

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT (FIFTH SESSION) THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE PRESIDENT

No. 1 of 2017

ON THE NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE COMMISSION FOR REVENUE ALLOCATION (CRA)

Honourable Members,

Pursuant to the provisions of Standing Order No. 42(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from His Excellency the President, seeking the National Assembly's approval of the nominee for appointment as Chairperson of the Commission on Revenue Allocation (CRA). In the Message, His Excellency the President conveys that, in exercise of powers vested in him under Article 215(2)(a) of the Constitution and pursuant to the provisions of sections (3) and (5) of the Parliamentary Appointments (Parliamentary Approval) Act, 2011, he has nominated **Dr. Jane W. Kiringai** for appointment as the Chairperson of the Commission on Revenue Allocation (CRA).

Honourable Members,

Section 8 of the said Act provides that the relevant Committee of the House will consider the suitability or otherwise of the nominee and table its report for consideration by the House within fourteen (14) days from the date when the notification of nomination is conveyed to the House. Further, the Act requires that the public be given seven (7) days notification to submit their views regarding the suitability or otherwise of the nominee proposed for appointment to an office requiring Parliamentary approval.

In this regard, and in accordance with the provision of Article 259(5)(a) of the Constitution as read together with section 5 of the said Act, the seven (7) days' notification to the public shall start running on the day following the day when the notice is published in the dailies.

Honourable Members, given the critical role played by the Commission for Revenue Allocation (CRA) within the framework of issues of Division of Revenue, which are currently under consideration within the budget process, it is advisable that the concerned Committee expeditiously proceeds to notify the nominee and the public. Indeed, it should be noted that the House approved the Commissioners of the CRA on December 20, 2016, and their swearing-in has been stayed, pending the appointment of a substantive Chairperson.

In this regard, the Committee should commence the approval hearings after the seven day notification period, and table a Report **on or before Wednesday, February 15, 2017**, to enable the House to consider the matter within the statutory timelines. This Message, together with the resume of the nominee stand committed to the Departmental Committee on Finance, Planning and Trade for consideration.

I thank you.

THE HON. (DR.) JOYCE LABOSO, MGH, MP
DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, February 1, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT-FIFTH SESSION

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE TO THE SENATE

No. 001 of 2017

**DECISION OF THE NATIONAL ASSEMBLY ON THE HEALTH BILL
(NATIONAL ASSEMBLY BILL NO. 14 OF 2015) AND THE PUBLIC
FUNDRAISING APPEALS BILL (SENATE BILL NO. 28 OF 2014)**

PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Health Bill (National Assembly Bill No. 14 of 2015) was published *vide* Kenya Gazette Supplement No. 44 of 17th August 2015 to align health laws and policy to the provisions of the Fourth Schedule to the Constitution of Kenya 2010 relating to the respective functions assigned to national and county governments and to provide a framework for coordination between the two levels of government in the provision of health services and management of health facilities;

WHEREAS, the said Bill was passed on 30th March 2016 and referred to the Senate for consideration and thereafter returned with amendments by the Senate;

WHEREAS, on 23rd and 24th November 2016, the National Assembly considered Senate amendments to the Health Bill and **negative** the Senate's amendments to several clauses, save for the amendments to **clauses 2, 7, 12, 27** and **49** of the Bill that were agreed to;

AND WHEREAS, the Public Fundraising Appeals Bill (Senate Bill No. 28 of 2014), published *vide* Kenya Gazette Supplement No. 99 of 27th June 2014 as a Bill originating in the Senate was passed by the Senate on Tuesday 12th May, 2015 and referred to the National Assembly for concurrence;

FURTHER WHEREAS, the Public Fundraising Appeals Bill (Senate Bill No. 28 of 2014) Bill was lost at Second Reading on 5th October 2016, thereby committing it to a mediation committee;

NOW THEREFORE, in accordance with the provisions of Article 112 of the Constitution and Standing Order 149 of the National Assembly Standing Orders, I hereby **convey** the said decisions of the National Assembly to the Senate and seek the appointment of Senators to the Mediation Committees in respect of the two Bills.

THE HON. JUSTIN B. N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, February 14, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT-FIFTH SESSION
THE NATIONAL ASSEMBLY
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MESSAGE TO THE SENATE

No. 002 of 2017

PASSAGE OF THE DIVISION OF REVENUE BILL (NATIONAL
ASSEMBLY BILL NO. 2 OF 2017)

PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Division of Revenue Bill (National Assembly Bill No. 2 of 2017) was published *vide* Kenya Gazette Supplement No. 2 of 6th January 2017 to provide for the equitable division of revenue raised nationally between the national and county governments in the 2017/2018 financial year;

WHEREAS, on 9th and 14th February 2017, the National Assembly considered and **passed** the said Bill **without amendments** and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 41 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

THE HON. JUSTIN B. N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, February 15, 2017

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - FIFTH SESSION

MESSAGES

MESSAGE TO THE SENATE

NO. 003 of 2017

**ESTABLISHMENT OF A JOINT PARLIAMENTARY SELECT
COMMITTEE ON ELECTION OF MEMBERS TO THE EAST AFRICAN
LEGISLATIVE ASSEMBLY (EALA)**

PURSUANT to the provisions of Standing Order 41 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly
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WHEREAS, Article 9 of the Treaty for the Establishment of the East African Community establishes the East Africa Legislative Assembly (EALA) as one of the key organs and institutions of the Community responsible for the Community's legislative matters;

WHEREAS Article 50 of the Treaty provides for the election of Members of EALA by respective Partner States' Legislatures in accordance with their parliamentary procedures for a term of five years, and further that the five-year term of the current 3rd East African Legislative Assembly is due to expire on June 04, 2017;

AND WHEREAS the current Election Rules as adopted by the National Assembly in April, 2012 do not take cognizance of the bicameral nature of the Kenyan Parliament, and further that the House Business Committee of the National Assembly, following advice of the Clerks of the House of Parliament, proposed to form a Joint Committee to consider, *inter alia*, review of the procedure and rules for election of Members of EALA in light of Kenya's bicameral nature, suggest appropriate timelines for purposes of notifications, nominations and elections, and consider nominees, oversee the election process and report to the House within the timelines stipulated in the Elections Rules;

FURTHER WHEREAS, the National Assembly, by a resolution passed on Wednesday, March 01, 2017, pursuant to the provisions of Rule 9 of the Houses of Parliament (Joint Sittings) Rules and Standing Order 213 of the National Assembly Standing Orders, **approved** the following seven (7) Members to form part of the Joint Committee on the Election of Members of EALA and related matters:

1. The Hon. Katoole Metito, EGH, MP - Co-Chairperson
2. The Hon. Samuel Chepkong'a, MP;
3. The Hon. WanjikuMuhia, MP;
4. The Hon. Ali Wario, MP;
5. The Hon. Florence Kajuju, MP;
6. The Hon. Daniel Maanzo, MP; and
7. The Hon. WafulaWamunyinyi, MP.

NOW THEREFORE, in accordance with the said provisions of the Standing Orders and the Houses of Parliament (Joint Sittings) Rules, I hereby convey the National Assembly's resolution to the Senate and invite the Senate to also expedite the establishment of the Joint Committee.

THE HON. JUSTIN MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Thursday, March 2, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT-FIFTH SESSION
THE NATIONAL ASSEMBLY
MESSAGES

MESSAGE TO THE SENATE

No. 004 of 2017

PASSAGE OF THE PUBLIC PRIVATE PARTNERSHIPS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 25 OF 2016) AND THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 4 OF 2015)

PURSUANT to the provisions of Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 25 of 2016) was published *vide* Kenya *Gazette* Supplement No. 96 of 24th June 2016 to amend the Public Private Partnership Act, 2013 by making provisions to recognize county governments as distinct contracting authorities for public-private partnership projects;

AND WHEREAS the Public Finance Management (Amendment) Bill (National Assembly Bill No. 4 of 2015) was published *vide* Kenya *Gazette* Supplement No. 15 of 12th February 2015 to amend the Public Finance Management Act, 2012;

FURTHER WHEREAS the National Assembly considered and **passed** the said Bills **with amendments** and in the forms attached hereto on February 16, 2017 and February 21, 2017 respectively;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the two Bills to the Senate for consideration.

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Thursday, March 15, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - FIFTH SESSION

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE SENATE

No. 001 of 2017

**DECISION OF THE SENATE ON THE VETTING OF NOMINEES FOR
APPOINTMENT TO THE NATIONAL CLIMATE CHANGE COUNCIL**

Honourable Members,

I wish to report to the House that I have received a Message from the Senate dated, February 22, 2017 regarding the decision of the Senate on the *vetting of nominees for appointment to the National Climate Change Council*.

The Message states, and I quote:

"That the Senate, on Tuesday, February 21, 2017 ... approved the appointment of Messrs. Patel Suresh and John Koli as Members of the National Climate Change Council and rejected the proposed appointment of Ms. Cynthia Wechabe and Dr. Jane Mutheu Mutune to the National Climate Change Council."

Honourable Members,

You will recall that on Tuesday, December 20, 2016, this House did approve the appointment of Messrs. Patel Suresh and John Koli as members of the National Climate Change Council and rejected the proposed appointment of Ms. Cynthia Wechabe and Dr. Jane Mutheu Mutune. This was after joint vetting by the National Assembly Departmental Committee on Environment and Natural Resources and the Senate Standing Committee on Land and Natural Resources.

Honourable Members,

Following the conclusion of the bicameral consideration of the appointments, the necessary notification to the appointing authority may now be commenced.

I thank you!

THE HON. JUSTIN B.N. MUTURI, EGH, M.P
SPEAKER OF THE NATIONAL ASSEMBLY
Tuesday, February 28, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT- FIFTH SESSION

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE FROM THE SENATE

No. 002 of 2017

**ON THE DECISION OF THE SENATE REGARDING THE
CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL
(NATIONAL ASSEMBLY BILL NO. 26 OF 2013) AND THE
CONSTITUTION OF KENYA (AMENDMENT) (NO. 2) BILL
(NATIONAL ASSEMBLY BILL NO. 2 OF 2015)**

Honourable Members, pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding *the decision of the Senate on the Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 26 of 2013) and the Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 2 of 2015)*.

The Message reads in part, and I quote, that“...*the Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 2 of 2015) and the Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 26*

of 2013) were rejected at SecondReading on Wednesday, 22nd February, 2017.”

Honourable Members, *The Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 26 of 2013)* was sponsored by the Hon. Lati Lelelit, MP and sought to amend the Constitution of Kenya (Article 204) to transfer the disbursement of the Equalization Fund from the purview of the National Government to Constituencies in with marginalized areas. On the other hand, *The Constitution of Kenya (Amendment)(No. 2) Bill (National Assembly Bill No. 2 of 2015)*, which was sponsored by the Hon. Peter Kaluma, MP, sought to amend the Constitution of Kenya to prohibit courts from interfering with matters which are active before Parliament, County Assemblies and/or their committees. The two Bills were passed by the National Assembly on October 01, 2015 and April 27, 2016 respectively.

Honourable Members, Article 256(1) of the Constitution provides that –

“A bill to amend the Constitution ... (d) shall have been passed by Parliament when each House of Parliament has passed the Bill, in both its Second and Third Readings, by not less than two-thirds of all the members of that House.”

My reading of this Article is that the Constitution does not envisage a mediation process in respect of a Bill to amend the Constitution. This decision of the Senate therefore brings to an end the life of these two Bills, as it implies that Parliament has declined to pass the Bills as required by the Article 256 of the Constitution. The House and indeed the public is accordingly notified.

I thank you.

THE HON. JUSTIN B.N. MUTURI, EGH, MP

SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, March 01, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT-FIFTH SESSION THE NATIONAL ASSEMBLY

MESSAGE

MESSAGE FROM THE SENATE

No. 003 of 2017

ON THE DECISION OF THE SENATE REGARDING THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2017)

Honourable Members, Standing Order 41(4) requires the Speaker to report to the House any Message(s) received from the Senate at the first convenient opportunity. In this regard, I wish to report to the House that, on Thursday, March 2, 2017, I received a Message regarding the decision of the Senate on the Division of Revenue Bill (National Assembly Bill No. 2 of 2017).

Honourable Members, the Message reads in part, and I quote, "...on Wednesday, March 1, 2017, the Senate considered the Division of Revenue Bill (National Assembly Bill No.2 of 2017) and **passed** the said Bill **with amendments**."

Honourable Members, you may wish to note that in accordance with the requirements of Standing Order 145, the Clerk has published the notification on today's Order Paper showing the Senate amendments and also the schedule as passed by the National Assembly for your information.

Honourable Members, with that decision of the Senate, the Senate's amendments to the Bill are referred to the Budget and Appropriations Committee for consideration. Due to the urgency of the passage of this Bill, I hereby direct the Committee to

expeditiously consider the amendments proposed by the Senate and report to the House within seven (7) days in order to guide the House accordingly.

I thank you.

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

TUESDAY, MARCH 14, 2017

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT
(FIFTH SESSION)

THE NATIONAL ASSEMBLY
MESSAGES

MESSAGE FROM THE SENATE

No. 004 of 2017

ON THE ESTABLISHMENT OF A JOINT SELECT COMMITTEE ON
ELECTION OF MEMBERS TO EALA

Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I have received a Message from the Senate regarding *its decision on the establishment of a Joint Parliamentary Select Committee on Election of Members to the East African Legislative Assembly (EALA)*.

Honourable Members,

The Messages reads in part, and I quote, “... **cognizant that the five-year term of the current 3rd East African Legislative Assembly (EALA) is due to expire on June 04, 2017; in accordance with Rule 9 of the Houses of Parliament (Joint Sittings) Rules and Senate Standing Order 216, the Senate, by a resolution passed on Thursday, March 02, 2017, resolved to establish a Joint Committee comprising of the following seven (7) Senators, to consider certain matters related to the election of Members of EALA in the light of Kenya’s bicameral nature’**:-

1. Sen. Kimani Wamatangi;
2. Sen. Peter Mositet;
3. Sen. Kipchumba Murkomen;
4. Sen. Mshenga Mvita;
5. Sen. Mutula Kilonzo Jnr;
6. Sen. Elizabeth Ongoro; and
7. Sen. Henry Ole Ndiema.

Honourable Members,

You will recall that this House by a resolution passed on Wednesday, March 01, 2017, the National Assembly, **appointed** seven (7) Members to form part of the Joint Committee on the Election of Members of EALA and related matters.

Following the appointment of Members to the Joint Select Committee by both Houses, the Committee is urged to fast-track consideration of the Election Rules to enable the process of notifications, nominations and elections to be conducted and concluded within the timelines proposed in the Elections Rules. I am informed that the first sitting of the Committee was scheduled to take place today, Tuesday, March 14, 2017. This ought to be prioritized given that the House will be proceeding on a long recess in April 2017.

I thank you.

THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, March 14, 2017

REPUBLIC OF KENYA



**ELEVENTH PARLIAMENT - (FIFTH SESSION)
THE NATIONAL ASSEMBLY**

MESSAGES

MESSAGE FROM THE SENATE

NO. 005 OF 2017

ON

**APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE
ON THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL
NO. 2 OF 2017)**

Honourable Members,

Pursuant to the provisions of Standing Order 41, I wish to report to the House that I am in receipt of correspondence from the Senate, dated 31st March 2017, conveying that the Senate has appointed the following Senators to represent the Senate in the Mediation Committee to consider the Division of Revenue Bill (National Assembly Bill No. 2 of 2017):-

1. Sen. Billow Kerrow, MP;
2. Sen. Mutula Kilonzo Junior, MP;
3. Sen.(Dr.) Agnes Zani, MP;
4. Sen. Beatrice Elachi, MP; and
5. Sen. Mutahi Kagwe, MP.

Honourable Members, you will recall that, on Tuesday, March 28, 2017, the National Assembly **negatived** all the Senate's amendments to the Division of Revenue Bill (National Assembly Bill No. 2 of 2017), effectively committing the Bill to a Mediation Committee in terms of Article 112(2)(b) of the Constitution. Subsequently, I appointed five Members to represent the National Assembly in the Mediation Committee and conveyed the National Assembly's decision to the Senate. With the appointment of Senators, the Mediation Committee is now fully constituted and may now commence the process of attempting to develop an agreed version of the Bill in accordance with the provisions of Article 113.

Honourable Members, you will agree with me that the Division of Revenue Bill is critical to the process of vertical sharing of revenue between the two levels of Government. Indeed Article 218 of the Constitution provides that the Bill ought to be passed at least two months before the end of the subsisting Financial Year. I therefore implore upon the Mediation Committee to expeditiously consider the contested sections of the Bill and submit a mediated version of the Bill to both Houses of Parliament within the timeline contemplated under Article 113(3) of the Constitution.

I thank you!

THE HON. JUSTIN B. N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, April 4, 2017