



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (THIRD SESSION)**  
**THE SENATE**  
**VOTES AND PROCEEDINGS**

**WEDNESDAY, NOVEMBER 27, 2019 AT 2:30 PM**

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

3. **PAPERS**

The following Paper was laid on the Table of the Senate:-

Report of the Parliament of Kenya delegation to the 50<sup>th</sup> Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30<sup>th</sup> August to 5<sup>th</sup> September, 2019.

*(Sen. Abshiro Halake, MP)*

4. **NOTICE OF MOTION** – (Sen. Abshiro Halake, MP)

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 50<sup>th</sup> Commonwealth Parliamentary Association (CPA) Africa Region Conference held in Zanzibar, Tanzania from 30<sup>th</sup> August to 5<sup>th</sup> September, 2019.

5. **STATEMENTS**

(a) **Pursuant to Standing Order 48(1)**

- (i) The Senator for Isiolo County (Sen. Fatuma Dullo, MP) sought a statement from the Standing Committee on Land, Environment and Natural Resources on Legal Notice No. 150 of 27<sup>th</sup> August, 2019 by the Ministry of Lands and Physical Planning that seeks to open up land in Isiolo County for Adjudication.

(b) **Pursuant to Standing Order 51(1)(a)**

The Chairperson, Standing Committee on Finance and Budget made a Statement on a matter for which the Committee was responsible, namely the stoppage of funds to County Governments.

The Chairperson drew the attention of the House to a question raised on the floor of the Senate on Thursday, 21<sup>st</sup> November, 2019 regarding the purported stoppage of transfer of funds to county governments by the Cabinet Secretary (CS) of the National Treasury and Planning and to the fact that the Speaker had directed that the Committee meet the Cabinet Secretary and present a report on the issue to the Senate.

The Chairperson reported that the Committee had held a meeting with the CS as directed by the Speaker and gathered the following:

- (a) That the CS had, issued Circular No. 20/2019 Ref: IGFR/Pending Bills/01/A(24) invoking Section 97 of the Public Finance Management Act to stop transfer of equitable share of revenue for the Financial Year 2019/2020 with effect from 1<sup>st</sup> December, 2019 for various counties that had not made any effort to clear pending bills between 1<sup>st</sup> July, 2019 and end of October, 2019. The CS informed the Committee that additionally, no conditional grants would be released to the said counties.
- (b) That, vide a letter dated 25<sup>th</sup> November, 2019, the CS had forwarded the said Circular to both Houses of Parliament, seeking parliamentary approval for the same.

The Chairperson highlighted the provisions of Article 225 of the Constitution, specifically Clauses 4 – 7, which set out the procedure for the stoppage of funds to counties, as well as the provisions of Section 96(1) of the PFM Act regarding the same. The Chairperson informed the Senate that in light of the foregoing, the Controller of Budget was obligated to investigate the matter and submit a report to Parliament for consideration.

In conclusion, the Chairperson urged the Controller of Budget to expedite the investigations and submit a report on or before 3<sup>rd</sup> December, 2019 to enable Parliament make a decision on the matter on or before 18<sup>th</sup> December, 2019.

(c) **Pursuant to Standing Order 51(1)(b)**

The Vice Chairperson, Standing Committee on Roads and Transportation, issued a Statement relating to the activities of the Committee for the period 1<sup>st</sup> July to November, 2019.

6. **PROCEDURAL MOTION – ELECTION OF A SENATOR TO PRESIDE OVER SITTINGS OF THE SENATE IN THE ABSENCE OF THE SPEAKER AND THE DEPUTY SPEAKER**

Motion made and Question proposed;

THAT, pursuant to Article 107 (1) (c) of the Constitution and Standing Order 15, the Senate elects Sen. Petronilla Were Lokorio to preside over the Sittings of the Senate, together with other Members of the Speaker's Panel present, in the absence of the Speaker and Deputy Speaker, for the remainder of the day's Sitting.

*(The Deputy Senate Majority Leader)*

And there being no Senator wishing to contribute;

Before the Question was put, pursuant to Standing Order 79 (1), the Deputy Speaker ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY**

THAT, pursuant to Article 107 (1) (c) of the Constitution and Standing Order 15, the Senate elects Sen. Petronilla Were Lokorio to preside over the Sittings of the Senate, together with other Members of the Speaker's Panel present, in the absence of the Speaker and Deputy Speaker, for the remainder of the day's Sitting.

7. **MOTION – CREATION OF COUNTY PARASPORTS ASSOCIATIONS IN THE 47 COUNTIES**

Order read;

Motion made and Question proposed;

THAT, AWARE THAT sport has the unique ability to transcend linguistic, cultural and social barriers, making it an excellent platform for inclusion and adaptation of different groups;

FURTHER AWARE THAT the universal popularity of sport and its physical, social and economic development benefits makes it an ideal tool for fostering the inclusion and well-being of persons with disabilities;

COGNIZANT of the fact that persons with disabilities often face societal barriers and disability evokes negative perceptions and discrimination in many societies and, as a result of the stigma associated with disability, persons with disabilities are generally excluded from education, employment and community life which deprives them of opportunities essential to their social development, health and well-being;

ACKNOWLEDGING that sport can help reduce the stigma and discrimination associated with disability by transforming community attitudes towards persons with disabilities by highlighting their skills and reducing the tendency to see the disability instead of the person;

FURTHER ACKNOWLEDGING that sport has become a career to many young people with talents, hence a source of income;

CONCERNED that there are many young talented youths with disabilities in the counties whose talent in sports has not been tapped, and that these young people are wallowing in poverty, which they have the potential to eliminate through sports and talent;

NOW, THEREFORE, the Senate calls upon the Ministry of Sports, Culture and Heritage in partnership with the Council of Governors to ensure that county governments:

1. Create a parasports association in each of the 47 counties, affiliated to the National Paralympic Committee, and responsible for the development and promotion of para-sports within the counties; and

2. Submit an annual report to the Senate on the activities of the parasports associations, including the amounts of money spent on disability sports, and the number of paralympic games, teams and players sponsored by the county during the year.

*(Sen. (Dr.) Getrude Musuruwe, MP)*

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put and pursuant to Standing Order No. 79(1), the Temporary Speaker (Sen. Petronilla Were Lokorio, MP) ruled that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY:**

THAT, AWARE THAT sport has the unique ability to transcend linguistic, cultural and social barriers, making it an excellent platform for inclusion and adaptation of different groups;

FURTHER AWARE THAT the universal popularity of sport and its physical, social and economic development benefits makes it an ideal tool for fostering the inclusion and well-being of persons with disabilities;

COGNIZANT of the fact that persons with disabilities often face societal barriers and disability evokes negative perceptions and discrimination in many societies and, as a result of the stigma associated with disability, persons with disabilities are generally excluded from education, employment and community life which deprives them of opportunities essential to their social development, health and well-being;

ACKNOWLEDGING that sport can help reduce the stigma and discrimination associated with disability by transforming community attitudes towards persons with disabilities by highlighting their skills and reducing the tendency to see the disability instead of the person;

FURTHER ACKNOWLEDGING that sport has become a career to many young people with talents, hence a source of income;

CONCERNED that there are many young talented youths with disabilities in the counties whose talent in sports has not been tapped, and that these young people are wallowing in poverty, which they have the potential to eliminate through sports and talent;

NOW, THEREFORE, the Senate calls upon the Ministry of Sports, Culture and Heritage in partnership with the Council of Governors to ensure that county governments:

1. Create a parasports association in each of the 47 counties, affiliated to the National Paralympic Committee, and responsible for the development and promotion of para-sports within the counties; and

2. Submit an annual report to the Senate on the activities of the parasports associations, including the amounts of money spent on disability sports, and the number of paralympic games, teams and players sponsored by the county during the year.

Pursuant to Standing Order 31(2), the Temporary Speaker (Sen. Petronilla Were Lokorio, MP) adjourned the Senate at fifteen minutes past Six O'clock, without Question put.

8. **SENATE ROSE** – at fifteen minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Thursday, November 28, 2019 at 2.30 p.m.*

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