

**COUNTY ASSEMBLY OF SAMBURU**



**THE HANSARD**

**Thursday, 19<sup>th</sup> May, 2022**

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

*The Deputy Speaker, County Assembly of Samburu (Hon. Lemoosa Jonathan) in the Chair*

**PRAYER**

**MOTION**

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Leshimpiro Paul): Thank you Hon. Speaker, I would like to move a Motion that this House debates and approves the Report of the Committee on Medical Services, Public Health and Sanitation on the Samburu County Facility Improvement Fund Bill, 2022. I call upon Hon. Dube to second.

*(Hon. Osman Dube bows to second the Motion)*

**The Deputy Speaker,** (Hon. Lemoosa Jonathan): Hon. Members, you have time to ventilate. Hon. Leshimpiro.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Leshimpiro Paul): Thank you Hon. Speaker, I am pleased to present and table the Report on the Samburu County Facility Improvement Bill, 2022 to the County Assembly of Samburu by the Committee on Medical Services, Public Health and Sanitation with the respective recommendations.

The Committee would like to thank the office of the Speaker and the Clerk of the County Assembly of Samburu for the support extended to the Committee to facilitate this work. We are also grateful to the Chief Executive Committee Member (CEC) and Chief Officer (CO) Department of Health and our partners United Nations International Children's Emergency Fund (UNICEF) for their endless support to the health fraternity in Samburu County including the facilitation of this Bill to see the light of the day.

Hon. Speaker, the Committee had undertaken a public participation in various areas in our Sub-counties at Baragoi, Wamba and Central.

The Department of Health has been identified as one of the key pillars under the Government of Kenya near term blue print for economic development popularly known as Vision 2030. However, the sector has witnessed a couple of issues some inherited while others emerging under the new governance system.

Hon. Speaker, the issues range from constant strikes, threats by health workers, delayed disbursement of funds from the national treasury, cumbersome procurement processes, endless squabbles, grand standing between National and County Governments, the rising shortage of Doctors and health workers in public facilities, low quality healthcare services offered, increasing cases of professional malpractices among others.

Hon. Speaker, the objective of this Bill as cited in our Report is that these challenges listed have crippled the services from being rendered properly in our County. For this reason, Hon. Speaker, this Bill will improve those gaps and help services delivery in our health facilities.

Hon. Speaker some of our recommendations are in the Motion itself, but I will just cite a few of them.

In discussions with the technical staff in the Department, the Committee made the following observations and findings:

- 1) That the money collected from the facility improvement kitty for the first time ever since devolution, emergency cases will reduce drastically. We know that the money collected in our facilities are send back to the CRF (County Revenue Fund) to develop maybe a borehole or road somewhere.

The Samburu County Facility Improvement Fund Bill, 2022 will treat that because the money collected in every facility will go back to the same facility to improve it.

Hon. Speaker, I beg the Members to reflect on this Report and approve it as it is. Thank you.

**The Deputy Speaker,** (Hon. Lemoosa Jonathan): Hon. Members, reading from the mood of the House, I now propose the Question that the House deliberates and approves the Report of the Committee on Medical Services, Public Health and Sanitation on The Samburu County Facility Improvement Fund Bill, 2022.

*(Question put and the Motion passed)*

**THE SAMBURU COUNTY FACILITY IMPROVEMENT FUND BILL, 2022 SAMBURU COUNTY BILL NUMBER 2, SECOND READING**

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Leshimpiro Paul): Thank you Hon. Speaker. I beg to move the following Motion; that The Samburu County Facility Improvement Bill, 2022 be now Read a Second time. Thank you Hon. Speaker.

**The Deputy Speaker,** (Hon. Lemoosa Jonathan): Hon. Members I now Propose a Question that The Samburu County Facility Improvement Fund Bill, 2022 be now Read a Second time.

*(Question put and the Motion passed)*

*AN ACT of the County Assembly of Samburu to establish the Samburu County Health Facilities Improvement Fund, provide for the additional funding for the management of health system and public facilities improvement in the County to enable sustainable operations of health facilities and for connected purposes.*

**THE SAMBURU COUNTY FACILITY IMPROVEMENT FUND BILL, 2022 SAMBURU COUNTY BILL NUMBER 2**

**COMMITTEE OF THE WHOLE**

*(The mace is lowered and the Deputy Speaker leaves the Chair. The Chairperson Committee of the Whole House takes the Chair)*

**Chair, Committee of the Whole House,** (Hon. Kalapata Elizabeth): Welcome Members to the Committee of the Whole House. Clerk, read clause 2.

**Clause 2; Interpretation.**

*In this Act, unless the context otherwise requires:*

*"Administrator of the Fund" means the person designated by the County Executive Committee Member for Finance in accordance with Section 116 of the Public Finance Management Act, 2012;*

*"Committee" means the Samburu County Health Facilities Improvement Fund Committee established under section 5;*

*"County Executive Committee Member" means the County Executive Committee Member for the time being responsible for matters relating to Health;*

*"Financial year" means the period of twelve months beginning 1<sup>st</sup> July ending on the 30th June of the subsequent year,*

*"Fund" means the Samburu County Health Facilities Improvement Fund established under section 4;*

*"Hospital" means gazetted county or sub-county hospital:*

*"Health facility" means any other gazetted health establishment other than a hospital, which provides health services and include health centres, mobile clinics and dispensaries;*

*"User charges" means cost-sharing charges.*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that Clause 2 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Paul Leshimpiro): Thank you Hon. Chair, I propose an amendment that the word "Fund" be inserted before the "Committee" to read "Fund Committee",

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I now put the Question that the Clause 2 be part of the Bill as amended.

*(The Question was put and passed)*

Clerk to read Clause 3.

*Clause 3; Object of the Act*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 3 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Paul Leshimpiro): Hon. Chair, thank you. I propose an amendment that Clause 3 (d) the word “Establishment” be inserted before the "Functions".

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I now put the Question that the Clause 3 be part of the Bill as amended.

*(The Question was put, and agreed to)*

*Clause 4; Establishment of the Fund*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 4 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Paul Leshimpiro): Hon. Chair, thank you. I propose an amendment that Clause 4 (2) (b) the words “by the Fund” be inserted before “as contribution”.

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I now put the Question that the Clause 4 be part of the Bill as amended.

*(The Question was put, and agreed to)*

Clerk read Clause 5.

*Clause 5; Establishment of the Fund Committee*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 5 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Paul Leshimpiro): Thank you Hon. Chair, I propose an amendment that Clause 5 (2) (i) “the chairperson of the County Referral Hospital Board” be replaced with “Chief Executive Officer of the County Referral Hospital”, and that Clause 5 (6) be added as follows, “The Fund Committee may convene Special meetings to discuss emerging issues”

**Chair, Committee of the Whole House**, (Hon. Elizabeth Kalapata): I now put the Question that the Clause 5 be part of the Bill as amended.

*(The Question was put, and agreed to)*

Clerk read Clause 6.

*Clause 6; Functions of the Committee*

**Chair, Committee of the Whole House**, (Hon. Elizabeth Kalapata): I propose the Question that the Clause 6 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (Hon. Paul Leshimpiro): Hon. Chair, I propose an amendment that Clause 6 (a) the word "Fund" be inserted before "Committee", and Clause 6 (c) be deleted.

**Chair, Committee of the Whole House**, (Hon. Elizabeth Kalapata): I now put the Question that the Clause 6 be part of the Bill as amended.

*(The Question was put, and agreed to)*

Clerk read Clause 7.

*Clause 7; Delegation of Powers or Functions*

**Chair, Committee of the Whole House**, (Hon. Elizabeth Kalapata): I propose the Question that the Clause 7 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (Hon. Paul Leshimpiro): Thank you Hon. Chair. Hon. Chair, I propose an amendment that Clause 7 (I) the word "Fund" be inserted before "Committee".

**Chair, Committee of the Whole House**, (Hon. Elizabeth Kalapata): I now put the Question that the Clause 7 be part of the Bill as amended.

*(The Question was put, and agreed to)*

Clause 8, Clerk.

*Clause 8; Conduct of Business*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 8 be part of the Bill. I now put the Question that the Clause 8 be part of the Bill as read.

*(The Question was put, and agreed to)*

Clerk, Clause 9 and 10.

*Clause 9; Capital of the Fund*

*Clause 10; Expenditure on the Fund*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 9 and 10 be part of the Bill. I now put the Question that Clause 9 and 10 be part of the Bill as read.

*(The Question was put, and agreed to)*

Clerk read Clause 11.

*Clause 11; Administration of the Fund*

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I propose the Question that the Clause 11 be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Paul Leshimpiro): Thank you Hon. Chair. Hon. Chair, I propose an amendment that Clause 11 (II) be deleted.

**Chair, Committee of the Whole House,** (Hon. Elizabeth Kalapata): I now put the Question that the Clause 11 be part of the Bill as amended.

*(The Question was put, and agreed to)*

Clerk read Clause 12, 13, 14 and 15.

*Clause 12; Role of the County Executive Committee Member*

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*Clause 13; Disbursement of Funds*

*Clause 14; Winding-up of the Fund*

*(Question Put and clauses 12, 13 and 14 passed)*

*Clause 15: Committee minutes*

**Chairperson Committee on Medical Services, Public Health and Sanitation, (Hon.**

Leshimpiro Paul): Madam Chair, I Propose that clause 15 part one that the word “meeting” be deleted and before 15 (1) add the following:

“Establishment of the hospital boards and health facilities committees. There is established the hospital boards and health facilities committees appointed by the County Executive Committee Member responsible for the matters relating to health which shall perform, exercise the duties functions and powers specified in this Act.

**Constitution of the hospital board;**

- 1) The board shall consist of:
  - (a) A non-executive person appointed by the Executive Committee Member in-charge of health.
  - (b) The Chief Executive Officer in the case of referral hospital, hospital administrators in the case of Sub-County hospitals and in-charge of health facilities who shall be the secretaries to the boards and the committees.
  - (c) Six other members for each hospital board and facility committee appointed by the Executive Committee Member in-charge of health.
- 2) Members of the board under paragraph (a) and (c) above shall hold office for a term of three years from the date of their appointment and shall be eligible for reappointment for a further and final term of three years.
- 3) Persons appointed to the board under paragraphs (a) and (c) shall be expertise and experienced for the purpose of providing policy direction and guidance.

**Vacancy of chairperson or member.**

- 1) Subject to the provision of this Act, the office of chairperson or member of the board shall become vacant if the chairperson or member;
  - (1) Resigns by notice in writing addressed to the Executive Committee Member.
  - (2) Is unable to perform the functions of the office by reason of prolonged physical or mental incapacity.
  - (3) Is judged bankrupt by a court of competent jurisdiction or enters into a composition or scheme of arrangements for the benefit of creditors.
  - (4) Is guilty of gross misconduct.
  - (5) Is absent without the permission of the chairperson for three consecutive meetings.
  - (6) Fails to meet the requirements of chapter six of the Constitution.
  - (7) Is convicted of an offence and sentenced to imprisonment for a period of six months or more.
  - (8) If the person dies.

Where the office of the chairperson or member of the board or committee becomes vacant the Executive Committee Member, subject to the provisions of this Act, appoints another person to fill the vacancy of the remainder of the term of such person.

#### **Allowances for the board members.**

The chairperson and members of the board shall be paid such allowances as Executive Committee Member shall determine in-line with the Salaries and Remuneration Commission's guidelines.

#### **Chief Officer of the County Referral Hospital.**

- (1) There shall be a Chief Officer of the Samburu County Referral Hospital recruited in a competitive process by the County Public Service Board and who shall serve for a period of five years which term might be renewable once.
- (2) The Chief Executive Officer shall be the chief executive officer and secretary to the County Hospital Board and shall be responsible for the day-to-day management of the affairs of the hospital.

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I now Propose the Question that clause 15 be part of the Bill as amended.

*(Question put and clause 15 passed)*

*Clause 16: Functions of the hospital boards and health facility committees.*

*Clause 17: Submission and approval of the Budget.*

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I now Propose the Question **THAT** clause 16 and 17 be part of the Bill.

*(Question put and clause 16 and 17 passed)*

*Clause 18: Annual estimates.*

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (Hon. Leshimpiro Paul): Thank you Madam Chair. I propose an amendment that clause 18 (1) replace boards and committees with hospitals and health facilities.

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): Hon. Members, I now Propose the Question that clause 18 be part of the Bill as amended.

*(Question put and clause 18 passed)*

*Clause 19: Accounts and audit.*

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): Hon. Members, I now Propose the Question that clause 19 be part of the Bill.

*(Question put and clause 19 passed)*

*Clause 20: Bank accounts.*

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (Hon. Leshimpiro Paul): Thank you Madam Chair. I propose an amendment that clause 20 (4) be replaced with “signatory of the account of the fund in each dispensary or health center shall be the officer in-charge or chief executive officer or administrator as the case maybe” and “one

other person appointed by the Executive Committee Member responsible for the finance” replaced with “the hospital board or health facility committees”.

Clause 20 (5) (a) be replaced with “the bank signing instructions shall be such that the signature of the person designated by the County Treasury in respect of the hospitals shall be mandatory” replace with “the signature of the chief executive officer or hospital administrator in the case of County referral hospital and Sub-County hospitals shall be mandatory”.

**Chair, Committee of the Whole House,** (Hon. Kalapata Elizabeth): Hon. Members, I now propose the question that clause 20 be part of the Bill as amended.

*(Question put and clause 20 passed)*

*Clause 21: Reports.*

**Chairperson Committee on Medical Services, Public Health and Sanitation,** (Hon. Leshimpiro Paul): Thank you Madam Chair, I propose an amendment that clause 21 be deleted.

**Chair, Committee of the Whole House,** (Hon. Kalapata Elizabeth): Hon. Members, I now Propose the Question **THAT** clause 21 be part of the Bill as amended.

*(Question put and clause 21 passed)*

*Clause 22: Protection from personal liabilities.*

*Clause 23: Code of conduct.*

*Clause 24: Offenses and penalty.*

*Clause 25: Regulations.*

*Clause 26: Transactions and savings.*

**Chair, Committee of the Whole House,** (Hon. Kalapata Elizabeth): Hon. Members, I now propose the Question that clause 22, 23, 24, 25 and 26 be part of the Bill.

*(Question put and clauses 22, 23, 24, 25 and 26 passed)*

I propose that clause (22) (23) (24) (25) and (26) be part of the Bill.

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (hon. Paul Leshimpiro): Thank you Madam Chair for the correction. I propose that clause (23) (24) and (26) be deleted from the Bill. Thank you Madam Chair.

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I now put the question that clause (22) (23) (24) and (25) be part of the Bill.

*(Question put and passed)*

**LONG TITLE**

*An Act of the County Assembly of Samburu to Establish the Samburu County Health Facilities Improvement Fund, provide for additional funding for the management of the health systems and public facilities improvement in the County and to enable a sustainable operations of Health Facilities and for connected purposes.*

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I put the question that the Title be part of the Bill.

*(Question put and passed)*

**SHORT TITLE**

*The Samburu County Health Facilities Improvement fund, 2022*

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I now put the question that the short title be part of the Bill.

*(Question put and passed)*

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (hon. Paul Leshimpiro): Thank you hon. Chair. I beg that the Committee reports to the Assembly its considerations of the Samburu County Health Facilities Improvement Fund Bill, 2022 and its approval thereof with amendments.

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): I put the question that the Committee do report to the House its considerations of the Samburu County Health Facilities Improvement Fund Bill, 2022 and its approval thereof with amendments.

*(Question put and passed)*

*(Mace is raised and normal House resumes. The Deputy Speaker takes the Chair)*

**Chair, Committee of the Whole House**, (Hon. Kalapata Elizabeth): Thank you hon. Speaker. I beg to report that the Committee of the Whole House has considered the Samburu County Health Facilities Improvement Fund Bill, 2022 and its approval thereof with amendments. Thank you Mr. Speaker.

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (hon. Paul Leshimpiro): Mr. Speaker I beg to move that the House do agree with the Committee on the said Report. I request the hon. Osman Dube to second.

*(Hon. Osman Dube bows to second)*

**The Deputy Speaker**, (hon. Jonathan Lemoosa): Hon. Members, I propose the question that the House do agree with the Committee on the said Report. Hon. Members, I put the question that the House do agree with the Committee on the said Report.

*(Question put and passed)*

**THE SAMBURU COUNTY IMPROVEMENT FUND BILL 2022. SAMBURU COUNTY BILL NUMBER 2, THIRD READING.**

**Chairperson Committee on Medical Services, Public Health and Sanitation**, (hon. Paul Leshimpiro): Thank you hon. Speaker. I beg to move the following Motion that the Samburu County Health Facilities Improvement Fund Bill, 2022 be now Read a Third time.

**The Deputy Speaker**, (hon. Jonathan Lemoosa): Hon. Members, I propose that the Samburu County Facility Improvement Fund Bill, 2022, Samburu County Bill Number 2 be now Read a Third time. I put the question that the Samburu County Facility Improvement Fund Bill 2022, Samburu County Bill Number 2 be now Read a Third time.

*(Question put and motion passed)*

*An Act of the County Assembly of Samburu to establish the Samburu County Health facilities improvement fund; to provide for the additional funding for the management of the health systems and public facilities improvement in the County to enable sustainable operations for health facilities and for connected purposes.*

Hon. Members, the time being 13 minutes to five o'clock and there being no other business, this Assembly now adjourns until Tuesday, 23<sup>rd</sup> May, 2022 at 2:30 pm.