



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT – FOURTH SESSION**

**THE NATIONAL ASSEMBLY**

**VOTES AND PROCEEDINGS**

**TUESDAY, FEBRUARY 11, 2025 AT 2.30PM**

1. The House assembled at Thirty Minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Rt. Honourable Speaker
4. **COMMUNICATION FROM THE CHAIR**

The Rt. Honourable Speaker issued the following Communications from the Chair –

**(a) Resumption of sittings for the Fourth Session and lapsed & re-introduction of business**

“Honourable Members, I wish to welcome you back to the House for the Fourth Session of the Thirteenth Parliament. I trust that you had a restful and joyous Christmas and New Year break, and that you also took the opportunity to engage with constituents on key development matters. I am confident that you are well rejuvenated and ready to embark on the business that is ahead of us this Session, which marks the Mid-Term of the Thirteenth Parliament.

Honourable Members, at the outset, I wish to thank you all for availing yourselves for the Special Sitting held on Thursday, 16<sup>th</sup> January 2025, during which the House transacted priority business. I also wish to thank Members for their participation in the just concluded Members Midterm Retreat, which took place on January 27 to 31, 2025, as scheduled and witnessed the highest-ever turnout of Members. On behalf of the Leadership of the House, I extend our gratitude to all of you for your participation. This made the retreat a great success and positioned the House for a smooth take-off in the Fourth Session.

Several Resolutions were adopted at the Retreat and are currently being implemented progressively by the Office of the Clerk. Among the key outcomes of the Retreat was the identification of possible areas that require the National Assembly’s legislative intervention.

Indeed, some of these resolutions may be contained in unpublished legislative proposals by Members, totaling two hundred and eighty-three (283), which are undergoing processing. Members who sponsored these proposals are requested to indicate if they still wish to proceed with them or withdraw any that may have since been overtaken by events. Additionally, the retreat underscored the need to maintain the momentum demonstrated during our deliberations, particularly in expediting priority business in the Fourth Session and strengthening the oversight function of the House through its Committees.

Honourable Members, on matters of Social Health (SHA), you will recall that there were concerns by Members about its implementation and also feedback being received from the people regarding the management of the transition process. In this regard, I instructed the Departmental Committee on Health to arrange to meet the Ministry of Health and Social Health Authority Officials to inquire into this matter and apprise the House by way of a Statement. I will, therefore, accord the Chairperson of the Departmental Committee on Health, at an appropriate time, an opportunity to apprise the House on the outcome of the meeting.

Honourable Members, as we commence the Fourth Session, I wish to bring to the attention of the House that the term of the following eighteen Committees lapsed, today, 11<sup>th</sup> February 2025, being the first sitting of the Fourth Session. The first category, which lapses every session, is the House Keeping Committees. These are —

- (1) the House Business Committee (*pursuant to Standing Order 171*);
- (2) the Committee on Members' Services and Facilities (*pursuant to Standing Order 212B*);
- (3) the Committee of Powers and Privileges (*section 15 of the Parliamentary Powers and Privileges Act*); and
- (4) the Procedure & House Rules Committee (*pursuant to Standing Order 208*);

The second category, largely comprising Audit, Appropriation, and other General-Purpose Committees, has lapsed pursuant to the respective Standing Orders which prescribe their lifetime. These are —

- (1) the Public Accounts Committee (*pursuant to Standing Order 205*);
- (2) the Special Funds Accounts Committee (*pursuant to Standing Order 205A*);
- (3) the Decentralized Funds Accounts (*pursuant to Standing Order 205B*);
- (4) the Public Investments Committee on Governance and Education (*pursuant to Standing Order 206*);
- (5) the Public Investments Committee on Commercial Affairs and Energy (*pursuant to Standing Order 206A*);
- (6) the Public Investments Committee on Social Services, Administration & Agriculture (*pursuant to Standing Order 206B*);
- (7) the Budget and Appropriations Committee (*pursuant to Standing Order 207*);
- (8) the Public Debt and Privatization Committee (*pursuant to Standing Order 207A*);
- (9) the Public Petitions Committee (*pursuant to pursuant to Standing Order 208A*);
- (10) the Diaspora Affairs and Migrant Workers Committee (*pursuant to Standing Order 208B*);
- (11) the Committee on Implementation (*pursuant to Standing Order 209*);
- (12) the Committee on Delegated Legislation (*pursuant to Standing Order 210*);
- (13) the Committee on Regional Integration (*pursuant to Standing Order 212*); and
- (14) the Committee on National Cohesion and Equal Opportunity (*pursuant to Standing Order 212C*).

Honourable Members, in line with the Standing Orders, the House Business Committee should be listed for reconstitution as the only Business in today's Order

Paper, as it owes its exclusive role in setting up business of the House. Thereafter, the House Business Committee ought to receive and consider recommendations from the Committee on Selection on reconstitution of the remaining seventeen Committees, including any consequential changes to other Committees.

I am aware that at the beginning of last week, the clerk wrote to the Leadership of the Majority and the Minority Parties to expedite the process of reconstituting the affected Committees. Indeed, as instructed during our retreat in Naivasha.

Having said that, Honourable Members, I wish to remind the House that in accordance with the provisions of the Standing Orders, any business that was not concluded at the end of the Third Session has lapsed. This includes any pending Motions, Statements, Questions, and certain Bills. Any Committee or individual Member wishing to re-introduce any lapsed business is advised to do so in accordance with the procedures laid down in the Standing Orders and our parliamentary practice. Members who may not be clear on the procedure are advised to visit the Table Office for guidance.

Honourable Members, with regard to the lapsing of the Bills, Standing Order 141(2)(b) provides as follows and I quote—

*“A Bill that has been published, read a First Time or in respect of which the Second Reading has not been concluded—*

*(b) at the end of two consecutive Sessions of the same Parliament shall lapse at the end of the second Session and may be republished in the same or different form in accordance with Standing Order 114 (Introduction of Bills).”*

However, as Honourable Members will recall, on Wednesday, 4<sup>th</sup> December 2024, the House approved a procedural Motion exempting nineteen (19) Bills from lapsing during the period of the Third and Fourth Sessions. These are—

- (1) The Political Parties (Amendment) Bill, 2022;
- (2) The Fisheries Management and Development Bill, 2023;
- (3) The Meteorology Bill, 2023;
- (4) The Universities (Amendment) Bill, 2023;
- (5) The Preservation of Public Security (Amendment) Bill, 2023;
- (6) The Appellate Jurisdiction (Amendment) Bill, 2023;
- (7) The Penal Code (Amendment) Bill, 2023;
- (8) The Legal Aid (Amendment) Bill, 2023;
- (9) The Prisons (Amendment) Bill, 2023;
- (10) The Mining (Amendment) Bill, 2023;
- (11) The Cancer Prevention and Control (Amendment) Bill, 2023;
- (12) The Kenya Roads (Amendment) Bill, 2023;
- (13) The National Transport and Safety Authority (Amendment) Bill, 2023;
- (14) The Anti-Corruption and Economic Crimes (Amendment) (No. 2) Bill, 2023;
- (15) The Gold Processing Bill, 2023;
- (16) The Basic Education (Amendment) Bill, 2023;

- (17) The Employment (Amendment) Bill, 2023;
- (18) The Universities (Amendment) (No. 3) Bill, 2023; and,
- (19) The Institute of Social Work Professionals Bill, 2023.

Bills that were not covered under this exemption have since lapsed. However, sponsors of the affected Bills, who may be desirous of proceeding with them, may, in accordance with the Standing Orders, seek guidance from the Clerk.

Honourable Members, with regard to Questions, those that had been transmitted to the respective Ministries by the end of the Third Session but had not yet received a response have lapsed.

However, if any Member still wishes to obtain a response, the Member is required to visit the Table Office to formally indicate so. This must be done by close of business on Thursday, 20<sup>th</sup> February 2025, to enable the Leader of the Majority Party to prioritise such Questions when scheduling the appearance of Cabinet Secretaries before the House.

For avoidance of doubt, any Questions that had not yet been transmitted to the Ministries, Constitutional Commissions, and Independent Offices have also lapsed. Members are, however, still at liberty to file such Questions afresh if they wish to do so.

As we settle into this new Session, to ensure effective communication and facilitation of Members, Members are also requested to update their biodata with the Office of the Clerk in order for it to be accurately captured in the records and on the website. I therefore urge all Members to visit the Office of the Clerk at the earliest convenience in order to fast-track this process.

Additionally, Honourable Members, the following ten Bills, which the House passed before proceeding to the just-concluded recess, were assented to and are now part of our laws—

- (1) The National Rating Bill (National Assembly Bill No. 55 of 2022);
- (2) The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 2 of 2023);
- (3) The Water (Amendment) Bill (National Assembly Bill No. 33 of 2023);
- (4) The Ethics and Anti-Corruption (Amendment) Bill (National Assembly Bill No. 11 of 2024);
- (5) The Kenya Roads Board (Amendment) Bill (National Assembly Bill No. 18 of 2024);
- (6) The Kenya Revenue Authority (Amendment) (No. 2) Bill (National Assembly Bill No. 35 of 2024)
- (7) The Division of Revenue (Amendment) Bill (National Assembly Bill No. 38 of 2024);
- (8) The Tax Procedures (Amendment) Bill (National Assembly Bill No. 46 of 2024);
- (9) The Tax Laws (Amendment) Bill (National Assembly Bill No. 47 of 2024); and
- (10) The Business Laws (Amendment) Bill (National Assembly Bill No. 49 of 2024).

I laud the House for the dedication demonstrated in the passage of the said laws and urge that, as we commence the Fourth Session, we undertake our legislative duty with greater enthusiasm in order to achieve more.

Finally, Honourable Members, as we embark on the Fourth Session, I am confident that the House will continue to build on its commendable performance in consideration of key legislative business and other crucial committee businesses.

Let us remain committed to serving the people of Kenya with diligence, integrity and efficiency. With that, Honourable Members, I once again welcome you back and look forward to a productive Fourth Session. I thank you!”

**(b) Recognition of Members of the National Assembly Conferred State Honours and Retirement of a long-serving Officer of the House**

“Honourable Members, as you are all aware, the offices that we hold as leaders in this Republic, including the office of Members of Parliament, are held in trust on behalf of the people of Kenya.

Indeed, part of the recital in our own prayer, states that we, the elected leaders in this House, always commit to treat and consider all matters that shall come under our deliberation in so just and faithful a manner as to promote the honour and Glory of God, and to advance the peace, prosperity, and welfare of our Country and of those whose interests have been committed to our charge.

Honourable Members, in recognition of Members’ commitment to live up to the philosophy of our prayer when serving the nation, the Parliamentary Honours Advisory Committee has been regularly making recommendations to the President regarding Members of this House who ought to be conferred honours, in accordance with Article 132(4)(c) of the Constitution.

The Parliamentary Honours Advisory Committee, which I co-chair with the Speaker of the Senate, is a statutory body. It is composed of Members drawn from both Houses of Parliament and the Parliamentary Service Commission. The Committee is responsible for identifying and recommending nominees from Parliament, as one of the arms of the national Government, to be awarded national honours.

To this end, Honourable Members, the Committee, in 2024, recommended some Members of Parliament and staff for the award of national honours. This was done through a rigorous consideration, including seeking the views or objections of the public on the proposed nominees, and taking them into consideration in determining the final list of nominees.

In this regard, I wish to inform the House that several Members of this House were conferred State honours by His Excellency the President during the 61<sup>st</sup> *Jamhuri* Day Celebrations, held on 12<sup>th</sup> December 2024, in recognition of their distinguished service to the nation in various capacities.

Top on the list of honorees is the Hon. Junet Sheikh Nuh Mohamed, CBS, MP, Leader of the Minority Party, who was conferred the Elder of the Golden Heart (EGH). Alongside him are the following Members, who were awarded the Chief of the Order of the Burning Spear (CBS)—

- (1) The Hon. Faith Gitau, CBS, MP;
- (2) The Hon. Patrick Makau, EBS, CBS, MP;
- (3) The Hon. Mohamed Ali, HSC, CBS, MP;
- (4) The Hon. Raphael Wanjala, CBS, MP;
- (5) The Hon. Kangogo Bowen, CBS, MP;

- (6) The Hon. (Eng.) Vincent Musyoka, CBS, MP;
- (7) The Hon. Kimani Kuria , CBS, MP;
- (8) The Hon. Haika Mizighi, CBS, MP;
- (9) The Hon. Abdi Shurie, CBS, MP;
- (10) The Hon. Yussuf Haji, CBS, MP;
- (11) The Hon. Gabriel Tongoyo, CBS, MP;
- (12) The Hon. George Kariuki, CBS, MP;
- (13) The Hon. (Dr.) John Mutunga, CBS, MP;
- (14) The Hon. John Kiarie, CBS, MP;
- (15) The Hon. Nelson Koech, CBS, MP;
- (16) The Hon. Peter Lochakapong, CBS, MP;
- (17) The Hon. Stephen Karani, CBS, MP;
- (18) The Hon. Eric Muchangi, CBS, MP;
- (19) The Hon. Nelson Wamboka, CBS, MP;
- (20) The Hon. Fatuma Zainabu, CBS, MP.
- (21) The Hon. Rose Museo, CBS, MP;
- (22) The Hon. (Dr.) Makali Mulu, CBS, MP;
- (23) The Hon. Janet Sitienei, CBS, MP;
- (24) The Hon. Tom Joseph Kajwang', CBS, MP; and,
- (25) The Hon. Johnson Naicca, CBS, MP.

Honourable Members, you will note that the Members conferred state commendations are Members of the Parliamentary Service Commission, Chairpersons of Committees, and other ranking Members who served for more than three terms. In making recommendations, the Committee considered other factors, including longevity of service in Parliament and performance during the just concluded 14<sup>th</sup> EAC Inter-Parliamentary Games, whose agenda is about regional integration. I do note that many Members would desire to be part of this list, but slots are ordinarily very limited.

I urge the House to take a moment to congratulate them for earning this well-deserved state recognition.

Honourable Members, among those also conferred with State honours were nine (9) members of staff. Please allow me, on your behalf, to recognize one of them, Ms. Anne Wambui Njoroge, the immediate former Director of Hansard and Audio Services, who is seated in the Hansard Box, just below the Speaker's Gallery. Ms. Njoroge, retired from parliamentary service last week on Friday, 7<sup>th</sup> February 2025, after thirty-three (33) years of distinguished parliamentary service.

Honourable Members, Ms. Njoroge joined Parliament in 1991, during the 6<sup>th</sup> Parliament, at the level of Hansard Reporter II in the National Assembly after a one-year stint as a teacher at Kwale High School, having graduated from Kenyatta University. She has, therefore, served eight Parliaments, being the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and the current 13<sup>th</sup> House.

As a career Hansard Reporter, she committed her life to the production of precise records of plenary proceedings and committee sessions in the form of Hansard Reports. She steadily rose through the ranks of Hansard Reporter I, Assistant Hansard Editor, Senior Assistant Hansard Editor, and Deputy Hansard Editor and ultimately ascended to the apex position of Director, Hansard and Audio Services.

Her notable milestones include the restructuring of Hansard and Audio services for better service delivery, the formulation of policies that have improved the processes

of production of the Hansard Reports, and the ongoing project of digitizing production of the Hansard.

Indeed, in recognition of the stellar service rendered by Ms. Anne Njoroge to Parliament and the nation, the Parliamentary Honours Advisory Committee recommended her to His Excellency the President, who awarded her the Order of the Grand Warrior (OGW) in December 2023.

Honourable Members, her presence today in the Hansard Box is of great importance, and we thank her for her thirty-three years of service and diligence in overseeing the production of the Hansard Report of our proceedings as the Director, Hansard and Audio Services.

On behalf of the National Assembly, the Parliamentary Service Commission, and, indeed, on my own behalf, I wish to thank Ms. Anne Wambui Njoroge, OGW, for the more than three decades of her dedication to the service of the Parliament of Kenya and indeed to the Republic of Kenya. We congratulate and wish you well in the next phase of life in retirement. I thank you!”

## **5. POINT OF ORDER**

Rising in her place on a Point of Order pursuant to Standing Orders 19A and 20, the Minority Party Whip (Hon. Millie Odhiambo) asked the Speaker to recognize the Azimio la Umoja Coalition as the Majority Party in the House, with the Hon. Junet Mohamed, EGH, MP as the Majority Party Leader and the Hon. Robert Mbui, CBS, MP as the Deputy Leader of the Majority Party. She cited the Court judgement made on Friday, 7<sup>th</sup> February 2025 on the matter as the basis of her claim. She also claimed that the positions the Speaker held as Speaker and party leader of his party, it was not possible for him to be fair, and he would be conflicted when presiding over matters of the House. She sought that the Speaker steps down and mandate the Deputy Speaker (Hon. Gladys Boss) to take over.

Thereupon, the Rt. Hon. Speaker guided the House as follows—

### **Leadership of the House and neutrality of the Speaker**

“Order, Members. Maintain your silence. Hon. Millie Odhiambo has raised two points. One I will dispose of very quickly. The other I will allow the House some latitude. As to whether the Speaker, yours truly, should preside over these proceedings or not, I will dispose of it of as follows.

One, there is no Motion before the House about the Speaker. I am a senior lawyer in this country. And I am your senior, Hon. Millie Odhiambo. I have read that judgment with a tooth comb. There is nowhere it requires the Speaker to do what you are saying, more particularly the final findings of that judgment which, as a distinguished learned friend, we had an opportunity to read together today. That judgment does not cast aspersions on the Speaker presiding on such matters. In similar situation in the 11<sup>th</sup> Parliament, a Motion was brought to this House by the then Member for Kibwezi West, Hon. Patrick Musimba, to discuss the conduct and the possible vacation of office by Speaker Muturi, as he then was. Speaker Muturi presided over the debate and the vote was taken, and the Motion went the way it did.

In the 7<sup>th</sup> Parliament, when I was a fresher in this House, Hon. James Orengo, or one of the then Ford Kenya Members, brought a Motion to discuss the conduct and character of the then Speaker, Francis Xavier Kausai Ole Kaparo. Kausai Ole Kaparo presided over

the proceedings. The Motion was debated and put to a vote, and it went the way it did. I am sure you know that neither Muturi nor Ole Kaparo left office on the basis of any Motion. Yours truly as your Speaker does not debate and does not vote. I hold a position of honour to preside over your proceedings. Anybody who wants to say anything about this judgment, I will give you an opportunity. And it is going to be yours truly to give you a ruling on the matter.

It must also be made very clear as we listen to each other, and senior lawyers like Otiende Amollo should know this, that neither the court nor any authority outside this Chamber, can make declarations that affect the conduct of business in this House except yourselves by voting and by the Speaker giving you rulings. We sit here as a quasi-judicial body. And as a quasi-judicial body, I will listen to you and I assure you I will give you a fair finding. It is like going to court and telling a judge that because the lawyer appearing before him was his classmate, he will not be fair. That has no foundation in law or in fact. So, I will open the Floor and hear those who want to have similar points of order as Hon. Millie Odhiambo on the judgment.

I caution you that the Standing Orders do not allow you to discuss the person or character of any judge unless you have brought a special Motion to discuss that judge. You can analyse the judgment. You can agree or disagree with it. You can qualify it. You can do whatever you want. But do not disparage or discuss the character of any judge without a special Motion, as is provided for in our Standing Orders. Hon. Millie Odhiambo, that is my direction. Thank you!"

Thereupon, the Rt. Hon. Speaker allowed several Members to speak to the matter;

In support of his claims, the Member for Kibwezi East (Hon. Eckomas Mutuse) laid on the Table of the House a letter from the Registrar of Political Parties, dated 30<sup>th</sup> January 2024 notifying that the Maendeleo Chap Chap Party had exited the Azimio la Umoja-One Kenya Coalition Party with effect from 25<sup>th</sup> January 2024;

#### **PAPERS LAID PURSUANT TO STANDING ORDER 91**

In support of her claims, the Deputy Speaker (Hon. Gladys Boss) laid on the Table of the House a letter from the Registrar of Political Parties, dated 11<sup>th</sup> February 2025 on Information on Coalition agreements

And several Members having spoken to the matter, the Rt. Hon. Speaker stood down the Motion on *Appointment of Members to the House Business Committee*, suspended the Morning Sitting of Wednesday, 12<sup>th</sup> February 2025 and directed that he would guide the House on the issues raised during the Afternoon Sitting on Wednesday 12<sup>th</sup> February 2025;

And the time being twenty-six minutes past Six O'clock, the Rt. Hon. Speaker adjourned the House without Question put pursuant to the Standing Orders.

6. **HOUSE ROSE** - at twenty-five minutes past Six O'clock

#### **M E M O R A N D U M**

The Speaker will take the Chair on,  
Wednesday, 12<sup>th</sup> February 2025 at 2.30 p.m.