

**COUNTY GOVERNMENT OF MAKUENI**



**COUNTY ASSEMBLY OF MAKUENI**  
**SECOND ASSEMBLY – THIRD SESSION**  
**VOTES AND PROCEEDINGS**

**THURSDAY, 8<sup>TH</sup> AUGUST, 2019 AT 2:30 P.M.**

1. The Assembly assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **PRESIDING:** - The Hon. Speaker.
4. **PAPERS:-**

The following Papers were laid on the Table of the Assembly:-

- i. County Assembly Business for the coming week.

*(The Leader of the Majority Party)*

- ii. The Report of the Committee on Devolution and Public Service on the County Public Service Board Annual Report 2018.

*(Chairperson, Committee on Devolution and Public Service)*

5. **NOTICES OF MOTION:-**

Notice of the following Motion was given:-

**THAT**, this Assembly adopts the Report of the Committee on Devolution and Public Service on the County Public Service Board Annual Report 2018, laid on the Table of the Assembly on 8<sup>th</sup> August 2019.

*(Chairperson, Committee on Devolution and Public Service)*

6. **STATEMENTS: -**

The following Statement was given:-

The Business of the County Assembly for the coming week.

*(The Leader of the Majority Party)*

7. **MOTION: THE MAKUENI COUNTY FINANCE BILL, 2019 (MAKUENI COUNTY ASSEMBLY BILL NO. 5 OF 2019)**

*Order for First Reading*

*(Chairperson, Committee on Finance and Socioeconomic Planning)*

Bill read the First Time

*(Committed to the Committee on Finance and Socioeconomic Planning to consider and report back to the Assembly within 20 calendar days, pursuant to the provisions of Standing Order 145 (4))*

8. **COMMITTEE OF THE WHOLE ASSEMBLY**

The Deputy Speaker in the Chair;

Considering the Makueni County Reproductive Health and Family Planning Bill, 2019 (Makueni County Assembly Bill No. 3 of 2019)

Bill interrogated and agreed on in the following Order:

**CLAUSE 2**

Question proposed;

**That**, Clause 2 be part of the Bill

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 2 be amended as follows:

- i. Inserting the definition of “**Actors**” as “**parents, guardians, care giver, teachers, peers, religious leaders, media, health care professionals, non-governmental organizations, counsellors, academia, and civil society.**”
- ii. Definition of “discrimination” be amended to read “ **any distinction, exclusion or restriction made on the basis of any ground including sex, race, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by any person, of human rights and**

**fundamental freedoms in the political, economic, social, cultural, civil or any other field”**

- iii. Definition of “family planning” be amended by deleting the word “modern” appearing on the sixth line and substitute therefor with the word **“Modern”**.
- iv. Definition of “health care professionals” be amended to read **“includes any person who has obtained health professional qualifications and licensed by the relevant regulatory body”**
- v. Definition of “health facilities” be amended to read **“ means the whole or part of public or private institutions, buildings or places, whether for profit or not, that are operated or designed to provide in- patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventive or other health services”**
- vi. Definition of “public health care service provider” paragraph (b) be amended by including **“a Clinical Officer”** immediately after the words “a doctor of medicine”
- vii. Inserting the definition of **Reproductive Health and Family Planning Stakeholders** as “any actor, individual, interest group or organization who participates in Reproductive Health and Family Planning”
- viii. Definition of the words “user of the program” be amended by inserting the words **“Makueni County”** in between the word “the” and “reproductive” appearing in the second line

No debate arising;

Question put and agreed to.

Question proposed;

**That**, Clause 2 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSES 3 AND 4**

Question proposed;

**That,** Clauses 3 and 4 be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 5**

Question proposed;

**That,** Clause 5 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That,** Clause 5 be amended as follows:-

- i. By deleting the words “ The Act declares the following as fundamental guiding principles” and replacing therefor with the phrase **“This Act shall be guided by the following principles”**
- ii. Clause 5(f) be amended by deleting the paragraph and replacing therefor with **“to facilitate access to services for all eligible to accessing reproductive health and family planning services by ensuring social and financial risk protection through adequate mobilization, allocation and efficient utilization of financial resources for reproductive health services and family planning”**

Debate arising;

Question put and agreed to.

Question proposed;

**That,** Clause 5 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 6**

Question proposed;

**That,** Clause 6 be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 7**

**That,** Clause 7 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 7 be amended as follows:

- i. **That**, Clause 7(1) be amended by deleting the Sub-Clause and replacing therefor with **“There shall be a steering committee which shall oversee the implementation of the program”**
- ii. **That**, Clause 7(2) be amended to read **“The Committee in sub section (1) above shall comprise of:**
  - a) A Patron,
  - b) The Executive Committee Member,
  - c) The Director in charge of medical services,
  - d) The County reproductive health coordinator,
  - e) A representative of religious organization,
  - f) A representative of development partners in the County,
  - g) A representative of the youth,
  - h) A representative of women and;
  - i) A representative of persons with disabilities
- iii. By inserting a new sub-clause immediately after clause 7(2) reading **“The Roles of the Steering Committee shall be to:-**
  1. **Give technical support to the department in external resource mobilization.**
  2. **Develop guidelines for operationalization of various aspects of the Bill.**
  3. **Engage relevant personnel for implementation of the program”**
  4. **Conduct stakeholder engagement forums whose aim shall be to:-**
    - a) Increase the accuracy and value of reproductive health and family planning services by providing an avenue for multiple perspectives
    - b) Incorporate and collect information on reproductive health and family planning which is not readily available
    - c) Collaboratively identify priority reproductive health and family planning issues

- d) Disseminate information in lay terms
  - e) Identify and facilitate continuous interaction between the county and the stakeholders; and
  - f) Incorporate learning between the stakeholders and the department.
- iv. **That**, Clause 7(4) be amended:
- a) By deleting the Sub-Clause and replacing therefor with **“the Executive Committee Member shall nominate and appoint the Patron of the Program upon the approval of the County Assembly”**
  - b) By inserting a proviso immediately after clause 7(4) reading **“the Patron shall be the Chairperson while the Director in charge of medical services shall be the secretary to the Steering Committee”**
- v. **That**, Clause 7(5) be amended by deleting the Sub-Clause and replacing therefor with **“the Executive Committee Member shall appoint the persons in Clause 7(2) (e) (f) (g) (h) & (i) of this Act from persons ordinarily residents in the County”**
- vi. **That**, Clause 7(9) be deleted and replaced therefor with **“the representatives listed in 7(2) (e) (f) (g) (h) and (i) shall serve for a non-renewable term of three years.**
- vii. By inserting a new sub-clause immediately after clause 7(9) reading **“A person qualifies for appointment as the Patron of the Program if the person-**
- a) Possesses a degree from a recognized university
  - b) Demonstrate the capability to champion for rights for minority
  - c) Has ability to mobilize resources
  - d) Is a Kenyan citizen
  - e) Satisfies the requirement of Chapter 6 of the Constitution
- viii. By inserting a new sub-clause immediately after clause 7(10) reading **“A person qualifies for appointment as a representative in Clause 7(2)(e) (f) (g) (h) & (i) if the person-**
- a) Possesses a minimum in diploma from a recognized institution

- b) Has 18 years and above
- c) Is a resident of the County
- d) Satisfies the requirement of Chapter 6 of the Constitution
- e) Proof of engagement in social issues

Debate arising;

Further amendment motion moved;

**That**, Clause 7 (2) (g) be further amended by deleting the whole paragraph and replacing therefor with **“2 representatives of the youth”**

*(Hon. Alfred Kalunde, MCA)*

Debate arising;

Question put and negatived.

Debate on original amendment resumed;

Question put on the original amendment and agreed to.

Question proposed;

**That**, Clause 7 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 8**

Question proposed;

**That**, Clause 8 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**THAT**, Clause 8(1) be amended by deleting **“8(1) (f), (g) and (h)”** to avoid repetition.

No debate arising;

Question put and agreed to.

Question proposed;

**That**, Clause 8 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 9**

Question proposed;

**That**, Clause 9 be part of the Bill;

No debate arising;

Question put and agreed to.

**CLAUSE 10**

Question proposed;

**That**, Clause 10 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 10(2) be deleted and replaced therefor with:-

“The Department, shall ensure:-

- a) Comprehensive range of appropriate and inclusive services is provided to the needs of the public;
- b) Services are directly and permanently accessible with no undue barriers to cost or culture;
- c) Services are timely, effective, safe, people centred and of high quality;
- d) Maintain a comprehensive human resource information system;
- e) Train and integrate community health volunteers into the program;
- f) Promote stakeholder and civic engagement and demand side accountability;
- g) Ensure access to information within constitutional parameters;
- h) Ensure continuous delivery of age appropriate education;
- i) Raise and ring fence sufficient funds from internal and external sources for effective and efficient services;
- j) Access to safe, quality and affordable essential medical products, vaccines and technologies;
- k) Utilize digital platform to raise awareness on reproductive health and family planning;
- l) Create a reproductive health and family planning repository for enhanced knowledge management;
- m) Develop data driven reproductive health and family planning strategies linked to the county needs and priorities;
- n) Integrate family planning and reproductive health within and without the county government; and



- o) Perform any other function that may be conferred by this Act or any other written law”

No debate arising;

Question put and agreed to.

Question proposed;

**That**, Clause 10 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 11**

Question proposed;

**That**, Clause 11 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 11 be deleted.

No debate arising;

Question put and agreed to.

Question proposed;

**That**, Clause 11 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSES 12, 13, 14, 15, 16, 17 AND 18**

Question proposed;

**That**, Clauses 12, 13, 14, 15, 16, 17 and 18 be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 19**

Question proposed;

**That**, Clause 19 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 19 of the Bill be amended by deleting Sub-Clause 19(1) and replacing therefor with **“Every person who is of reproductive age should**

**have access to reproductive health and family planning education; and every adult person regardless of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, disability, religion, conscience, belief, culture, dress, language, birth or ability to pay is eligible to access reproductive health and family planning services”**

No debate arising;

Question put and agreed to.

Question proposed

Clause 19 as amended be part of the Bill;

No debate arising;

Question and agreed to.

#### **CLAUSE 20**

Question proposed;

**That**, Clause 20 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**THAT**, Clause 20 be amended by inserting the following phrase “**in accessible format and in a language that the person understands**” immediately after the word “information” appearing in the second line.

No debate arising;

Question put and agreed to.

Question proposed

Clause 20 as amended be part of the Bill;

No debate arising;

Question and agreed to.

#### **CLAUSE 21**

Question proposed;

**That**, Clause 21 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 21(2) be deleted.

No debate arising;

Question put and agreed to.

Question proposed

Clause 21 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 22**

Question proposed;

**That**, Clause 22 be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 23**

Question proposed;

**That**, Clause 23 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**THAT**, Clause 23(b) be amended by inserting the word “**disabilities**” immediately after the word “with” in the last line.

No debate arising;

Question put and agreed to.

Question proposed;

Clause 23 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

#### **CLAUSE 24**

Question proposed;

**That**, Clause 24 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 24(2) be **deleted**.

No debate arising;

Question put and agreed to.

Question proposed;

Clause 24 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 25**

Question proposed;

**That**, Clause 25 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 25(2) be amended by deleting the words “at least three” appearing on the second line and substitute therefor with the words “**one and half**” percent.

Debate arising;

Question put and agreed to.

Question proposed;

Clause 25 as amended be part of the Bill;

No debate arising;

Question put and agreed to.

### **CLAUSE 26**

Question proposed;

**That**, Clause 26 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 26 be amended as follows:-

- i. Clause 26(1) be amended by deleting the word “**Patron**” and replacing therefor with the words “**Steering committee and other relevant stakeholders**”
- ii. Clause 26(2) be amended by deleting the words “**three years**” appearing in the last line and replacing therefor with “**Financial Year**”

Debate arising;

Question put and agreed to.

Question proposed;

Clause 26 as amended be part of the Bill;

No debate arising;  
Question put and agreed to.

**CLAUSE 27**

Question proposed;  
**That**, Clause 27 be part of the Bill;

No debate arising;  
Amendment Motion moved and question proposed;

**That**, Clause 27 be amended by inserting a new a sub-clause after clause 27(3) reading **“The department shall submit Quarterly Financial Reports to the County Assembly”**

No debate arising;  
Question put and agreed to.

Question proposed;  
Clause 27 as amended be part of the Bill;

No debate arising;  
Question put and agreed to.

**CLAUSES 28, 29 AND 30**

Question proposed;  
**That**, clauses 28, 29 and 30 be part of the Bill;

No debate arising;  
Question and agreed to.

**CLAUSE 31**

Question proposed;  
**That**, Clause 31 be part of the Bill;

No debate arising;  
Amendment Motion moved and question proposed;

**That**, Clause 31 be amended by deleting section **31(1) (c)**.

No debate arising;  
Question put and agreed to.

Question not proposed;  
**That**, clause 31 as amended be part of the Bill;

No debate arising;

Question and agreed to.

**CLAUSE 33**

Question proposed;

**That**, clause 33 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**That**, Clause 33(d) be amended as follows:

- i. By deleting the words “mentally challenged” and replacing therefor with **“persons with mental or psychosocial disabilities”**
- ii. By deleting the word “precedures” appearing on the last line and substitute therefor with the word **“procedures”**

No debate arising;

Question put and agreed to.

Question not proposed;

**That**, Clause 33 as amended be part of the Bill;

No debate arising;

Question and agreed to.

**CLAUSE 34**

Question proposed;

**That**, clause 34 be part of the Bill;

No debate arising;

Amendment Motion moved and question proposed;

**THAT**, Clause 34 (2) be amended by deleting the sub-clause and replacing therefor with **“ the executive member shall, on receiving a complaint under subsection (1), form an Ad-hoc committee to look into the complaints registered and give proposals on how the issue(s) is/are to be addressed”**

No debate arising;

Question put and agreed to.

Question not proposed;

**That**, Clause 34 as amended be part of the Bill;

No debate arising;

Question and agreed to.

**CLAUSE 35**

Question proposed;

**That**, Clause 35 be part of the Bill;

No debate arising;

Question and agreed to.

**THE TITLE**

Question proposed;

**That**, the Title be part of the Bill;

No debate arising;

Question put and agreed to.

**CLAUSE 1**

Question proposed;

**That**, the Clause 1 be part of the Bill;

No debate arising;

Question put and agreed to.

**REPORTING**

Motion moved and question proposed;

**That**, the Committee do now report to the Assembly on its deliberation on the Makueni County Reproductive Health and Family Planning Bill, 2019 (Makueni County Assembly Bill No. 3 of 2019), and its approval thereof with amendments.

Question put and agreed to.

**HOUSE RESUMED (THE SPEAKER IN THE CHAIR)**

Motion moved;

**That**, the Committee of the Whole Assembly has considered the Makueni County Reproductive Health and Family Planning Bill, 2019, (Makueni County Assembly Bill No. 3 of 2019), and has approved the same with amendments.

Motion moved and question proposed;

**That**, this Assembly do agree with the Committee of the Whole Assembly in the said Report.

No debate arising;

Question put and agreed to.

9. **MOTION: THE MAKUENI COUNTY REPRODUCTIVE HEALTH AND FAMILY PLANNING BILL, 2019 (MAKUENI COUNTY ASSEMBLY BILL NO. 3 OF 2019)**

Motion made and question proposed;

That, the Makueni County Reproductive Health and Family Planning Bill, 2019 (Makueni County Assembly Bill no. 3 of 2019) be now read a Third Time.

*(Order for Third Reading)*

*(Hon. Jonathan Muoki Mwaniki, MCA)*

No debate arising;

Question put and agreed to.

Bill read a Third Time, passed by the Assembly.

10. **ASSEMBLY ROSE:** – at twenty one minutes past four O'clock.

-----

**MEMORANDUM**

The Speaker will take the Chair on  
Tuesday, 13<sup>th</sup> August, 2019 at 2.30 p.m.

---X---