

**FIRST ASSEMBLY
(068)**

SECOND SESSION (173)



COUNTY GOVERNMENT OF KITUI

THE COUNTY ASSEMBLY

FIRST ASSEMBLY - (SECOND SESSION)

VOTES AND PROCEEDINGS

WEDNESDAY, 24TH JULY, 2014 AT 2.30 PM

1. The House assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer.

3. PAPER LAID

The following paper was laid on the Table of the House pursuant to provisions of Interim Standing Order 130 (1);

The Committee report on Consideration of the Kitui County Business Licensing Bill, 2014 (Assembly Bill No. 10, 2014)

(Chairperson Committee on Trade, Industry, ICT and Cooperatives)

4. NOTICES OF MOTION -(Chairperson Committee on Trade, Industry, ICT and Cooperatives)

MOTION ON ADOPTION OF THE COMMITTEE REPORT ON CONSIDERATION OF THE KITUI COUNTY BUSINESS LICENSING BILL, 2014 (ASSEMBLY BILL NO. 10, 2014)

THAT, Pursuant to the Provisions of the Interim Standing Order No. 130 (2), this House Approves the Report of the Committee on Trade, Industry, ICT and Cooperatives on consideration of the Kitui County Business Licensing Bill, 2014 (Assembly Bill No. 10)

(Hon. Daniel N. Kimanzi)

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5. STATEMENTS:

The following statements were given/requested pursuant to provisions of Standing Order 41 (2)(a) and (c)

- i) Member House Business Committee – (*Hon. Ruth Kinyumu*)

The schedule of business for the Assembly committees and plenary for the week ending 1st August, 2014.

- ii) Member for Tseikuru Ward –(*Hon. Dominic K. Kauthi*) - statement request

Statement on distribution of Government relief food at Mwingi north Sub County

6. COMMITTEE OF THE WHOLE COUNTY ASSEMBLY

IN THE COMMITTEE

THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEE BILL, 2014
(ASSEMBLY BILL NO. 6)

(Chairperson, Committee on Health and Sanitation)

(Hon. Joyce M. Mutemi)

(Resumption of Committee debate interrupted on 23rd July, 2014 afternoon sitting)

CLAUSES WITH AMENDMENTS

CLAUSE 11

THAT, Clause 11 be amended as follows:-

- i) Sub clause 11(b) by deleting the words in the sub-clause in their entirety and replacing them thereof with **the Hospital Management Board shall propose to the County Executive Committee Member for Health and Sanitation through minutes the authority to open and operate a Bank Account.**
- ii) Sub clause 11(c) by inserting the words **and Drugs stocking levels based on usage** immediately after the word “expenditure”.

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| | (068) | (175) |
| iii) | Sub clause 11(d) by deleting the words and records of accounts of income, expenditure, assets and liabilities of the Hospital as prescribed by the Officer administering the fund immediately after the word "accounts". | |
| iv) | Sub clause "11(e) and 11(f)" by Merging the sub clauses now to read as Sub-clause 11 (e) -prepare and submit to the Chief Officer in the County Ministry of Health and Sanitation certified periodical financial and performance reports | |
| v) | Sub clause "11(g)" by renumbering it as Sub-clause 11(f) | |
| vi) | Sub clause 11(f) by deleting all the words after the word "kept" and inserting thereof the following; cause to be kept records of accounts of income, expenditure, assets and liabilities of the respective hospital. | |

Motion made, question proposed, put and agreed to

Clause 11 - as amended agreed to

CLAUSE 12

THAT, Clause 12 be amended as follows:-

- i) by deleting the "subtitle"
- ii) by renumbering the Sub Clauses under Clause 12 as follows:-
 - Clause 12(1) to be Sub-Clause 11(h) and by rephrasing the Sub Clause to read **ensure planning that is consistent with both national and county government laws, policies and regulations.**
 - Clause 12(2) to be Sub-Clause 11(i) and by rephrasing the Sub Clause to read **review or approve all hospital plans including but not limited to development plans, service delivery plans and activities plans.**
 - Clause 12(3) to be Sub-Clause 11(j) and by deleting the word 'providing' appearing at the beginning of the Sub Clause and substituting it thereof with the word **provide.**
- iii) by introducing new sub clause -
11(k) - approve and authorize hospital budgets and expenditures.

Motion made, question proposed, put and agreed to

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Clause 12 - as amended **agreed to**

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CLAUSE 13

THAT, clause 13 be amended by renumbering the clause to **clause 12**

Motion made, question proposed, put and **agreed to**

Clause 13- as amended **agreed to**

CLAUSE 14

THAT, clause 14 be deleted from the Bill

Motion made, question proposed, put and **agreed to**

Clause 14 - as amended **agreed to**

CLAUSE 15

Motion made and question proposed;

THAT, clause 15 be amended as follows:-

- i) by renumbering the clause to **clause 13 (1)**
- ii) by renumbering paragraphs under the Clause as follows:-
**15(a) to 13(1)(a), 15(b) to 13(1)(b), 15(c) to 13(1)(c), 15(d) to 13(1)(d),
15(e) to 13(1)(e), 15(f) to 13(1)(f), 15(g) to 13(1)(g), 15(h) to 13(1)(h) and 15(i) to 13(1)(i)**
- iii) by changing the "Title" of Clause 13 to read '**vacation of office and remuneration of committee members**.'
- iv) Sub-clause 13(1) by deleting the words " the County Executive Committee Member may remove an appointed member from Office, in the following circumstance'" and insert thereof the following words- **A member of committee shall cease to hold office-**
- v) by deleting all the words under paragraph "(a)"and replacing thereof with- **if the member has been absent from three consecutive meetings of the committee without the permission of the chair.**

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- vi) paragraph (b) by deleting the repeated word “Nongovernmental” and substituting thereof with the words- **public benefits organizations.**
- vii) paragraph (c) by inserting the words-**and sentenced to a term of imprisonment of six months or more or a fine exceeding one hundred thousand Kenya shillings** after word “offense”.
- viii) paragraph (e) by inserting the words- **formerly** immediately after the word committee.
- ix) Paragraph (h) by :-
- by deleting the words “in a gross” appearing between the words “involved and conflict” and replacing thereof with the words- **an act resulting to**
 - by deleting the words “and the committee recommends to the County Executive Member for removal” and replacing thereof with the words- **with the position held by the member.**
- x) paragraph (i) by:-
- inserting word **gross** between “of and misbehavior”
 - deleting the word “incompetence” at the end of the sentence and replace thereof with- **misconduct**
- xi) by introducing additional paragraphs:-
- (j)- **if a member is found to be incompetent to hold the position.**
 - (k)- **if a member is convicted of an offence involving dishonesty or fraud.**
 - (l)- **if a member is adjudged bankrupt or enters into a composition scheme of arrangement with his or her creditors.**
 - (m)- **If a genuine petition from the public is lodged against the member.**
- xii) by introducing new **Sub-Clause 13 (2)-the remuneration payable to members of the committee shall be determined by the Salaries and Remuneration Commission.**

Debate arising;

Amendment proposed to this amendment - Member for Ngomeni Ward

Motion made and question proposed;

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That, amend the Clause now renumbered 13 by deleting the proposed new sub Clause 13(2)

(Hon. Joseph N. Ngwele)

Debate arising;

Question on amendment to amendment put and **agreed to**

Clause 15 - as amended **agreed to**

CLAUSE 16

THAT, amend clause 16 as follows:-

- i) by renumbering it to Clause 14.
- ii) by deleting the word "Health" in the title of the Clause between the words "between and management" and replace it thereof with **Hospital**
- iii) by numbering the second paragraph to Sub Clause 14(1).
- iv) By rephrasing the Sub Clause 14 (1) to read **the Hospital Management Committee shall notify the Hospital management team of all its meetings and ensure that the minutes and plans of every meeting are supplied to the hospital management team within seven days of its meeting.**
- v) by introducing new Sub-Clause 14(2) **the hospital management team shall ensure that the minutes and plans received under subsection (1) are forwarded to the Chief Officer in the county ministry of health and sanitation for who shall in turn brief the County Executive Committee Member on the Minutes and plans.**

Motion made, question proposed, put and **agreed to**

Clause 16 - as amended **agreed to**

CLAUSE 17

THAT, amend Clause 17 as follows:-

- Renumber clause to Clause 15
- Insert the word **the** between the words "of and County" in the title of the Clause.
- Insert the words- **and Sanitation** between the words "health and may" in line one of the Clause.

Motion made, question proposed, put and **agreed to**

Clause 17 - as amended **agreed to**

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(178a)

CLAUSE 18

THAT, amend the Bill by moving the entire Clause 18 from PART II to PART VII.

Motion made, question proposed, put and **agreed to**

Clause 18- as amended **agreed to**

PART III

CLAUSE 19

THAT, amend Clause 19 as follows:-

- i) by renumbering the clause to Clause 16
- ii) by numbering paragraph 1 to Sub-clause (3)
- iii) by numbering paragraph 2 to Sub-clause (2)
- iv) by numbering paragraph 3 to Sub-clause (1) and by rephrasing the first line in the Sub-clause to read **there is established under every Hospital Management Committee the following sub-committees.**
- v) by introducing a new **paragraph (d)-Development subcommittee** below paragraph (c).
- vi) by deleting all the words under Sub-clause 16(2) and replacing thereof with **members of each respective sub-committee shall elect the chairperson of that committee from the persons appointed from the Hospital Management Committee.**
- vii) by deleting all the words under Sub-clause 16(3) and replacing thereof with **every sub-committee may, if it considers it necessary, co-opt not more than two members of good professional standing to offer assistance only for the period the assistance is so required.**

Motion made, question proposed, put and **agreed to**

Clause 19- as amended **agreed to**

CLAUSE 20

THAT, amend Clause 20 as follows:-

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- i) by renumbering the Clause to **Clause 17**.
- ii) by numbering the first two paragraphs under the Clause as:-
 - Sub-clauses**17(1)** and deleting all the words under it and replacing thereof with- **this sub-committee shall consist of not less than four and not more than six members.**
 - Sub-clauses**17(3)** and further by deleting the word “committee” immediately after word Subcommittee in the Sub Clause
- iii) Sub Clause 17(3) as follows:-
 - Paragraph (b) write in full “AIEs”- **Authority to incur expenditure.**
 - Paragraph (c) write in full “AIEs”- **Authority to incur expenditure.**
 - Paragraph (d) write in full “NHIF”- **National Health Insurance Fund.**
 - Paragraph (g) write in full “AIEs”- **Authority to incur expenditure.**
- iii) by introducing **new Sub-Clauses** as follows:-
 - 17 (2) - in addition to the provisions of section 17, this sub-committee shall consist of the following members.**
 - 17(2) (a) - three members appointed by the hospital management committee; and**
 - 17(2) (b) - hospital accountant.**

Motion made, Question proposed, put and agreed to.

Clause 20- as amended **agreed to**

CLAUSE 21

THAT, Clause 21 be amended as follows:-

- i) by renumbering it to Clause 18.
- ii) by rephrasing sub clause 18(1) to read- **This sub-committee shall consist of not less than four (4) and not more than six members.**
- iii) by deleting entirely the words under Sub-Clause 18(2) and replacing thereof with- **in addition to the provisions of section 17, this sub-committee shall consist of the following members**
- iv) By Introducing new paragraphs Under Sub Clauses 18 (2) as follows:-

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- 18(2)(a) - Two members appointed by the hospital management committee; and
- 18(2) (b) - One medical officer from the hospital
- iv) 18 (2) (c)- The nursing officer in charge of the hospital
- by introducing new sub clause 18 (3) - this subcommittee shall be responsible for ensuring provision of quality health care services in the respective hospitals.

Motion made, Question proposed, put and agreed to

Clause 21 - as amended agreed to

CLAUSE 22

Motion made and question proposed;

THAT, amend Clause 22 as follows:-

- i) renumber the clause to **Clause 19**
- ii) by rephrasing Sub Clause 19(1) to read- **this sub-committee shall consist of not less than three (3) and not more than five (5) members.**
- iii) by rephrasing Sub Clause 19(2) to read- **in selecting members under this section, the Hospital Management Committee shall ensure that the members selected have fair knowledge on financial reporting, governance, risk management and internal control matters.**

Question put and agreed to

Clause 22- as amended agreed to

PART - IV

THAT, amend Part IV by moving the whole Part to PART VI.

Motion made, question proposed, put and agreed to

PART IV - as amended agreed to

PART V

THAT, renumber Part V to Part IV.

Motion made, question proposed, put and agreed to

PART V - as amended agreed to

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(178d)

CLAUSE 27

THAT, amend Clause 27 as follows:-

- i) Renumber Clause 27 to **Clause 21**
- ii) Rephrase the Sub Clause numbered 21(1) to read- **there is established in each public health facility or dispensary as listed in the second and third schedules to this Act respectively the Health Center Management Committee and the Dispensary Management Committee respectively.**
- iii) Introduce new Clause 21(2)- **shall apply to any health Centre or dispensary established in the county after the commencement of this Act.**

Motion made, question proposed, put and agreed to

CLAUSE 27 - as amended agreed to

CLAUSE 28

Motion made and question proposed;

THAT, amend Clause 28 as follows:-

- i) renumber Clause 28 to **Clause 22**
- ii) paragraphs under Clause 22(1) as follows:-
 - Paragraph (a)- write in full "CEC" to **-County Executive Committee** and further amend by deleting the words **and shall not be an ex-officio** appearing at the end of the paragraph.
 - Paragraph (b)-replace "village administrator" at the beginning of the paragraph with- **ward administrator** and insert the words - **and in his or her absence to delegate in writing to the designate village administrator** after the word "jurisdiction"
 - Paragraph (c)- insert the words-**and ex-officio** at the end of the sentence.
 - Paragraph (e) be amended as follows:-
 - Delete Sub paragraph (i) entirely

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- renumber sub paragraph (ii) to (i) and further insert the words **an active** between the words “by and women” and the words- **where the facility is situated** at the end of the sentence.
- renumber sub paragraph (iii) to (ii) and further insert the words- **dominant in respective area where the facility is situated** at the end of the sentence.
- renumber sub paragraph (iv) to (iii) and further insert the words- **group with a gender rule bias based on other members nominated in that committee where the facility is situated** at the end of the sentence.
- renumber sub paragraph (v) to (iv) and further insert the words- **with a gender rule bias based on other members nominated in that committee where the facility is situated** at the end of the sentence.
- Introduce new sub paragraph (vi) read-**Community based health care attendants e.g. community based distributors of contraceptives, TBAs, Counsellors and others.**

Debate arising;

Amendmentsto this amendment proposed - Member for Ngomeni Ward

THAT, delete the entire clause 28 as amended and re-insert a new clause as follows:-

22. Nomination Coordinating Committee and Nomination Process

1. The Nomination Coordinating Committee shall consist of:

- (a) Officer in charge of the health centre or dispensary**
- (b) Member of the County Assembly for the ward where the health centre or dispensary is located**
- (c) Ward Administrator**

2. (a) The Nomination will be coordinated by the officer in charge of the health centre or dispensary who will convene the nominating committee and serve as its secretary;

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(b) The officer in charge of the health centre or dispensary will forward the report of the nomination coordinating committee to the CEC for Health.

3. (a) The County Executive Committee Member for Health shall within 21 days upon commencement of this Act direct in writing the Officer in Charge of the respective health centre or dispensary directing him/her to convene the nomination coordinating committee referred to in clause 22.1 to start the committee nomination process;

(b) Upon receipt of the directive under Section (a) above the officer in charge of the respective health centre or dispensary shall within 14 days convene a meeting of the Nomination Coordinating Committee and the nomination coordinating committee shall write to the respective groups referred to in clause 5 to nominate members, and give a period within which the names of nominated members should be received by the committee;

(c) Upon receipt of the names of the nominated persons the nomination committee shall forward the names to the County Executive Committee Member for Health and Sanitation, and the County Executive Committee Member for Health shall cause the names to be published in the County Gazette within 14 days.

(Hon. Nzungi Ngwele)

Debate arising;

Question put and agreed to

Question on the amended amendment put and agreed to
Clause 28- as amended agreed to

CLAUSE 29

THAT, amend Clause 29 as follows:-

- i. by renumbering Clause 29 to **Clause 23**
- ii. by deleting entirely the words in the Clause and replace with the following sub clauses under Clause 23:-
 - 23(1) - **The County Executive Committee Member shall within Twenty One (21) days upon commencement of this Act write to the persons in charge of the respective health centers and dispensaries directing**

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- them to call for nomination of persons referred to under clause 22(1)(e) above from the respective nominating groups.
- 23(2) - Upon receipt of the directive under sub clause (1), the persons in charge of the respective health centers and dispensaries shall within fourteen (14) days write to the respective groups calling for nominated persons and shall give a period within which the names should be received by their office.
- 23(3) - Upon receipt of the names of the nominated persons, the county executive committee member shall forward the names to the County Assembly committee on health and sanitation for vetting.
- 23 (4) The vetted nominees shall thereafter be tabled before the County Assembly for approval and appointments.

Motion made, Question proposed, put and agreed to
Clause 29 - as amended agreed to

CLAUSE 30

THAT, amend Clause 30 as follows:-

- i) renumber Clause 30 to **Clause 24**
- ii) number first paragraph under the clause numbered 24 as sub clause 24(1)
- iii) sub Clause 24(4) be amended to sub clause 24(2) and further by deleting the words " the annual allocation or grants" appearing between the words "limited to and and" in the second line of this sub clause and replace thereof with the words **the provisions of sub-clause 24(1) (a)(b)(c)(d) and (e) above"**.
- iv) renumber Sub Clause 24(5) to Sub **Clause 24(3)**
- v) renumber Sub Clause 24(6) to Sub **Clause 24(4)** and further insert the words **and made public as a matter of practice or on demand** "at the end of the end of the Sub Clause".

Motion made, Question proposed, put and agreed to
Clause 30- as amended agreed to

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CLAUSE 31

THAT, amend Clause 31 as follows:-

- i)** by renumbering Clause 31 to **Clause 25**
- ii)** delete the words "Section 5" appearing between the words "under and unless" in the second line and replace thereof with the words **Clause 5**
- iii)** Further amend the Clause by deleting the last part of the clause reading **the committee shall be responsible to the chief officer in the ministry of health and sanitation.**

Question put and **agreed to**

Clause 31- as amended **agreed to**

CLAUSE 32

THAT, amend the Bill by deleting Clause 32 entirely;

Motion made, question proposed put and **agreed to**

CLAUSE 33

THAT, amend Clause 33 as follows:-

- i)** by renumbering Clause 33 to **Clause 26**
- ii)** by rephrasing the whole clause to read "**upon appointment of the members of the Health Center or Dispensary Management Committee as per section 22, the County Executive Committee Member shall within Fourteen (14) days cause the names to be published in the County gazette or the Kenya gazette and the members shall assume office upon gazette ment or as shall be specified in the gazette notice.**"

Question put and **agreed to**

Clause 33- as amended **agreed to**

CLAUSE 34

Motion made and question proposed;

THAT, amend Clause 34 as follows:-

- i)** by renumbering Clause 34 to **Clause 27**

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- ii) Sub Clause 27 (4) by inserting the words **and the committee members** immediately after the word in charge in the last line.
- iii) Sub Clause 27 (6) by inserting the word **committee** between "executive and member"

Debate arising;

Amendment proposed to amendment – Member for Mumoni Ward

THAT, insert an independent paragraph immediately after "27(6)" being:

Provided that the member of County Assembly where the Health Center or Dispensary is situated shall be at liberty to attend any committee meeting in furtherance of his or her oversight role under the Constitution of Kenya 2010 and any other relevant law and the secretary to the committee shall issue the member with a reasonable notice to each committee meeting.

(Hon. Titus M. Kasinga)

Question put and **agreed to**

Question on the amended amendment put and **agreed to**

Clause 34 - as amended **agreed to**

CLAUSE 35

THAT, amend Clause 35 as follows:-

- i) by renumbering Clause 35 to **Clause 28**
- ii) SubClause 28 (d) be rephrased to read-**cause to be kept basic books of accounts.**
- iii) SubClause 28 (e) and 28(f) be merged to sub clause 28(e) and rephrase it to read-**prepare and submit to the Chief Officer in the County Ministry of Health and Sanitation certified periodical financial and performance reports.**
- iv) renumber SubClause 28(g) to 28 (f)
- v) byintroduce a new **sub clause 28 (g) - cause to be kept records of accounts of income, expenditure, assets and liabilities of the respective hospital.**

Question put and agreed to

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Clause 35 - as amended agreed to

CLAUSE 36

Motion made and question proposed;

THAT, amend Clause 36 as follows:-

- i) delete the "Title" in Clause 36.
- ii) renumber Clause 36 (1) to Sub Clause 28(h) and rephrase it to read- **ensure planning that is consistent with both national and county government laws, policies and regulations.**
- iii) renumber Sub Clause 36 (2) to Sub Clause 28 (i) and rephrase it to read- **review and approve health centers and dispensaries structural and architectural designs and plans.**
- iv) renumber Sub Clause 36 (3) to Sub Clause 28 (j) and further amend by deleting the word 'providing' appearing at the beginning of the Sub Clause and substituting thereof with the word **provide.**
- v) introduce a new Sub Clause 28 (k) - **approve and authorize health centers and dispensaries budgets and expenditures.**

Question put and agreed to

Clause 36 - as amended agreed to

CLAUSE 37

THAT, amend Clause 37 by renumbering it to **Clause 29**

Motion made, question proposed, put and agreed to

Clause 37 - as amended agreed to

CLAUSE 38

THAT, Clause 38 be deleted in its entirety.

Motion made, question proposed, put and agreed to

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Clause 38 - as amended agreed to

CLAUSE 39

Motion made and question proposed;

THAT, amend Clause 39 as follows:-

- i) renumber Clause 39 to **Clause 30(1)**.
- ii) Sub Clause 30(1) delete the "title" and replace thereof with-**vacation of office and remuneration of committee members**.
- iii) rephrase Sub Clause 30(1) to read- **a member of committee shall cease to hold office**.
- iv) the paragraphs under Sub Clause 30(1) as follows:-
 - a) to read- **if the member has been absent from three consecutive meetings of the committee without the permission of the Chair**.
 - b) by deleting the word "non-governmental" appearing twice and substituting thereof with **Public Benefits Organizations**.
 - c) by inserting the words- **and sentenced to a term of imprisonment of six months or more or a fine exceeding one hundred thousand Kenya shillings** immediately after the word "offense"
 - e) by inserting the words- **in writing** immediately after the word "committee".
 - g) rephrase to read- **if a member is involved in any act resulting to conflict of interest with the position held by the member**.
- v) introducing new paragraphs under this sub clause 30(1) as follows:-
 - h) **If a member is guilty of gross misbehavior or misconduct**.
 - i) **if a member is found to be incompetence to hold the position**

- j) If a member is convicted of an offence involving dishonesty or fraud.

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k) If a member is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

- vi) introduce new Sub Clause 30 (2)- **the remuneration payable to member of the committee shall be determined by the Salaries and Remuneration Commission.**

Debate arising;

Question put and agreed to

Clause 38 - as amended agreed to

CLAUSE 40

THAT, amend the Bill by deleting Clause 40 entirely.

Motion made, question proposed, put and agreed to

Clause 40 - as amended agreed to

CLAUSE 41

THAT, amend Clause 41 as follows:-

- i) renumber the Clause to Clause **31(1)**
- ii) Sub Clause 31(1) "title" by inserting the words **sub county** immediately after the word "between" and delete **al** "in the last sentence of the title"
- iii) second paragraph in Clause 31(1) by numbering it Sub Clause **31(2)** and rephrase the same to read - **the health center and dispensary management committee shall ensure that the minutes and plans received under sub**

clause (1) are forwarded to the Chief Officer in the county ministry of health and sanitation who shall in turn brief the County Executive Committee Member on the Minutes and plans.

Motion made, question proposed, put and agreed to

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(178 m)

Clause 41 - as amended agreed to

CLAUSE 42

THAT, Clause 42 be renumbered to 32.

Motion made, question proposed, put and agreed to

Clause 42 - as amended agreed to

CLAUSE 43

THAT, amend Clause 43 as follows:-

- i) renumbered it to Clause 33
- ii) Sub Clause 33 (1) be amended as follows:-
 - by deleting the word **pecuniary** between “indirect and interest” and replacing with the words “whether pecuniary or not” immediately after “interest and before in”.
 - by inserting the word **she** between “he and is” in the third line and fourth line.
 - by inserting the word **her** immediately after the word “his” appearing in the last line.
- iii) 32 (2) by inserting the word **her** immediately after the word “his” in the last line.

Motion made, question proposed, put and agreed to

Clause - 43 as amended agreed to

PART VI

THAT, renumber Part VI to **Part V**.

Motion made, question proposed, put and agreed to

PART VI - as amended agreed to

CLAUSE 44

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(178n)

THAT, amend Clause 44 as follows:-

- i) renumber the Clause to **Clause 34**
- ii) by numbering the paragraphs under Clause 34 as follows:-
 - Paragraph 3 to be numbered sub clause 1 and further amend it by rephrasing the sub clause to read- **there is established under every Health Centre and Dispensary Management Committee the following sub-committees.**
 - Introduce new paragraph **(d)-Development Subcommittee** immediately after “paragraph (c)”.

Paragraph 2 to be numbered sub clause 2 and further amend it by

- rephrasing the sub clause to read- **members of each respective sub-Committee shall elect the chairperson of that committee from the persons appointed from the Hospital Management Committee.**
- Paragraph 1 to be numbered sub clause 3 and further amend it by rephrase it to read- **every sub-committee may, if it considers it necessary, co-opt not more than two (2) members of good professional standing to offer assistance only for the period the assistance is so required.**

Motion made, question proposed, put and agreed to

Clause - 44 as amended agreed to

CLAUSE 45

THAT, amend Clause 45 as follows:-

- i) renumber the Clause to **Clause 35**
- ii) by numbering the first two paragraphs under the Clause as Sub-clauses:-

- **35(1)** and further deleting all the words under this Sub-clause and replacing thereof with- **this sub-committee shall consist of not less than four and not more than six members.**

-**35(3)** and further by deleting the word “committee” immediately after Subcommittee.

iii) paragraphs under Sub Clause 35(3) as follows:-

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- Paragraph (b) write in full “AIEs”- **Authority to incur expenditure.**
- Paragraph (c) write in full “AIEs”- **Authority to incur expenditure.**
- Paragraph (d) write in full “NHIF”- **National Health Insurance Fund.**
- Paragraph (g) write in full “AIEs”- **Authority to incur expenditure.**

iii) by introducing **new Sub-Clause** as follows:-

-**35 (2)** - in addition to the provisions of section 34, this sub-committee shall consist of the following members.

-**35 (2) (a)** - three members appointed by the hospital management committee; and

-**35 (2) (b)** - hospital accountant.

Debate arising;

Question put and **agreed to**

Clause - 45 as amended **agreed to**
CLAUSE 47

THAT, amend Clause 47 as follows:-

- i) renumber the Clause to **Clause 37**
- ii) Clause 37 (1) by rephrasing the sub clause to read-**this sub-committee shall consist of three members appointed by the hospital management committee.**
- iii) Clause 37 (2) by deleting the whole Clause and replacing thereof with the following words- **in selecting members under this section, the health Centre or dispensary management committee as the case may be shall ensure that the members selected have fair knowledge on financial reporting, governance, risk management and internal control matters.**

Question put and agreed to

Clause - 47 as amended agreed to

PART IV – (erroneously numbered)

THAT, renumber this Part to **Part VI**.

Motion made, question proposed, put and agreed to

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(178p)

PART IV - as amended agreed to
CLAUSE 48

THAT, delete Clause 48 entirely

Motion made, question proposed, put and agreed to

CLAUSES 23, 24, 25 AND 26 OF THE BILL MOVED TO THIS PART (VI)

CLAUSE 23

THAT, amend Clause 23 as follows:-

- i) renumber the Clause to **Clause 39**
- ii) rephrase Sub Clause 39 (1) to read **the committee shall prepare and submit to the Chief Officer in the county ministry of health and sanitation not later than**

28th day of each quarter in each financial year and estimate of its income and expenditure during the next succeeding quarter.

Motion made, question proposed, put and agreed to

Clause - 23 as amended agreed to

CLAUSE 24

THAT, amend Clause 24 by renumbering the Clause to **Clause 40**

Motion made, question proposed, put and agreed to

Clause - 24 as amended agreed to

CLAUSE 25

THAT, amend by deleting Clause 25 in its entirety.

Motion made, question proposed, put and **agreed to**

Clause - 25 as amended **agreed to**

CLAUSE 26

THAT, amend Clause 26 as follows:-

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- i) renumber the Clause to **Clause 41**
- ii) Sub Clause 41(3) be by inserting the words **and thereafter tabled to the County Assembly for adoption** after the word "furnished"

Motion made, question proposed, put and **agreed to**

Clause - 26 as amended **agreed to**

PART VII

CLAUSES 18 OF THE BILL MOVED TO THIS PART.

CLAUSE 18

THAT, amend Clause 23 as follows:-

- i) renumber Clause 18 to **Clause 42**
- ii) Sub Clause 42 (1) as follows:-
 - Delete the word **pecuniary** appearing between the words "indirect and interest" and replace thereof with **whether pecuniary or not**.
 - Add the words **or she** immediately after the words "he" in the third and fourth lines.
- iii) SubClause 42 (2) adding the words **or her** immediately after the word "his" appearing in the third line of the Sub Clause

Motion made, question proposed, put and **agreed to**

Clause - 18 as amended **agreed to**

CLAUSE 49

THAT, amend Clause 23 as follows:-

- i) renumbered the to **Clause 43**
- ii) the "Title" of the clause now numbered 43 by adding the words - **andService Delivery Level** immediately after the word "Complaints".

Motion made, question proposed, put and agreed to

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Clause - 49

as amended agreed to

(178r)

CLAUSE 50

THAT, amend by **deleting** Clause 50 in its entirety.

Motion made, question proposed, put and agreed to

TITLES TO THE CLAUSES

THAT, amend the Bill by moving the **Titles to all Clauses to be the marginal notes to this Bill**

Motion made, question proposed, put and agreed to

PROPOSED NEW CLAUSES

Motion made and question proposed;

THAT, amend the Bill by introducing the following new Clauses:-

PART III

CLAUSE 20

Development subcommittee responsibilities;

20 (1) The total membership of the subcommittee shall be at least four (4) members nominated from the Hospital Management Committee.

20 (2) The specific responsibilities of this subcommittee shall be;

- (a) To establish short and long term plans for the Hospital.

- (b) To monitor and evaluate population growth of an area and project expansion needs.
- (c) To forward development plans of the Hospital to Finance Subcommittee for approval.
- (d) Acquisition of additional land for expansion.

Motion made and question proposed;

That, the proposed new clause 20 be now read a Second Time;

Question put and **agreed to**

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(068)

(178s)

That, the new clause 20 be part of the Bill;

Motion made, Question proposed, put and **agreed to**

PART IV

CLAUSE 38

Development subcommittee responsibilities;

38 (1). The total membership of the subcommittee shall be at least four (4) members from the Health Centre and Dispensary Management committees.

38 (2). The specific responsibilities of this subcommittee shall be;

- (a) To establish short and long term plans for the Hospital.
- (b) To monitor and evaluate population growth of an area and project expansion needs.
- (c) To forward development plans of the Hospital to Finance Subcommittee for approval.
- (d) Acquisition of additional land for expansion.

Motion made and question proposed;

That, the proposed new clause 38 be now read a Second Time;

Question put and **agreed to**

That, the new clause 38 be part of the Bill;

Motion made, Question proposed, put and **agreed to**

PART VII

Clause 44:

Committee responsibilities to the Chief Officer

44. The committee shall be responsible to the Chief Officer in the County Ministry of Health and Sanitation.

Motion made and question proposed;

That, the proposed new clause 44 be now read a Second Time;

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(068)

(178t)

Question put and **agreed to**

That, the new clause 44 be part of the Bill;

Motion made, Question proposed, put and **agreed to**

PROPOSED NEW SCHEDULES

Motion made and question proposed;

THAT, the following new Schedules be the Schedules to the Bill:

FIRST SCHEDULE

HOSPITALS IN KITUI COUNTY

Kitui General Hospital
Mwingi General Hospital
Kyuso Hospital
Tseikuru Hospital
Nuu Hospital
Migwani Hospital
Kauwi Hospital
Katulani Hospital
Mutitu Hospital
Ikanga Hospital
Kanyangi Hospital

SECOND SCHEDULE

HEALTH CENTRES IN KITUI COUNTY

Miambani
Kamutei
Katilini
Mutha
Voo
Ikutha
Kasaala
Kanziku
katyethoka
Kyatune
Mutomo
Kisayani
Waita
Kanyunga
Wingemi
Ukasi
Kavindu
Nguni

Mathuki
Kyethani
Nzawa

Winzyeei
Nzeluni
Thitani
Yatta
Mbitini
Maliku
Yanzuu
Mivukoni

Ngomeni
Kaningo
Tharaka
Katse
Tyaa -kamuthale.

THIRD SCHEDULE

DISPENSERIES IN KITUI COUNTY.

Kilawa
Ekani
Mikongoni
Muthue
Kimweli
Kyooani
Muangeni
Ilengi
Ndatani
Ndatani
Muvuko
Muamba

Mwengea
Yongela
Kinakoni
Yaathi
Kyango
Kiati
Syamatani
Kalambani
Ndundune
Monguni
Kanzui
Thita

Mathyakani
Enziu
Kalisasi
Musukini
Itongolani
Muono
Mwambiu
Kalanga
Ivuusya
Yatwa
Nyaani
Lundi

Muyuni
Mui
Tuvaani
Mulinde
Maai
Yumbu
Mutyangombe
Kalitini
Ngiluni
Masyungwa
Mitamisyi
Wikithuki
Ithengeli
Mbondoni
Muliluni
Mumbuni
Kiomo
Kilulu
Karura
Kavuvuani
Katwala
Kanyikini
Kea
Kanyaa
Ilalambiu
Mavui
Nzatani
Nzauni
Thonzweni
Kakululo
Thaana Nzau
Ngongoni
Kasevi
Mwinzyeei
Kwa Vonza
Kathome
Kiseuni
Masimba

Kanyongonyo
Kalulini
Ilika
Muselele
Nthongoni
Mosa
Kivuuni
Kanzauwu
Mbusyani
Katwala
Kitungati
Ngangani
Ngiluni
Ungatu
Nguuni
Kavisuni
Kakeani
Kiseveni
Nzinia
Maseki
Mutanda
Katutu
Syathani
Tulia
Kivaani
Ndiuni
Kalimani
Matinyani
Kauma
Kwa mutonga
Kwa mulungu
Syokithumbi
Kyandui
Mikuyuni
Kabaa
Township
Mutukya
Usiani

Kavuta
Kakuuni
Yakalia
Kangalu
Maliku
Ndumoni
Kamandio
G.K Prisons
Museve
Tungutu
Kasiala
Nzunguni
Tiva
Kiviu wanzoa
Mulundi
Makaani
Kaliakakya
Kyalilini
Syongila
Kitundu
Kyambiti
Itoleka
Wii
Mangina
Kyangunga
Kathungi
Kalikuvu
Chuluni
Ikuyuni
Kakungu
Katumbu
Inyuu
Endau
Malalani
Kyamatu
Kaumu
Ngelani
Mwitika

Yoonye
Kaliku
Muthungue
Makongo
Kikuu
Kasunguni
Kairungu
Tyaa-Kamuthale
Kamuwongo
Kandwia
Tii
Mataka
Twimyua
Ngaie
Mulangoni
Musavani
Kamusiliu
Masyungwa
Mitamisyi
Ngongoni
Konyu
Kalatine
Nguuku
Mumoni
Mukong'a
Usueni

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(178 w)

Motion made and question proposed;

That, the proposed new Schedules be now read a Second Time;

Question put and **agreed to**

That, the new Schedules be schedules to the Bill;

Motion made, Question proposed, put and **agreed to**

PART I

INTERPRETATION

CLAUSE 2:

Motion made and question proposed;

- i. **THAT**, amend the terminologies/items interpreted in Clause 2 alphabetically.
- ii. **THAT**, amend the interpretations of the following terminologies/items as follows:-
 - “Chairperson”- **means the Chairperson each committee established under this Act.**
 - “Committee” –amend by deleting the words “section 4” at the end of the sentence and replace thereof with **this Act.**
 - “County Executive Committee Member”– **means County Executive Committee Member appointed under Article 179 of the Constitution of Kenya 2010 and for the time being responsible for Health and Sanitation.**
 - “Sub County”- **means a decentralized unit within a County established under section 48 of the County Governments Act No. 17 of 2012.**
- iii. **THAT**, introduce the following new items of interpretation as follows:
 - “Health facility” – **means places that provide health care such as hospitals, health Centre and dispensaries.**

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- “Hospital Management Team”- **means all heads of departments of each respective hospital.**
- “National Health Insurance Fund”- **means National Health Insurance Fund established under the National Health Insurance Fund Act No. 9 of 1998.**
- “Sub County Health Management Team”– **means the health personnel in charge of overseeing service delivery in each respective sub-county consisting of different cadres.**
- “Sub-County Public Health Nurse”- **the nurse in-charge of all Health Centers and Dispensaries in Kitui County.**

Motion made, question proposed, put and **agreed to**

Clause 2 – as amended **agreed to**

LONG TITLE

THAT, amend the long title by inserting the words **The Kitui County** immediately before the word “Health”.

Motion made, question proposed, put and **agreed to**

Long title - as amended **agreed to**

CLAUSE 1

THAT, amend the short title by inserting the words **Kitui County** between the words “the and Health”

Motion made, question proposed, put and **agreed to**

Clause 1 - as amended **agreed to**

7. MOTION: (Chairperson Committee on Health and Sanitation)

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(178 y)

THAT, the committee do report it's consideration of the Kitui County Health Facilities Management Committee Bill, 2014 (Assembly Bill No. 6) and its approval thereof **with** amendments.

(Hon. Joyce M. Mutemi)

There Being No Debate Pursuant To Interim Standing Order 126 (16);

Question on the motion put and **Agreed to.**

Bill to be reported with amendments:

ASSEMBLY RESUMES

Hon. Speaker on the Chair

REPORT OF THE COMMITTEE TO THE PLENARY

8. MOTION -(Chairperson, Committee on Health and Sanitation)

THAT, the house do agree with the committee in the said report.

(Hon. Joyce M. Mutemi)

Motion made, question proposed, put and **agreed to**

9. MOTION: THE KITUI COUNTY HEALTH FACILITIES MANAGEMENT COMMITTEE BILL, 2014 (ASSEMBLY BILL NO. 6) THIRD READING

(Chairperson, Committee on Health and Sanitation)

THAT, the Kitui county health facilities management committee bill, 2014 (assembly bill no. 6) be **now** read a third time

Question on the motion proposed, put and **agreed to.**

Bill read a third time and **PASSED**

10. ASSEMBLY ROSE-

thirty minutes past Five O'clock

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MEMORANDUM

*The Honourable Speaker will take the chair on
Tuesday 29th July, 2014 at 2.30 pm*