

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY
OFFICIAL REPORT

Tuesday, 8th December, 2020

The House met at 10.21 a.m.

[The Speaker (Hon. (Mrs.) Mwangangi) in the Chair]

PRAYERS

Hon. Speaker: We can start our sitting; it is a relatively long day because we have three Bills that we need to finalize today.

STATEMENT

BUSINESS FOR THE HOUSE FOR 8TH DECEMBER, 2020

Hon. Speaker: Hon. Members, under this Order, we have a business by the Hon. Majority Leader Mark Muendo but I see most likely will be presented by the Minority Leader Hon. Alex Kamitu.

Hon. Kamitu: Thank you very much, Hon. Speaker. Hon. Speaker, the House Business Committee met on Monday, 7th December, 2020 to prioritize business for the House as forwarded by Committees and Hon. Members, pursuant to the provisions of the Standing Order 151(5).

The Committee balloted additional business for 8th December, 2020 as follows:

Tuesday, 8th December, 2020

Afternoon at 2.30 p.m.

- a. Motion to alter the Calendar of Assembly that the House resolves the adjournment date for the fourth session of the County Assembly of Machakos be changed from 15th December, 2020 to 8th December, 2020.
- b. Motion that the County Assembly of Machakos adjourns for long recess as per the Calendar of the Assembly from today, 8th December, 2020 and resume on Tuesday, 9th February, 2021.

Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Minority Leader Alex Kamitu.

(Then)

COMMITTEE OF THE WHOLE HOUSE

(Orders for Committee read)

[Hon. Speaker left the Chair]

IN THE COMMITTEE

[Hon. Chairperson (Hon. Museku) took the Chair]

THE MACHAKOS COUNTY COOPERATIVES ENTERPRISE DEVELOPMENT FUND BILL, 2019
(MACHAKOS COUNTY BILL NO.5)

(Clauses 3, 4 and 5 agreed to)

Clause 6

Hon. Mitaa: I move that clause 6 be amended by:-

- (a) In sub clause (1)
 - (i) In Paragraph (d) by deleting the word —four and substituting therefor the word —six
 - (ii) By deleting paragraph (d), sub paragraph (ii) and substituting therefor the following new sub paragraph.
—two persons who shall be representatives of co-operative societies nominated by cooperative societies and appointed by the County Public Service Board
 - (iii) By deleting paragraph (d), sub paragraph (iii) and substituting therefor the following new sub paragraph,
—one person with experience and knowledge of co-operative matters nominated by cooperative societies in the County and appointed by the County Public Service Board;
 - (iv) By inserting the following new sub paragraph immediately after sub paragraph (iii)
—two persons being one woman and one man representing marginalized groups in the County;
- (b) In sub clause (4) by inserting the following new paragraph immediately after paragraph (e),
 - “(e)(A) or; Is a serving public servant.

(Question of the amendment proposed)

(Question put and agreed to)

Clause 7

Hon. Mitaa: I move that clause 7 be amended:-

(a) In sub clause (3), by adding the following new paragraph immediately paragraph (b)

— (b)(A) consider the marginalized groups

(b) By deleting sub clause (5) and substituting therefor the following new sub clause

—(5) The members referred to in sub-section 6(1)(d) shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 8 agreed to)

Clause 9

Hon. Mitaa: I move THAT Clause 9 of the Bill be amended:-

(a) In the marginal note by deleting the word —Committee and substituting therefor the word —Board

(b) By inserting the following new sub clause immediately after sub clause (c) and rearranging them accordingly

“(d) A monitor the use of funds allocated to the cooperative society;

(Question of the amendment proposed)

(Question put and agreed to)

(Clauses 10, 11, 12 and 13 agreed to)

Clause 14

Hon. Mitaa: I move that THAT Clause 14 of the Bill be amended in sub clause (2) by deleting the word —governor or

(Question of the amendment proposed)

(Question put and agreed to)

Clause 15

Hon. Mitaa: I move that THAT Clause 15 be deleted.

(Question of the amendment proposed)

(Question put and agreed to)

Clause 16

Hon. Mitaa: I move THAT Clause 16 of the Bill be amended:-

- (a) In sub clause (2) by deleting the word —mayl and substituting therefor the word —shall; and
- (b) By inserting the following new sub clause immediately after sub clause (2), paragraph (c)
“(2)A The distribution of the benefits stated under subsection (2) shall depend on the type of cooperative society, whether marketing cooperative, housing cooperative, land cooperative or any other as stipulated in the Companies Act.

(Question of the amendment proposed)

(Question put and agreed to)

Clause 17

Hon. Mitaa: I move THAT Clause 17 of the Bill be amended:-

- (a) In sub clause (2)
 - (i) By inserting the following new paragraph immediately after paragraph (b) “(b)(A) the signatures and copies of national identification cards of at least ten percent of members of the Society;
 - (ii) By inserting the following new paragraphs immediately after paragraph (c)
“(c)(A) Proof of the purpose of the loan;
(c)(B) Proof of proper usage of funds for the previous application if any;
(c)(C) Proof of clearance by Credit Reference Bureau of any pre-existing loans;
(c)(D) Audited accounts for the previous two years;
(c)(E) Proof of existence for the last six months
- (b) In sub clause (3) by inserting the words —or herselfl immediately after the words — satisfy himselfl;
- (c) In sub clause (4) by deleting the words —and repayment periodl
- (d) By deleting sub clause (6) and substituting therefor the following — (6) The loan shall be disbursed by the Board directly to the cooperative account or to the account of the service provider.

(Question of the amendment proposed)

(Question put and agreed to)

Clause 18

Hon. Mitaa: I move THAT Clause 18 of the Bill be amended:-

(a) By deleting sub clause (1) and substituting therefor the following new sub clause —(1) The maximum loan to any borrower shall be subject to determination by the Board and shall be in accordance with the financial capability of the Society.

(b) By deleting sub clause (3)

(Question of the amendment proposed)

(Question put and agreed to)

Clause 19

Hon. Mitaa: I move THAT the Bill be amended by deleting Clause 19

(a) In sub clause (3)

(i) In paragraph (a) by deleting the word —county government and substituting therefor the word —Board

(ii) In Paragraph (b) by deleting the word —committee and substituting therefor the word —Board

(iii) In paragraph (c) by deleting the word —county government and substituting therefor the word —board

(Question of the amendment proposed)

(Question put and agreed to)

(Clauses 20 and 21 agreed to)

Clause 22

Hon. Mitaa: I move that THAT the Bill be amended by in Clause 22:-

(a) In sub clause (1) by deleting sub clause (1) and substituting therefor the following sub clause

—(1) A loan granted to an applicant under this Act shall be repaid with an interest rate to be prescribed by the Board or such other interest rate as may be determined by the relevant public authority

(b) By inserting the following new sub clause immediately after sub clause (2)

— (3) The Board may review the interest rate in subsection (1) from time to time.

(Question of the amendment proposed)

(Question put and agreed to)

(Clauses 23, 24, 25 and 26 agreed to)

Clause 27

Hon. Mitaa: I move THAT Clause 27 of the Bill be amended:-

- (1) In sub clause (1) by deleting the words —responsible for co-operative societies may and substituting therefor the word —shall
- (2) In sub clause (2) by inserting the following new paragraph immediately after paragraph (c)
- “(c)(A) the interest rate

(Question of the amendment proposed)

(Question put and agreed to)

Clause 28

Hon. Mitaa: I move THAT Clause 28 of the Bill be amended:-

By deleting Clause 28 and substituting therefor the following
—In the event of winding up of the Fund, the cash balances shall be transferred to the County Exchequer Account subject to the provisions of Section 182 of the Public Finance Management Act.

(Question of the amendment proposed)

(Question put and agreed to)

NEW CLAUSE

Clause 20(a)

Hon. Mitaa: Mr. Chairman, I beg to move-THAT the Bill be amended:-

By inserting the following in Clause 20(a) by inserting the following new Clause immediately after Clause 20.

20A (1) Any person who misappropriates cooperative resources commits an offence of cooperative resources and shall upon conviction be liable to a fine of five hundred thousand Kenya shillings or to a term of imprisonment not exceeding two years or to both.

(New clause read the First Time)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

SCHEDULES

Schedule 1

Hon. Mitaa: I move THAT the First Schedule be amended:-

- (a) In section 1 sub section (2) by deleting the words —at the premises of the Authority and substituting therefor the word —Board
- (b) In sub section (6) by inserting the words —or her immediately after the word — and his

(Question of the amendment proposed)

(Question put and agreed to)

Clause 2

Hon. Mitaa: I move that clause 2 be amended as proposed.

(Question of the amendment proposed)

(Question put and agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Mitaa: Hon. Speaker, I wish to move that the motion that the committee do report its consideration of the Machakos County Cooperative Enterprise Development Bill, 2019 (Machakos County Bill No. 5) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE MACHAKOS COUNTY VILLAGE POLYTECHNIC BILL, 2019 MACHAKOS COUNTY BILL
NO.3)

Hon. Chairperson: Thank you, Hon. Members. We proceed with the next Bill.

Clause 3

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 3 be amended by:-

- (a) In Sub-Clause (a) by deleting the words “village polytechnic” and substituting therefor the words “institution”
- (b) In Sub-Clause (b)
 - (i) By deleting the words “the licensing”;
 - (ii) By deleting the words “village polytechnic” and substituting therefor the words “institutions”;

- (c) In Sub-Clause (c) by deleting the words “village polytechnic” and substituting therefor the words “institution”
- (d) In Sub-Clause (d) by inserting the words “technical and” immediately after the word “through” and immediately before the words “vocational training”
- (e) In Sub –Clause (e) by inserting
 - (i) The words “and value addition” immediately after the words “entrepreneurship in the county” and immediately before the word “and”
 - (ii) The words “and employability” after the word “entrepreneurship” and immediately before the words “in the county”
- (f) Insert the following sub-Clause immediately after subs Clause (e) “the equipping of trainees with practical technical skills that are relevant to the society and which are readily applicable in the job market;”
- (g) In Sub Clause (f) by inserting the words “technical and” immediately after the words “relating to” and immediately before the word “training”; and

(Question of the amendment proposed)

(Question put and agreed to)

Clause 4

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 4 of the Bill be amended by:

- (a.) In the marginal note by deleting the marginal note and substituting therefor the following “establishment of the Committee”
- (b.) In Sub Clause (1) by deleting the words “vocational Training Advisory” and substituting therefor the words “technical and vocational training centre”
- (c.) In Sub Clause (2) (b) by deleting the phrase “who shall be an ex officio member and the secretary to the Committee”
- (d.) In Sub Clause 2(c) by deleting Sub Clause 2(c)
- (e.) In Sub Clause 4(2)(d) by
 - (i) deleting the words “the managers of county government village polytechnics nominated by a forum of all managers of county governments village polytechnics and appointed by the county executive committee member” and substituting therefore the words “principals of public institutions nominated by a forum for all public institution principals”;
- (f.) In Sub Clause 4(2) (e) by
 - (i) deleting the words “ the managers of private village polytechnics nominated by a forum of all managers of county government village polytechnics and appointed by the county executive committee member” and substituting therefore the words “principals of private institution nominated by a forum of all private institution principals”
- (g.) In Sub Clause 4(2)(f)

- (i) By Deleting the word “extensive” and substituting therefore the phrase “at least five years”
 - (ii) By inserting the word “technical” before the word “education” in Sub Clause 4(2)(f)(i)
- (h.) In Sub Clause 4(2)(g) by
- (i) Inserting the phrase “being one woman and one man,” immediately after the phrase “reside in the county” and immediately before the phrase “representing marginalized persons”;
 - (ii) Deleting the phrase “appointed by the County Executive Committee Member”
- (i.) Inserting the following new sub Clauses after Sub Clause 4(2)(g)
- (i) “one representative of the informal sector nominated by the largest umbrella organization representing the informal sector in the County”
 - (ii) “Director recruited by the Board who shall be the Secretary to the committee and who shall be an ex official member.”
- (j.) Inserting the following new sub Clause immediately before (3) and arranging it alphabetically
- “(3)The persons referred to in subsection (2) (e),(f) and (g) shall be competitively recruited by the Board and appointed by the Executive Committee Member.
- (4) In recruiting and appointing the persons in Sub section (2)(e)(f) and (g), the Board and the Executive Committee Member shall take into consideration the following—
- (a) Regional, ethnic and gender diversity and representation of persons with disability; and
 - (b) Compliance with the principles of public participation through extensive consultations with the relevant stakeholders, community leaders and members of the public.”
- (a) In Sub Clause 4(4) by
- i) By deleting the words “section 4(2) (f), (g) and (h)” and substituting therefor the words “Sub section 4(2)(d),(e),(f) and (g)”;
 - ii) By deleting the words “ and are eligible for reappointment for one further term”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 5

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 5 of the Bill be amended by:

- (a) In Sub Clause 5(1)(a) by Inserting the words “technical and” immediately after the word “relating to” and immediately before the word “training”
- (b) In Sub Clause 5(1)(b) by

- (i) Deleting the word “set” and substitute therefor the word “maintain”;
- (ii) inserting the words “technical and” immediately after the word “relating to” and immediately before the word “training”
- (c) In Sub Clause 5(1)(c) by inserting the words “technical and” immediately after the word “evaluate” and immediately before the word “vocational”
- (d) In Sub Clause 5(1)(d) by deleting the words “village polytechnic” and substituting therefor the words “institutions”
- (e) In Sub Clause 5(1)(e) by deleting the words “village polytechnic” whenever they appear and substituting therefor the words “institutions”
- (f) In Sub Clause 5(1)(f) by deleting the words “village polytechnic” and substituting therefor the words “institutions”
- (g) In Sub Clause 5(1)(h) by
 - (i) Inserting the phrase “upon public consultation,” immediately before the phrase “issue guidelines”;
 - (ii) Deleting the word “courses” and substituting therefor the word “trades”; and
 - (iii) Deleting the words “village polytechnic” and substituting therefor the words “institutions”
- (h) Inserting the following new sub Clauses immediately before Sub Clause 5(1)(h) and immediately before Sub Clause 5(1)(i) and re-arrange accordingly
 - “(i) promote the uptake of technical training in the society;
 - (j) Ensure that institutions are well equipped with the relevant machinery and tools;
 - (k) Provide support to graduate trainees in finding internships, employment and industrial attachments”

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 6 agreed to)

Clause 7

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 7 of the Bill be amended by:

“Deleting the words “executive Committee Member” and substituting therefor the words “Board”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 8

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 8 of the Bill be amended by:

- (i) In Sub Clause 8 (1) by inserting the phrase “Subject to the provisions of the Technical and Vocational Education Training Act, 2013, immediately before the words “the executive Committee member”;
- (ii) In Sub Clause 8 (1) by deleting the words “village polytechnic” and substituting therefor the “public institution”
- (iii) In Sub Clause 8(2) by deleting the words “village polytechnic” and substituting therefor the “institution”
- (iv) Inserting the following new Clause immediately after Sub Clause (2) “The Department shall take measures in order to ensure that there is established at least one public institution in every Ward.”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 9

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 9 of the Bill be amended by deleting Clause 9

(Question of the amendment proposed)

(Question put and agreed to)

Clause 10

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 10 of the Bill be amended by deleting Clause 10

(Question of the amendment proposed)

(Question put and agreed to)

Clause 11

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 11 of the Bill be amended by deleting Clause 11

(Question of the amendment proposed)

(Question put and agreed to)

Clause 12

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 12 of the Bill be amended by deleting Clause 12

(Question of the amendment proposed)

(Question put and agreed to)

Clause 13

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 13 of the Bill be amended by deleting Clause 13

(Question of the amendment proposed)

(Question put and agreed to)

Clause 14

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 14 of the Bill be amended by deleting Clause 14

(Question of the amendment proposed)

(Question put and agreed to)

Clause 15

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 15 of the Bill be amended by deleting Clause 15

(Question of the amendment proposed)

(Question put and agreed to)

Clause 16

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 16 of the Bill be amended by deleting Clause 16

(Question of the amendment proposed)

(Question put and agreed to)

Clause 17

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 17 of the Bill be amended by deleting Clause 17

(Question of the amendment proposed)

(Question put and agreed to)

Clause 18

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 18 of the Bill be amended by deleting Clause 18

(Question of the amendment proposed)

(Question put and agreed to)

Clause 19

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 19 of the Bill be amended by:-

- (a) In sub clause (1) by deleting the word “directorate” and substituting therefor the word “department”;
- (b) In sub clause (1) word “polytechnic” whenever it appears and substituting therefor the phrase “private and public Institution”; and
- (c) In Sub clause (2) by deleting the word “directorate” and substituting therefor the word “department”.

(Question of the amendment proposed)

(Question put and agreed to)

Clause 20

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 20 of the Bill be amended by:-

- (a) In Sub Clause 20(1) by deleting the phrase “county government village polytechnic” and substituting therefor the phrase “public institution”
- (b) In Sub Clause 20(2)(a) by deleting the words “village polytechnic” and substituting therefor the words “the public”
- (c) In Sub Clause 20(2)(a) by deleting the word “extensive”
- (d) In sub Clause 20(2)(a)(i) by inserting the word “technical” before the word “education”
- (e) By deleting Sub Clause 20(2)(a)(ii)
- (f) By deleting Sub Clause 20(2)(b) and substituting therefor the following Sub Clause “one representative of the staff of the institution elected by the instructors”
- (g) By deleting Sub Clause 20(2)(c) and substituting therefor the following sub Clause “one representative of special interest groups in the community”;
- (h) By deleting In Sub Clause 20(2)(d) and substituting therefor the following “one person to represent persons with special needs”
- (I) By inserting a new sub Clauses immediately after sub Clause 20(2)(d) “a representative of the parents association of the institution”
- “(j) a representative of the students’ council who shall be an ex officio member.
- (k) In Sub Clause 20(2)(e) by deleting
 - (i) the word “manager” and substituting therefor the word “principal”;
 - and
 - (ii) deleting the words “village polytechnic” and substituting therefor the word “institution”
- (l) insert the following new sub Clauses immediately after Sub Clause 20(3)

“(4) The Board of Management may from time to time co-opt into its membership such persons as it is satisfied possess skills and experience to assist in the discharge of the Board’s functions.

(5) The number of members of the Board of Management co-opted under subsection (4) shall not exceed three at any particular time and such members do not have a right to vote at the meetings of the Board”

(1) Sub Clause 20(4) is amended by deleting the word “fourth” and substituting therefor the word “second”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 21

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 21 of the Bill be amended:-

By deleting Clause 21 and substituting therefor the following new Clause

‘Application procedure’

“(21)(1) The Executive Committee Member shall, for the purpose of competitive recruitment of a Board of Management under Section 10, constitute a Selection Panel.

(2)The Selection Panel shall consist of the following persons —

- (a) A representative of the Directorate who shall be the Chairperson;
- (b) The Ward administrator in which the institution is located
- (c) The Chief of the area in which the institution is located;
- (d) The sponsor, if any, of the institution
- (e) A representative of the Parents Association, of the institution;
- (f) The head of institution, who shall be the committee Secretary.

(1) In appointing persons as members of a board of management, the nominating and appointing authority shall observe and respect—

- (a) The ethnic and regional diversity of the people of Kenya;
- (b) Impartiality and gender equity; and
- (c) Article 10 and Chapter Six of the Constitution.”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 22

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 22 of the Bill is amended by:-

(a) By inserting the following new sub Clause immediately after before Sub Clause 22(a) “promote the best interests of the institution and ensure the institution’s development”

(b) In Sub Clause 22(a) by deleting the words “village polytechnic” and substituting therefor the word “institution”

(c) In Sub Clause 22(b) by deleting the words “village polytechnic” and substituting therefor the word “institution” ; and

- (d) In Sub Clause 22(f) by deleting the word “students” and substituting therefor the word “trainers”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 23

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 23 of the Bill is amended by deleting the word “village polytechnic” and substituting therefor the word “institution”

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 24 and 25 agreed to)

Clause 26

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 26 of the Bill is amended by:-

- (a) By deleting the marginal note and substituting therefor the following “principal of institution”
- (b) In Sub Clause 26(1) by deleting the word “manager” and substituting therefor the word “principal”;
- (c) In Sub Clause 26(1) by deleting the word “Village Polytechnic” and substituting therefor the word “institution”;
- (d) In Sub Clause 26(2) by deleting the word “manager” and substituting therefor the word “principal”;
- (e) In Sub Clause 26(2) by deleting the words “ county public service”; and
- (f) In Sub Clause 26(3) by deleting the words “ county public service”
- (g) In sub Clause 26(3) be deleting the words “managers of the county village polytechnic” and substituting therefor with the words “principals of institutions”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 27

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 27 of the Bill is amended by deleting the word “manager” and substituting therefor the word “principal”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 28

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 28 of the Bill is amended by:-

(a) In the marginal note by deleting the word “manager” and substituting therefor the word “principal”

(b) In Clause 28 by deleting the word “manager” and substituting therefor the word “principal”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 29

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 29 of the Bill is amended in the marginal note by deleting the words “village polytechnic” and substituting therefor the word “institution”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 30

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 30 of the Bill is amended by deleting the word “student” whenever it appears and replacing it with the word “trainees “

(Question of the amendment proposed)

(Question put and agreed to)

Clause 31

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 31 of the Bill is amended in sub Clause (a) by deleting the word “students” and substituting therefor the word “trainees”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 32

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause 32 of the Bill is amended:-

(a) By deleting Sub Clause 32(1) and substituting therefor the following Sub Clause

- “The funds of the Directorate shall consist of”
- (b) By deleting Sub Clause 32 (1)(a) and substituting therefor the following sub clause “monies provided by the County Assembly for the effective performance of the functions of the department”
 - (c) In sub clause 32(1)(b) by deleting the word “polytechnic” and substituting therefor the word “directorate”
 - (d) In Sub Clause 32(1)(c) by deleting the word “polytechnic” and substituting therefor the word “department”
 - (e) By inserting the following new clause immediately after sub clause 32(1)(d) “monies from any other lawful sources”
 - (f) By deleting Sub Clause 32(2) and substituting therefor the following new sub clause
“The funds shall be used to promote vocational and technical training and education within the county”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 33

Hon. Kiilu: Mr. Chairman, I beg to move THAT Clause the Bill is amended by:-

- (a) By deleting the word “manager” whenever it appears and substituting therefor the word “principal”
- (b) By deleting the word “polytechnic” whenever it appears and substituting therefor the word “public institution”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 34

Hon. Kiilu: Mr. Chairman, I beg to move that Clause 34 of the Bill is amended by deleting the word “polytechnic” whenever it appears and substituting therefor the word “public institution”

(Question of the amendment proposed)

(Question put and agreed to)

Clause 35

Hon. Kiilu: Mr. Chairman, I beg to move that Clause 35 of the Bill is amended by deleting the word “polytechnic” whenever it appears and substituting therefor the word “public institution”

(Question of the amendment proposed)

(Question put and agreed to)

(Clause 36, 37 and 38 agreed to)

New Clauses

Clause 5

Hon. Kiilu: Mr. Chairman, I beg to move THAT the Bill be amended by inserting the following New Clause immediately after Clause 5

6. Conduct of business and affairs of the Committee

- (1) The conduct and regulation of the business and affairs of the Committee shall be as provided in the first Schedule.
- (2) Except as provided in the First Schedule, the Committee may regulate its own procedure.

(Question of the new Clause proposed)

(New Clause read the First Time)

(Question that the new Clause be read a Second Time, proposed)

(Question, that the new Clause be read a Second Time, put and agreed to)

(The new Clause was read a Second Time)

(Question that the new Clause be added to the Bill, put and agreed to)

Clause 20

Hon. Kiilu: Mr. Chairman, I beg to move THAT the Bill be amended by inserting the following new Clause immediately after Clause 20 ‘Parents association’

- (1) There shall be a parents association for every public institution which shall be constituted in the manner set out in the Third Schedule.
- (2) Every private institution shall establish a parents’ teachers association.

(Question of the new Clause proposed)

(New Clause read the First Time)

(Question that the new Clause be read a Second Time, proposed)

(Question, that the new Clause be read a Second Time, put and agreed to)

(The new Clause was read a Second Time)

(Question, that the new Clause be added to the Bill, put and agreed to)

Clause 35

Hon. Kiilu: Mr. Chairman, I beg to move that new Clause 35 is amended by:-
Inserting the following new Clause immediately before Clause 36

Transition and Savings

35(1) Any person who immediately before the commencement of this Act was an employee of the Board attached to the Directorate shall, upon the commencement of this Act continue to so to serve.

(2) Notwithstanding the provisions of this Act, any public institution existing immediately prior to this Act shall continue to operate as such subject to the standards set in this Act.

(3) Upon the coming into force of this Act, the Executive Committee Member shall by regulation, provide for the staggering of the terms of the existing staff of public institution in order to ensure compliance with the provisions of the Act.

(Question of the new Clause proposed)

(New Clause read the First Time)

(Question, that the new Clause be read a Second Time, proposed)

(Question, that the new Clause be read a Second Time, put and agreed to)

(The new Clause was read a Second Time)

(Question, that the new Clause be added to the Bill, put and agreed to)

New Schedules

*First Schedule***CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMITTEE****1. Vice Chairperson**

The Committee shall, at its first meeting, elect a Vice-Chairperson of the Committee from amongst the persons appointed under section 4 (2)(d)(e),(f) and (g) of this Act.

2. Meetings of the Committee

The Committee shall hold such number of meetings at such places and at such times as the Committee shall consider necessary for the proper discharge of its functions.

3. Special meetings

The Chairperson may at any time convene a special meeting of the Committee and shall do so within fifteen days of a written requisition for the meeting signed by at least three members.

4. Chairperson to preside

(1)The Chairperson shall preside at all meetings of the Committee, in which the Chairperson is present and in the case of his or her absence, the Vice Chairperson shall preside.

(2) At a meeting of the Committee at which neither the Chairperson or Vice-Chairperson is present, the members of the Committee present shall elect one of their numbers to preside, and the person so elected shall have all the powers of the Chairperson with respect to that meeting and the business transacted there at.

5. Quorum

The quorum for the conduct of the business of the Committee shall be more than half of all the members of the Committee .

6. Voting procedure

The decisions of the Committee shall be by a majority of votes, and the Chairperson of the meeting shall have an original and a casting vote.

7. Validity of proceedings

The validity of any proceedings of the Committee shall not be affected by any vacancy among the membership thereof, or by reason of a defect in the appointment of a member.

8. Minutes of the meeting

Minutes of the proceedings at meetings of the Committee shall be kept in such a manner as the Committee directs, and, on the written request of the Executive Committee Member , shall be made available to him or her or any person nominated by him or her.

9. Disclosure of interest

(1) If a member of the Committee is directly or indirectly interested in a contract, proposed contract or other matter before the Committee and is present at a meeting

of the Committee at which the contract, proposed contract or other matter is the subject of consideration, that member shall disclose the fact as soon as is practicable after the commencement of that meeting.

- (2) A member to whom subsection (1) applies shall not participate in the consideration, discussion or voting on the matter in which the member has disclosed an interest.

10. Records

The Secretary to the Committee shall keep a record of all proceedings and meetings of the Committee.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Bill, put and agreed to)

Second Schedule

CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD OF MANAGEMENT

1. Incorporation of Board of Management

The Board of Management shall be a body corporate with perpetual succession and a common seal, and shall in their corporate names, be capable of—

- (a) Suing and being sued;
- (b) Taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) Borrowing, lending and granting money;
- (d) Entering into contracts; and
- (e) Doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

2. Tenure

- (1) Unless the appointment of the chairperson or a member of the Board of Management is earlier terminated under this Act, a person appointed as chairperson or as a member shall hold office for a term of three years from the date of appointment and shall be eligible for re-appointment for one further term of a period not exceeding three years.

- (2) In reappointing members of the Boards of Management, the Executive Committee Member shall maintain a proportion of new membership that ensures continuity in the affairs of the Boards of Management.
- (3) Notwithstanding the foregoing, a person who has served as a member of a Board of Management for one term at the date of the commencement of this Act may be re-appointed for a second and final term of three years.

3. Resignation from the Board of Management

- (1) A member of a Board of Management may at any time resign by giving notice in writing to the County Education Board.
- (2) A person giving notice under subsection (1) shall cease to be a member of the Board of Management from the date specified in the notice or, if no date is specified, from the date of the receipt by the County Education Board of the notice.

4. Frequency of meetings of the Board of Management

- (1) A Board of Management shall meet at least once every four months.
- (2) Every meeting of the Board of Management shall be convened by giving at least fourteen days' notice in writing to every member unless three quarters of the total members of a Board of Management otherwise agree.
- (3) Notwithstanding the provisions of subsection (1), the chairperson of a Board of Management may, on his own motion or upon requisition in writing by at least five members of the Board, convene a special meeting of the Board of Management or at any time for the transaction of specific business.

5. Quorum of the Board of Management

- (1) The quorum for the conduct of business at a meeting of a Board of Management shall be two-thirds of the total number of members of the Board of Management.
- (2) Subject to the provisions of subparagraph (1) no proceedings of a Board of Management shall be invalid by reason only of a vacancy among the members thereof.

6. Chairperson to preside over a meeting of Board of Management

- (1) The Chairperson shall preside at every meeting of the Board of Management at which the chairperson is present and in his absence, the deputy chairperson shall preside.
- (2) In the absence of both the chairperson and the deputy chairperson at any meeting, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

7. Decision of the Board of Management

Unless a unanimous decision is reached, a decision on any matter before a Board of Management shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

8. Disclosure of interest

- (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before a Board of Management and is present at a meeting of the Board of Management at which the contract, propose contract or other matter is the subject of

consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Bill, put and agreed to)

Third Schedule

ESTABLISHMENT AND FUNCTIONS OF PARENTS ASSOCIATION

1. There shall be a Parents Association for every public or private Institution consisting of:
 - (a) Every parent with a trainee in the institution; and
 - (b) A representative of the instructors in the school.
2. The Parents Association shall, at its first meeting, elect a Chairperson and Vice-Chairperson from amongst themselves
3. The Association shall elect a person who shall be co-opted to the Board of Management.
4. The Head or Principal shall be the Secretary to the Association.
5. The functions of the Parents Association shall be to—
 - (a.) promote quality care, nutritional and health status of the trainees;
 - (b.) maintain good working relationship between instructors and parents;
 - (c.) discuss, explore and advise the parents on ways to raise funds for the physical development and maintenance;
 - (d.) explore ways to motivate the instructors and trainees to improve their performance in academic and co-curricular activities;
 - (e.) discuss and recommend charges to be levied on trainees or parents;
 - (f.) undertake and oversee development projects on behalf of the whole Parents Association;
 - (g.) assist the school management in the monitoring, guidance, counseling and disciplining of trainees;

- (h.) discuss and recommend measures for the welfare of staff and trainees.
6. The Parents Association shall hold such number of meetings at such places and at such times as the Association shall consider necessary for the proper discharge of its functions.
7. Subject to the provisions of this Schedule, the Parents Association shall regulate its own procedure.

(Question of the new Schedule proposed)

(New Schedule read the First Time)

(Question, that the new Schedule be read a Second Time, proposed)

(Question, that the new Schedule be read a Second Time, put and agreed to)

(The new Schedule was read a Second Time)

(Question, that the new Schedule be added to the Bill, put and agreed to)

Clause 2

Hon. Kiilu: Mr. Chairman, I beg to move THAT, Clause 2 of the Bill be amended by:

- (a) Inserting the following new definitions in the proper alphabetical sequence
 “board” means the County Public Service Board established under section 57 of the County Governments, 2012;
 “county” means the County of Machakos;
 “county Polytechnic” means an institution registered under the Technical and Vocational Education and Training Act, 2013 to offer vocational or technical training and includes village polytechnics and training Centers as contemplated under Section 9, Part 2 of the Fourth Schedule of the Constitution;
 “Department” means the Department responsible for matters relating to education;
 “institution” refers to the a technical and vocational training center established in the county”
- (b) In the definition of the word “Board of Management” by deleting the interpretation of the words “board of management” and substituting therefor the following
 “refers to the entity established under Section 10 to oversee the management of a public county technical and vocational training centers”
- (c) In the interpretation of the word “Committee” by deleting the word “vocational training Advisory” substituting therefor the phrase “Technical and vocational Training”

- (d) In the interpretation of the “Community by deleting the words “village polytechnic” whenever it appears and substituting therefor the words “county Technical and vocational Training Centers”
- (e) In the interpretation of the word “curriculum” by deleting the words “village polytechnic” and substituting therefor the words “County Technical and vocational Training Centers”
- (f) In the interpretation of the word “Directorate” by deleting the words “village polytechnic” and substituting therefor the words “County Technical and vocational Training Centers”
- (g) In the interpretation of the word “Executive Committee Member” by deleting the words “in the county” from the interpretation”
- (h) In the interpretation of the word “manager” by
 - i) By deleting the word “manager” and substituting therefor the word “principal”;
 - ii) By deleting the words “village polytechnic” and substituting therefor the word “technical and vocational training Centers”
- (i) In the interpretation of the word “trainee”
 - (a) By deleting the word “trainee” and substituting therefor the word “learners”
 - (b) By deleting the words “village polytechnic” and substituting therefor the word “technical and vocational training Centers”
- (j) By deleting the word “ county village polytechnic” and its interpretation therefor and substituting therefor the following
 “Institution” refers to the technical and Vocational Training Centre established pursuant to the provisions of the Act and other relevant laws”

(Question of the amendment proposed)

(Question put and agreed to)

Long Title

Hon. Kiilu: Mr. Chairman, I beg to move THAT Long Title of the Bill be amended by:
 Deleting the word “vocational” and substituting therefor the words “technical and vocational Training Centers”

(Question of the amendment proposed)

(Question put and agreed to)

(Title agreed to)

Hon. Kiilu: Mr. Chairman, I beg to move that the Committee do report to the House its consideration of The Machakos County Village Polytechnic Bill, 2019 and its approval thereof with amendments. Thank you, Hon. Speaker.

(Question proposed)

(Question put and agreed to)

Hon. Chairperson: Thank you very much, Hon. Members. That brings us to the end of the two Bills which were scheduled for this morning, we shall now be reporting back to the House and after that we shall have the final Bill in the afternoon. Thank you for your patience.

(The House resumed)

[Hon. Speaker in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READINGS

THE MACHAKOS COUNTY COOPERATIVES ENTERPRISE DEVELOPMENT FUND BILL, 2019 (MACHAKOS COUNTY BILL NO.5)

Hon. Museku: Madam Speaker, I wish to report that the committee of the whole House has considered the Machakos County Cooperatives Enterprise Development Fund Bill, 2019 (Machakos County Bill No.5) and has approved the same with amendments.

Hon. Speaker: Thank you, Chair of Chairs. Can we have the Chair.....mover of the Cooperatives Enterprise Bill? Hon. Majority Whip, please proceed.

Hon. Mitaa: Thank you, Hon. Speaker. Hon. Speaker, I beg to move that the House do agree with the committee in the said report and I wish to call a seconder, Hon. Kamulu.

Hon. Speaker: Hon. Kamulu.

Hon. Kamulu: Thank you, Madam Speaker. I second.

Hon. Speaker: Thank you.

(Question proposed)

(Question put and agreed to)

THE MACHAKOS COUNTY VILLAGE POLYTECHNIC BILL, 2019 MACHAKOS COUNTY BILL NO.3)

Hon. Museku: Hon. Speaker, I wish to report that the committee of the whole House has considered the Machakos County Village Polytechnic Bill, 2019 (Machakos County Bill No.3) and has approved the same with amendments.

Hon. Speaker: Thank you very much, Hon. Chair of Chairs. Can I have Hon. Chair on the committee on education? Hon. Kiilu.

Hon. Kiilu: Thank you, Hon. Speaker. I beg to move that the House do agree with the committee in the said report. I wish to call Hon. Judas Ndawa to second.

Hon. Speaker: Thank you. You are calling or you are requesting?

Hon. Kiilu: I am requesting, sorry.

Hon. Speaker: Thank you. Hon. Judas Ndawa, do you agree to the request?

Hon. Ndawa: Thank you, Madam Speaker. I do agree and second. Thank you, Madam Speaker.

Hon. Speaker: Thank you, Hon. Ndawa and Hon. Kiilu.

(Question proposed)

(Question put and agreed to)

THE MACHAKOS COUNTY COOPERATIVES ENTERPRISE DEVELOPMENT FUND BILL, 2019
(MACHAKOS COUNTY BILL NO.5)

Hon. Speaker: Hon. Chair, Committee on Agriculture.

Hon. Mitaa: Thank you, Hon. Speaker. Pursuant to Standing Order 131(2), I wish to move the motion that, the Machakos County Cooperatives Enterprise Development Fund Bill, 2019 (Machakos County Bill No.5) be now read a Third time. Thank you, Hon. Speaker.

Hon. Speaker: Do you have a seconder?

Hon. Mitaa: I request Hon. Titus Kaloki to second my request.

Hon. Speaker: Hon. Kaloki do you agree to second?

Hon. Kaloki: Thank you, Hon. Speaker. I agree to second.

(Question proposed)

(Applause)

Hon. Speaker: Hon. Members, before I put the question I ask the mover of the motion to thank the Members or any other member who may have a comment to make their comment. I know you debated a lot during the second reading and you also have gone to the committee of the Whole but it is a part of the procedure. Hon. Mitaa.

Hon. Mitaa: Thank you, Hon. Speaker. I appreciate that opportunity to thank my colleagues Hon. Members of this important House for moving with us through the journey of actualizing this

Bill which is very important to the residents of Machakos and my humble request Hon. Speaker is that now that from the mood of the House, the Bill is going to be passed, I request upon the executive which is the implementing entity to consider the urgency of this Bill and if possible provide for funds and enable our residents to access these funds which to me they are revolving funds or else money which will be available but at minimum interest and so that they can improve on their welfare Hon. Speaker.

Mine is to thank the Hon. House through your leadership for the opportunity and I hope that this Bill will lead to change of livelihood of many of Machakos residents who have been suffering for the longest period Hon. Speaker and it will go to history that this House has facilitated or else opened an opportunity for the residents of Machakos County to access funds at cheap rates. Thank you, Hon. Speaker.

Hon. Speaker: Thank you very much, Hon. Mitaa.

(Question put and agreed to)

*(The Bill was accordingly read the Third Time
with leave of the House and passed)*

Hon. Speaker: Therefore, Members you have successfully passed the Machakos County Cooperatives Enterprise Development Fund 2019 and the Chair of the committee on Agriculture has said all there is to say; I can only say congratulations to you Members.

(Applause)

THE MACHAKOS COUNTY VILLAGE POLYTECHNIC BILL, 2019 MACHAKOS COUNTY BILL
NO.3)

Hon. Speaker: So, I am calling upon Hon. Kiilu, Chair, Committee on Education so that he can now move the motion on the third reading of this Bill. Hon. Kiilu.

Hon. Kiilu: Thank you, Hon. Speaker. Hon. Speaker, pursuant to Standing Order 131(2), I wish to move the motion that, the Machakos County Village Polytechnic Bill, 2019 (Machakos County Bill No.3) be now read a Third time. Thank you, Hon. Speaker. I wish to request Hon. Hellen Ndeti to second the motion.

Hon. Speaker: Thank you. Hon. Ndeti.

Hon. (Ms.) Ndeti: Thank you, Madam Speaker. I second.

Hon. Speaker: Thank you Hon. Ndeti and Hon. Kiilu.

(Question proposed)

I am requesting Hon. Kiilu, Chair of the education committee to make brief comments; I believe he has some thanking to do to the Members.

Hon. Kiilu: Thank you, Hon. Speaker, for the time. One, I wish to first of all thank your office and that of the clerk for giving us the time to go through the Bill. Again, I want to thank the Hon. Members for being very patient with us for going through the long report that we had. Actually, I thank you very much and for the deliberations that you did. Actually, I wish to say that I am very sure that by making the few amendments that we have said, this one---

Hon. Speaker: Hon. Kiilu, just try to lift the mic because this a very important occasion particularly for you having successfully gone this far by way of legislating, let it go to the HANSARD clearly.

Hon. Kiilu: Thank you Hon. Speaker. As I have said I thank the Hon. Members for taking time to walk with us through the long report and deliberating towards the report. Actually, the few amendments that we have done on that Bill, I wish to mention a few. One the change of the title from a village polytechnic to a vocational training center; that one will go a long way in attracting those village boys and girls who refuse to join the local institutions because they bear the name village polytechnic.

(Applause)

They took in mind that it is a village thing so they opted not to go or to join a higher institution other than the village. So, I am very sure it will go along touching so many of the likes.

Again, I also wish to thank the Members for allowing us to pass this one because in the same we have the formation and I am very sure some polytechnics like that one of Hon. Ndawa will benefit a lot. We had issues of management but now narrowing down and bringing the board of management to the village level to that particular level, I know that the management of funds will be prudent and the students in those vocational training centers will actually benefit from the same.

Otherwise, thank you. Hon. Speaker, I am sure this one will go along touching so many lives. Thank you, Hon. Members.

(Applause)

Hon. Speaker: Thank you very much, Hon. Kiilu, for this momentous occasion. I am informed that Hon. John Musyimi from the extended sitting wants to make a comment. Hon. Musyimi.

Hon. Musyimi: Thank you, Madam Speaker. Madam Speaker, I am a happy man today to hear that the Bill of the Machakos County Enterprise Development Bill has passed today---

Hon. Speaker: Hon. Musyimi, just a minute. I think you should have come at a time when we were passing that first Bill; now we are on the second one on polytechnics.

Hon. Musyimi: Madam Speaker, I was there but I sent my signal that you give me a chance but you never looked at our side.

Hon. Speaker: Hon. Musyimi, I look at all the sides because all the sides belong to all my Members. The name was brought at the point where we are deliberating on the issue of the vocational trainings because now we do not call them village polytechnics. So it came at the point when we are on this Bill. If it came at the point of the Cooperatives Enterprise Fund, I would have given you the

opportunity. But never mind we appreciate you are for the first Bill which has already passed. Thank you very much.

Hon. Ndawa: Point of information, Madam Speaker.

Hon. Speaker: No point of information. Hon. Musyimi.

Hon. Musyimi: Hon. Speaker, I am sorry for interruption only that I wanted to thank the House and expect that the executive will do the necessary for the benefit of the Members.

Hon. Speaker: Thank you very much, Hon. Musyimi.

(Question put and agreed to)

*(The Bill was accordingly read the Third Time
with leave of the House and passed)*

(Applause)

Hon. Speaker: Thank you very much. So, Hon. Members, again you have successfully passed the Bill on the vocational training institutions and just like the hopes you have expressed, it is also my hope that this is going to be fully-implemented because it is going to go along way into addressing the issue of unemployment among our youths and that addresses even issues of insecurity because if the youth don't have a legitimate way of earning their living, you can only expect them to engage in illegalities.

So, let us hope it is going to be implemented but remember again it is your duty to ensure that implementation is done. So thank you very much Hon. Members. I Just want to let you know, it is not my habit to come dressed as I am, not in the usual outfit of the assembly but I happen to be chairing also a critical board meeting, so it was difficult for me to keep on changing into the Assembly official regalia and then again to the board. So, from here I am running back there but the most important thing is the authority, and the authority remains with the Speaker no matter how they are dressed.

(Applause)

ADJOURNMENT

Hon. Speaker: Thank you very much, Hon. Members. The sitting of the House stands adjourned, it is going to resume on the 8th day of December 2020, at 2.30 pm. Thank you.

The House rose at 12.03 p.m.