

MZALENDO

THEMATIC AREAS OF FOCUS



INTRODUCTION

Members of the House were sworn in on 30th August 2017.

POST-ELECTION STATS

MZALENDO



Returning Members

(155 in total)

[after 2017 Elections]

(i) Elected in Constituencies = 140

> (ii) Elected in Counties = 12

(iii) Nominated = 3

Percentage of first-time vs returning Members

(i) Returning MPs = 155 (44.4%)

(ii) New MPs = 194 (55.6%)

Breakdown of Male and Female Members

(i) Female MPs = 76 (21.78%)

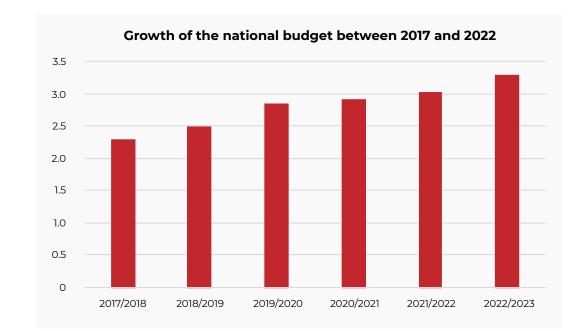
(ii) Male MPs = 273 (78.22%) Breakdown of Members by number of terms served

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

PUBLIC FINANCE

On matters Public Finance and the Debt Ceiling

- The National Assembly raised debt ceiling from Ksh 6 trillion to Ksh 9 trillion in **October 2019 by** approving Public Finance Management (National Government)(Amendment) Regulations, 2019.
- The further raised the debt ceiling from Ksh 9 trillion to Ksh 10 trillion by amending section 50 (2) of the Public Finance Management Regulations 2015 – 7th June 2022
- Introduction of minimum tax at the rate of 1% of the gross turnover Finance Act, 2020
- Introduction of Digital Service Tax at the rate of 1.5% of the gross transaction value payable on income derived or accrued in Kenya from services offered through a digital marketplace – through the Finance Act, 2020



- Increase of VAT from 14% to 16%
- Budget days
 - 14th June 2018
 - 13th June 2019
 - 11th June 2020
 - 10th June 2021
 - 7th April 2022

OVERSIGHT

Parliamentary Committees: Missed Opportunities?

The Sugar saga Committee

Report conducted by the joint Departmental Committees on Agriculture, Livestock and Trade, Industry and Cooperatives which was premised on allegations of illegal sugar importation was dismissed by the House and was marred with allegations of bribery and outside influence.

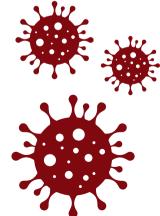
• The Covid funds probe conducted by both the Senate Health Committee, the Departmental Committee on Health in the National Assembly and the National Assembly's Public Accounts Committee (PAC) who ordered forensic audits into the misuse of funds yielded no concrete proposals on holding those responsible for the funds accountable.











OVERSIGHT





The House considered nominees for various appointive positions including:

- 1. National Police Service Commission
- 2. Members of National Government Constituencies Development
- 3. Ambassadors and High Commissioners
- 4. Data Commissioner
- 5. Auditor General
 - i) **Ms. Mwende Mwinzi** for conditional appointment as an Ambassador to Seoul, South Korea

Rejected Statutory Instruments

Some of the Statutory Instruments rejected by the National Assembly included:

- 1. Draft Election Campaign Financing Regulations 17th August 2021
- 2. Draft Elections (Registration of Voters) (Amendment) Regulations, 2022
- 3. Draft Voter Elections (Voter Education) (Amendment) Regulations, 2022
- 4. Draft Elections (Party Nominations and Party Lists) (Amendment) Regulations, 2022
- 5. Draft Elections (Technology) (Amendment) Regulations, 2022



INCLUSION





Women in the National Assembly

76 Women MPs:

47 Women Reps

23 Single Member constituencies

6 nominated to represent SIGs

2/3 Gender Rule

- 2/3 gender rule was not achieved.
- The Constitution of Kenya (Amendment) (No.6) Bill, 2018 was introduced in the House by Hon. Aden Duale. The Bill sought to increase the number of special seats necessary to ensure that no more than two-thirds of the members of the two Houses were of the same gender. However, the vote was deferred as there was lack of quorum in the House. -28th November 2018
- Hon. Gladys Boss Shollei introduced Constitution of Kenya (Amendment) Bill, 2019 (No. 53 of 2019) that sought to increase the number of women in Parliament through election and not by party nomination.
- Report of the Journey to Gender Parity in Political Representation for the period 2012-2018 from the National Gender and Equality Commission was tabled in the House for noting and dissemination – 25th July 2019
- Chief Justice's advisory to the President on dissolution of Parliament for failure to enact the gender rule – 21st September 2020
- Discussion of the dissolution of Parliament Advisory due to the non-fulfilment of the 2/3 gender rule – 21st September 2020 (NATIONAL ASSEMBLY PROCEEDINGS 22nd Sept 2020)



Passing of the Representation of Special Interest
Groups Laws (Amendment) Bill, 2019 – 11th March
2020

Bills sponsored by Women in 11th and 12th Parliament

11th Parliament		12th Parliament			
NA	Senate	NA	Senate		
11	14	19	39		

Bills sponsored by women in the 12th Parliament

Hon. Ruweida Mohamed Obo

The Higher Education Loans Board (Amendment) Bill, 2019

Hon. Florence Mutua

The Constitution of Kenya (Amendment) Bill, 2019

Hon. Joyce Emanikor

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019

Hon. Millie Odhiambo Mabona

 The Assisted Reproductive Technology Bill, 2019

Hon. Wangari Mwaniki

 The Parliamentary Pensions (Amendment) (No. 2) Bill, 2019

Hon. Gathoni Wamuchomba

 The Sexual Offences (Amendment) Bill, 2020 & The Geriatric Bill, 2021

Hon. Alice WahomeThe Health (Amendment) Bill, 2020

Hon. Martha Wangari

• The Employment (Amendment) Bill, 2019, The Radiographers Bill, 2019, The Birth and Death Registration (Amendment) Bill, 2020

Hon. Gladys Boss Shollei

The Constitution of Kenya (Amendment) (No.3)
Bill, 2019

Hon. Sabina W. Chege

 The Breastfeeding Mothers Bill, 2019 & The Kenya National Blood Transfusion Service Bill, 2020

Hon. Naisula Lesuuda

• The Public Service Internship Bill, 2021

Hon. Gladys Wanga

 The Cancer Prevention and Control (Amendment) Bill, 2019; The Copyright (Amendment) Bill, 2021

Hon. Lilian Gogo

• The Children (No.2) Bill, 2021

Hon. Irene Kasalu

• The Whistleblower Protection Bill, 2021

INCLUSION

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Women Chairpersons of Committees



Hon. Sabina Chege – Departmental Committee on Health



Hon. Gladys Wanga – Departmental Committee on Finance and National Planning



Hon. Florence Mutua – Departmental Committee on Education and Research



Hon. (Dr.) Rachel Nyamai – Departmental Committee on Lands

Women in the Speaker's Panel



Hon. Roselinda Soipan – First Chairperson



Hon. Jessica Mbalu – Third Chairperson

Members living with Disability



Hon. David Sankok



Hon. Dennitah Ghati was nominated as Regional Champion for Commonwealth Parliamentarians with Disabilities Network on 30th November 2020.

Notable Legislative Proposals



Hon. Gideon Keter – Sponsored the **Employment (Amendment) Bill, 2019** that now ensures that employers only request for clearance/compliance certificates upon granting an offer of employment. The Bill was passed.

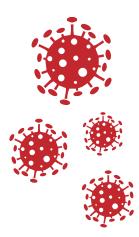
Hon. John Paul Mwirigi – Sponsored the **HELB (Amendment) Bill (National Assembly Bill No. 37 of 2020)** that sought to ensure that the loanees commence repayment of their loans once they secure employment.



LEGISLATING IN A PANDEMIC

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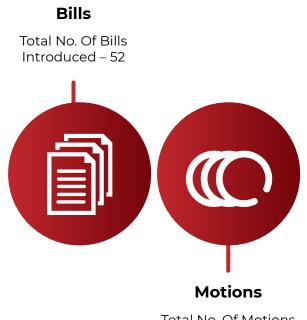




- The Speaker's and Public Galleries were out of bounds from mid-March to December 2020.
- The House adjourned Sittings from Wednesday 18th March 2020 to Tuesday 14th April 2020 to put in place measures to ensure the spread of Covid-19 was reduced.
- Amendment of Standing Orders to allow for virtual Sittings



2017 - Overview of the Business Transacted in the 1st Session



Total No. Of Motions Introduced – 65

2018 – Overview of the Business Transacted in the 2nd Session



Bills

Considered a total of 62 Bills.

Of these, 46 were Bills originating in the National Assembly, while 16 originated in the Senate.

Statements

Introduction of Zero Hour - allows Members to make general statements on topical issues every Tuesday at 6.30 pm.

a) 12 zero-hour statements

b) 15 General Statements

c) 24 statements by the Leader of the Majority Party on upcoming business

d) 10 statements by Chairs of various committees on their mandates or responses to queries made to them

e) **3** personal statements by Members

f) 14 statement requests by Members to Chairpersons of Committees

Papers Laid

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906 Papers laid. Of these:

a) Auditor General Reports -682 Reports i. Constituencies Development Fund Reports – 280 ii. Reports from various Institutions – 402

b) Committee Reports -188

c) Annual Reports-36.



Total No. Of Motions Introduced - 65

Of these, 46 were Bills originating in the National Assembly, while 16 originated in the Senate.

Petitions

95 Petitions were presented and referred to the relevant departmental committees for consideration.

Only **32** were concluded and reports submitted to the petitioners and relevant agencies for their action. (33%)



No. of Sittings

137 Sittings (includes 5 Special Sittings and 1 Joint Sitting with the Senate)

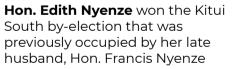
Joint Sitting - 2nd May 2018 for the State of Nation Address.





New Members

Hon. Charles Kamuren won the Baringo South by-election following the demise of Hon. Grace Kipchoim



Various dignitaries and guests

14 International Delegations and Guests visited Parliament





Vetting of Persons

Vetted a total of **86** nominees for appointment to various state and public offices, approving 85 nominees.

25th July 2018 - the House rejected the appointment of Dr. Ben K. Chumo as Chairperson of the Salaries & Remuneration Commission.



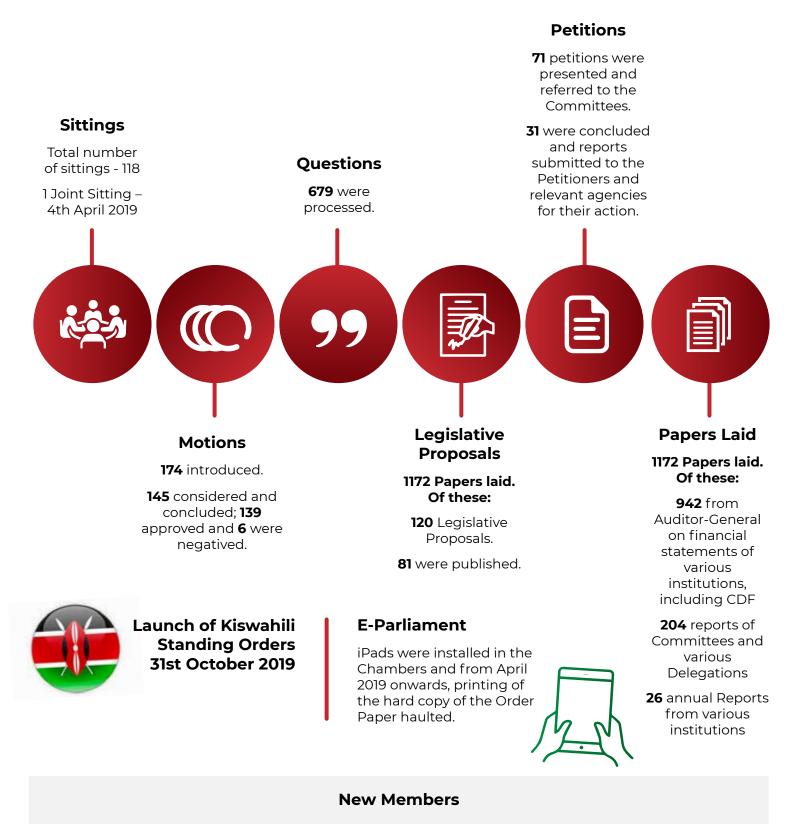
Committee Sittings

Committees of the House cumulatively held over 2,420 sittings both inhouse and with various stakeholders.

Members of the various committees undertook over 182 foreign trips.



2019 - Overview of Business Transacted in the 3rd Session (Feb 2019 - Feb. 2020)





Hon. Julius Mawathe – re-elected on 5th April 2019 [Embakasi South]



Hon. Ahmed Kolosh Mohamed – re-elected on 25th April 2019 [Wajir West]



Hon. David Ouma Ochieng – elected on 5th April 2019 [Ugenya]



Hon. Bernard Okoth – elected on 7th November 2019 [Kibra by-elections]



145 Bills were processed (at various stages). This number is more than twice the number of Bills that were before the House in the Second Session (65).

101 originated in the National Assembly

44 Bills from Senate

107 Bills were new Bills (introduced in the Third Session)

38 Bills were carried over from the Second Session



Private Member Bills

52 Private Member Bills in 2019

2 in 2018

Increase by **50** directly attributable to Motion introduced by (then Leader of the Majority Party) Hon. Aden Duale on 21st February 2019 which sought to unlock delayed pre-publication scrutiny of Members' legislative proposals by Departmental Committees.



National Assembly Bills

(i)Passed and assented to - 26 Bills;

(ii) In Mediation - 2 Bills;

(iii) Lost at Mediation - 1 Bill;

(iv) Passed and referred to the Senate - 7 Bills;

(v) Awaiting Committee Stage - 8 Bills;

> (vi) Lost at Second Reading - 2 Bills;

(vii) Awaiting Second Reading - 50 Bills; and

(viii) Withdrawn - 2 Bills.

Senate Bills

(i)Passed and assented to - 3 Bills;

(ii) In Mediation - 2 Bills;

(iii) Passed and returned to the Senate - 3 Bills;

(iv) Awaiting Committee Stage - 3 Bills;

(v) Awaiting Second Reading - 9 Bills;

(vi) Declined on constitutional grounds -1 Bill; and

(vii) Under Article 114 review by PBO - 8 Bills.

Conclusion

26 Bills passed by NA and assented by the President

Division of Revenue Bill brought disagreements between the National Assembly and Senate. Two mediation Committees were formed. Eventually passed in September 2019.

President made reservations on 5 Bills:

a) Statute Law (Miscellaneous Amendments) Bill (NA Bill No. 21 of 2019)

b) Finance Bill, 2019 (proposed the deletion of provisions relating to capping of interest rates chargeable on loans)

c) Parliamentary Service Bill, 2018

d) Health Laws (Amendment) Bill, 2018

e) Insurance (Amendment) Bill, 2018

NA approved Regulations to review the Government debt ceiling -Public Finance Management (National Government)(Amendment) Regulations, 2019.



Firsts

First MP to introduce a motion in Kiswahili in the 12th Parliament -Member for Nyali (Hon. Mohamed Ali) on **13th February 2019**



Bills Assented

Twenty-six (26) Bills were passed by the House and assented to by H.E. the President





Various dignitaries

Delegation of Members from the Parliament from the Republic of Serbia – 19th February 2019 Delegation of Members of Parliament and Staff from the Parliament of Malawi – 28th February 2019



Delegation from the United States Congress that was in Kenya for bilateral meetings – 21st March 2019 Delegation of Members of the Global Parliamentary TB Caucus – 25th June 2019



Delegation of Members of Parliament from the Egyptian House of Representatives – 23rd July 2019



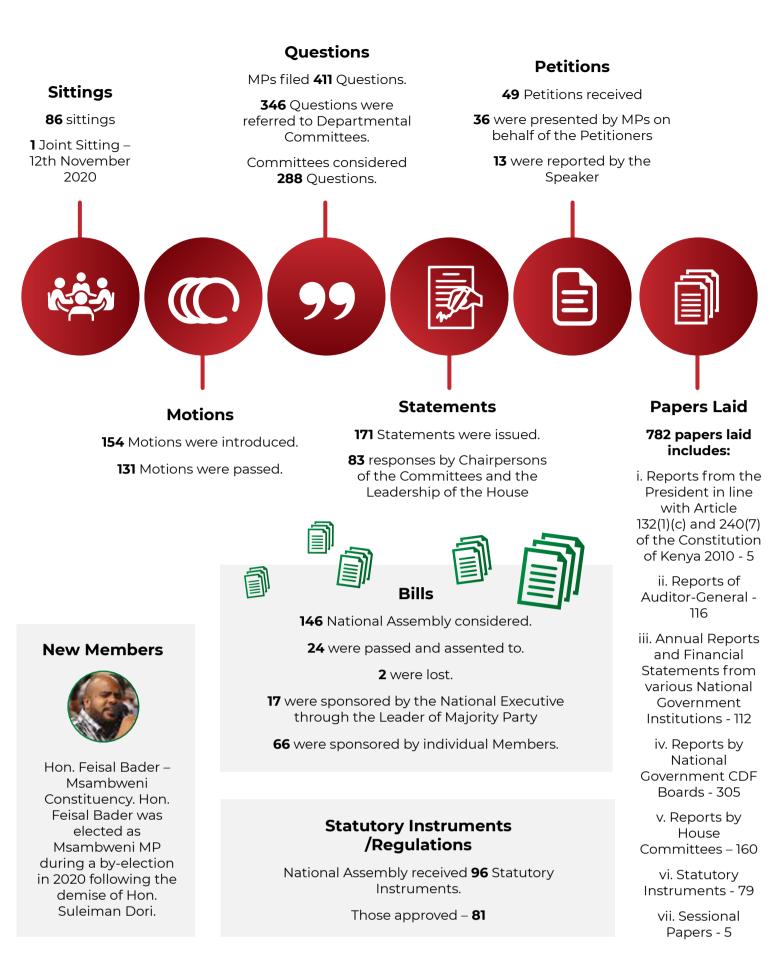
Delegation of Members of Parliament from the National Assembly of Zimbabwe – 30th July 2019



Delegation of Members of Parliament from the Parliament of Ghana - 6th August 2019 Officers from the Common Market for Eastern and Southern Africa (COMESA) – 11th September 2019



2020 – Overview of Business Transacted during the 4th Sesssion (13th February 2020 – 8th February 2021)



State Launch of Kiswahili

and Bilingual Versions of the National Standing Orders by the President

12th November 2020



SESSIONAL PAPERS

5 Sessional Papers were received.

• Sessional Paper No. 1 of 2020 on Wildlife Policy



- Sessional Paper No. 2 of 2020 on the Veterinary Policy from State Department of Livestock.
- Sessional Paper No. 3 of 2020 on the Livestock Policy from the State Department for Livestock.
- Sessional Paper No. 4 of 2020 on the National Cooperative Policy form the Ministry of Agriculture, Livestock, Fisheries and Cooperatives
- Sessional Paper on the Kenya Micro and Small Enterprises Policy from the Ministry of Industrialization, Trade and Enterprise Development.

Transition in House Leadership



Hon. Amos Kimunya replaced Hon. Aden Duale on 22nd June 2020) as the Leader of the Majority Party.



Hon. Emmanuel Wangwe replaced Hon. Benjamin Washiali as the Majority Chief Whip



Hon. Maoka Maore replace by Hon. Cecily Mbarire as Deputy Chief Whip



Hon. (Dr.) Eseli Simiyu replaced Hon. Chris Wamalwa as Deputy Minority Whip



2021 – Overview of Business Transacted during the 5th Session



New Members



Hon. Pavel Oimeke won the Bonchari by-election following the demise of Hon. Oroo Oyioka



Hon. George Koimburi won the Juja by-election held in May 2021.



Hon. John Njuguna Wanjiku won the Kiambaa by-election following the demise of Hon. Paul Koinange



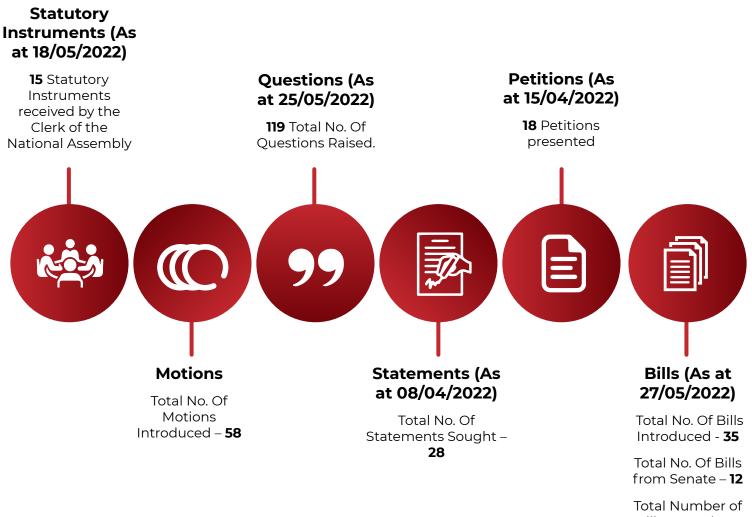
Hon. Majimbo Kalasinga won the Kabuchai by-elections in March 2021 following the demise of Hon. James Lusweti



Hon. Oscar Nabulindo won the Matungu by-election in March 2021 following the demise of Hon. Justus Murunga



2022 – Overview of Business Transacted during the 6th Session



Bills Passed - **17**

MEMBERS OF THE SPEAKER'S PANEL





Speaker Justin Muturi



Deputy Speaker, Hon. Moses Cheboi



Hon. Jessica Mbalu



Hon. Patrick K. Mariru



Hon. Christopher Omulele

INTERNATIONAL & REGIONAL PARTICIPATION



Members of Pan-African Parliament PAP



Hon. Beatrice Kones, MP – Committee on Transport, Industry, Energy, Communication, Science & Technology



Sen. (Dr.) Ali Ibrahim, MP – Committee on Cooperation, International Relations and Conflict Resolutions (Rapporteur)



Hon. Janet Ongera, CBS, MP – Committee on Rural Economy, Agriculture, Natural Resources and Environment



Hon. Jude Njomo, MP – Committee on Trade, Customs and Immigration Matters



Sen. Stewart Madzayo, MP – Committee on Monetary and Financial Affairs

MPs with Positions in the Inter-Parliamentary Union (IPU)



Hon. Patrick Mariru – elected in April 2019 at 140th Assembly of the IPU Co-Rapporteur, Standing Committee on Sustainable Development, Finance & Trade



Hon. Prof. Jacqueline Oduol - elected in April 2019 at 140th Assembly of the IPU Member, High-Level Advisory Group on Countering Terrorism & Violent Extremism

PARLIAMENTARY CAUCUSES



- 1. Kenya Women Parliamentarians Association (KEWOPA)
- 2. The Global Organization of Parliamentarians Against Corruption (GOPAC)
- 3. Kenya Young Parliamentarians Association (KYPA)
- 4. Parliamentary Caucus on Evidence-Informed Oversight and Decision-Making
- 5. World Parliamentary Forum on Sustainable Development (WPFSD)
- 6. Kenya Disability Parliamentary Association (KEDIPA)
- 7. African Parliamentarians Network Against Corruption (APNAC)
- 8. International Association of Peace-Kenya (IAPP-K)
- 9. Parliamentary Conservation Caucus-Kenya Chapter (PCC-K)
- 10. Human Rights Caucus
- 11. African Parliamentarians' Network on Development Evaluation Vision (APNODE)
- 12. Pastoralists' Parliamentary Group (PPG)
- 13. Parliamentarians for Global Action (PGA)
- 14. Parliamentary Caucus on Economy and Business
- 15. Parliamentary Caucus on Sustainable Development Goals and Business
- 16. International Association of Parliamentarians (IAPP-K)
- 17. Association of Catholic MPs
- 18. World Scout Parliamentary Union (WSPU)
- 19. Open Government Partnership Caucus

PARLIAMENTARY CAUCUSES

National Assembly and the Judiciary

 Constitutional Petition No. 284 of 2019 (as consolidated with Constitutional Petition No. 353 of 2019)– 24 Acts were declared unconstitutional. The Senate had been aggrieved by the National Assembly's action to legislate various Acts of Parliament without reference to the Senate and disregarding the provisions of Article 110(3) of the Constitution of Kenya 2010. This led to the Senate filing a Constitutional petition that culminated in the judgment given in Senate of the Republic of Kenya & 4 others v Speaker of the National Assembly & another; Attorney General & 7 others (Interested Parties) [2020] eKLR.

In its holding, the Court held that:

- A Speaker of a House of Parliament must first seek the concurrence of the Speaker of the other House of Parliament, as to whether a Bill is one that concerns counties, and if it is, whether it is a special or an ordinary Bill, before the Bill can be introduced for consideration in the originating House;
- a) It is mandatory and a condition precedent for any Bill that is published by either House to be subjected to a concurrence process to determine in terms of Article 110 (3) of the Constitution whether the Bill is special or an ordinary Bill and that such determination is not dependent on "a question arising" as to whether the Bill is one that concerns Counties;
- b) The provisions of Article 110 (3) of the Constitution are couched in mandatory terms and is a condition precedent before any House of Parliament can consider a Bill;
- c) One Speaker cannot unilaterally make a decision as to whether the Bill does or does not concern counties or whether a question as to whether the Bill is one that concerns counties does or does not arise; and
- d) Any Bill or delegated legislation that provides for, or touches on, mandate or powers of Parliamentary Service Commission must be considered by the Senate as it directly affects the Senate's ability to undertake its constitutional mandate including its ability to consider Bills that affect counties.

The import of this judgment was that the 24 Bills were taken back to the National Assembly for concurrence with the Senate.

24 BILLS THAT WERE NULLIFIED WERE

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- 1) The Public Trustee Amendment Act, No. 6 of 2018
- 2) The Building Surveyors Act, 2018
- 3) The Computer Misuse and Cybercrime Act, 2018
- 4) The Statute Law Miscellaneous Amendment Act, 2018
- 5) The Kenya Coast Guard Service Act, 2018
- 6) The Tax Laws Amendment Act, 2018
- 7) The Statute Law Miscellaneous Act, 2018
- 8) The Supplementary Appropriation Act, 2018
- 9) The Equalisation Fund Appropriation Act, 2018
- 10) The Sacco Society Amendment Act, 2018
- 11) The Finance Act, 2018
- 12) The Appropriation Act, 2018
- 13) The Capital Markets Amendment Act, 2018
- 14) The National Youth Service Act, 2018
- 15) The Supplementary Appropriation Act, 2018
- 16) The Health Laws Amendment Act, 2019
- 17) The Sports Amendment Act, 2019
- 18) The National Government Constituency Fund Act, 2015
- 19) The National Cohesion and Integration Commission Amendment Act, 2019
- 20) The Statute Law Miscellaneous Amendment Act, 2019
- 21) The Supplementary Appropriation Act, 2019
- 22) The Appropriation Act, 2019
- 23) The Insurance (Amendment) Act

CONSOLIDATED DATA FROM ALL SESSIONS

National Assembly.

Bills Introduced

	2018	2019	2020	2021	2022	Total
Papers Laid	906	1172	782	916	117	3,893
Sittings Held	137	118	86	135	45	521
Motions Sponsored	153	174	154	157	58	761
Questions Sought	461	679	411	478	119	2,148
Petitions	95	71	49	71	18	304
Bills Introduced	46	101	105	75	35	362

MZALENDO

Total No. Of Bills Considered	342
Total No. Of Bills Passed	140
Total No. Bills Assented	114

MEMBERS WHO PASSED AWAY DURING THE TERM OF THE 12TH PARLIAMENT





Hon. Francis Nyenze, MP (Kitui West Constituency)



Hon. Grace Kipchoim, MP (Baringo South Constituency)



Hon. Ken Okoth (Kibra Constituency)



Hon. Sulemian Dori – Msambweni Constituency – 9th March 2020



Hon. Justus Murunga – Matungu Constituency – 14th November 2020



Hon. James Lusweti Mukwe – Kabuchai Constituency – 4th December 2020



Hon. Oroo Oyioka (Bonchari)



Hon. William Kamoti – Rabai Constituency – Rabai Constituency – 29th May 2022



Hon. Francis Munyua Waititu – Juja Constituency – 21st February 2021



Hon. Paul Koinange -Kiambaa Constituency, 31st March 2021