



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – (SECOND SESSION)

THE SENATE

ORDER PAPER

SPECIAL SITTING

TUESDAY, AUGUST 29, 2023 AT 9.30 AM

PRAYER

1. Administration of Oath
2. Communication from the Chair
3. Messages (as listed in the Appendix)
4. Petitions
5. Papers
6. Notices of Motion (as listed in the Appendix)
7. Questions and Statements
8. *****THE CLIMATE CHANGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 42 OF 2023)**
(The Senate Majority Leader)

(First Reading)

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

(Second Reading)

***(Resumption of debate interrupted on Tuesday, 8th August, 2023)
(Division)***

10. **COMMITTEE OF THE WHOLE**
*****THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 16 OF 2023)**
(The Senate Majority Leader)

...../Motion

11. **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;

...../Motion

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.

...../Motion

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*.

...../Key

KEY

******- Denotes a Majority / Minority Party Bill**

*****- Denotes a National Assembly Bill**

**** - Denotes a Committee Bill**

***- Denotes any other Bill**

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NOTICE OF AMENDMENTS

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

(The Senate Majority Leader)

NOTICE is given that the Chairperson, Standing Committee on Finance and Budget, intends to move the following amendments to the Public Finance Management (Amendment) Bill, 2023 (National Assembly Bills No. 16 of 2023), at the Committee Stage-

CLAUSE 6

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”.

...../Appendix

APPENDIX

1. MESSAGES

- i) 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.
- ii) Message from the National Assembly on the passage, by the National Assembly of a resolution for establishment of the National Dialogue Committee.
- iii) 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).

(The Speaker of the Senate)

2. NOTICE OF MOTION - ESTABLISHMENT OF THE NATIONAL DIALOGUE COMMITTEE

(The Senate Majority Leader and the Senate Minority Leader)

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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;

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(The Senate Majority Leader and the Senate Minority Leader)
