NA Bill No. 18 of 2018);
 - (16) The Capital Markets (Amendment) Bill (NA Bill No. 19 of 2018);
 - (17) The National Youth Service Bill (NA Bill No. 26 of 2018).
- B.** The Following ten **(10)** were considered and passed by the National Assembly and forwarded to the Senate-
- (1) The Energy Bill (NA Bill No. 50 of 2017);
 - (2) The Petroleum (Exploration, Development and Production) Bill (NA Bill No. 48 of 2017);
 - (3) The Copyright (Amendment) Bill (NA Bill No. 33 of 2017);
 - (4) The Public Private Partnerships (Amendment) Bill (NA Bill No. 52 of 2017);
 - (5) The Land Value Index Laws (Amendment) Bill (NA Bill No. 3 of 2018);
 - (6) The Irrigation Bill (NA Bill No. 46 of 2017);
 - (7) The Physical Planning Bill (NA Bill No. 34 of 2017);
 - (8) The Kenya Roads Bill (NA Bill No. 47 of 2017);
 - (9) The County Governments Retirement Scheme Bill (NA Bill No. 10 of 2018);
 - (10) The Government Contracts Bill (NA Bill No. 9 of 2018).
- Some of the above Bills are critical in the implementation of the Constitution e.g. The Energy Bill (NA Bill No. 50 of 2017); The Petroleum Bill (NA Bill No. 48 of 2017); The Land Value Index Laws (Amendment) Bill (NA Bill No. 3 of 2018); and, The Physical Planning Bill (NA Bill No. 34 of 2017).
- C.** The National Assembly also considered and passed the following Six **(6)** Bills, which originated in the Senate -
1. The County Allocation of Revenue Bill, 2018 (Sen. Bill No. 11 of 2018);
 2. The Division of Revenue (Amendment) Bill (Sen. Bill No. 14 of 2018);
 3. The Urban Areas and Cities (Amendment) Bill (Sen. Bill No. 4 of 2017);*
 4. The Warehouse Receipt System Bill (Sen. Bill No. 10 of 2017);*
 5. The Assumption of Office of the County Governor Bill (Sen. Bill No. 1 of 2018);*
 6. The County Allocation of Revenue (Amendment) Bill (Sen. Bill No. 29 of 2018).
- (* Denotes, Senate Bill passed by the National Assembly, with amendments)

D. Twenty-two (22) Bills are either at Second Reading or awaiting committee of the whole House stages of consideration. These are-

1. The County Governments (Amendments) Bill (Sen. No.11 of 2017);
2. The Parliamentary Service Bill (NA Bill No. 6 of 2018).
3. The Sacco Societies (Amendment) Bill (NA Bill No. 1 of 2018).
4. The Public Finance Management (Amendment) Bill (NA Bill No. 51 of 2017);
5. The Constitution of Kenya (Amendment) Bill (NA Bill No. 4 of 2018);
6. The Pharmacy and Poisons (Amendment) Bill (NA Bill No. 8 of 2018);
7. The Statute Law (Miscellaneous Amendments) (No. 2) Bill (NA. No. 13 of 2018);
8. The Kenya Accreditation Service Bill (NA Bill No. 17 of 2018);
9. The Insurance (Amendment) Bill (NA Bill No. 21 of 2018);
10. The Warehouse Receipt System Bill (NA. No. 2 of 2018);
11. The Sports (Amendment) Bill (NA Bill No. 25 of 2018);
12. The County Governments (Revenue Raising Process) Bill (NA Bill No. 24 of 2018);
13. The Nuclear Regulatory Bill (NA Bill No. 27 of 2018).
14. The County Governments (Amendment) (No. 2) Bill (Sen. Bill No. 7 of 2017);
15. The National Flag, Emblems and Names (Amendment) Bill (Sen. Bill No. 8 of 2017);
16. The Office of the County Attorney Bill (Sen. No. 3 of 2018);
17. The County Statistics Bill (Sen. Bill No. 9 of 2018);
18. The Salaries and Remuneration Commission (Amendment) Bill (Sen. Bill No. 12 of 2018).
19. The County Boundaries Bill (Sen. No. 6 of 2017);
20. The Food Security Bill (Sen. Bill No. 12 of 2017);
21. The Office of the County Printer Bill (Sen. Bill No. 7 of 2018);
22. The Disaster Risk Management Bill (Sen. Bill No. 8 of 2018).

E. The following two (2) Bills were lost at Second Reading:

2. The Constitution of Kenya (Amendment) (No.2) Bill (NA Bill No. 5 of 2018); and
3. The County Pension Scheme Bill (NA Bill No. 49 of 2017).

F. The following two (2) Bills were withdrawn, re-introduced after republication, passed and forwarded to the Senate, having been assigned different numbers-

1. The Energy Bill (NA Bill No. 41 of 2017); and,
2. The Petroleum (Exploration, Development and Production) Bill (NA Bill No. 40 of 2017);

G. The following two (2) Bills were withdrawn and not re-introduced-

1. The Statute Law (Miscellaneous Amendments) (No. 2) Bill (NA Bill No. 37 of 2017);
2. The Nairobi Metropolitan Area Transport Authority Bill (NA Bill No. 41 of 2017).

H. The Election Offences (Amendment) Bill (NA Bill No. 38 of 2017) lapsed.

I. The following Senate Bills were referred to the Budget and Appropriations Committee after first Reading in the National Assembly pursuant to the provisions of Standing Order 143-

- (i) The County Boundaries Bill (Sen. No. 6 of 2017);
- (ii) The Food Security Bill (Sen. Bill No. 12 of 2017);
- (iii) The Office of the County Printer Bill (Sen. Bill No. 7 of 2018); and,
- (iv) The Disaster Risk Management Bill (Sen. Bill No. 8 of 2018).

ANNEXURE V: PETITIONS SUBMITTED

The following Petitions were conveyed by the Speaker of National Assembly *pursuant to SO. 225(2)* during the period under review: -

1. Public participation during the consideration of the Physical Planning Bill, 2017.
2. Establishment of a Select Committee to enquire into alleged misappropriation and mismanagement of the New Kyeni Farmers' Cooperative Society assets and loss of coffee proceeds.
3. Enactment of legislation to govern registration, regulation and licensing of digital security and forensic professionals.
4. Alleged irregular allocation of land set aside for settlement of Ontulili Squatters.
5. Alleged murder of his brother, the late Eliud Wachira of Kimuri Estate, Kerugoya Town, Kirinyaga County.
6. Proposed amendment to Article 231(4) of the Constitution.
7. Proposed amendment to the Consumer Protection Act.
8. Proposed amendment of the Engineers Act, 2011.
9. Unfair recruitment and deployment policy on female primary school teachers.
10. Proposed amendments to the Traffic Act.
11. Alleged irregular transfer of teachers in Wajir County.
12. Proposal to amendment to Article 137 of the Constitution to set the age limit for eligibility to run for election as President of the Republic of Kenya at seventy (70) years.
13. Proposal to amendment to amend Articles 89, 98, 101, 120, 136 and 177 of the Constitution.
14. Sweeping Reforms in Kenya's Public Universities.
15. Request to amend Article 171(2)(f) of the Constitution.
16. Variation of the Boundaries of Mt. Elgon Forest Reserve.
17. Enactment of the Admiralty Court Law.
18. Management of the National Youth Service (NYS).
19. Fraudulent medical bill issued by MP Shah Hospital on account of treatment of the late Matilda Anyango.
20. Massive power disconnections by Kenya Power in Shirakalu Village, Navokholo Constituency of Kakamega County.
21. Proposal to amend the Constitution to establish an elected Jury and end the exercise of sovereign power of the people.
22. Judicial Officers in contravention of Article 1(2) of the Constitution.
23. Proposed Amendments to the Constitution.
24. Request for land for settlement by the residents of Nessuit and Mariashoni Wards in Njoro and Molo Sub-Counties in Nakuru County.
25. Zero rating of textbooks, journals and periodicals.
26. Arrest and detention of one Mr. Don Bosco GichanaOoga.
27. Licensing of oil marketing companies by the Energy Regulatory Commission.
28. Non-payment & harmonization of hardship allowances for all Public Servants.
29. Failure by Government to regulate activities of the Citizen Newspaper.
30. International Day for the Girl-Child.
31. Enactment of legislation for implementation of African Union Resolutions.
32. Amendment to the Constitution to include 9th March as a National Peace Day.
33. Introduction a Bill to amend the Second Schedule of the Kenya School of Law Act, 2012.

34. Review of the Section 18 of the Law Society of Kenya Act, No. 21 of 2014.
35. Review of the Girl Guides Act.

Summary of Petitions Presented by Members on behalf of citizens

1. Petition by Hon. Danson Mwashako, MP(Wundanyi Constituency) on classification of Taita Taveta County as a marginalized area.
2. Petition by Hon. (Capt.) Ruweida Obo, MP (LamuCounty)on increased cases of insecurity in Lamu County.
3. Petition by Hon. (Dr.) Mutunga John Kanyuithia, MP (Tigania West Constituency) on minimum requirements for undertaking Diploma Programmes in Teachers' Training Colleges & Universities.
4. Petition by Hon. (Dr.) Patrick Musimba, MP (Kibwezi West Constituency) on Human-Wildlife Conflicts in Kibwezi West Constituency.
5. Petition by Hon. Aden Duale, EGH, MP (Garissa Township Constituency)on the plight of the deaf and/or hard of hearing persons (persons not able to hear well).
6. Petitions by Hon. Alfred Keter, MP (Nandi Hills Constituency): -
 - a. Delayed payments to farmers by the National Cereals and Produce Board (NCPB); and
 - b. Dismissed and blacklisted employees of Eastern Produce Kenya (EPK)
7. Petition by Hon. Ali Wario, MP (Member for Garsen Constituency) regarding Compensation of flood victims by KENGEN.
8. Petition by Hon. Alois Lentoimaga, MP (Samburu North Constituency) on challenges experienced in implementation of the Social Assistance Programme.
9. Petition by Hon. Andrew Mwadime, MP (Mwatate Constituency) on increased cases of human-wildlife conflict and alleged non-payment of compensation to victims.
10. Petition by Hon. Aramat, Lemanken(Narok East Constituency) on challenges experienced in the implementation of the standard gauge railway (SGR) Phase 2A in Narok County.
11. Petition by The Hon. Bowen Kangogo, MP (Marakwet East Constituency) on alleged failure by the Ministry of Labour and Social Protection to gazette Agency Fee to be levied by the Teachers' Service Commission from non-unionized teachers.
12. Petition by The Hon. Brighton Leonard Yegon, MP (Konoin Constituency) on neglect and exploitation of Small-Scale Holder Tea Farmers by the Kenya Tea Development Agency (KTDA).
13. Petitions by The Hon. Capt. Ruweida Mohamed, MP (Lamu County): -
 - a) Impeding demolition of structures along Mtandawanda – Kizingitini Road in Pate Island; and
 - b) Lifting of ban on logging and harvesting of mangrove trees.
14. Petition by Hon. Charles Njagua, MP (StareheConstituency)on harassment of businesspersons by Government Officials under the guise of fighting contraband products.
15. Petition by Hon. Danson Mwashako, MP (Wundanyi Constituency) on non-payment of hardship allowance to Teachers in Taita Taveta County
16. Petitions by Hon. Didmus Barasa, MP (Kimilili Constituency): -
 - a) The murder of the late Peter Wanyama and Edward Barasa
 - b) The fate of former students of Kamukuywa Campus of the East African University.
17. Petition by Hon. Fred Ouda, MP (Kisumu Central Constituency) on amendment of the Constitution and the Elections Law in respect of the Presidency and Governorship.

18. Petition by Hon. George MurugaraGitonga, MP (Tharaka Constituency) on fencing of Meru National Park, and Human-Wildlife conflict.
19. Petition by Hon. George Murugara, MP (Tharaka Constituency) on non-payment of hardship allowances to Public Servants.
20. Petition by Hon. George Theuri, MP (Embakasi West Constituency) on construction of foot bridges/crossings and bus stops along the Outer Ring Road.
21. Petitions by Hon. George Theuri, MP (Embakasi West Constituency): -
 - a) Harassment and confiscation of slot and gaming machines belonging to the Members of Counties Amusement and Gaming Society
 - b) Regularization of various Government offices for efficient service delivery in Embakasi West Constituency
22. Petition by Hon. Gideon Keter, MP (Nominated Member) on appeal for the lifting of caveat imposed on land in the formal settlement of the entire Mau Forest Complex.
23. Petition by Hon. Gideon Mulyungi, MP (Mwingi Central Constituency) on coal mining activities in Mui, Mwingi Central Sub-County.
24. Petition by Hon. Innocent Momanyi, MP(Bobasi Constituency)on dangerous Blasting of Rocks in Nyamonema Village, Getenga Sub-Location, Nyangiti Location, Bobasi Constituency.
25. Petition by Hon. Jeremiah Ekamais, MP (Loima Constituency) on construction of dams and drilling of boreholes in Namoniangikala, Lomokori and Moruita areas in Turkana County.
26. Petition by Hon. Jeremiah Kioni, MP (Ndaragwa Constituency)on:-
 - a) De-gazettement of 200 acres of forest land in Ndaragwa Township.
 - b) Gazettement of Ndaragwa Constituency as a hardship area
27. Petition by Hon. Jeremiah OmbokoMilemba, MP (Emuhaya Constituency) on Ratification of the International Labour Organization Convention No. 189 of 2011 in accordance with Ratification of Treaties Act of 2012.
28. Petition by Hon. Jessica Mbalu, MP (Kibwezi East Constituency) on mitigation of Human-Wildlife Conflicts in Kibwezi East Constituency
29. Petition by Hon. John Kiarie Waweru, MP (Dagoretti South Constituency) on incessant harassment of private water suppliers by Government in Dagoretti South Constituency.
30. Petition by Hon. Joseph WathogoManje, MP (Kajiado North Constituency) on alleged discrepancy in compensation offered to land owners by the National Land Compensation in Kajiado County
31. Petition by Hon. JosphatGichuge, MP (Tigania East Constituency) on increased cases of cattle rustling in Tigania East Constituency.
32. Petition by Hon. Jude Njomo, MP (Kiambu Constituency)on acquisition of Chase Bank and Imperial Bank by a Mauritian Company referred to as SBM Holding.
33. Petition by Hon. Jude Njomo, MP (Kiambu Town Constituency) on irregularities surrounding Tatu estate land & fraud against citizens of the Republic of Kenya.
34. Petition by Hon. KathuriMurungi, MP (South Iment Constituency) on implementation of Anti-Doping laws in the Country.
35. Petition by Hon. Khatib Abdalla Mwashetani, MP (LungaLunga Constituency) on demolition of building and structures along the Likoni - LungaLunga Road
36. Petition by Hon. Kimani Ichung'wah, MP (Kikuyu Constituency) on disputed land in Nachu Ward, Kikuyu Constituency.
37. Petition by Hon. KipsengeretKoros, MP (Sigowet/Soin Constituency) on evictions of residents in Mau Forest Complex by the Government.

38. Petition by Hon. Michael ThoyahKingi, MP (Magarini Constituency) on dispossession of ancestral land
39. Petition by Hon. Nixon Korir, MP (Langata Constituency) on the proposed demolition of Seefar Apartments in Nairobi
40. Petition by Hon. Omar Mohamed Maalim, MP (Mandera East Constituency) on withdrawal of Kenya Defence Forces troops from Somalia.
41. Petition by Hon. Owen YaaBaya, MP (Kilifi North Constituency) on Mazrui Trust Land
42. Petition by Hon. Patrick Makau, MP (Mavoko Constituency) on alleged irregular compulsory acquisition of land LR No.7374 Athi Kapiti.
43. Petition by Hon. Patrick Mariru Kariuki, MP (Laikipia West Constituency) on Human - Wildlife conflict in Laikipia West Constituency.
44. Petition by Hon. Patrick Mariru, MP (Laikipia West Constituency) on presence of Armed Bandits in Laikipia West Constituency.
45. Petition by Hon. Patrick Mariru, MP (Laikipia West Constituency) on land allocated to Muhotetu Block 4 (Mukuruini) residents.
46. Petition by Hon. Patrick Munene Ntwiga, MP (Chuka/IgambaNgómbe Constituency) on inadequate Medical Cover offered to teachers by Minet Group Limited.
47. Petition by Hon. Peris Tobiko, MP (Kajiado East Constituency) on compensation of the residents of Kajiado East by the Standard Gauge Railway Phase 2A Project.
48. Petition by Hon. Peter Francis Masara, MP (Suna West Constituency) on cattle Rustling in Suna West Constituency.
49. Petition by Hon. QalichaGufuWario, MP (Moyale Constituency) on power outages in Moyale Constituency.
50. Petition by Hon. Robert GichimuGithinji, MP (Gichugu Constituency) on non-completion of Kutus-Kianyaga-Kiamutugu-Githure-Kibuku road.
51. Petitions by Hon. Robert Mbui, MP (Kathiani Constituency)
 - a) Funding of co-curricular activities in primary schools.
 - b) Compensation to victims and survivors of theKyanguli Secondary School Fire Tragedy.
52. Petition by Hon. Sarah Korere, MP (Laikipia North Constituency) on invasion of group ranches in Laikipia North Constituency.
53. Petition by Hon. Shimbwa Omar Mwinyi, MP (Changamwe Constituency) on welfare of the tenants of the National Housing Corporation Association in Changamwe Constituency, Mombasa County.
54. Petition by Hon. Simba Arati, MP (Dagoretti North Constituency) on: -
 - (a) regulation of digital Taxi/Cab Operations in Kenya.
 - (b) non-payment of salaries and intimidation of employees by the Management of Uchumi Supermarket Limited.



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