

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Wednesday, 4th December, 2019

The Assembly met at the County Assembly chambers at 2:30 p.m.

The Speaker, County Assembly of Samburu, (Mr. Lempere Solomon) in the Chair

PRAYER

QUESTIONS AND STATEMENTS

Specially Elected MCA, (Hon. Elizabeth Kalapata): Thank you Hon. Speaker, Pursuant to Standing Order number 41 (2) (c), I hereby request for a Statement from the chairperson of the Sectoral Committee on Environment, Water, Energy and Natural Resources regarding the incomplete water project across the County.

Hon. Speaker, our Constitution 2010, article 43 (1) (d), states that every person has a right to clean and safe water in adequate quantities. Hon. Speaker, residents of part of this County are forced to walk long distances in such of water as various areas have been hit by acute water shortage. This has been occasioned by a prolonged dry spell in the region whose ripple effects includes taking it on learning in some before the well.

Women in the community walk many hours every day to dig in a dry riverbed to access barely portable water. Poor water often results in serious diseases issues for their families. In a community of hundreds of women and each woman needs several cans of water to take care of the family. The water lines are long and the women are often forced to come at night in a group with warriors to protect them from the elephants, hyenas and lions that gather around. This House has been allocating enough Budgets in the Department of Environment to reduce water problems to the residents of Samburu County and yet the problems are continuing. Hon. Speaker it has come to our attention that all the 42 boreholes drilled and were supposed to be equipped and operationalized are not serving the targeted communities despite the contract awarded since 2017-2018 financial year to date as shown below:

Contractor	Description of Work
Tender award dates	
1. Davis sheriff 2017	drilling and equipping of four boreholes Samburu north
2. Davis and Sheriff 2017	equipping of 8 boreholes Samburu central

3. Export hydro pump 2018 drilling and equipping seven boreholes
4. Export hydro pump 2018 drilling and equipping seven boreholes
5. Flam contractor LTD 2018 drilling and equipping seven boreholes
6. Iconic drillers cooperative LTD 2018 drilling and equipping of nine boreholes

Hon. Speaker it is in the above views that we request a chairperson to provide and report to this House with the detailed project drilled equipped of boreholes and the contractors.

1. Project status of the entire 42 projects including the pending items for each contract
2. Copies of all up to date payment vouchers for the six contractors for 42 incomplete water projects.
3. Written proof of contract extension and termination of the 42 water projects.
4. Measures put in place by the department in resolving conflict between contractor and the Department.

Thank you Hon. Speaker.

The Speaker, (Mr. Lempere Solomon): The chairperson Committee on Water, Environment, Natural Resources and Energy, when do you want to respond to the Statement?

The chairperson Committee on Water, Environment, Natural Resources and Energy, (Hon. Paul Wonyang’): Mr. Speaker I request for a week to be able to provide the required information.

The Speaker, (Mr. Lempere Solomon): Now that we are going for recess, you can provide it within two weeks and then we will see what to do as an Assembly, so I expect the Committee to have the Statement response ready by 18th December, 2019 so that the relevant Committees can have time to interrogate. The response to be delivered on 18th December, 2019.

THE SAMBURU COUNTY COOPERATIVE SOCIETIES BILL, 2019 SAMBURU COUNTY BILL NO.2 (COMMITTEE OF THE WHOLE HOUSE)

(The Speaker leaves the Chair)

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members I want to take this opportunity to welcome you to the Committee of the Whole House, we want to deliberate on the Samburu County Cooperative Societies Bill, 2019. You are most welcomed.

part one clause 2, 3 and 4

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members do you have the copies of the Bill?

Clerk, give Hon. Leparsayia a copy of the Bill. Hon. Members, I now propose the question that clause 2 to clause 4 be part of the Bill.

(The Question put and clause 2, 3 and 4 passed to be part of the Bill)

Part two clause 5, 6,7 and 8

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 5 to clause 8 be part of the Bill.

(The Question put and clause 5, 6, 7 and 8 passed to be part of the Bill)

Part three; clause 9 to clause 10.

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 9 to clause 10 be part of the Bill.

(The Question put and clause 9 and 10 passed to be part of the Bill)

Part four; registration of cooperative societies, clause

11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28 and 29

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 11 to clause 29 be part of the Bill.

(The Question put and clause 11 to 29 passed to be part of the Bill)

Part 5: Rights and liabilities of members,

Clause 30; qualifications for membership

Clause 31: Membership subject to authorization by annual general meeting.

Clause 32: Limitation of holding share capital.

Clause 33: Limitation of membership to one society.

Clause 34: Transfer of shares.

Clause 35: Rights of members.

Clause 36: Voting rights of members.

Clause 37: Member's obligation.

Clause 38: Conditions for exercising rights.

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 30 to clause 38 be part of the Bill.

(The Question put and clause 30 to 38 passed)

PART IV: DUTIES OF COOPERATIVE SOCIETIES REGISTERED

39. Registered address of cooperatives societies

40. Records to be kept

41. Estimate of income and expenditure

42. Accountant audit

43. Approval of auditors

44. Production of books and other documents

45. Audit by directorate

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I now propose the question that clause 39 to clause 45 be part of the Bill.

(The Question put and clause 39 to 45 passed to be part of the Bill)

Part VII: GOVERNANCE OF COOPERATIVE SOCIETIES

46. *General meeting*

47. *Membership and powers of committee*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 46 to clause 47 be part of the Bill.

(The Question put and clause 46 to 47 passed)

PART VIII: AMALGAMATION AND DIVISION OF COOPERATIVE SOCIETIES

48. *Amalgamation of cooperative societies*

49. *Division of cooperative societies*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 48 to clause 49 be part of the Bill.

(The Question put and clause 48 to 49 passed to be part of the Bill)

PART IX: RIGHTS AND OBLIGATIONS OF COOPERATIVE SOCIETIES

50. *Society to have charge over member produce*

51. *Society to have first over debt assets etc. in certain cases*

52. *Society to have first charge over member share*

53. *Failure to remit the sum deducted*

54. *Members share not subject to attachment*

55. *Liability of first members*

56. *Liability of deceased members*

57. *Transfer of shares or interest of deceased member*

58. *Evidence of member's interest in society*

59. *Restriction on production of society's book*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 50 to clause 59 be part of the Bill.

(The Question put and clause 50 to 59 passed)

PART X: PROPERTY AND FUNDS OF COOPERATIVE SOCIETIES

60. *Application of society's property and funds*

61. *Procurement and disposal of assets rules*

62. *Loans*

63. *Restriction on giving loans*

64. *Restriction on borrowing*

65. *Limitation of borrowing powers*

66. *Investment of society's funds*

67. *Declaration of payments of bonus and dividends*

68. *Maintenance of reserve fund*

69. *Restriction of net balance*

70. *Front office services*

71. *Inspection of front office*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 60 to clause 71 be part of the Bill.

(The Question put and clause 60 to 71 passed to be part of the Bill)

PART XI: CHARGES BY COOPERATIVE SOCIETIES

72. *Creating charge over society's property*

73. *Charged to comply with applicable law*

74. *Charges to be registered with the director*

75. *Register of charges*

76. *Certificate of satisfaction of charges*

77. *Receiver to give notice of his appointment*

78. *Keeping of instrument of charge*

79. *Keeping of register of particular charges*

80. *Right of members and creditors to inspect register of charges*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 72 to clause 80 be part of the Bill.

(The Question put and clause 72 to 80 passed to be part of the Bill)

PART 12: INQUIRY AND INSPECTIONS

81. *Inquiry by the director*

82. *Inspection of books of indebted society*

83. *Expense of inquiry*

84. *Routine inspection*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 81 to clause 84 be part of the Bill.

(The Question put and clause 81 to 84 passed to be part of the Bill)

PART XIII: DISSOLUTION

85. *Procedure for dissolution*

86. *Dissolution of registration*

87. *Effects of cancellation*

88. *Companies act to operate*

89. *Appointment of liquidator*

90. *Powers of liquidator*

91. *Liquidation account of societies*

92. *Powers of the director during liquidation*

93. *Appeal against order of liquidator or directorate*

94. *Institution of winding up proceedings*

95. *Powers to restrain convicted person from being officers of societies*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 85 to clause 95 be part of the Bill.

(The Question put and clause 85 to 95 passed to be part of the Bill)

PART XIV: SURCHARGE

96. *Powers to surcharge officers of cooperative societies*

97. *Appeal against order*

98. *Powers of surcharge*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 96 to clause 98 be part of the Bill.

(The Question put and clause 96 to 98 passed to be part of the Bill)

PART XV: STATEMENT OF DISPUTE

99. *Dispute*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 99 be part of the Bill.

(The Question put and clause 99 passed to be part of the Bill)

PART XVI: GENERAL PROVISIONS

100. *Remuneration of officers and members of society*

101. *Restriction on use of one cooperative*

102. *Cooperative development fund*

103. *Powers to make regulations*

104. *Exemption*

105. *Other powers of the directorate*

106. *Offences*

107. *Savings*

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that clause 100 to clause 107 be part of the Bill.

(The Question put and clause 100 to 107 passed to be part of the Bill)

Long title: Samburu County Cooperative Societies Bill, 2019- A Bill for an Act of County Assembly of Samburu to Implement Section 7 (E) Of Part II of The 4th Schedule of The Constitution by Profiling the Legal and Institutional Framework for The Constitution Registration, Regulation of Cooperative Societies and for Purposes Incidental There to.

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that the long title be part of the Bill.

(The Question put and the long title passed to be part of the Bill)

Short Title and Commencement: This Act May Be Cited as The Samburu County Cooperative Societies Act 2019 And Shall Come into Force On Such a Date as The County Executive Committee Member May by Notice in The Gazette Appoint

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I propose the question that the short title be part of the Bill.

(The Question put and the short title passed to be part of the Bill)

MCA Wamba West Ward, (Hon. Benjamin Leitore): Hon. Chair I beg to move that the Committee do report to the Assembly its consideration with the Samburu County Cooperative Societies Bill of 2019 and its approval therefore without amendments.

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Members, I now propose the question that the Committee do report to the Assembly its consideration with the Samburu County Cooperative Societies Bill of 2019 and its approval therefore without amendments

(The Question put and the Bill passed that the Committee do report to the Assembly its consideration with the Samburu County Cooperative Societies Bill of 2019 and its approval therefore without amendments)

(The Chairperson Committee of the Whole House leaves the Chair)

(The Speaker in the Chair)

The Speaker, (Mr. Lempere Solomon): Hon. Leshoomo.

The Chairperson Committee of the Whole House, (Hon. Jerias Leshoomo): Hon. Speaker I beg to report that the Committee of the Whole House has considered the Samburu county cooperative societies Bill 2019 and its approval therefore without any amendments.

The Speaker, (Mr. Lempere Solomon): Hon. Leitore.

Chairperson Committee on Co-operatives Developments, Trade and Tourism, (Hon. Benjamin Leitore): Thank you Mr. Speaker, I beg to move that the House do agree with committee on the said report. I call upon honorable Lesoipa to second the motion.

(Hon. Lesoipa bows in seconding the Motion)

The Speaker, (Mr. Lempere Solomon): Hon. Members I wish to propose the Question that the House do agree with the committee on the said report.

(The Question put and the Report passed)

THE SAMBURU COUNTY COOPERATIVE SOCIETIES BILL 2019, SAMBURU COUNTY BILLS NO. 2, THIRD READING.

Chairperson Committee on Co-operatives Developments, Trade and Tourism, (Hon. Benjamin Leitore): Thank Mr. Speaker, I beg to move the following motion that the Samburu County cooperatives societies Bill 2019 Samburu county Bills no. 2 be now read a third time. I call upon Hon. Silapia to second the motion.

(Hon. Silapia bows in seconding the Motion)

The Speaker, (Mr. Lempere Solomon): Hon. Members I wish to propose the question that the Samburu County Cooperative Societies Bill 2019, Samburu County Bills no. 2 be now read a third time.

(The Question put and the Bill passed)

THE SAMBURU COUNTY COOPERATIVE SOCIETIES BILL, 2019

THE SAMBURU COUNTY YOUTH POLYTECHNIC BILL 2019. SAMBURU COUNTY BILLS NO. 1

Committee of the Whole House

(The speaker leaves the chair)

(The Chairperson Committee of the Whole House in the chair)

Chairperson Committee of the Whole House (Hon. Benjamin Leitore): Hon. Members I take this opportunity to welcome you to the Committee of the Whole House to discuss the

Polytechnic Bill of 2019. So welcome Members. I call upon the Committee clerk to take us through the Bill.

Part I: Preliminary

Interpretation

2. In this Act, unless the context otherwise requires- “board” means the board of directors of a youth polytechnic which is privately established and sponsored- “Council” means the youth polytechnic council established under section 15. “Directorate” means the directorate of education established by the county public service to manage all matters relating to education and training. “Polytechnic” means a youth polytechnic established and registered under this act.

The Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I propose the question that clause 2 be part of the Bill. Honorable chair.

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Chair, I propose the amendment in clause 2 as follows: *Board” means the board of management.*

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I propose the question that clause 2 be part of the Bill as amended.

(The question put and clause 2 passed as amended)

Part II: Establishment of youth polytechnics

Responsibilities of the governor

3. The governor shall promote establishment of youth polytechnics in the county

(a) For the training of young people to acquire relevant knowledge, occupational trade, skills and enable them to earn a living.

(b) To promote exchange of knowledge and skills and enhance business and industry in the county

(c) To enhance research for their advancement of knowledge and its practical application and to organize conferences, seminars and study groups for the promotion of field learning and gaining skills by local community.

Establishment of a youth polytechnic

- 4. 1. The governor shall ensure establishment of a youth polytechnic by the county government.***
- 2. Any qualified person or body be established of youth polytechnic in the county, guidelines on courses of study etc.*
- 5. The county executive committee shall in consideration with the county education board established under the basic education act:***
 - (a) Plan, develop and coordinate training and research in the youth polytechnic in the county*
 - (b) Provide guidelines on the courses of study, their curriculum and minimum standards of youth polytechnics powers and functions of polytechnics.*
- 6. A youth polytechnic established under this act shall:***
 - a) Provide a full time or part time technical or vocational courses, technology, applied science, commerce, management and other business studies.*
 - b) Award diplomas and certificates in accordance with the requirements of the course and the authority responsible for higher education.*
 - c) Provide such facilities for its students as it considers desirable*
 - d) Establish and appoint persons with academics and other posts and offices as it considers necessary*
 - e) Fix demand and receive fees and other charges as may be appropriate*
 - f) Provide technical and consultancy services to business and industries as it considers desirable*

- g) *Solicit and receive donations and contributions from any source or raised funds by all lawful means*
- h) *Give donations and contributions to any persons or organization*
- i) *Make provision for the general welfare, recreational and social needs of its staff and students*
- j) *Do all such things as may be necessary, incidental or conducive to the attainment of all or any of the above.*

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, part II clause 3-6, I propose the question that clause 3-6 be part of the Bill. Hon. Lesoipa.

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Chair I propose the amendment in part 2: responsibility of the governor to read *objectives of vocational training centres*. Honorable chair, the county shall promote and establish vocational training centres in the county.

- (a) For training of youth, people to acquire relevant occupational trade skills and enable them to earn a living
- (b) To promote exchange of knowledge, skills and enhance business and industry in the county
- (c) To enhance research of advancement of knowledge and its practical application
- (d) To organize conferences, seminars and study groups for promotion of field learning and gaining skills by the local communities.

Hon. Chair on the same part two, I propose the amendment in part two as follows:

Introducing clause 4 to read as follows, a new clause four immediately after clause three; the current clause four moves to clause 5 respectively.

The new clause four shall bare marginal notes as responsibility of the county government and read as follows:

The county government shall in promoting accessibility and availability of vocational education and training centres in the county under this act shall;

- (a) Provide training infrastructure, machine equipment, learning and teaching resources*
- (b) Formulate and implement programs, plans and policy to ensure availability and accessibility of vocational education training centres*
- (c) Be responsible for staffing personnel and supervision of education vocational training within the county*
- (d) Provide the ... necessary for the development of vocational education and training centres and for administrative and vocational education and training centres.*
- (e) Identify trainees with special needs in the county and take necessary assessment of their need and put in place necessary measures for provision of vocational education and training to them*
- (f) Carry out responsibility awareness and advocacy programs in relation to vocational education training in the county*
- (g) Establish and maintain relationship between international, national, local institution in the provision of vocational education and training*
- (h) Promote the circulation of and access up to date and timely information on vocational education and training in the county. Thank you chair.*

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Before I give you time on that, I will wish to propose so that you can have your input, so members I propose the question that clause 3 to clause 6 be part of the Bill as amended. So honorable Lanyasunya do you agree with the amendments?

Specially Elected MCA, (Hon. Stephanie Lanyasunya): I agree but... on the first ...

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): You can use your mic please.

Specially Elected MCA, (Hon Stephanie Lanyasunya): May be on part II the first point on the responsibilities of the governor should read; *the governor shall promote the establishment of youth polytechnics in the county and ensure that youth from the county are compelled to join the same*, I don't know if that one can fit.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): So you are introducing a new point that is not there?

Specially Elected MCA, (Hon Stephanie Lanyasunya): Yes.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): No! Actually the chair has the powers to decide whether they are allowed or not but based on our normal regulations that amendments are supposed to be provided or forwarded before the Bill is on the flow of the House.

Specially Elected MCA, (Hon Stephanie Lanyasunya): Thank you.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): So at the moment it is not allowable, so members I would wish to put the question that clause 3 to clause 6 be part of the Bill as amended.

(The question put and clause 3 to 6 passed as amended)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): clerk to read part 3.

Part III: registration of youth polytechnics

Youth polytechnics to be registered

7. 1. *A person shall not operate a youth polytechnic unless it is registered under this act.*

2. Any person who operates a youth polytechnic which is not registered under this act commits an offence.

Applications for registration of a polytechnic clause 8

8. 1. An application for a registration of a polytechnic under this act shall be in a form prescribed by the executive committee member responsible for education.
2. An application for registration of a polytechnic under this act shall be submitted to the directorate of education who shall forward a copy of the application to the county education board
3. The county education board shall within 15 working days after receiving the application:
- (a) Organize the inspection of the youth polytechnic
 - (b) Conduct an interview with the applicant to assess the suitability of the equipment and the persons proposed to be employed in the youth polytechnic.
4. The county education board shall within a reasonable period after the inspection and the interview forward its recommendation to the directorate of education for registration of youth polytechnic or to take such other functions as directorate may deem fit.

Application to pay prescribed fee clause 9, Any person making an application for registration of youth polytechnic shall pay the prescribed fees to the directorate

Publication of the Application

10. The directorate shall within 7 days after receiving the application publish the application in the county gazette and in a county bulletin

Registration of a Youth Polytechnic

11. (1) The directorate shall register a youth polytechnic if it satisfied based upon written recommendation of the county education board that the applicant is a fit and a proper person to operate the youth polytechnic

(2) The directorate shall within a reasonable period after registration of a polytechnic forward the name and all relevant information of the polytechnic to the county education board.

(3) Any person aggrieved by the decision of the directorate under this section may within 30 days of being notified of the decision appeal against the decision to the authority responsible for higher education

Permit to Operate Prior to Registration

12. (1) The directorate may issue to the applicant for registration of a youth polytechnic a provisional permit to operate pending the fulfillment of the condition required by the directorate for the determination of the application

(2) A provisional permit under subsection (1) shall cease to operate upon:

(a) The deliverance of certificate of registration to the applicant or

(b) The expiry of 24 hours after receipt of notice of refusal of registration or such longer period as the directorate of education may specify in the notice

(3) As a condition of grant of permit under this section, the directorate may prescribe a period not more than 1 year within which the applicant must fulfill the condition required by the directorate for the improvement of operation of polytechnic.

(4) a permit issued under his section shall be in the form prescribed by the executive committee member responsible for education.

(5) the holder of the permit under this section shall allow the inspector to enter the premises of the youth polytechnic with all reasonable hours for the purposes of carrying out any inspection to ascertain whether the polytechnic is in compliance with the conditions of permit.

Registration Certificate Clause

13. (1) The directorate shall on registration of youth polytechnic issue the registration certificate to the applicant.

(2) a registration certificate shall be valid for a period of five years from the date of issue and may be renewed on application by the operator of the youth polytechnic in accordance with this act.

Registration Certificate to be displayed

14. Registration certificate issued under section 12 shall be displayed by the operator in conspicuous place on the premises of the youth polytechnic.

Register of Polytechnics to be kept

15. (1) the directorate shall keep a register of all polytechnics operating in the county and shall include in the register names of the youth polytechnics and such other particulars as the executive committee members responsible for education may prescribe.

(2) The directorate shall forward all the particulars recorded in the register to the county education board.

Chairperson, Committee of the Whole House, (Hon. Benjamin Leitore): Part three, Hon. Members, I propose the question that clause 7 to clause 15 be part of the Bill

Chairperson, Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Chair. I propose the amendment in part three as follows:

8 (a) (1), An application for registration of polytechnic under this Act shall be in form prescribed by the County Executive Committee Member responsible for education in consultation with the Vetter.

Chairperson, Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question that clause 7 to clause 15 be part of the Bill as amended.

(The question put and clause 7 to 15 passed as amended)

Chairperson, Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Kalapata your mic is not on please, make sure that you switch on your mic.

(Hon. Kalapata puts on her mic)

Clerk to read on part four.

Part IV: Administration of youth polytechnics

Establishment of Councils for Youth Polytechnics Established by the County Government, Youth Polytechnic Council.

16. (1) *youth polytechnic established by the county government shall have a governing body known as The Youth Polytechnic Council*
- (2) *A youth polytechnic council is responsible for:*
 - (a) *The education policy and mission of the youth polytechnics*
 - (b) *Overseeing the activities of the polytechnic*
 - (c) *Safeguarding the assets of the polytechnic and effective and efficient use of its resources*
 - (d) *Considering and approving annual estimates of income and expenditure of the polytechnic*
 - (e) *Overseeing the activities of the polytechnic*
 - (f) *Safeguarding the assets of the polytechnic and effective and efficient use of its resources*
 - (g) *The appointment and disciplining of the principal/manager, the polytechnic secretary and other senior officers as the council may determine*
 - (h) *The determination of the conditions of service of the principal/manager and other senior officers of the Youth polytechnic with prior approval of the Executive Committee Member responsible for finance*
 - (i) *Considering and approving of recommendations of the academic board.*
 - (j) *The establishment of the committees which may be necessary for the efficient performance of its business and*

- (k) *Such other functions that are incidental to the achievement of the aims and objectives of the Youth polytechnic*

Composition of the Council

17. (1) A Youth Polytechnic Council shall-

- (a) a Chairperson;*
- (b) a Deputy Chairperson;*
- (c) one representative of the Alumni Association;*
- (d) not less than three and not more than five other persons representing the community in the county, taking into consideration gender balance, persons living with disabilities and the disadvantaged community;*
- (e) a representative of the County Education Board; and*
- (f) The Principal/manager of the polytechnic shall be the secretary of the Council.*

(2) All members of the Council shall be appointed by the Executive Committee Member responsible for education with the approval of the County Assembly.

(3) Members of the Council shall hold office for a period of five years from the date of appointment and shall be eligible for reappointment another one term only.

Vacation of Office of Member of Council

18. (1) A member of the Council shall cease to hold office if the member-

- (a) Is unable to perform the functions of the office by reason of mental or physical infirmity;*
- (b) Is declared bankrupt or becomes insolvent;*

- (c) Is convicted of a criminal offence and sentenced to a term of imprisonment of six months or more;*
- (d) Resigns in writing to the Executive Committee Member responsible for education;*
- (e) Without reasonable cause, is absent from three consecutive meetings of the Council;*
- (f) Is found guilty of professional misconduct by the relevant professional body;*
- (g) Is disqualified from holding a public office under the Constitution;*
- (h) Engages in any gross misbehavior or misconduct; or*
- (i) Dies*

(2) The Executive Committee Member responsible for education may remove a member from the office if in the opinion of the committee Member, the member is unfit to continue in office on any of the grounds under subsection (1)

Filling of Vacancy

19. if the office of a member of the council falls vacant, the Executive Committee Member may appoint another person to fill the vacancy and the person appointed shall be in office for the remainder of the term of the vacating member.

Meetings of a Council.

20. (1) The Council shall meet for the dispatch of business at a time and that place that the Chairperson may determine but shall meet at least three times each academic year.

(2) The chairperson shall preside at each meeting of the of the Council, in the absence of the Chairperson the Vice Chairperson shall preside and in the absence

of both the Chairperson and the Vice Chairperson, a member of the Council elected by the other member's present may preside.

(3) A meeting shall be convened four members of the Council sign a requisition to that effect.

(4) The quorum at a meeting of the Council shall be half of the members of the Council.

(5) A decision of the Council shall be decided by consensus failing which a simple majority of votes cast shall decide the matter.

(6) The person chairing a meeting of the Council shall have an original and a casting vote.

(7) The Council may co-opt any person to attend a meeting of the Council but that person shall not vote on a matter for a decision by the Council.

Board of Directors of a Youth Polytechnic

21. (1) there shall be a Board of Directors for a Youth Polytechnic privately established and sponsored as may be determined by the promoters of the Polytechnic.

(2) The Board of Directors shall be responsible for-

- (a) The education policy and mission of the Youth Polytechnic;*
- (b) Overseeing the activities of the polytechnic;*
- (c) Considering and approving annual estimates of income and expenditure of the Polytechnic;*
- (d) Safeguarding the assets of the polytechnic and the effective and efficient use of its resources;*
- (e) Considering and approving annual estimates of income and expenditure of the Polytechnic;*
- (f) The appointment and disciplining of the Principal and other senior officers;*

(g) Considering and approving the recommendations of the academic board, and;

(h) Overseeing the general management and administration of the polytechnic.

(2) The Board may, in the exercise of its functions, ensure payment of all expenses incurred in promoting and registering the company and may exercise all such acts required to be exercised by the company subject to the provisions of this Act or any regulations made under it.

Principal/Manager and Deputy Principal/Manager of a Polytechnic

22. (1) A Youth polytechnic shall, through an open, transparent and competitive recruitment, appoint a suitably qualified person to be the Principal/Manager of the polytechnic.

(2) A person shall be qualified for appointment as the Principal/Manager if the person-

(a) Holds a degree from a university recognized in Kenya;

(b) Has at least three years proven experience at management level;

(c) Has experience in any technical field; and

(d) Meets the requirements of Chapter Six of the Constitution.

(3) The Principal/Manager shall serve on such terms and conditions as the Council or Board may determine.

(4) The Principal/Manager shall, in the performance of the functions and duties of the office, be responsible to the Council or the Board as the case may be.

(5) The Principal/Manager shall be the Chief Executive and accounting officer of the Youth polytechnic and such, shall be responsible for-

- (a) The academic performance of the polytechnic;*
- (b) Carrying into effect the decision of the Council or Board*
- (c) Day-to-day administration and management of the affairs of the Youth polytechnic*
- (d) Supervision of the academic and other staff of the polytechnic; and*
- (e) Perform such other duties as may be assigned by the Council or Board*

(6) A Youth Polytechnic Council shall appoint a Deputy Principal/Manager of the polytechnic who shall deputize the Principal/Manager and perform such work as the Principal/Manager may assign.

(7) The provisions of subsection (2) (a),(c) and (d) shall apply to the appointment of a Deputy Principal/Manager.

Other Officers and Staff

23. *(1) The Youth polytechnic shall have such academic, technical and administrative officers and support staff, as may be determined by the Council or Board.*

(2) In addition to the staff under subsection (1), the County Government and the County Education Board may, upon request by the Council or Board, second to a Youth polytechnic such officers as may be necessary for the better performance of polytechnic.

Academic Board

24. *A youth polytechnic shall have an academic board consisting of the Principal/Manager, Deputy Principal/Manager, Heads of the Academic Department and any other persons specified by the Council or Board of Directors as the case may be.*

Responsibility of the Academic Board

25. *The academic board is responsible for-*

- (a) Determining the criteria for the admission of students;*
- (b) Issues relating to scholarships at the polytechnic if any;*

- (c) *The content of curricular, the academic standards, validation and review of courses*
- (d) *The procedure to assess and examine students;*
- (e) *The appointment and removal of internal and external examiners;*
- (f) *The procedure for the award of qualifications and honorary academic titles;*
- (g) *The procedure for expelling students on academic grounds;*
- (h) *The development of the academic activities of the polytechnic;*
- (i) *Consideration of the resources required to support the academic activities of the polytechnic;*
- (j) *The establishment of links with different industries and business to ensure the entrepreneurial development of student, and;*
- (k) *Advising the Council or Board and the Principal/Manager on academic policy and other matters of importance to the polytechnic.*

Committees of Academic Board

26. (1) *The academic board may establish committees to perform such of its functions as it may determine but each committee shall be approved by the Council or Board as the case may be.*

(2) *The number of members of a committee and the terms upon which Committee Members are to hold office shall be determined by the academic board with the approval of the Council or Board.*

Chairperson, Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I now propose the question that clause 16 to clause 26 be part of the Bill.

Chairperson, Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you hon. Chair, I propose the amendment in part 4 as follows:

Clause 18, to amend Youth Polytechnic Council to read Board of Management;

Clause 21, amend board of directors of youth polytechnic privately established to read the board of management. Thank you honorable chair.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I now propose the question that clause 16 to clause 26 be part of the Bill as amended.

(The question put and clause 16 to 26 as amended)

PART V- FINANCIAL PROVISIONS FOR YOUTH POLYTECHNICS ESTABLISHED BY THE COUNTY GOVERNMENT

Funds of the Youth Polytechnic

27. (1) The funds of a Youth polytechnic established by the County Government shall consist of-

- (a) Monies allocated by the County Government for purposes of the polytechnic;*
- (b) Any grants, gifts, donations or other endowments given to the polytechnic; and*
- (c) Such funds as may vest in or accrue to the polytechnic in the performance of its functions under this Act or any other written law.*

(2) Any funds donated, granted or lent to the Youth polytechnic shall be made public before use.

Annual Estimates

28. (1) At least three months before the commencement of each financial year, a Youth polytechnic shall cause to be prepared estimates of the revenue and expenditure of the polytechnic for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the polytechnic for the financial year concerned and, in particular, shall provide for-

- (a) Payment of remuneration in respect of the members and staff of the polytechnic;*
- (b) Payment of pensions, gratuities and other charges in respect of benefit which are payable out of the funds of the polytechnic;*
- (c) Maintenance of the buildings and grounds of the Polytechnic;*
- (d) Funding of training, research and development of activities of the polytechnic;*

(e) Creation of funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations, equipment and in respect of other matters that the polytechnic may deem fit; and

(f) Any other expenditure necessary or required for the purpose of this Act.

(3) The annual estimates shall be approved by the Youth Polytechnic Council before the commencement of the financial year to which they relate and forwarded to the Executive Committee Member responsible for education

Accounts and Audit

29. (1) The Youth Polytechnic Council shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Youth polytechnic.

(2) Within a period of three months after the end of each financial year, the Youth Polytechnic Council shall submit to the county Auditor, the accounts of the Youth polytechnic in respect of that year together with a-

(a) Statement of the income and expenditure of the polytechnic during that year; and

(b) Statement of the assets and liabilities of the polytechnic on the last day of that financial year.

Annual Report.

30. (1) The Council shall, at the end of each financial year cause an annual report to be prepared.

(2) The Council shall submit the annual report to the Governor three months after the end of the year to which it relates.

(3) The annual report shall contain in respect of the year to which it relates-

(a) The financial Statements of the Youth polytechnic;

- (b) A description of the activities of the polytechnic;*
 - (c) Other statistical information relating to its functions that the polytechnic may consider appropriate;*
 - (d) The impact of the exercise of any of its mandate or function;*
 - (e) Any impediments to the achievements of the objectives and functions of the polytechnic;*
and
 - (f) Any other information relating to its functions that the Council considers necessary.*
- (4) The annual report shall be published and publicized in a manner that the Council may determine.*

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Honorable members, part (5), I propose the question that clause 27 to clause 30 be part of the Bill.

(The question put and clause 27 to 30 passed)

PART VI- MISCELLANEOUS PROVISIONS

Inspection of Polytechnics

31. The Directorate shall, in consultation with the County Education Board, inspect and monitor the standards of the Youth polytechnics in the county.

Regulations

32. The Executive Committee Member responsible for education may, with the approval of the County Assembly, make regulations for the better carrying out of the purposes and provisions of this Act.

Rules

33. A youth Polytechnic Council or Board may make rule not inconsistent with the provisions of this Act, generally for the better functioning of the Polytechnic.

Offences and Penalty

34. Any person who contravenes the provisions of this Act commits an offence and is liable, on conviction, to a fine not exceeding one million shilling or to a term of imprisonment not exceeding two years or to both.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, part (6), I propose the question that clause 31 to clause 34 be part of the Bill.

(The question put and clause 31 to 34 passed)

THE SAMBURU COUNTY YOUTH POLYTECHNIC BILL, 2019

A Bill for an ACT of the County Assembly of Samburu to provide for the establishment of Youth Polytechnics to offer courses in technology, applied science, management, maritime and other technical studies, to provide for their registration and administration and for other connected purpose.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I now propose the question that long title be part of the Bill. Honorable Chair for Education.

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you chair. Hon. Chair I propose the amendment to the long title as follows:

An Act of the County Assembly of Samburu to provide for the establishment of vocation, education and training centers to offer courses in technology, applied science, skill courses, innovation, management, accountancy and other technical studies and to provide for their administration and for other connected purpose.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Thank you Hon. Lesoipa, Hon. Members I now propose the question that the long title be part of the Bill as amended.

(The question put and the long title passed as amended)

Citation

- 1. This Act may be cited as the Samburu County Youth Polytechnics ACT, 2019, and shall come into operation on a date appointed by the Executive Committee Member responsible for education by notice in the County and Kenya Gazette, which date shall not be later than ninety days from the date of its publication.*

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I now propose the question that the short title be part of the Bill.

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Chair, I propose the amendment of the citation as follows: *clause 1 of the Bill is amended by deleting the following words immediately after the word Samburu County, Youth polytechnic Bill 2019 and shall come into operation on a date appointed by the Executive Committee Member responsible for education by notice in the County and Kenya Gazette, which date shall not be later than ninety days from the date of its publication and is substituted by the following words thereof: Vocational Education Training Centre Act 2019, so as to read as follows:*

This Act may be cited as the Samburu County Vocational Education Training Centre Act, 2019, and shall come into force upon publication in the Gazette. Thank you chair.

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members I now propose the question that the short title be part of the Bill as amended.

(The question put and the short title passed as amended)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Lesoipa.

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Chair. I beg to move that the Committee do report to the Assembly its consideration of the Samburu County Youth Polytechnic Bill 2019 and its approval thereof with amendments, thank you chair. I call upon Hon. Elizabeth Kalapata to second the Motion.

(Hon. Kalapata bows in seconding the Motion)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Hon. Members, I now propose the question which is that the committee do report to the assembly its consideration of the Samburu County youth polytechnic Bill of 2019 and its approval thereof with amendments.

(The question put and the report to the assembly its consideration of the Samburu County Polytechnic Bill 2019 and its approval with amendment passed)

(The Speaker, (Mr. Lempere Solomon in the Chair)

The Speaker, (Mr. Lempere Solomon): Hon. Leitore

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): Thank you Mr. Speaker, I beg to report that the committee of the Whole House considered the Samburu County Youth Polytechnic Bill, 2019 and its approval therefore with amendments.

The Speaker, (Mr. Lempere Solomon): Hon. Lesoipa

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa): Thank you Hon. Speaker, I beg to move that the House do agree with the committee on the said report. I call upon Hon. Nicholas to second.

(Hon. Nicholas bows in seconding)

Chairperson Committee of the Whole House, (Hon. Benjamin Leitore): I call upon Hon. Leparsayia to second.

(Hon. Leparsaiya bows in seconding)

The Speaker, (Mr. Lempere Solomon): Hon. Members I will propose the question which is that the House do agree with the committee in the said report.

(The question put and the Report passed)

The Samburu County Youth Polytechnic Bill 2019 Samburu County Bills Number 1, third reading.

The Speaker, (Mr. Lempere Solomon): Hon. Lesoipa

Chairperson Committee on Education, Youth Affairs and Sports, (Hon. Shadrack Lesoipa):

Thank you Hon. Speaker, I beg to move the following motion: that the Samburu County Youth Polytechnic Bill, 2019, Samburu County Bills No. 1, be now read a third time. I call upon the Hon. Jarias Leshoomo to second the Motion.

(Hon. Leshoomo bows in seconding)

The Speaker, (Mr. Lempere Solomon): Hon. Members I wish to propose the motion that the Samburu county youth polytechnic Bill 2019, Samburu County Bills No. 1 be now read a third time.

(The Question put and the Bill passed)

THE SAMBURU COUNTY YOUTH POLYTECHNIC BILL, 2019

A Bill for an Act of the County Assembly of Samburu to provide for the establishment of Youth Polytechnics to offer courses in technology, applied science, management, maritime and other technical studies, to provide for their registration and administration and for other connected purposes.

The Speaker, (Mr. Lempere Solomon): Hon. Members, the time being 30 minutes past 4 o'clock and there being no other business, this Assembly now adjourns until Thursday, December 5th 2019 at 2:30pm.