

**REPUBLIC OF KENYA**



**FIRST ASSEMBLY – FIFTH SESSION**

**MAKUENI COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**WEDNESDAY, 14<sup>TH</sup> JUNE, 2017 (9.30 A.M.)**

1. The Assembly assembled at thirty minutes past nine O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING:** - The Hon. Julius Mwalali.
4. **PAPERS:** -

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

The Report of the Committee on Trade, Industry and Investment, on consideration of the Makueni County Cooperative Societies Bill, 2017, (Makueni County Assembly Bill No. 2 of 2017).

*The Chairperson, Committee on Trade, Industry and Investment.*

5. **THE MAKUENI COUNTY MATERNAL, NEWBORN AND CHILD HEALTH BILL, 2017, (MAKUENI COUNTY ASSEMBLY BILL NO. 4 OF 2017)**

*Hon. Lizer Zachariah.*

Order for Second Reading.

Motion made and Question proposed:-

**THAT**, the Makueni County Maternal, Newborn and Child Health Bill, 2017, (Makueni County Assembly Bill No. 4 Of 2017) be now read a Second Time.

No debate arising.

Question put and agreed to.

Bill Read a Second Time.

**6. COMMITTEE OF THE WHOLE ASSEMBLY: -**

**The Makeni County Cooperative Society Bill, 2017, (Makeni County Assembly Bill No. 2 of 2017)**

In the Chair – the Hon. Janet Kitung’u.

Bill interrogated and agreed to in the following order:-

**CLAUSES 3 AND 4:-**

Question proposed:

**THAT**, Clauses 3 and 4 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 5: -**

Question proposed:

**THAT**, Clause 5 be part of the Bill.

Amendment Motion proposed: -

**THAT**, Clause 5 (e) be amended by deleting the entire sub-clause.

Question proposed that Clause 5 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 5 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 6:-**

Question proposed:

**THAT**, Clause 6 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause (3) be amended by inserting a new provision (f) so as to read;

(f) authorize the cancellation of licenses or de-registration of cooperative societies, subject to the provisions of this Act.

Question proposed that Clause 6 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 6 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 7:-**

Question proposed:

**THAT**, Clause 7 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clauses 7(4) and (5) be amended by deleting the entire sub-clauses.

Question proposed that Clause 7 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 7 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 8, 9, 10, 11, 12, 13, 14 AND 15:-**

Question proposed:

**THAT**, Clauses 8, 9, 10, 11, 12, 13, 14 and 15 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 16:-**

Question proposed:

**THAT**, Clause 16 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause (4) be amended by inserting the words “and any legal proceedings pending may be continued by or against the society under its new name” immediately after the word “members” so as to read “*An amendment which changes the name of a cooperative society shall not affect any right or obligation of that society or its members*”

*and any legal proceedings pending may be continued by or against the society under its new name”.*

Question proposed that Clause 16 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 16 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, AND 30:-**

Question proposed:

**THAT**, Clauses 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 31: -**

Question proposed:

**THAT**, Clause 31 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause 8 be amended by inserting the word “co-operative” immediately before the word “society”.

Question proposed that Clause 31 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 31 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 32:-**

Question proposed:

**THAT**, Clause 32 be part of the Bill.

Amendment Motion proposed:-

**THAT**, sub-clause (4) of the Bill be amended by inserting new items (j) and (k) as follows;

(j) is of unsound mind

(k) is an undischarged bankrupt

Question proposed that Clause 32 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 32 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 33:-**

Question proposed:

**THAT**, Clause 33 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 34:-**

Question proposed:

**THAT**, Clause 34 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause 10 be amended by inserting the words “within thirty days of receipt of the refusal” immediately after the word “Member” appearing in the last line.

Question proposed that Clause 34 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 34 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 AND 70:-**

Question proposed:

**THAT**, Clauses 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 71:-**

Question proposed:

**THAT**, Clause 71 be part of the Bill.

Amendment Motion proposed:-

**THAT**, clause 71 be amended by deleting the entire clause and substituting therefor with the following three sub-clauses under the clause;

- (1) Where the registration of a co-operative society is cancelled under section 67 and 68, the Director may, in consultation with the Executive Committee Member appoint one or more persons to be liquidators of that society (hereinafter referred to as the liquidator) and all the property of such society shall vest in the liquidator from the date upon which the order of cancellation takes effect.
- (2) The Executive Committee Member shall appoint a liquidation committee of five members comprising of the Chief Officer, the Director, one member of the apex society and two members of the business community who shall be working with the liquidator during the liquidation period.
- (3) The Chief Officer and the Director shall be the chairperson and secretary to the liquidation committee respectively.



Question proposed that Clause 71 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 71 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 72:-**

Question proposed:

**THAT**, Clause 72 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause (1) be amended by deleting the word “Director” appearing in sub clauses (l), (n) and (o) and substitute therefor with “liquidation committee”.

Question proposed that Clause 72 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 72 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 73:-**

Question proposed:

**THAT**, Clause 73 be part of the Bill.

Amendment Motion proposed:-

- i) **THAT**, the clause be amended by deleting the word “Director” appearing immediately after the word “the” in the second line and substituting therefor with “liquidation committee”.
- ii) **THAT**, the clause be amended by deleting all the words appearing after the word “prescribed”.

Question proposed that Clause 73 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 73 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 74:-**

Question proposed:

**THAT**, Clause 74 be part of the Bill.

Amendment Motion proposed:-

**THAT**, the clause be amended by deleting the word “Director” wherever it appears and substituting therefor with “liquidation committee” and by deleting “69” appearing in sub-clause 1 (d) and substitute therefor with “72”.

Question proposed that Clause 74 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 74 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 75:-**

Question proposed:

**THAT**, Clause 75 be part of the Bill.

Amendment Motion proposed:-

- i) **THAT**, the clause be amended by deleting the word “Director” wherever it appears and substituting therefor with “liquidation committee”.
- ii) **THAT**, the clause be further amended by deleting the numbers “69” and “71” appearing immediately after the word “section” and substituting therefor “72” and “74” respectively.

Question proposed that Clause 75 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 75 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 76:-**

Question proposed:

**THAT**, Clause 76 be part of the Bill.

Amendment Motion proposed:-

- i) **THAT**, the clause be amended by deleting the word “Director” wherever it appears and substituting therefor with “liquidation committee”.
- ii) **THAT**, the clause be further amended by deleting the numbers “69” and “71” appearing immediately after the word “section” and substituting therefor “72” and “74” respectively.

Question proposed that Clause 76 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 76 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 77 AND 78:-**

Question proposed:

**THAT**, Clauses 77 and 78 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 79:-**

Question proposed:

**THAT**, Clause 79 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Sub-clause 2 (c) be amended by deleting the word “Authority” and substituting therefor with the word “Director”.

Question proposed that Clause 79 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 79 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 80, 81 AND 82:-**

Question proposed:

**THAT**, Clauses 80, 81 and 82 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 83:-**

Question proposed:

**THAT**, Clause 83 be part of the Bill.

Amendment Motion proposed:-

- i) **THAT**, Sub-clause (1) be amended by inserting the word “Societies” between the words “Co-operative” and “Development”

so as to read “County Co-operative Societies Development Fund”.

- ii) **THAT**, the clause be amended by introducing a new Sub-clause (6) to read as follows;

“The fund shall consist of—

- a) such moneys as may be appropriated by the County Assembly and which amount shall be 2% of the County’s total development budget;
- b) such gifts as may be donated to the Board;
- c) all moneys from any other lawful source provided, donated or lent to the Board”.

Question proposed that Clause 83 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 83 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSES 84, 85, 86 AND 87:-**

Question proposed:

**THAT**, Clauses 84, 85, 86 and 87 be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 2:-**

Question proposed:

**THAT**, Clause 2 be part of the Bill.

Amendment Motion proposed:-

**THAT**, Clause 2 of the Bill be amended by inserting the following terms;

- i) chief officer” means the Chief Officer for the time being responsible for co-operative societies.
- ii) “debentures” means the floating interest of a company’s assets in a bank.
- iii) “liquidation committee” means the committee to be appointed by the Executive Committee Member to be in charge of a co-operative society during liquidation.
- iv) “reserve fund” means any money, out of the surplus, put aside by a co-operative society to cushion liquidity.

Question proposed that Clause 2 be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, Clause 2 as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**THE TITLE:-**

Question proposed:

**THAT**, the Title be part of the Bill.

Amendment Motion proposed:-

**THAT**, the long title of the Bill be amended by deleting the word “County” appearing immediately after the word “Makueni” in the first line of the title and by deleting the word “purposes” appearing immediately before the word “connected” appearing in the fourth line of the long title.

Question proposed that the Title be amended as proposed.

No debate arising.

Question put and agreed to.

Question proposed: **THAT**, the Title as amended be part of the Bill.

No debate arising.

Question put and agreed to.

**CLAUSE 1:-**

Question proposed:

**THAT**, Clause 1 be part of the Bill.

No debate arising.

Question put and agreed to.

**REPORTING: -**

Motion moved and proposed:

**THAT**, this Committee do now report to the Assembly on its deliberation on the Makueni County Co-operative Societies Bill, 2017, (Makueni County Assembly Bill No. 2 of 2017), and its approval thereof with amendments.

No debate arising.



Question put and agreed to.

**7. HOUSE RESUMED- (Hon. Julius Mwalali in the Chair)**

Bill reported with amendments.

Motion made and Question proposed:-

The Assembly do agree with the Committee of the Whole Assembly in the said Report.

No debate arising;

Question put and agreed to.

**8. THE MAKUENI COUNTY COOPERATIVE SOCIETY BILL, 2017, (MAKUENI COUNTY ASSEMBLY BILL NO. 2 OF 2017)**

*The Chairperson, Committee on Trade, Industry and Investment.*

*Order for Third Reading.*

Motion made and Question proposed:-

**THAT**, the Makueni County Cooperative Society Bill, 2017, (Makueni County Assembly Bill No. 2 of 2017) be now read a Third Time.

No debate arising.

Question put and agreed to.

Bill read a Third Time and passed.

**9. THE MAKUENI COUNTY INVESTMENT AUTHORITY BILL, 2017, (MAKUENI COUNTY ASSEMBLY BILL NO. 6 OF 2017).**

*(The Chairperson, Committee on Trade, Industry and Investment)*

Order for Second Reading.

Motion made and Question proposed: -

**THAT**, the Makueni County Investment Authority Bill, 2017, (Makueni County Assembly Bill No. 6 of 2017) be now read a Second Time.

No debate arising.

Question put and agreed to.

**10. THE MAKUENI COUNTY REVENUE ADMINISTRATION BILL, 2017, (MAKUENI COUNTY ASSEMBLY BILL NO. 7 OF 2017).**

*(The Chairperson, Committee on Finance and Socio-Economic Planning)*

Order for Second Reading.

Motion made and Question proposed:-

**THAT**, the Makueni County Revenue Administration Bill, 2016, (Makueni County Assembly Bill No. 7 of 2017) be now read a Second Time.

No debate arising.

**Question put and agreed to.**

**11. ASSEMBLY ROSE: – at two minutes past eleven O'clock.**

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**MEMORANDUM**

The Speaker will take the Chair on  
Wednesday, 14<sup>th</sup> June 2017 at 2.30 p.m.

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