



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

SPECIAL SITTING

TUESDAY, AUGUST 29, 2023 AT 9.30 AM

1. The Senate assembled at thirty Minutes past Nine O'clock.
2. The proceedings were opened with Prayer said by the Speaker.
3. **QUORUM IN THE SENATE**

The Speaker, having counted the Honourable Senators present at the commencement of the Sitting and confirming that there was no Quorum, caused the Bell to be rung for ten minutes pursuant to Standing Order 40;

And there being a Quorum at the expiry of ten minutes;

The Speaker invited the Clerk to call the Orders of the day.

4. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following Communications from the Chair: -

a) Convening of the Special Sitting of the Senate

“Honourable Senators,

I welcome you to this Special Sitting of the Senate. I regret to interrupt your recess, but this has been necessitated by urgent legislative business which requires to be dispensed with.

On the request of the Senate Majority Leader vide letters Ref. No. SEN/MLS/06/S.S/CORR dated 24th August, 2023, and with the support of the requisite number of Senators, I appointed today, Tuesday, 29th August, 2023 as a day for a Special Sitting of the Senate. The

appointment was made vide Gazette Notice No. 11081 dated 24th August, 2023.

In the *Gazette Notice*, I indicated that the business to be transacted at this Special Sitting shall be –

- (i) Receipt of Messages, including —
 - (a) Message from His Excellency the President on the nomination of Mr. Andrew Mukite Musangi, for appointment to the position of Chairperson of the Board of Directors of the Central Bank of Kenya;
 - (b) Message from the National Assembly on the passage, by the National Assembly, of a resolution for establishment of the National Dialogue Committee; and
 - (c) Message from the National Assembly on the passage, by the National Assembly, of the Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023);
- (ii) Consideration of the Climate Change (Amendment) Bill (National Assembly Bills No.42 of 2023);
- (iii) Consideration of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023); and
- (iv) Consideration of the Motion on the establishment of the National Dialogue Committee.

Honourable Senators,

In accordance with Standing Order 33 (5), the business specified in the *Gazette Notice* referred to above and as outlined in the Order Paper, shall be the only business before the Senate during the Special Sitting, following which the Senate shall stand adjourned until Tuesday, 5th September, 2023 at 2:30 p.m., in accordance with the Senate Calendar.

I thank you.”

b) On a visiting delegation of serjeant-at-arms from Turkana County assembly

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this morning, a visiting delegation of Serjeant-at-Arms from Turkana County Assembly who are in the Senate for a benchmarking visit.

Honorable Senators,

I request each member of the delegation to stand so that you may be acknowledged in the Senate tradition. The delegation comprises of the following officers;

1. Mr. James Sirite	-Chief Sergeant-at-Arms
2. Ms. Easther Akisi	-Deputy Chief Sergeant-at-Arms
3. Mr. Nicholas Ekai	-Principal Sergeant-at-Arms
4. Mr. Justus Ajore	-Principal Sergeant-at-Arms
5. Mr. Mathew Loporon	-Principal Sergeant-at-Arms
6. Mr. Leonard Lokwamor	-Senior Sergeant-at-Arms 1
7. Mr. Charles Lomokol	-Senior Sergeant-at-Arms 1
8. Mr. John Napas	-Senior Sergeant-at-Arms 1
9. Mr. Nicholas Nakapwan	-Senior Sergeant-At-Arms 1
10. Mr. Wilson Lokeris	-Sergeant-at-Arms 1
11. Mr. Paul Ekipor	-Sergeant-at-Arms 1
12. Mr. Dalmus Lochodo	-Sergeant-at-Arms 1
13. Ms. Beatrice Aule	-Senior Sergeant-at-Arms 1
14. Mr. Andrew Abong	-Senior Sergeant-at-Arms 1
15. Ms. Celestine Akal	-Commissioner 11
16. Ms. Sarah Akal	-Commissioner 11
17. Ms. Esther Akal	-Commissioner 11
18. Ms. Jane Nyanga	-Commissioner 111
19. Ms. Lucy Loyelei	-Senior Commissioner 1

Honorable Senators,

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish them a fruitful visit.

I thank you.”

c) On a visiting delegation from St. Brigid Academy, Elgeyo Marakwet County

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this morning, a visiting delegation from St. Brigid Academy, Elgeyo Marakwet County. The delegation consists of 56 pupils and 10 teachers.

On behalf of the Senate and on my own behalf, I welcome the delegation and wish them a fruitful visit.

I thank you.

5. **MESSAGES**

The Speaker conveyed the following Messages -

a. **Message from His Excellency the President on the nomination for appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of Directors of the Central Bank of Kenya (CBK)**

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 47, I received a Message from His Excellency Hon. William Ruto, PhD, CGH, President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, on nomination for appointment of Mr. Andrew Mukite Musangi to the position of Chairperson of the Board of Directors of the Central Bank of Kenya.

The Message was transmitted to the Senate vide a letter reference OP/CAB.26/4A VOL.II/(38) dated 3rd August, 2023, by the Chief of Staff and Head of Public Service, Mr. Felix K. Koskei, while the Senate was on recess and transmitted to Hon. Senators pursuant to Standing Order 47(2) of the Senate. I shall now report the Message to the Senate.

“You are most graciously notified that His Excellency Hon. William Samoei Ruto, PhD, CGH, President and Commander-in-Chief of the Kenya Defence Forces, has, on the recommendation of the Public Service Commission, nominated a candidate for appointment as the Chairperson of the Board of Directors of the Central Bank of Kenya.

It is noted that Section 11 (2A) of the Central Bank of Kenya Act (Cap. 491 of the Laws of Kenya) sets out the process of appointment of the Chairperson of the Central Bank of Kenya thus:

The chairperson shall be appointed by the President through a transparent and competitive process and with the approval of Parliament, and shall hold office for a term of four years but shall be eligible for reappointment for one further term.

In that regard, and in accordance with the procedure set out in Sections 3 and 5 of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011) as read together with Sections 11 (2) and 11 (2) (A) of the Central Bank of Kenya Act, we submit to both Houses of Parliament the Presidential Nomination of Mr. Andrew Mukite Musangi for appointment as the Chairperson of the Central Bank of Kenya.

To aid Parliament in its consideration and approval processes, we have the pleasure to forward herewith the Certificate of Presidential Nomination No. 15 of 2023, together with the nominee's Curriculum Vitae and Testimonials and the report of the Public Service Commission on the recruitment of the Nominee."

Honourable Senators,

Section 3 of the Public Appointments (Parliamentary Approval) Act states that *"an appointment under the Constitution or any other law for which the approval of Parliament is required shall not be made unless the appointment is approved or deemed to have been approved by Parliament in accordance with this Act."*

Standing Order No. 77 (1) of the Senate Standing Orders provides that *"upon receipt of a notification of nomination for appointment to a public office required to be approved by the Senate under the Constitution or any other legislation, the nomination shall stand committed to the relevant Standing Committee for consideration."*

Honourable Senators,

As was agreed and executed during previous approvals for nominations such as the position of the Governor of the Central Bank of Kenya, the Message from His Excellency the President, together with the curriculum vitae of the nominee, stands committed to the relevant Committee, in this case, the Standing Committee on Finance and Budget for approval hearing. The Committee will hold the approval hearing jointly with the Departmental Committee on Finance, Planning and Trade of the National Assembly, in accordance with the provisions of the Central Bank of Kenya Act and the Public Appointments (Parliamentary Approval) Act and the Standing Orders of the Houses of the Parliament.

Section 8 of the same Act provides that –

"Unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within fourteen days from the date on which the notification of nomination was given in accordance with section 5.

At the conclusion of an approval hearing, the Committee shall prepare its report on the suitability of the candidate to be appointed to the office to which the candidate has been nominated, and shall include in the report, such recommendations as the Committee may consider necessary."

In this regard, the period on the matter that is now before Parliament starts running upon the Speakers of the Houses of Parliament committing the name of the nominee to the relevant Committees in the Senate and in the National Assembly.

Standing Order 230 (Joint Sitzings of Corresponding Committees of the Senate and National Assembly) shall apply during the approval hearing. I urge the Committees to expeditiously consider this matter and to table a report thereon within the stipulated timelines.

I thank you.”

b. Message from the National Assembly on the passage, by the National Assembly, of The Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023)

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46(3) & (5), I received the following Message, while the Senate was on recess, from the Speaker of the National Assembly regarding the passage of the Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023).

The Message which is dated Thursday, 24th August, 2023 was received on Friday, 25th August, 2023, in the Office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the Message-

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly—

“WHEREAS the Climate Change (Amendment) Bill (National Assembly Bill No. 42 of 2023) was published vide Kenya Gazette Supplement No. 127 of July 19, 2023 as a Bill seeking to amend the Climate Change Act, 2016, to provide for the regulation of carbon markets in order to enhance response to climate change and provide mechanisms and measures to achieve low carbon climate-resilient development;

“AND WHEREAS, the Climate Change (Amendment) Bill (National Assembly Bill No. 42 of 2023) was passed by the National Assembly on Wednesday, 23rd August 2023, with amendments and in the form attached herewith;

“NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.”

Honourable Senators,

Pursuant to Standing Order 163 a Bill originating in the National Assembly is required to be proceeded with in the same manner as a Bill introduced in the Senate by way of First Reading. In accordance with Standing Order 144,

I now direct that, at the appropriate time during this Sitting, the said Bill be read First Time.

I thank you.”

c. Message from the National Assembly on the passage by the National Assembly, of a Resolution on the establishment of the National Dialogue Committee

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 46 (3) & (5), I have received a Message from the Speaker of the National Assembly, while the Senate was on recess, regarding the establishment of the National Dialogue Committee, to facilitate dialogue and consensus building and to recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya.

Pursuant to the said Standing Order, I now report the Message -

“PURSUANT to the provisions of Standing Order 41 (1) of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly: -

“WHEREAS, on Tuesday, 15th August 2023, the Leader of the Majority Party and the Leader of the Minority Party jointly co-sponsored a Motion on Establishment of a National Dialogue Committee comprising of members and a technical team drawn from both the Kenya Kwanza Alliance (“Kenya Kwanza”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio la Umoja One Kenya Coalition Party (“Azimio”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;

AND WHEREAS, the mandate of the National Dialogue Committee shall facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the Committee, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs;

FURTHER WHEREAS, on Wednesday, 16th August 2023, the National Assembly considered and passed the said Resolution on the Establishment of the National Dialogue Committee in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Standing Orders 41 (1) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate for consideration.”

Honourable Senators,

Appreciating the importance of this matter, I directed that a Notice of Motion and Motion be scheduled in the Order Paper for this Special Sitting for consideration and adoption.

I thank you.”

6. **NOTICE OF MOTION – ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE**

(The Senate Majority Leader and the Senate Minority Leader)

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament RESOLVE AS FOLLOWS:-

1. THAT the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance (“Kenya Kwanza”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (“Azimio”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. THAT each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;
3. THAT the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. THAT the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
 - 1) Hon. Kimani Ichung’wah (Delegation Leader);
 - 2) Gov. Cecily Mbarire (Deputy Delegation Leader);
 - 3) Hon. Sen. Aaron Cheruiyot;
 - 4) Hon. Hassan Omar Hassan; and
 - 5) Hon. Catherine Wambilianga.
5. THAT the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
 - 1) H. E. Stephen Kalonzo Musyoka (Delegation Leader);
 - 2) Hon. Opiyo Wandayi (Deputy Delegation Leader);
 - 3) Hon. Amina Mnyazi;
 - 4) Hon. Eugene Wamalwa; and
 - 5) Hon. Sen. Okong’o Mogeni.
6. THAT the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue*

Committee, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT NOTES:-

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.
8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:
 - (1) Dr. Muthomi Thiankolu;
 - (2) Dr. Linda Musumba;
 - (3) Dr Duncan Ojwang; and
 - (4) Nick Biketi.
9. THAT the Technical Team representing Azimio shall comprise the following persons:
 - (1) Hon. Jeremiah Kioni;
 - (2) Prof. Adams Oloo;
 - (3) Abubakar Zein Abubakar; and
 - (4) Lynn Ngugi.
10. THAT further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

11. THAT the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks
12. THAT the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. THAT in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. THAT the *National Dialogue Committee* shall determine its own rules of procedure.

15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

7. **MOTION – ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE**

Order read;

Motion made and Question proposed;

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

FURTHER CONSCIOUS that Article 94 of the Constitution provides that Parliament manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty;

RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the

establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

NOW, THEREFORE, the Houses of Parliament RESOLVE AS FOLLOWS:-

1. THAT the two Houses of Parliament establish a *National Dialogue Committee* consisting of ten (10) Members to represent the Kenya Kwanza Alliance (“Kenya Kwanza”), a coalition constituting the Majority Party of the Parliament of the Republic of Kenya and Azimio La Umoja One Kenya Coalition Party (“Azimio”), a coalition forming the Minority Party of the Parliament of the Republic of Kenya;
2. THAT each Coalition shall appoint five (5) Members to the *National Dialogue Committee*;
3. THAT the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. THAT the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
 - 1) Hon. Kimani Ichung’wah (Delegation Leader);
 - 2) Gov. Cecily Mbarire (Deputy Delegation Leader);
 - 3) Hon. Sen. Aaron Cheruiyot;
 - 4) Hon. Hassan Omar Hassan; and
 - 5) Hon. Catherine Wambilianga.
5. THAT the *National Dialogue Committee* shall comprise the following Members to represent Azimio:
 - 1) H. E. Stephen Kalonzo Musyoka (Delegation Leader);
 - 2) Hon. Opiyo Wandayi (Deputy Delegation Leader);
 - 3) Hon. Amina Mnyazi;
 - 4) Hon. Eugene Wamalwa; and
 - 5) Hon. Sen. Okong’o Mogeni.
6. THAT the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue Committee*, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT NOTES:-

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.
8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:
 - (1) Dr. Muthomi Thiankolu;
 - (2) Dr. Linda Musumba;
 - (3) Dr Duncan Ojwang; and
 - (4) Nick Biketi.
9. THAT the Technical Team representing Azimio shall comprise the following persons:
 - (1) Hon. Jeremiah Kioni;
 - (2) Prof. Adams Oloo;
 - (3) Abubakar Zein Abubakar; and
 - (4) Lynn Ngugi.
10. THAT further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

11. THAT the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks
12. THAT the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. THAT in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. THAT the *National Dialogue Committee* shall determine its own rules of procedure.
15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

(The Senate Majority Leader)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 84(1), the Speaker ruled that the Motion does not affect counties;

Question put and agreed to.

RESOLVED ACCORDINGLY

AWARE THAT Article 1(1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution;

FURTHER AWARE that Article 1(2) of the Constitution provides that the people of Kenya may exercise their sovereign power either directly or through their democratically elected representatives;

CONSCIOUS that Article 10 of the Constitution espouses the national values and principles of governance, which include the rule of law, democracy and participation of the people;

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RECOGNISING that there is a need to embrace consultation, dialogue and consensus building as a way of resolving issues of concern to the people of Kenya;

COGNIZANT that despite the constitutional and legal reforms on the electoral processes and the electoral laws, after every election cycle there has been mistrust of electoral outcomes, leaving the country divided;

FURTHER COGNIZANT that efforts to enhance constitutionalism, the rule of law and respect for human rights need to be promoted;

AWARE that there have been previous calls and attempts at building consensus on issues of concern to the people of Kenya through bi-partisan engagements in Parliament;

APPRECIATING the need to establish an inclusive forum for dialogue, consultation and consensus building in seeking to promote the peace, stability and prosperity of the country;

ACKNOWLEDGING THAT the Majority Party in Parliament and the Minority Party in Parliament have agreed to embrace dialogue through the establishment of a *National Dialogue Committee* to recommend a way forward on issues of concern to the people of Kenya;

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3. THAT the membership of the *National Dialogue Committee* shall be drawn from Parliament and outside Parliament;
4. THAT the *National Dialogue Committee* shall comprise the following Members to represent Kenya Kwanza:
 - 1) Hon. Kimani Ichung’wah (Delegation Leader);
 - 2) Gov. Cecily Mbarire (Deputy Delegation Leader);
 - 3) Hon. Sen. Aaron Cheruiyot;
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 - 3) Hon. Amina Mnyazi;
 - 4) Hon. Eugene Wamalwa; and
 - 5) Hon. Sen. Okong’o Mogeni.
6. THAT the mandate of the *National Dialogue Committee* shall be to facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, to be framed by the *National Dialogue*

Committee, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.

THE HOUSES OF PARLIAMENT NOTES:-

7. THAT the Technical Teams representing Kenya Kwanza and Azimio shall support the *National Dialogue Committee*.
8. THAT the Technical Team representing Kenya Kwanza shall comprise the following persons:
 - (1) Dr. Muthomi Thiankolu;
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 - (2) Prof. Adams Oloo;
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10. THAT further the *National Dialogue Committee* shall be assisted by two (2) Officers designated as Communication Secretaries, one (1) of whom shall be appointed by the Leader of Majority Party and the other by the Leader of Minority Party.

THE HOUSES OF PARLIAMENT FURTHER RESOLVE:-

11. THAT the *National Dialogue Committee* shall formulate and adopt a Framework Agreement to guide the bi-partisan talks
12. THAT the *National Dialogue Committee* shall report to the Leadership of Kenya Kwanza and Azimio Coalitions within sixty (60) days and after that, submit its report to Parliament.
13. THAT in the execution of its mandate, the *National Dialogue Committee* may invite, engage with and consider submissions from stakeholders, collate views from the public and engage experts, professionals and other technical resource persons as necessary.
14. THAT the *National Dialogue Committee* shall determine its own rules of procedure.

15. THAT the Speakers and Clerks of both Houses of Parliament shall provide secretariat and any other necessary support to facilitate the work of the *National Dialogue Committee*.

8. **SUSPENSION OF A SENATOR FOR DISORDERLY CONDUCT PURSUANT TO THE PROVISIONS OF STANDING ORDER 121(2) (b)**

Pursuant to the provisions of Standing Order 121, the Speaker ordered the Senator for Nandi County (Sen. Samson Cherarkey, MP) to withdraw from the precincts of Parliament for the remainder of the sitting day, for disorderly conduct.

Thereupon, the Senator withdrew from the Chamber.

9. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

Order for Second Reading read;

Motion made and Question proposed;

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) be now read a second time.

(Senate Majority Leader - 08.08.2023)

Debate interrupted on Tuesday, 8th August, 2023 resumed on a Division;

The Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for five minutes;

Upon the expiry of five minutes, the Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Speaker put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Speaker allowed one (1) Senator to record her vote verbally.

Thereupon, the Senator recorded her vote as “**Yes**”: -

Sen. Omar Sheikh Marriam, MP –on behalf of Mandera County Delegation.

The results of the Division were as follows: -

AYES – 31

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Adan Dullo Fatuma, MP
2. Sen. Cheruiyot Aaron Kipkirui, MP
3. Sen. Chesang Allan Kiprotich, MP
4. Sen. Chute Mohamed Said, MP
5. Sen. Ekomwa James Lomenen, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Maanzo Daniel Kitonga. MP
13. Sen. Madzayo Stewart Mwachiru, MP
14. Sen. Mandago Jackson Kiplagat, MP
15. Sen. Muhia John Methu, MP
16. Sen. Mo Fire Mwenda Gataya, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Murango James Kamau, MP
20. Sen. Mwaruma Johnes Mwashushe, MP
21. Sen. Nyutu Joe, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Oginga Oburu, MP
24. Sen. Oketch Eddy Gicheru, MP
25. Sen. Omar Sheikh Marriam, MP – voted verbally on behalf of Mandera County Delegation
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sigei Wakili Hillary, MP
28. Sen. Thangwa Paul Karungo, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP
31. Sen. Wambua Enoch Kiio, MP

Question, agreed to;

Bill read a Second Time and committed to the Committee of the Whole today.

10. COMMITTEE OF THE WHOLE

Order for Committee read;

IN THE COMMITTEE

(The Acting Chairperson of Committees (Sen. Wakili Hillary Sigei, MP) – in the Chair)

The Public Finance Management (Amendment) (Bill (National Assembly Bills No. 16 of 2023))

Clauses 3, 4, and 5

Motion made and Question proposed;

THAT, Clauses 3, 4, and 5, be part of the Bill

(The Vice Chairperson, Standing Committee on Finance and Budget)

The Committee proceeded to a division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked and the bars be drawn and asked Senators to log -in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to the provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) allowed one (1) Senator to record her vote verbally.

Thereupon, Sen. Omar Sheikh Mariam, MP recorded her vote as **“Yes”** on behalf of the Mandera County Delegation: -

The results of the Division were as follows: -

AYES – 31

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abas Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Kipkiror William Cheptumo, MP

10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Lomenen James Ekomwa, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Murango James Kamau, MP
20. Sen. Mwaruma Johnes Mwashushe, MP
21. Sen. Mo Fire Gataya Mwenda, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP
24. Sen. Oketch Eddy Gicheru, MP
25. Sen. Omar Sheikh Mariam, MP - voted verbally on behalf of the Mandara County Delegation.
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sigei Wakili Hillary, MP
28. Sen. Thangwa Karungo Paul, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP
31. Sen. Wambua Enoch Kiio, MP

Clauses 3, 4, and 5 – agreed to

Clause 6 – amendment proposed

THAT clause 6 of the Bill be amended in paragraph (b) –

- (a) in the proposed new subsection (2B) by inserting the words “and with the approval of Parliament” immediately after the words “in exceptional circumstances”;
- (b) in the proposed (2C) delete the expression “(2C)” appearing immediately after the words “subsections (2A) and” and substituting therefor the expression “(2B)”;
- (c) by deleting the proposed new subsection (2D) and substituting therefor the following new subsection-

(2D) The Cabinet Secretary shall submit to the National Assembly and the Senate by the 30th April in every year, a report on the debt status and the borrowing undertaken by the national government, indicating the exceptional circumstances, if any, provided for in subsection (2B).

- (d) by deleting the proposed new subsection (2E) and substituting therefor the following new subsection-

(2E) The committee in the respective House of Parliament responsible for matters relating to public debt shall consider the report submitted under subsection (2D), and shall table its report and its recommendations thereon in the respective House for consideration.

(e) in the proposed new subsection (2F) by inserting the words “and the Senate” immediately after the words “The National Assembly”.

(The Vice Chairperson, Standing Committee on Finance and Budget)

The Committee proceeded to a division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked and the bars be drawn and asked Senators to log -in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) allowed two (2) Senators to record their votes verbally.

1. Sen. William Cheptumo, MP
2. Sen. Omar Sheikh Mariam, MP – on behalf of the Mandera County Delegation

The results of the Division were as follows: -

AYES – 31

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abas Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Kipkiror William Cheptumo, MP - voted verbally
10. Sen. Kisang William Kipkemoi, MP

11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Lomenen James Ekomwa, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Murango James Kamau, MP
20. Sen. Mwaruma Johnes Mwashushe, MP
21. Sen. Mo Fire Gataya Mwenda, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP
24. Sen. Oketch Eddy Gicheru, MP
25. Sen. Omar Sheikh Mariam, MP - voted verbally on behalf of the Mandara County Delegation.
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sigei Wakili Hillary, MP
28. Sen. Thangwa Karungo Paul, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP
31. Sen. Wambua Enoch Kiio, MP

Clause 6 (as amended) – agreed to

Clause 2, the Title and Clause 1

Motion made and Question proposed;

THAT, Clause 2, the Title and Clause 1 be part of the Bill

(The Vice Chairperson, Standing Committee on Finance and Budget)

The Committee proceeded to a division;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for two minutes;

Upon the expiry of two minutes, the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) directed that the doors be locked and the bars be drawn and asked Senators to log -in for electronic voting;

The Acting Chairperson (Sen. Wakili Hillary Sigei, MP) put the Question and directed Senators to cast their votes by pressing either the “**Yes**”, “**No**” or “**Abstain**” button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Acting Chairperson (Sen. Wakili Hillary Sigei, MP) allowed one (1) Senator to record her vote verbally.

Thereupon, Sen. Omar Sheikh Mariam, MP recorded her vote as “Yes” on behalf of Mandera County Delegation: -

The results of the Division were as follows: -

AYES - 31

NOES - 0

ABSTENTION - 0

AYES

1. Sen. Abas Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Kathuri Murungi, MP
8. Sen. Keroche Tabitha Karanja, MP
9. Sen. Kipkiror William Cheptumo, MP
10. Sen. Kisang William Kipkemoi, MP
11. Sen. Lelegwe Steve Ltumbesi, MP
12. Sen. Lomenen James Ekomwa, MP
13. Sen. Maanzo Daniel Kitonga, MP
14. Sen. Madzayo Stewart Mwachiru, MP
15. Sen. Mandago Jackson Kiplagat, MP
16. Sen. Methu John Muhia, MP
17. Sen. Mundigi Alexander Munyi, MP
18. Sen. Mungatana Danson Buya, MP
19. Sen. Murango James Kamau, MP
20. Sen. Mwaruma Johnes Mwashushe, MP
21. Sen. Mo Fire Gataya Mwenda, MP
22. Sen. Nderitu John Kinyua, MP
23. Sen. Nyutu Joe, MP
24. Sen. Oketch Eddy Gicheru, MP
25. Sen. Omar Sheikh Mariam, MP - voted verbally on behalf of the Mandara County Delegation.
26. Sen. Seki Lenku Ole Kanar, MP
27. Sen. Sigei Wakili Hillary, MP
28. Sen. Thangwa Karungo Paul, MP
29. Sen. Wafula David Wakoli, MP
30. Sen. Wamatinga Wahome, MP
31. Sen. Wambua Enoch Kiio, MP

Clause 2, the Title and Clause 1

-agreed to

Progress Report

Motion made: -

THAT, the Committee of the Whole do report to the Senate its consideration of the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) and its approval thereof with amendments.

(The Vice Chairperson, Standing Committee on Finance and Budget)

Before the Question was put and pursuant to Standing Order 84(1), the Acting Chairperson (Sen. Hillary Wakili Sigei, MP) ruled that the Question does not affect counties;

Question put and agreed to.

11. **HOUSE RESUMED** – (The Deputy Speaker - in the Chair)
12. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**

Bill reported with amendments;

Motion made and Question proposed: -

THAT, the House do agree with the Committee of the Whole in the said Report.

(The Vice Chairperson, Standing Committee on Finance and Budget on behalf of the Senate Majority Leader)

There being no Senator wishing to contribute;

Before the Question was put and pursuant to Standing Order 84(1), the Deputy Speaker ruled that the question does not affect counties;

Question put and agreed to.

Motion made and Question proposed: -

THAT, the Public Finance Management (Amendment) Bill (National Assembly Bills No. 16 of 2023) be now read a Third Time.

(The Vice Chairperson, Standing Committee on Finance and Budget on behalf of the Senate Majority Leader)

There being no Senator wishing to contribute;

The House proceeded to a Division on the Third Reading of the Bill;

The Deputy Speaker directed that electronic voting be taken pursuant to Standing Order 86(2) and that the Division bell be rung for two minutes;

Upon the expiry of two minutes, the Deputy Speaker directed that the doors be locked and the bars be drawn and asked Senators to log-in for electronic voting;

The Deputy Speaker put the Question and directed Senators to cast their votes by pressing either the **“Yes”**, **“No”** or **“Abstain”** button;

Before the results of the Division were announced and pursuant to provisions of Standing Order 86 (5), the Deputy Speaker allowed three (3) Senators to record their vote verbally.

Thereupon, the following Senators recorded their votes as **“Yes”**: -

1. Sen. Lomenen James Ekomwa, MP
2. Sen. Mundigi Alexander Munyi, MP
3. Sen. Omar Sheikh Mariam, MP – on behalf of Mandera County Delegation.

The results of the Division were as follows: -

AYES – 31

NOES - 0

ABSTENTION – 0

AYES

1. Sen. Abbas Sheikh Mohamed, MP
2. Sen. Adan Dullo Fatuma, MP
3. Sen. Cheruiyot Aaron Kipkirui, MP
4. Sen. Chesang Allan Kiprotich, MP
5. Sen. Chute Mohamed Said, MP
6. Sen. Kamau Joseph Githuku, MP
7. Sen. Karungo Thangwa Paul, MP
8. Sen. Kathuri Murungi, MP
9. Sen. Keroche Tabitha Karanja, MP
10. Sen. Kipkiror William Cheptumo, MP
11. Sen. Kisang William Kipkemoi, MP
12. Sen. Lelegwe Steve Ltumbesi, MP
13. Sen. Lomenen James Ekomwa, MP – voted verbally
14. Sen. Maanzo Daniel Kitonga, MP
15. Sen. Madzayo Stewart Mwachiru, MP
16. Sen. Mandago Jackson Kiplagat, MP
17. Sen. Mo Fire Gataya Mwenda, MP
18. Sen. Muhia John Methu, MP
19. Sen. Mundigi Alexander Munyi, MP – voted verbally
20. Sen. Mungatana Danson Buya, MP

21. Sen. Murango James Kamau, MP
22. Sen. Mwaruma Johnes Mwashushe, MP
23. Sen. Nderitu John Kinyua, MP
24. Sen. Nyutu Joseph, MP
25. Sen. Oketch Eddy Gicheru, MP
26. Sen. Omar Sheikh Mariam, MP - voted verbally on behalf of
Mandera County Delegation
27. Sen. Seki Lenku Ole Kanar, MP
28. Sen. Sigei Wakili Hillary, MP
29. Sen. Wamatinga Wahome, MP
30. Sen. Wambua Enoch Kiio, MP
31. Sen. Wafula David Wakoli, MP

Question, agreed to.

Bill Read a Third Time and passed.

There being no other business, the Deputy Speaker adjourned the Senate at fifty-six minutes past Twelve O'clock without Question put, pursuant to the Standing Orders.

13. **SENATE ROSE** - at fifty-six minutes past Twelve O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, 5th September, 2023, at 2.30 p.m.*

--x--