



COUNTY GOVERNMENT OF BUNGOMA
THIRD COUNTY ASSEMBLY –SECOND SESSION
THE COUNTY ASSEMBLY OF BUNGOMA
ORDERS OF THE DAY
WEDNESDAY 11TH OCTOBER, 2023 AT 9:30 A.M
ORDER OF BUSINESS

PRAYERS

1. Administration of oath
2. Communication from the chair
3. Messages
4. Petitions
5. Papers (*As listed in the Appendix*)
6. Notices of Motion (*As listed in the Appendix*)
7. Questions and Statements
8. **MOTION - REPORT BY THE PUBLIC ACCOUNTS AND INVESTMENTS COMMITTEE ON THE PENDING BILLS OF THE (COUNTY GOVERNMENT) COUNTY ASSEMBLY OF BUNGOMA FOR THE FINANCIAL YEARS 2018/2019-2019/2020**

(Chairperson, Public Accounts and Investments Committee)

THAT, this House adopts the report by the Public Accounts and Investments Committee on the pending Bills of the (County Government), County Assembly of Bungoma for the financial years 2018/2019- 2019/2020, *laid on the table of the House on 13th September, 2023.*

9. **BILLS - THE BUNGOMA COUNTY COOPERATIVE SOCIETIES BILL, 2023.**

A Bill for an Act of the County Assembly of Bungoma to give effect to paragraph 7 (e) of part II of the Fourth Schedule of the Constitution; to make provisions relating to the formation, registration and regulation of cooperative societies and for connected purposes

(Chairperson, Sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development)

(Second Reading)

10. **COMMITTEE OF THE WHOLE HOUSE ON THE BUNGOMA COUNTY COOPERATIVE SOCIETIES BILL, 2023**

(Chairperson, Committee of the Whole House)

APPENDIX

ORDER NO 5 – PAPERS

- I. Report by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment.

(Chairperson, Sectoral Committee on Tourism, Environment, Water and Natural Resources)

- II. Report of the Auditor General on Bungoma County Assembly Members' Car Loan and Mortgage Scheme Fund for the year ended 30th June, 2022

(Leader of the Majority Party)

ORDER NO 6 - NOTICES OF MOTION

- I. **THAT**, this House adopts the Report by the Sectoral Committee on Tourism, Water and Natural Resources on the Bungoma County Climate Change Action Plan 2023-2027 and the Bungoma County Participatory Climate Change Risk Assessment.

(Chairperson, Sectoral Committee on Tourism, Environment, Water and Natural Resources)

NOTICES

BUNGOMA COUNTY CO-OPERATIVE SOCIETIES BILL, 2023

Notice is given that the Chairperson of the Sectoral Committee on Agriculture, Fisheries, Livestock and Cooperative Development intends to move the following amendments to the Bungoma County Co-operative Societies Bill, 2023 at the Committee Stage –

CLAUSE 4

THAT, clause 4 of the Bill be amended in paragraph (g) by deleting the words “**issue guidelines and regulations**” appearing before the word “**facilitation**” and further delete the words “**and regulations**” appearing after the word “**growth**” substituting therefor with the words “**sustainable development**”.

So as to read;

“(g) to facilitate growth and sustainable development of co-operative societies;”

CLAUSE 5

THAT, clause 5 of the Bill be amended;

- i. in sub-clause (1) by inserting the words “and such number of officers, as may be necessary to assist the director in the administration of this Act” immediately after the word “Service”

So as to read;

“5 (1) *There shall be a County Director for Co-operatives, whose office shall be an office within the county public service and such number of officers, as may be necessary to assist the director in the administration of this Act.”*

- ii. in sub-clause (2) by deleting the entire sub-clause.
- iii. in sub-clause (3) by inserting paragraph (f), (g) and (h) and renumber paragraph 5(f) as 5(i)

So as to read;

*“(f) Provisions of incentives to enhance sustainable production and marketing;
(g) Improve access to credit facilities by members of cooperatives societies;*

(h) Spearhead formulation and implementation of strategies and measures in line with international and national standards for sustainable cooperatives sector in the County;

iv. in sub-clause (4) by deleting the entire sub-clause.

CLAUSE 6

THAT, clause 6 of the Bill be amended by;

- i. deleting the words “structure of co-primary” appearing before the word “cooperative” and therefor substituting word “primary”;
- ii. further delete the word “cooperative” appearing immediately after the word “Level and insert the words “cooperative unions” before the abbreviation “NACOs”

So as to read;

“The structure of co-operative is made up of primary cooperative societies formed at the county level and in the County level cooperatives unions, NACOs and Apex societies.”

CLAUSE 18

THAT, clause 18 of the Bill be amended in sub-clause (2) by deleting the word “**their**” and substituting therefor the word “**There**”

So as to read;

“There shall be a county register of Co-operative Societies into which shall be entered particulars of all registered co-operatives societies including-”

CLAUSE 36

THAT, clause 36 of the Bill be amended in sub-clause (1) by deleting the following words “**may establish membership and committees**” appearing immediately before the word “society” and therefor substituting the words “**shall have a management committee**”

So as to read;

“36 (1) A co-operative society shall have a management committee consisting of not less than five, and not more than nine members.”

CLAUSE 74

THAT, clause 74 of the Bill be amended in sub-clause (2) by deleting the entire sub-clause.

CLAUSE 78

THAT, clause 78 of the Bill be amended in paragraph (d) by inserting the word **“this”** immediately after the words **“conferred by”** and further replace the words “section 77” with clause

So as to read;

“(d) by order in writing, in any particular case, limit the powers of the liquidator conferred by this clause;”

CLAUSE 79

THAT, clause 79 of the Bill be amended in sub-clause (1) by replacing the words **“section 77 or section 79”** appearing immediately after the word “liquidator under” with the words **“clause 77 or clause 78”**

So as to read;

“(1) A person aggrieved by any order or decision of the Director or the liquidator under clause 77 or clause 78 as the case may be, may appeal against the order or decision to the Tribunal within thirty days of the order or decision.”

CLAUSE 81

THAT, clause 81 of the Bill be amended by inserting the word **“or those”** before word **“specified”** further delete number 81 appearing immediately after the word **“section”** and therefor substituting the phrase “88 **“of this Bill”**

So as to read;

“Any person who is convicted of an offence under sections of the Companies Act, 2015 or those specified in this Bill shall cease to be an officer of a co-operative society,”

NEW CLAUSE

1. **THAT**, the Bill be amended by inserting a new clause immediately after clause 3- and re-numbering Clause 4 as 5 onwards

So as to read;

“Guiding principles of cooperatives

4. All persons shall, in the performance of their functions under this Act, be guided by the following principles-

- a) non-discrimination of members of cooperatives societies;*
- b) voluntary and open membership;*
- c) democratic member control;*
- d) autonomy and independence;*
- e) public participation and continuous training and awareness creation;*
- f) co-operation among cooperative societies;*
- g) concern for community in general;*
- h) self-responsibility and commitment in the conduct of the affairs of cooperative societies; and*
- i) Equity in the distribution of income derived from cooperative societies.”*

2. **THAT**, the Bill be amended by inserting a new clause immediately after clause 36

So as to read;

“Supervisory Committee

37(1) *“A cooperative society shall have a supervisory Committee consisting of not more than three members.*

(2) The supervisory committee shall –

- a) Evaluate programmes of the societies;*
- b) Check minutes of the Committee and General meetings for policy matters*

- c) Verify investment in banks, buildings, Insurance firms and stocks among others;*
- d) Analyze expenses of the society in relation to the budget;*
- e) Ensure that standardized accounting system is implemented in the society;*
- f) Listen to members complaints and assist them find solution*
- g) Seek for solutions for weaknesses in management*
- h) Prepare and present report to the Management Committee on quarterly basis and to the annual general meeting annually;*
- i) Receive the report of the internal auditor and take action on the same or recommend for action by the Committee.”*

SCHEDULE

That the schedule of the Bill be amended by:

- a) Deleting second last column of the schedule.*
- b) Deleting the following words “**proposed 2022/23**” appearing at the top of the last column*

CLAUSE 2: Interpretation

THAT, clause 2 of the Bill, on the interpretation of the word “**Director**” be amended by deleting the word “**management**” appearing immediately after the word “cooperative” and substituting therefor the word “**Development**” and the word “**section**” appearing after the word “**under**” to be replaced with the word “**clause**”

So as to read;

““Director” means the County Director for Co-operative Development appointed under clause 6 and includes a deputy director or any person discharging the functions of the Director;”