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*Paper Laid*  
By Hon. Mukwa Musyimi, MP  
Chair, Mediation Committee on  
the Division of Revenue (No. 2) Bill  
2017 on Thursday, June 15, 2017  
(AM)

PARLIAMENT OF KENYA

ELEVENTH PARLIAMENT - FIFTH SESSION (2017)



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THE REPORT OF

THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL, 2017

PURSUANT TO ARTICLE 113 OF THE CONSTITUTION

JOINT CLERKS CHAMBERS,

PARLIAMENT BUILDINGS,

NAIROBI.

JUNE 2017

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## 1.0 INTRODUCTION

### 1.1 Establishment of the Committee

The Mediation Committee on the Division of Revenue (No. 2) Bill, (National Assembly Bills No. 22 of 2017) was constituted by the Speaker of the Senate pursuant to Standing Order 154 (2) and the Speaker of the National Assembly pursuant to Standing Order 149(2) of the National Assembly and Articles 112 and 113 of the Constitution on 13<sup>th</sup> and 14<sup>th</sup> June, 2017 respectively comprising of the following members:-

- |                                 |                   |
|---------------------------------|-------------------|
| 1. Hon. Mutava Musyimi, MP      | - Chairperson     |
| 2. Sen. (Dr.) Agnes Zani        | -Vice Chairperson |
| 3. Sen. Mutula Kilonzo Junior   | -Member           |
| 4. Sen. Billow Kerrow           | -Member           |
| 5. Hon. Mary Emaase, MP         | -Member           |
| 6. Hon. Christopher Omulele, MP | -Member           |
| 7. Hon. Richard Onyonka, MP.    | -Member           |
| 8. Sen. Beatrice Elachi         | -Member           |

### 1.2 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 the National Assembly and Standing Order 154 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 Bill, 2017 and in particular clause on equitable share for the counties. The version would then be presented to both Houses for approval as provided for under National Assembly Standing Order No. 149 (6) and Senate Standing Order No. 154 (6).

The specific substance of discussion by the mediation Committee was the county equitable share which the Senate had proposed an amount of Ksh. **314.7 billion** and the National Assembly an amount of **Ksh. 291.1 billion**.

### **1.3 Committee Meetings and Methodology**

The Committee held a total of two (2) sittings to deliberate on the Division of Revenue (No. 2) Bill (National Assembly Bills No. 22 of 2017) 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. Mutava Musyimi, MP and Sen. Agnes Zani, MP as the Chairperson and the Vice-Chairperson respectively pursuant to Standing Order 154 (4) of the Senate and Standing Order 149(4) of the National Assembly.

At this meeting the Committee made reference to the report of the pioneering Mediation Committees that recommended that in future, the Chair of the mediation Committee should be elected from amongst members of the House that originated the Bill.

The Committee commenced its work by developing a statement of issues of concern raised that necessitated the rejection of Bill by the Senate. The statements comprised of the amendments made by the Senate to the Division of Revenue Bill, 2017.