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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
PAPERS LAID

PARLIAMENT OF KENYA

DATE: 11 SEP 2019

DAY:  
WEDNESDAY

TWELFTH PARLIAMENT – THIRD SESSION

TABLED

BY:

HON. KAHUNGWAH  
KIMANI

CLERK AT

THE TABLE:

ANNE SHIRUKU

THE REPORT OF



THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE (NO.2) BILL, 2019

PURSUANT TO ARTICLE 113 OF THE CONSTITUTION

JOINT CLERKS CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI.

SEPTEMBER 2019

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## 1. INTRODUCTION

### 1.1. Establishment of the Committee

The Mediation Committee on the Division of Revenue (No. 2) Bill 2019, (National Assembly Bills No. 59) was constituted by the Speaker of the National Assembly, pursuant to Standing Order 149 (2) of Standing Orders of the National Assembly, and the Speaker of the Senate, pursuant to Standing Order 160 (2) of Standing Orders of the Senate, on 9<sup>th</sup> August, 2019, and 14<sup>th</sup> August, 2019 respectively.

The Committee membership was constituted as follows-

- |  |                    |
|--|--------------------|
| 1. Hon. Kimani Ichung'wah, CBS, M.P.       | - Chairperson      |
| 2. Sen. (Eng.) Mohamed M. Mahamud, CBS, MP | - Vice Chairperson |
| 3. Hon. Aden Duale, EGH, MP.               |                    |
| 4. Hon. (CPA) John Mbadi, EGH, CBS, MP     |                    |
| 5. Hon. Junet Nuh Mohammed, MP             |                    |
| 6. Sen. Mutula Kilonzo, MP                 |                    |
| 7. Hon. Cecily Mbarire, MGH, MP            |                    |
| 8. Sen. Johnson Sakaja, CBS, MP            |                    |
| 9. Hon. (Dr.) Makali Mulu, MP              |                    |
| 10. Sen. (Prof.) Margaret Kamar, MP        |                    |
| 11. Hon. Amos Kimunya, EGH, MP             |                    |
| 12. Sen. Charles Kibiru, MP                |                    |
| 13. Sen. Rose Nyamunga, MP                 |                    |
| 14. Sen. Ledama Ole Kina, MP               |                    |
| 15. Hon. Mishi Mboko, MP                   |                    |
| 16. Sen. Okong'o Omogeni, MP               |                    |
| 17. Hon. David Ole Sankok, MP              |                    |
| 18. Sen. Mithika Linturi, MP               |                    |

During the first sitting Hon. Kimani Ichung'wah, CBS, M.P. and Hon. (Dr.) Makali Mulu, MP were temporary replaced with-

1. Hon. Moses Lessonet, MP
2. Hon. Daniel Maanzo, MP

### 3. The Mediation Committee Report on the Division of Revenue (No.2) Bill, 2019

## 1.2. Committee Secretariat<sup>1</sup>

- |                            |   |
|----------------------------|---|
| 1. Ms. Emmy Chepkwony      | Principal Committee Clerk/ Senate           |
| 2. Mr. Chacha Machage      | Fiscal Analyst II & Committee Clerk / NA    |
| 3. Mr. Christopher Gitonga | Clerk Assistant II/ Committee Clerk/ Senate |
| 4. Mr. James Kimiti        | Audio Officer                               |

## 1.3. Mandate of the Mediation Committee

The Mediation Committee derives its mandate from the provisions of Articles 112 and 113 of the Constitution, Standing Order 149 of Standing Orders of the National Assembly and Standing Order 160 of Standing Orders of the Senate which outlines the functions of the Committee as follows-

- i. *To consider Bills where the Houses do not agree on all or any of the amendments made by either Houses;*
- ii. *To consider Bills where either House rejects a Motion that a Bill which originated in the other House be read a Second or Third time; and,*
- iii. *To attempt to develop a version of the Bill that both Houses will pass.*

The Committee was established to develop an agreed version of the Division of Revenue (No.2) Bill, 2019 and develop a version to be presented to both Houses for approval pursuant to standing order 150 of the Standing Orders of the National Assembly and standing order 161 (1) of the Standing Orders of the Senate. The issues for consideration by the Committee included;

- a) *County Equitable share;*
- b) *Conditional allocation on leasing of Managed Equipment Services; and*
- c) *Conditional allocation on the Water Tower Protection and Climate Change mitigation and Adaptation program.*

## 1.4. Committee Meetings and Methodology

The Committee held a total of three (3) sittings to deliberate on the Division of Revenue (No. 2) Bill, 2019 (National Assembly Bills No. 59) in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National Assembly.

During the first sitting, the Committee appointed Hon. Kimani Ichung'wah, CBS, MP and Sen. (Eng.) Mohamed M. Mahamud, CBS, MP as the Chairperson and the Vice-Chairperson respective-

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<sup>1</sup> The Committee also received technical support from the Parliamentary Budget Office & the Legal Departments from both Houses.