



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – THIRD SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JULY 16, 2019 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Deputy Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Deputy Speaker conveyed the following Communications from the Chair: -

(i) Visiting Students and Teachers from Rising Star Education Centre, Nairobi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Rising Star Education Centre, Nairobi County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(ii) Visiting Students and Teachers from Dawamu Academy, Kajiado County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Dawamu Academy, Kajiado County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(iii) Visiting Students and Teachers from Olbutyo Girls' School, Bomet County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Olbutyo Girls' School, Bomet County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(iv) Visiting Students and Teachers from Nduundune Secondary School, Makueni County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Nduundune Secondary School, Makueni County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(v) Visiting Pupils and Teachers from Michinda Primary School, Nyandarua County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting pupils and teachers from Michinda Primary School, Nyandarua County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

(vi) Processing of a Petition by Families of the Victims of the Ethiopian Airlines Flight ET 302 Crash.

“Honourable Senators,

As you may recall, on Tuesday, 2nd July, 2019, I reported to the House a Petition by eight (8) Kenyans on behalf of families of the 32 Kenyan victims of the Ethiopian Air Crash, Flight ET 302 on 10th March, 2019.

The Petitioners sought the intervention of the Senate on the following two prayers-

1. Lack of death certificates for the victims of the crash bearing in mind that the Airline indicated that there were no survivors on board the flight; and
2. Lack of counselling and requisite post-crash trauma support to families of the victims of the crash.

After reporting the Petition, I allowed comments by several Senators on the matter and referred the Petition to the Standing Committee on National Security, Defence and Foreign Relations. I also directed the Chairperson of the Committee to bring a report on the Petition to the Senate, within two weeks, pursuant to standing order 51(1) (b). I have since reflected on the comments by Senators, led by the Senator for Makueni County, on the need to expedite the matter of counselling and issuance of death certificates to the families of the victims to enable them carry on with their affairs, in particular those to do with succession and compensation.

Honourable Senators,

Looking at the matter at hand and the respective mandates of the Standing Committees of the Senate, I have determined that the prayers sought in this Petition would be addressed effectively by the Standing Committee on Justice, Legal Affairs and Human Rights.

Honourable Senators,

I therefore direct that the Petition on the lack of support for issuance of death certificates and facilitation of counselling to the families of the victims of the air crash be committed to the Standing Committee on Justice, Legal Affairs and Human Rights, who should expedite this matter. This directive supersedes the one issued on 2nd July, 2019.

Please be guided accordingly.

I thank you.”

(vii) Visiting Students and Teachers from Itigo Girls’ Secondary School, Nandi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students and teachers from Itigo Girls’ Secondary School, Nandi County.

On behalf of the Senate, and on my own behalf, I welcome them to the Senate and wish them well for the remainder of their stay.

I thank you.”

4. **PAPERS**

The following Papers were laid on the Table of the Senate: -

- (i) Report by the Standing Committee on Finance and Budget on the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019);

(Chairperson, Standing Committee on Finance and Budget)

- (ii) The Crops (Irish Potato) Regulations, 2019; and

- (iii) The Crops (Coffee) (General) Regulations, 2019.

(Vice Chairperson, Sessional Committee on Delegated Legislation)

5. **STATEMENTS**

(i) Statement Pursuant to Standing Order 47(1)

The Senator for Kakamega County (Sen. Cleophas Malalah, MP) made a Statement on a matter of national concern, namely, the recent move by the Government to halt gaming business in Kenya.

The Senator informed the House that the Kenyan Government has for a very long time been embroiled in a push-and-pull with betting firms which, he claimed, had now culminated into the shutting down of Telco's Paybill numbers and short codes of 27 betting companies, meaning that gamers would not be able to deposit and withdraw money in the gaming wallets of the affected gaming companies.

Sen. Malalah also informed the House that the reasons advanced for this shutdown range from issues of taxation, morality and money laundering; claims that have rocked the financial sector. The Senator said that, had these claims been valid, the Government should have invoked the provisions of the Betting, Lotteries and Gaming Act regarding forfeiture of licence and security on conviction and disqualification of licensee, but not blanket condemnation of the companies.

The Senator stated that the betting trend in Kenya is not the fault of the betting firms and growth of the industry can be attributed to massive unemployment of the youth who engage in gambling as full time occupation or as means of passing time. He averred that the newcomer entrepreneurs who own the betting firms have become rich and prosperous because they were able to identify the opportunity brought about by new technologies.

Sen. Malalah further informed the House that the Government has a duty of maintaining law and order and security of private property. He accused the Betting Control and Licensing Board (BCLB) of losing its sense of direction to the point of being frivolous. He said the BCLB should concentrate on more important functions of permitting entry of new businesses and preventing fraud within the confines of the law. He condemned actions by the Government to suspend betting companies terming them malicious, suspect and out to discourage business in the country.

He said the action by the Government to suspend paybill numbers for the betting companies out-rightly makes one cast doubt on the Government's commitment to the growth and development of sports, which is mostly a preserve of the youth. He stated that there are a great number of sports men and women who are benefitting from the support of the gaming industry, as well as teams such as Gor Mahia, AFC Leopards and Kariobangi Sharks which have developed and improved courtesy of some good betting companies.

The Senator informed the House that some of the gaming companies have sought recourse through the courts and acquired injunctions as part of the required legal procedure. The Senator expressed apprehension over what he termed as 'a breach of law' by certain arms of Government who have proceeded to interfere with the business operations of the affected companies in spite of court injunctions.

The Senator urged the Speaker to refer the matter to the Standing Committee on Justice, Legal Affairs and Human Rights to investigate the issues raised and report to the House.

The Speaker, acceding to the request, referred the matter to the Committee.

(ii) Statement Pursuant to Standing Order 48(1)

Nominated Senator (Sen. Victor Prengei, MP) sought a statement from the Standing Committee on Finance and Budget on the state of preparedness for the 2019 National Population and Housing Census.

(iii) Statement Pursuant to Standing Order 51(1)(b)

- a) The Chairperson of the Standing Committee on Tourism, Trade and Industrialization issued a statement relating to the activities of the Committee for the period 1st January to 30th June, 2019.
- b) The Chairperson of the Sessional Committee on County Public Accounts and Investments issued a statement relating to the activities of the Committee for the period 1st January to 30th June, 2019.

6. **MOTION - ADOPTION OF THE REPORT OF THE MEDIATION COMMITTEE ON THE LAND VALUE INDEX LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 3 OF 2018)**

Order read;

Motion made and Question proposed: -

THAT, the Senate adopts the report of the Mediation Committee on the Land Value Index Laws Bill (National Assembly Bills No. 3 of 2018) laid on the Table of the Senate on Wednesday, 10th July, 2019 and pursuant to Article 113 of the Constitution and Standing Order 161(3) of the Senate Standing Orders approves the mediated version of the Bill.

(Chairperson, Mediation Committee – 11.07.2019)

Debate interrupted on Thursday, 11th July, 2019 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the mover requested, pursuant to Standing Order 61(3), for the deferment of the putting of the Question to a later date;

And the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe, MP), acceding to the request, nominated Wednesday, 17th July, 2019 as the day when the Question shall be put.

7. **THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL (SENATE BILLS NO. 3 OF 2019)**

Order for Second Reading read;

Motion made and Question proposed: -

THAT, the Public Finance Management (Amendment) Bill (Senate Bills No. 3 of 2019) be now read a Second Time.

(Sen. (Dr.) Agnes Zani, MP – 09.07.2019)

Debate interrupted on Tuesday, 9th July, 2019 resumed;

There being no other Senator wishing to contribute;

Mover replied;

Raising a point of order, the Mover requested, pursuant to Standing Order 61(3), for the deferment of the putting of the Question to a later date;

And the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe, MP), acceding to the request, nominated Wednesday, 17th July, 2019 as the day when the Question shall be put.

8. **THE COUNTY HALL OF FAME BILL (SENATE BILLS NO. 39 OF 2018)**
(The Senate Majority Leader)

Order deferred.

9. **THE PERSONS WITH DISABILITIES (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2019)**

(Sen. Aaron Cheruiyot, MP and Sen. (Dr.) Isaac Mwaura, MP)

Order deferred.

10. **THE CONSTITUTION OF KENYA (AMENDMENT) BILL (SENATE BILLS NO. 2 OF 2019)**
(The Senate Majority Leader)

Order deferred.

11. **THE COMMISSION ON ADMINISTRATIVE JUSTICE (AMENDMENT) BILL (SENATE BILLS NO. 6 OF 2019)**

Order for Second Reading read;

Motion made: -

THAT, the Commission on Administrative Justice (Amendment) Bill (Senate Bills No. 6 of 2019) be now read a Second Time.

(Sen. Petronilla Were Lokorio, MP)

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. (Dr.) Ltumbesi Lelegwe, MP) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

12. **SENATE ROSE** - at thirty minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, July 17, 2019 at 2.30 p.m.*

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