

(No. 092)



(1110)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

TUESDAY, SEPTEMBER 28, 2021 AT 2.30 P.M.

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions
5. Papers
6. Notices of Motion
7. Questions and Statements

8*. MOTION - THE DRAFT ELECTION CAMPAIGN FINANCING REGULATIONS

(The Chairperson, Committee on Delegated Legislation)

THAT, this House **adopts** the Report of the Committee on Delegated Legislation on its consideration of the Draft Election Campaign Financing Regulations, submitted by the Independent Electoral and Boundaries Commission on 5th August, 2021, *laid on the Table of the House on Tuesday, August 17, 2021* and pursuant to the provisions of Articles 10, 118 and 259 of the Constitution, the Interpretation and General Provisions Act (Cap. 2), sections 5, 12, 18, 19 and 29(2) of the Election Campaign Financing Act, 2013 and section 18 of the Statutory Instruments Act, 2013-

- (a) **annuls in entirety** *The Contributions and Spending limits for Political Parties and Candidates for purposes of the General Election to be held on 9th August, 2022*, notified and published as Gazette Notice No. 8024 of 9th August, 2021; and,
- (b) **rejects** the *Draft Election Campaign Financing Regulations* submitted to the National Assembly by the Independent Elections and Boundaries Commission on 5th August, 2021.

(Question to be put)

9*. **THE TRUSTEES (PERPETUAL SUCCESSION) (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 23 OF 2021)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Second Reading

(Question to be put)

10*. **COMMITTEE OF THE WHOLE HOUSE**

The National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)

(The Leader of the Majority Party)

11*. **THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)**

(The Leader of the Majority Party)

Second Reading

12*. **MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA**

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

THAT, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on its consideration for ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America, *laid on the Table of the House on Wednesday, August 18, 2021*, and pursuant to the provisions of sections 8(4) of the Treaty Making and Ratification Act, 2012, **approves** *Ratification of the Agreement amending the Air Transport Agreement between Kenya and the United States of America.*

13*. **THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)**

(The Leader of the Majority Party)

Second Reading

14*. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

THAT, this House **adopts** the Report of the Departmental Committee on Environment and Natural Resources on **Sessional Paper No. 1 of 2021** on the **National Water Policy** *laid on the Table of the House on Wednesday, August 4, 2021*, and **further approves** Sessional Paper No. 01 of 2021.

15*. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

THAT, this House **adopts** the Report of the Departmental Committee on Defence and Foreign Relations on the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons and the Rights of Persons with Disabilities, *laid on the Table of the House on Wednesday, September 22, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** -

- (i) *the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Older Persons; and,*
- (ii) *the Ratification of Protocols to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities.*

*** Denotes Orders of the Day**

NOTICES**I. THE NATIONAL HOSPITAL INSURANCE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 21 OF 2021)**

- 1) Notice is given that the Leader of the Majority Party intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 10

THAT, clause 10 be amended—

- (a) in paragraph (b), by deleting the proposed new paragraph (c) and substituting therefor the following new paragraphs—

“(c) in the case of an employer under subsection (1A)(a), a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

“(ca) in the case of an employer under subsection (1A)(c), such amount as will be required to top up the employee’s contribution at such rate as may be determined under subsection (3):

Provided that the amount contributed by an employer under this paragraph shall not exceed the highest rate of special contribution prescribed for any of the categories of contributors under subsection (2)(b).”

- (b) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) in subsection (2), by—

- (i) deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) for persons whose income is derived from self-employment—

- (i) in the case of a contributor who is a sole beneficiary; and

- (ii) in the case of a contributor who is not a sole beneficiary,

a special contribution at such rates as may be determined under subsection (3);

- (ii) inserting the following new paragraph immediately after paragraph (b)—

“(c) in the case of an unemployed person, such rate as may be determined under subsection (3).”

2) Notice is given that the Chairperson of the Departmental Committee on Health intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and inserting the following new clause—

Amendment of the long title to No. 9 of 1998.

2. The National Hospital Insurance Fund Act, in this Act referred to as the “principal Act” is amended by deleting the long title and inserting the following new long title—

“An Act of Parliament to provide for the establishment of the National Health Insurance Fund; to establish the National Health Insurance Fund Management Board; to establish the National Health Scheme; to provide for mechanisms of contributions to and the payment of benefits out of the Fund; and for connected purposes”

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 2—

Amendment of the title to No. 9 of 1998.

2A. The principal Act is amended in the title by deleting the word “Hospital” and substituting therefor the word “Health”.

Amendment of section 1 of No. 9 of 1998.

2B. The principal Act is amended in section 1 by deleting the word “Hospital” and substituting therefor the word “Health”.

Amendment of section 3 of No. 9 of 1998.

2C. The principal Act is amended in section 3 by deleting the word “Hospital” appearing in subsection (1) and substituting therefor the word “Health”.

Amendment of section 4 of No. 9 of 1998.

2D. The principal Act is amended in section 4 by deleting the word “Hospital” appearing in subsection (1) and substituting therefor the word “Health”.

CLAUSE 3

THAT, the Bill be amended by deleting clause 3 and inserting the following new clause—

Amendment of section 2 of No. 9 of 1998.

3. Section 2 of the principal Act is amended—

(a) in the definition of “Board” by deleting the word “Hospital” and substituting therefor the word “Health”;

(b) by deleting the definition of “card”;

- (c) by deleting the definition of “child” and substituting therefor the following new definition—

“child” means a child of a contributor including a posthumous child, a stepchild, an adopted child and any child to whom the contributor stands in loco parentis, and who has not attained the age of eighteen years”;

- (d) in the definition of “Fund” by deleting the word “Hospital” and substituting therefor the word “Health”;

- (e) by deleting the definition of “hospital”;

- (f) by deleting the definition of “the Minister”;

- (g) by deleting the definition of “register”;

- (h) by deleting the definition of “stamp”;

- (i) deleting the definition of “inspector” and substituting therefor the following new definition;

“inspector” means a person appointed to carry out an inspection under section 32”;

- (j) by inserting the following new definitions in proper alphabetical sequence;

“accreditation” means the formal recognition of a health care provider by the relevant body”;

“beneficiary” means a person who—

- (a) has not attained the age of twenty-one years, has no income of his own and is living with the contributor;
- (b) has not attained the age of twenty-five years, is undergoing a full-time course of education at a university, college, school or other educational establishment or serving under articles or an indenture with a view to qualifying in a trade or profession and is not in receipt of any income other than a scholarship, bursary or other similar grant or award;
- (c) is either mentally or physically handicapped and is wholly dependent on and living with the contributor;
- (d) is a spouse; or
- (e) is a contributor;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to health;

“contracting” means the entering into a formal agreement with an empaneled health care provider for purposes of provision of services;

“empanelment” means enrolment of a health care provider into the list of health care service providers published in the *Gazette*;

“health care provider” means the whole or part of a public or private institution, building or place, duly registered healthcare professional, whether for profit or not, that is operated or designed to provide in-patient or out-patient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health service;

“indigent” means a person who is poor and needy to the extent that the person cannot meet their basic necessities of life;

“vulnerable person” means a person who is in need of special care, support or protection, including the orphaned and vulnerable children, widows or widowers, person living with disabilities, poor elderly persons or indigent due to a risk of abuse or neglect and who has been identified as such by the relevant government body;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of section 4 of No. 9 of 1998.

3A. Section 4 of the principal Act is amended by deleting subsection (1) and inserting the following new subsection—

“(1) There is established a Board to be known as the National Health Insurance Fund Board of Management which shall consist of—

- (a) a non-executive chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health, or a representative appointed in writing;
- (c) the Attorney-General or a representative appointed in writing;
- (d) the Director General for health or a representative appointed in writing;
- (e) one person, not being a Governor, nominated by the Council of County Governors;

- (f) one person nominated by the Kenya Health Professions Oversight Authority;
- (g) one person nominated by the Federation of Kenya Employers;
- (h) one person nominated by the Central Organization of Trade Unions;
- (i) two other persons, not being public officers, appointed by the Cabinet Secretary by virtue of gender, disability, regional balance and their knowledge and experience in matters relating to finance or audit, medicine, business management, public health, economics, insurance, law or any other relevant field; and
- (j) the Chief Executive Officer who shall be an *ex officio* member and the secretary to the Board.”

CLAUSE 4

THAT, clause 4 of the Bill be amended—

- (a) in paragraph (b) by deleting the word “Minister” appearing in the proposed new paragraph (c) and substituting therefor the words “Cabinet Secretary”;
- (b) by inserting the following new paragraph immediately after paragraph (c)—
“(d) in paragraph (f) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 6 of No. 9 of 1998.

4A. Section 6 of the principal Act is amended in paragraph (a) by deleting the word “Minister” appearing in the proviso and substituting therefor the words “Cabinet Secretary”.

CLAUSE 5

THAT, clause 5 of the Bill be amended by deleting the words “relevant government agencies” appearing in the proposed new section 9 and substituting therefor the words “Salaries and Remuneration Commission”.

CLAUSE 6

THAT, clause 6 of the Bill be amended by inserting the following new subsection immediately after the proposed new subsection (4)—

“(5) The Chief Executive Officer shall be an *ex officio* member of the Board.”

CLAUSE 10

THAT, clause 10 of the Bill be amended—

- (a) in paragraph (a), by deleting the proposed new subsection (1A) and inserting the following new subsection—

“(1A) Subject to this Act—

(a) the national and county governments shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county agencies; and

(b) in the case of private employers, an employer whose employee is liable as a contributor of the minimum amount prescribed by the Board, shall be liable as a contributor to the Fund.”

(b) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) in subsection (1), by deleting the word “Minister” appearing in paragraph (c) and substituting therefor the words “Cabinet Secretary”

(c) in paragraph (b), by deleting the proposed new paragraph (c) and inserting the following new paragraphs—

“(c) in the case of an employer under subsection (1A)(a), a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(ca) in the case of an employer under subsection (1A)(b), such amount as will be required to top up the employee’s contribution to ensure that the total amount is not less than five hundred shillings;”

(d) by deleting paragraph (c) and inserting the following new paragraph—

“(c) by deleting subsection (3) and inserting the following new subsection—

“(3) A contribution under subsection (2) (a) and (b) shall be at such rate, depending on the person’s total income, as the Board, in consultation with the Cabinet Secretary, may determine.”

(e) by inserting the following new paragraph immediately after paragraph (d)—

“(da) in subsection (4) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”;

(f) in paragraph (f) by deleting the word “Minister” appearing in the proposed new subsection (6) and substituting therefor the words “Cabinet Secretary”

CLAUSE 14

THAT, the Bill be amended by deleting clause 14 and inserting the following new clause—

Amendment of section 19 of No. 9 of 1998.

14. Section 19 of the principal Act is amended—

(a) in subsection (2), by deleting the words “five times” appearing immediately after the words “penalty equal to” and substituting therefor the words “ten per cent of”; and

(b) by deleting subsection (3).

CLAUSE 15

THAT, the Bill be amended by deleting clause 15 and inserting the following new clause—

Amendment of section 20 of No. 9 of 1998. **15.** Section 20 of the principal Act is amended by inserting the words “by the youth” immediately after the words “voluntary contributions”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 17—

Insertion of new sections in No. 9 of 1998. **17A.** The principal Act is amended by inserting the following new sections immediately after section 22—

Universal
Health
Coverage
Scheme.

22A. (1) There is established a Scheme to be known as the Universal Health Coverage Scheme.

(2) The purpose of the Universal Health Coverage Scheme shall be to facilitate access to quality, promotive, preventive, curative, rehabilitative, and palliative health services based on need, social and financial risk protection.

(3) Notwithstanding the generality of subsection (2) the objectives of the Universal Health Coverage Scheme shall be —

- (a) to ensure equity utilization relative to needs, with financial contributions on the basis of ability to pay, without imposing a barrier to access at the point of care and effective sharing of risks among the vulnerable and indigent persons;
- (b) to strengthen access to needed health services by ensuring vulnerable and indigent persons receive integrated cost-effective interventions addressing common needs and illnesses;
- (c) to ensure quality health services through efficiency of use and equity in the availability of health system resources;
- (d) to expand protection to all persons by providing financial risk protection to safeguard them from financial and economic loss emanating from ill health in order to reduce the over-reliance on out of pocket payments; and

- (e) mobilize adequate allocations and efficient utilization of resources for the delivery of health services.

Membership
to the Scheme.

22B. The Universal Health Coverage Scheme shall consist of members who are already making voluntary and mandatory contributions and the indigents and vulnerable persons who shall be identified to benefit from government subsidies in the manner as may be prescribed.

Identification
of
beneficiaries.

22C. The persons to benefit from government subsidies shall be identified through the relevant State Department which manages safety net programs in liaison with the social assistance committees in the respective constituencies.

Administration
of the Scheme

22D. (1) The Universal Health Coverage Scheme shall be administered by the Board separately from the other schemes administered by the Fund

(2) The Board shall in consultation with the Cabinet Secretary, prescribe—

- (a) cost effective treatment guidelines that take into account, the emerging technologies;
- (b) the nature of how the scheme shall operate including the mechanisms of person identification and protocols for entity management; and
- (c) anything requiring to be prescribed.

CLAUSE 20

THAT, clause 20 of the Bill be amended—

- (a) in paragraph (a), by deleting the word “ten” and substituting therefore the word “one”; and
- (b) in paragraph (b), by deleting the word “ten” and substituting therefor the word “one”.

CLAUSE 21

THAT, clause 21 of the Bill be amended—

(a) by inserting the following new paragraph immediately after paragraph (a)—

“(aa) by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”;

(b) in paragraph (b) by deleting the words “under this Act”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 21—

Amendment of section 27 of No. 9 of 1998.

21A. Section 27 of the principal Act is amended by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”.

Amendment of section 29 of No. 9 of 1998.

21B. Section 29 of the principal Act is amended in subsection (1) by deleting the word “Minister” appearing in the opening sentence and substituting therefor the words “Cabinet Secretary”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 22—

Amendment of section 31 of No. 9 of 1998.

22A. Section 31 of the principal Act is amended in subsection (1) by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

CLAUSE 23

THAT, clause 23 of the Bill be amended—

(a) by deleting paragraph (c) and inserting the following new paragraph—

“(c) in subsection (3) by deleting the words “ten thousand shillings” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding twenty four months” appearing in the closing statement.”

CLAUSE 24

THAT, the Bill be amended by deleting clause 24 and inserting the following new clause—

Amendment of section 34 of No. 9 of 1998. **24.** Section 34 of the principal Act is amended in subsection (1) by—

- (a) deleting paragraph (b); and
- (b) deleting the proviso.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clauses immediately after clause 24—

Amendment of section 36 of No. 9 of 1998. **24A.** Section 36 of the principal Act is amended by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

Amendment of section 36 of No. 9 of 1998. **24B.** The principal Act is amended by deleting section 37 and inserting the following new section—

Accounts and audit. **37.** (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

No. 18 of 2012.
No. 34 of 2015.

Amendment of section 38 of No. 9 of 1998. **24C.** Section 38 of the principal Act is amended by deleting the word “Minister” and substituting therefor the words “Cabinet Secretary”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 27—

Amendment of the First Schedule to No. 9 of 1998. **27A.** The First Schedule to the principal Act is amended in paragraph 6 by deleting the word “Minister” and substituting therefor the word “Cabinet Secretary”.

CLAUSE 28

THAT, the Bill be amended by deleting clause 28 and inserting the following new clause—

Amendment of the Second Schedule to No. 9 of 1998. **28.** The Second Schedule to the principal Act is amended—

(a) in paragraph 2—

(i) by deleting the word “Minister” appearing in sub-paragraph (a) and substituting therefor the words “Cabinet Secretary”;

(ii) by deleting the word “Minister” appearing in sub-paragraph (b) and substituting therefor the words “Cabinet Secretary”;

(b) in paragraph 3 by deleting the word “nine” appearing in sub-paragraph (4) and substituting therefor the word “five”;

3) Notice is given that the Leader of the Minority Party intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleted clause 2 and substituting therefor the following new clause —

Amendment to the long title of No. 9 of 1998.

2. The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 3—

Amendment of section 3 of No. 9 of 1998.

3A. Section 3 of the principal Act is amended—

(a) in subsection (1), by deleting the word “Hospital” and substituting therefor the word “Health”;

(b) in subsection (2), by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) into the Fund—

(i) contributions under section 15;

(ii) such monies as may be appropriated by the National Assembly, for vulnerable persons;

(iii) gifts, grants or donations;

(iv) funds from the national government, county governments and their respective entities, or employers for the administration of employee benefits; and

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- (v) funds from post retirement funds for provision of medical cover to retired employees, where the contributor has elected to do so.

Amendment of section 4
of No. 9 of 1998.

3B. Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsections—

(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or his or her representative, appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance or his or her representative, appointed in writing;
- (d) one person nominated by the umbrella body representing the employers;
- (e) one person nominated by the umbrella body representing the trade unions;
- (f) two persons, not being governors nominated by the Council of County Governors, one representing the county public service boards and the other representing the county assembly public service boards;
- (g) one person, not being a public officer appointed by the Cabinet Secretary; and
- (h) the Chief-Executive Officer, who shall be an *ex-officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f) and (g) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the *Gazette*.

CLAUSE 4**THAT**, clause 4 of the Bill be amended—

(a) by inserting the following new paragraph immediately after paragraph (b) —

(ba) in paragraph (f), by deleting the words “to advise the Minister” and substituting therefor the words “to advise the national government and county governments”;

(b) in paragraph (c) —

(i) by deleting the words “including communication and stakeholder engagement” appearing in the proposed new paragraph (g) and substituting therefor the words “with respect to health insurance”;

(ii) by inserting the following new paragraph immediately after the proposed paragraph (g) —

(ga) to administer employee benefits as provided under this Act on behalf of employers in respect of their employees;

NEW CLAUSE**THAT**, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 6 of No. 9 of 1998.

4A. Section 6 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (a) —

(aa) to determine the contributions to be made by contributors to the Fund;

NEW CLAUSE**THAT**, the Bill be amended by inserting the following new clause immediately after clause 9—

Insertion of a new section 9A into No. 9 of 1998.

9A. The principal Act is amended by inserting the following new section immediately before section 15 under Part III—

Registration as a member of the Fund.

14A. (1) A person who has attained the age of eighteen years and is not a beneficiary shall register as a member of the Fund.

(2) The Cabinet Secretary may, in consultation with the Board, make regulations for the better carrying out of subsection (1).

CLAUSE 20

THAT, clause 20 of the Bill be amended—

- (a) in paragraph (a), by deleting the word “ten” and substituting therefor the word “five”;
- (b) in paragraph (b)(iii), by deleting the word “ten” and substituting therefor the word “five”;
- (c) in paragraph (d), by deleting subparagraph (i) and substituting therefor the following new subparagraphs —
 - (i) by deleting the words “Any declared hospital” and substituting therefor the words “A health care provider”;
 - (ia) by deleting the words “five hundred thousand” appearing in paragraph (i) and substituting therefor the words “ten million”;
- (d) in paragraph (e), by deleting the words “and at least three newspapers with nationwide circulation” in the proposed new subsection (5) and substituting therefor the words “at least two newspapers of national circulation and at the official website of the Fund.”

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

- (ba) by inserting the following new paragraph immediately after paragraph (a) —
 - (aa) the amount and rates of contributions payable by contributors into the Fund;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 24—

Amendment
of section 37
of No. 9 of
1998.

24B. The principal Act is amended by deleting section 37 and substituting therefor the following new section —

Accounts
and
Audit.

37. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with—

- (a) a statement of the income and expenditure of the Fund during that year; and
- (b) a statement of the assets and liabilities of the Fund on the last day of that year.

No. 34 of
2015.

(3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act, 2015.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment
of section 42
of No. 9 of
1998.

25A. Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (4) —

(5) Despite any other written law, the assets of the Fund shall not be liable to attachment under any process of law.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 27—

Insertion of
a new
section 45A
into No. 9
of 1998.

27A. The principal Act is amended by inserting the following new section immediately after section 45 —

Exemption
from
Cap. 487. **45A.** The Insurance Act shall not apply to the Fund.

- 4) **Notice is given that the Member for Homa Bay County (Hon. Gladys Wanga, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage-**

CLAUSE 3

THAT, the Bill be amended in clause 3 (f) by inserting the following definition in the proper alphabetical sequence-

“risk spreading” means the transfer, sharing or distribution of the risk insured as between one or more insurance companies or other providers with a view to reducing the financial cost in the eventual happening of the insured event hereby referred as a loss for special, enhanced or negotiated scheme;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 16—

Insertion of
new section in
No.9 of 1998.

16A. The principal Act is amended by inserting the following new section immediately after section 21—

Establishment of
a centralized
healthcare
provider
management
system.

21A. (1) The Board shall cause to be developed a centralized healthcare provider management system.

(2) The centralized healthcare provider management system shall be installed and used by all empaneled providers for the purpose of management of claims, payments and data collection.

(3) The Board may publish guidelines on the use of the centralized healthcare provider management system by empaneled and contracted health care providers.

CLAUSE 17

THAT, the Bill be amended in clause 17 -

(a) by deleting paragraph (a) and substituting therefor the following new paragraph-

(1) The Board shall pay from the Fund, a benefit to an empaneled or contracted health care provider for an expense incurred by the provider, for the provision of health care services through the centralized healthcare provider management, to the number of beneficiaries determined by the Board.

(b) in paragraph (c) by inserting the following new subsections immediately after subsection (3)-

(3A) The Board shall determine and approve the applicable tariffs payable to the Fund under section 15(3A) and payable out of the Fund under subsection (1), to empaneled contracted health care providers for an expense incurred by the provider for the provision of healthcare services to the number of beneficiaries determined by the Board.

(3B) The Board shall use the approved risk spreading mechanism on benefits of outpatient, inpatient and work injury benefits as provided under section 15, section 22 and section 43.

5) Notice is given that the Member for Chepalungu (Hon. Gideon Koske, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 10

THAT, clause 10 of the Bill be amended in paragraph (d) by inserting the following new subsection immediately after the proposed new subsection (3A)–

“(3B) The minimum amount of contribution payable to the Fund under paragraph (b) of subsection (2) shall be three hundred shillings.”

CLAUSE 15

THAT, the Bill be amended by deleting clause 15 and inserting the following new clause—

Amendment of section 20 of No. 9 of 1998.

15. Section 20 of the principal Act is amended by—

(a) renumbering the current provision as subsection (1); and

(b) inserting the following new subsections immediately after subsection (1)—

“(2) Without prejudice to the generality of subsection (1), Regulations made under this section shall provide for—

(a) the minimum amount payable to the Fund, which shall not be less than one hundred shillings; and

(b) the procedure of reviewing the amounts of contribution payable to the Fund, which shall not exceed five years.”

- 6) **Notice is given that the Member for Kikuyu (Hon. Kimani Ichung’wah, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—**

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment to the long title of No. 9 of 1998.

2. The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 3—

Amendment of section 3 of No. 9 of 1998.

3A. Section 3 of the principal Act is amended—

(a) in subsection (1), by deleting the word “Hospital” and substituting therefor the word “Health”;

(b) in subsection (2), by deleting paragraph (a) and substituting therefor the following new paragraph—

(b) into the Fund—

- (i) contributions under section 15;
- (ii) such monies as may be appropriated by the National Assembly, for vulnerable persons;
- (iii) gifts, grants or donations;
- (iv) funds from the national government, county governments and their respective entities, or employers for the administration of employee benefits; and
- (v) funds from post retirement funds for provision of medical cover to retired employees, where the contributor has elected to do so;

Amendment
of section 4
of No. 9 of
1998.

3B. Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new sub-sections—

(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or his or her representative, appointed in writing;
- (c) the Principal Secretary for the time being responsible for matters relating to finance or his or her representative, appointed in writing;
- (d) one person nominated by the umbrella body representing the employers;
- (e) one person nominated by the umbrella body representing the trade unions;
- (f) two persons, not being governors nominated by the Council of County Governors, one representing the county public service boards and the other representing the county assembly public service boards;
- (g) one person, not being a public officer appointed by the Cabinet Secretary; and
- (h) the Chief-Executive Officer, who shall be an *ex-officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f) and (g) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall give equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the *Gazette*.

CLAUSE 5

THAT, clause 5 of the Bill be amended in the proposed new section 9 by deleting the words “funds of the state corporation” and substituting therefor the words “moneys of the Fund”.

CLAUSE 6

THAT, clause 6 of the Bill be amended in the proposed new section 10 by deleting subsection (1) and substituting therefor the following new subsection—

- (1) There shall be a Chief Executive Officer of the Fund who shall be appointed by the Board, through a competitive process, on such terms and conditions as the Board may, with the advice of the Salaries and Remuneration Commission determine.

CLAUSE 9

THAT, clause 9 of the Bill be amended in the proposed new section 12, by deleting subsection (2) and substituting therefor the following new subsections—

- (1) The affixing of the common seal of the Board shall be authenticated by the signatures of the Chairperson and the Chief Executive Officer and any document required by law to be made under seal and all decisions of the Board may be authenticated by the signatures of the Chairperson and the Chief Executive Officer.
- (2) The Board shall, in the absence of either the Chairperson or the Chief Executive Officer, in any particular matter, nominate one member to authenticate the seal of the Board on behalf of either the Chairperson or the Chief Executive Officer.

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(a) in paragraph (a), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

(1A) Subject to this Act —

- (a) the national government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the national government and national government entities;
- (b) each county government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county government and county entities; and
- (c) any other employer shall be liable as a contributor to the Fund in respect of its employees.

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) in subsection (2) —

- (i) by inserting the words “Except as provided in paragraph (f)(ii) and (iii)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of an employer who is the national government or national government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(d) in the case of an employer who is the county governments or county government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(e) in the case of other employers, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c):

Provided that—

- (i) in the first year from the date of commencement of this section, the employer shall be liable to pay fifty per centum (50%) of the employer's contribution;
- (ii) in the subsequent second year, the employer shall be liable to pay seventy-five per centum (75%) of the employer's contribution;
- (iii) in the third year and subsequent years, the employer shall be liable to pay the full employer's contribution matching the employee's contribution;

(f) in the case of a person—

- (i) who is a youth and is neither in formal or self-employment and is a sole beneficiary;
- (ii) who is a youth and whose income is derived from self-employment and is a sole beneficiary;
- (iii) who is a youth and whose income is derived from self-employment and has other beneficiaries;
- (iv) who is a not a youth and is unemployed and is a sole beneficiary;
- (v) who is a not a youth and is unemployed and has other beneficiaries; or
- (vi) who is a not a youth and whose income is derived from self-employment and has other beneficiaries

a special contribution at such respective rates as the Board may determine;

(c) by deleting paragraph (f).

CLAUSE 11

THAT, the Bill be amended by deleting clause 11.

CLAUSE 12

THAT, clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by inserting the following new subsections immediately after sub-section (1)—

(1A) A person liable to pay a matching contribution under section 15 shall pay such contribution in their capacity as an employer and shall not deduct such contribution from the salary or other remuneration of the employee.

(1B) An employer other than the national government or county governments or their entities liable to pay a matching contribution under section 15, may be exempted from paying such matching contribution, if such an employer—

(a) has procured a private health insurance cover for the employees and the benefits thereof are equal to or better than those the employees are entitled to under this Act; and

(b) submits to the Board a certificate issued by the Insurance Regulatory Authority to that employer—

(i) certifying that the employees have been insured by the private health insurer;

(ii) specifying the details of the cover and the benefits thereof; and

(iii) indicating the validity period of the private health insurance cover.

(1C) The Board shall, within thirty days of receipt of a request by an employer seeking to be exempted under this section, make the determination on whether the private health insurance cover provided under subsection (1B) is adequate for the employer to be exempted from making matching contributions under section 15.

CLAUSE 17

THAT, clause 17 of the Bill be amended—

(a) in paragraph (c), by deleting the words “prescribe and” appearing in the proposed new subsection (3) and substitute therefor the word “prescribe”;

(b) in paragraph (e), by deleting paragraph (c) appearing in the proposed new section 5 and substituting the following —

(c) the Fund shall cover the outstanding bill where private insurance cover's limits for various benefits have been exhausted subject to the Fund's applicable limits with respect to each benefit.

CLAUSE 18

THAT, clause 18 of the Bill be amended in the proposed new section 23 by inserting the words “upon request” immediately after the words “Board shall”.

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

(ba) by inserting the following new paragraph immediately after paragraph (a)—

(aa) the amount and rates of contributions payable by contributors into the Fund;

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 21—

Amendment of section 29 of No. 9 of 1998.

21A. Section 29 of the principal Act is amended by inserting the following new sub-sections immediately after subsection (2) —

- (3) For the purposes of Article 94 (6) of the Constitution—
- (b) the purpose and objective of the delegation under this Act is to enable the Board to make regulations for better carrying into effect the provisions of this Act;
 - (c) the authority of the Board to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.
- (4) The principles and standards applicable to the delegated power referred to under this Act are those found in—
- (i) the Statutory Instruments Act, 2013;
 - (ii) the Interpretation and General Provisions Act,
 - (iii) the general rules of international law as specified under Article 2(5) of the Constitution; and
 - (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

No. 23 of 2013.
Cap 2.

(5) Subsections (3) and (4) shall apply to any other provision of this Act on the making of regulations by the Board or the Cabinet Secretary.

CLAUSE 22

THAT, clause 22 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;
- (b) in paragraph (c)—
 - (i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;
 - (ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;
- (c) by deleting paragraph (e) and substituting therefor the following new paragraph—
 - “(e) inserting the following new subsection immediately after subsection (3)—

“(4) A health provider whose empanelment has been revoked under this section may apply to the Board for the review of the revocation in the first instance and, if dissatisfied by the decision of the Board upon review, appeal to the High Court against the revocation.”

CLAUSE 24

THAT, clause 24 of the Bill be deleted and replaced with the following new clause—

Amendment of section
34 of No. 9 of 1998.

24.Section 34(1) of the principal Act is amended—

- (a) by inserting the following new paragraph immediately after paragraph (a) —
 - (b) government securities as may be approved by the National Treasury;
- (b) by deleting paragraph (b);
- (c) by deleting the proviso.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 24—

Amendment
of section
37 of No. 9
of 1998.

24B.The principal Act is amended by deleting section 37 and substituting therefor the following new section —

Accounts
and Audit.

37. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with—

- (a) a statement of the income and expenditure of the Fund during that year; and
- (b) a statement of the assets and liabilities of the Fund on the last day of that year.

No. 34 of
2015.

(3) The accounts of the Fund shall be audited and reported upon in accordance with the Public Audit Act, 2015.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 25—

Amendment
of section
42 of No. 9
of 1998.

25A. Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (4) —

(5) Despite any other written law, the assets of the Fund shall not be liable to attachment under any process of law.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 27—

Insertion of
a new
section 45A
into No. 9
of 1998.

45A. The principal Act is amended by inserting the following new section immediately after section 45 —

Exemption from
Cap. 487.

45A. The Insurance Act shall not apply to the Fund.

CLAUSE 28

THAT, the Bill be amended by deleting clause 28 and substituting therefor the following—

Amendment
of the Second
Schedule to
No. 9 of 1998.

28. The Second Schedule to the principal Act is amended—

- (a) by deleting paragraph 2 and substituting therefor the following new paragraph—

Vacation of
office.

2. The office of a member of the Board, other than an ex officio member, shall become vacant if the member—

- (a) at any time resign from office by notice in writing to the Cabinet Secretary;

- (b) has been absent from three consecutive meetings of the Board without the permission from the Chairperson;
- (c) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors;
- (d) is convicted of an offence involving dishonesty or fraud;
- (e) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or
- (f) is incapacitated by prolonged physical or mental illness.

(b) in paragraph 3—

- (i) by deleting the words “and an honorary treasurer” appearing in sub-paragraph (2) and substituting therefor the words “from among members of the Board except *ex-officio* members of the Board”.
- (ii) by deleting sub-paragraph (3);
- (iii) by deleting the word “nine” appearing in sub-paragraph (4) and substituting therefor the word “five”;
- (iv) by deleting the word “standing orders” appearing in sub-paragraph (8) and substituting therefor the word “guidelines”;

(c) by deleting paragraph 5.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 28—

Transitional
provision.

28A. A person who is a member of the Board of the National Hospital Insurance Fund at the time of commencement of this Act shall serve for the remainder of his or her unexpired term.

7) Notice is given that the Member for Garissa Township (Hon. Aden Duale, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 3

THAT, clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (f) —

(g) by deleting the word “Hospital” and substituting therefor the word “Health”—

(i) in the definition of the term “Board”;

(ii) in the definition of the term “Fund”;

(h) by deleting the definition of the term “employer” and substituting therefor the following new definition in its proper alphabetical sequence—

“employer” includes the national government and national government entities, and county governments and county government entities;

CLAUSE 10

THAT, clause 10 of the Bill be amended—

(a) in paragraph (a), by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

(1A) Subject to this Act —

(a) the national government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the national government and national government entities;

(b) each county government shall be liable as a contributor to the Fund in respect of all public officers, state officers and employees working in the county government and county entities; and

(c) any other employer shall be liable as a contributor to the Fund in respect of its employees.

(b) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) in subsection (2) —

- (i) by inserting the words “Except as provided in paragraph (f)(ii) and (iii)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of an employer who is the national government or national government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(d) in the case of an employer who is the county governments or county government entity, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(e) in the case of other employers, a matching contribution, equal to that which their employee is liable to contribute under subsection (1)(c);

(f) in the case of a person—

- (i) who is a youth and is neither in formal or self-employment and is a sole beneficiary;
- (ii) who is a youth and whose income is derived from self-employment and is a sole beneficiary;
- (iii) who is a youth and whose income is derived from self-employment and has other beneficiaries;
- (iv) who is a not a youth and is unemployed and is a sole beneficiary; or
- (v) who is a not a youth and is unemployed and has other beneficiaries,

a special contribution at such respective rates as the Board may determine;

(c) by deleting paragraph (f).

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) by inserting the following new subsection immediately after sub-section (1)—

- (1B) An employer liable to pay a matching contribution under section 15, may be exempted from paying such matching contribution, if such an employer—

- (c) has procured a private health insurance cover for the employees and the benefits thereof are equal to or better than those the employees are entitled to under this Act; and
- (d) submits to the Insurance Regulatory Authority information—
 - (i) indicating that the employees have been insured by the private health insurer;
 - (ii) specifying the details of the cover and the benefits thereof; and
 - (iii) indicating the validity period of the private health insurance cover.

CLAUSE 13

THAT, clause 13 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(ba) by inserting the following new subsection immediately after subsection (1) —

(1A) Subsection (1) shall not apply to a contributor who is a natural person.

CLAUSE 17

THAT, clause 17(e) of the Bill be amended by deleting paragraph (c) appearing in the proposed new subsection (5) and substituting therefor the following new paragraph—

(c) the Fund and the private health insurance shall jointly cover the expenses incurred by a beneficiary.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 21—

Amendment of section 29 of No. 9 of 1998.

21A. Section 29 of the principal Act is amended by inserting the following new sub-sections immediately after subsection (2) —

- (3) For the purposes of Article 94 (6) of the Constitution—
 - (a) the purpose and objective of the delegation under this Act is to enable the Board to make regulations for better carrying into effect the provisions of this Act;
 - (b) the authority of the Board to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfilment of the objectives specified under this section.

No. 23 of 2013.
Cap 2.

(4) The principles and standards applicable to the delegated power referred to under this Act are those found in—

- (i) the Statutory Instruments Act, 2013;
- (ii) the Interpretation and General Provisions Act,
- (iii) the general rules of international law as specified under Article 2(5) of the Constitution; and
- (iv) any treaty and convention ratified by Kenya under Article 2(6) of the Constitution.

(5) Subsections (3) and (4) shall apply to any other provision of this Act on the making of regulations by the Board or the Cabinet Secretary.

CLAUSE 22

THAT, clause 22 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;
- (b) in paragraph (c) —

- (i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;
- (ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;

- (c) by deleting paragraph (e).

NEW CLAUSES

THAT, the Bill be amended by inserting the following new clauses immediately after clause 24—

Insertion of new sections 34A and 34B into No. 9 of 1998.

24A. The principal Act is amended by inserting the following new sections immediately after section 34 —

Acquisition of medical equipment in underserved and marginalized areas.

34A. Subject to section 34, a public health care provider may, make a request to the Board to finance the procurement and acquisition of essential medical equipment by the public health care provider in an underserved or marginalized area, on such terms and conditions as the Board may, from time to time, prescribe.

Advancing credit facilities to public health care providers in underserved and marginalized areas.

34B. Subject to section 34, the Board may lend money on such terms and conditions as the Board may determine, to any public health care provider in an underserved or marginalized area for improvement of medical and health care services, subject to the Board being satisfied that such public health care provider is financially viable.

8) Notice is given that the Member for Dagoretti South (Hon. John Kiarie, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleted clause 2 and substituting therefor the following new clause —

Amendment to the long title of No. 9 of 1998.

2. The long title of the National Hospital Insurance Fund Act, 1998 in this Act referred to as “the principal Act” is amended by deleting the word “Hospital” whenever it appears and substituting therefor the word “Health”.

CLAUSE 3

THAT, clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (f) —

(g) by deleting the definition of the term “employer” and substituting therefor the following new definition in its proper alphabetical sequence—

“employer” includes the national government and national government entities, and county governments and county government entities;

(h) by deleting the definition of the term “contracting” and substituting therefor the following new definition—

“contract” means a formal agreement with an empanelled health care provider for purposes of provision of services and “contracting” and “contracted” shall be construed accordingly in this Act;

(i) by deleting the definition of the term “vulnerable person” and substituting therefor the following new definition-

“vulnerable person” means a person who is in need of special care, support or protection, including the orphaned and vulnerable children, widows or widowers, persons with disabilities, elderly persons or indigent due to a risk of abuse or neglect and who has been identified as such by the relevant government body;

CLAUSE 10

THAT, clause 10 of the Bill be amended by inserting the following new paragraph immediately after paragraph (a)—

(aa) in subsection (2) —

- (i) by inserting the words “except as provided in paragraphs (c), (d) and (e)” immediately before the words “in the case of a person” appearing in paragraph (b);
- (ii) by inserting the following new paragraphs immediately after paragraph (b) —

(c) in the case of a person who is an unemployed youth and has no dependants, a special contribution of one hundred shillings;

(d) in the case of a person who is a youth and whose income is derived from self-employment and has no dependants, a special contribution of one hundred and fifty shillings; and

(e) in the case of a person who is a youth and whose income is derived from self-employment and has dependants, a special contribution of three hundred shillings;

Provided that under paragraphs (c), (d) and (e), the national government shall be liable to pay for the difference of the minimum contribution payable as prescribed by the Board.

(ab) in subsection (3), by deleting the words “subsection (2)” and substituting therefor the words “subsection (2)(a) and (b)”.

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)—

- (ba) by inserting the following new paragraph immediately after paragraph (a) —
 - (aa) the amount and rates of contributions payable by contributors into the Fund;

CLAUSE 22

THAT, clause 22 of the Bill be amended—

- (a) in paragraph (b) by deleting the words “healthcare care” appearing in the new subsection (1) and substituting therefor the words “health care”;

(b) in paragraph (c) —

- (i) by deleting the words “considers fit” appearing in the opening statement of subsection (2) and substituting therefor the words “considers it necessary”;
- (ii) by deleting the words “as it thinks fit” appearing in the new subsection (2)(a) and substituting therefor the words “considers it necessary”;

(c) by deleting paragraph (e).

9) Notice is given that the Member for North Imenti (Hon. Abdul Rahim Dawood, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 2

THAT, the Bill be amended by deleting clause 2 and substituting therefor the following new clause—

Amendment of the long title of No. 9 of 1998.

2. The long title of the National Hospital Insurance Fund Act, 1998, in this Act referred to as the “principal Act” is amended by deleting the word “Hospital” wherever it appears and substituting therefor the word “Health”.

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 3—

Amendment of section 4 of No. 9 of 1998.

3A. Section 4 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsections—

“(1) The management of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson appointed by the President by virtue of his or her knowledge and experience in matters relating to insurance, financial management, economics, health or business administration;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to health or a representative appointed in writing;

- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative appointed in writing;
- (d) one person nominated by the umbrella body representing employers;
- (e) one person nominated by the umbrella body representing trade unions;
- (f) two persons, not being Governors, nominated by the Council of County Governors, one of whom shall represent the county public service boards and one shall represent the county assembly service boards;
- (g) one person, not being a public officer, nominated by the Kenya Association of Private Hospitals;
- (h) one person, not being a public officer, nominated by the faith-based healthcare organizations in such manner as may be prescribed; and
- (i) the Chief Executive Officer who shall be an *ex officio* member of the Board.

(1A) The persons nominated or appointed under paragraphs (f), (g) and (h) shall have qualifications, knowledge and experience in matters relating to finance, insurance, information, communication and technology, law, public health, business management, audit, economics or any other relevant field.

(1B) The nominating body under paragraph (f) shall accord equal opportunity to men and women, youth, persons with disabilities and minorities and marginalized groups and ensure regional balance.

(1C) The Cabinet Secretary responsible for matters relating to health shall publish the names of the persons nominated under paragraphs (d), (e), (f) and (g) in the Gazette.”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 4—

Amendment of section 6 of No. 9 of 1998.

4A. Section 6 of the principal Act is amended by inserting the following new paragraph immediately after paragraph

(a)–

“(aa) determine the contributions to be made by contributors to the Fund;”

CLAUSE 21

THAT, clause 21 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b)–

“(ba) by inserting the following new paragraph immediately after paragraph (a)–

“(aa) the amount and rates of contributions payable by contributors into the Fund;”

NEW CLAUSE

THAT, the Bill be amended by inserting the following new clause immediately after clause 24–

Amendment of section 37 of No. 9 of 1998.

24A. The principal Act is amended by deleting section 37 and inserting the following new section–

Accounts and audit.

37. (1) The Board shall cause to be kept all proper books and records of account of the income, expenditure, assets and liabilities of the Fund.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Fund together with–

(a) a statement of the income and expenditure of the Fund during that year; and

(b) a statement of the assets and liabilities of the Fund on the last day of that year.

(3) The accounts of the Board shall be audited and reported upon in accordance with the Public Finance Management Act, 2012 and the Public Audit Act, 2015.

No. 34 of 2015.

10) Notice is given that the Member for Funyula (Hon. Ojiambo Oundo, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 10

THAT, clause 10 of the Bill be amended in paragraph (a)–

(a) by deleting the proposed new subsection (1B) and inserting the following new subsection–

“(1B) Subject to this Act, the national government shall be liable as a contributor to the Fund on behalf of the indigent and vulnerable persons identified as such as provided for under subsection (1C).”

(b) by inserting the following new subsections immediately after the proposed new subsection (1B)–

“(1C) For purposes of subsection (1B), the Cabinet Secretary shall establish a committee in each constituency which shall identify the indigent and vulnerable persons.

(1D) The committee established under subsection (1C) shall consist of–

- (a) the national government official responsible for coordinating national government functions in the constituency;
- (b) four persons nominated by the National Constituencies Development Fund Committee, of whom–
 - i. one shall be a youth;
 - ii. one shall be a female;
 - iii. one shall be a male; and
 - iv. one shall be a person with disability; and
- (c) the county government official responsible for coordinating county government functions in the constituency.”

CLAUSE 13

THAT, clause 13 of the Bill be amended in paragraph (b) by deleting the proposed new subsection (1) and inserting the following new subsection–

“(1) If a standard or matching contribution which a person is liable to remit under section 16, has not been remitted by the day on which the payment of the standard or matching contribution is due, the person shall be liable to pay a penalty equal to the lending rate of interest, of the amount of the contribution, as may published by the Central Bank of Kenya from time to time;

Provided that such penalty shall not be imposed on state agencies if the delay or non-remittance is caused by delay in disbursement from the National Treasury or delay in disbursement of any funds appropriated by the National Assembly.”

11) Notice is given that the Member for Emuhaya (Hon. Omboko Milemba, MP) intends to move the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021 at the Committee Stage—

CLAUSE 6

THAT, clause 6 of the Bill be amended by deleting the words “relevant government agencies” appearing in the proposed new section 10(1) and substituting therefor the words “Salaries and Remuneration Commission”.

CLAUSE 12

THAT, clause 12 of the Bill be amended in paragraph (f) by deleting the words “one million” appearing in sub-paragraph (ii) and substituting therefor the words “five hundred thousand”.

CLAUSE 16

THAT, clause 16 of the Bill be amended in the proposed new subsection (3) by deleting the words “one million” appearing in the closing sentence and substituting therefor the words “five hundred thousand”.

CLAUSE 17

THAT, clause 17 of the Bill be amended in paragraph (e) by deleting the proposed new subsection (5) and inserting the following new subsection—

“(5) Where a beneficiary has a private health insurance cover—

- (a) the Fund shall be liable for payment of benefits up to such limits as the Board may prescribe under subsection (3);
- (b) the private health insurance shall pay the daily rebate, in the case of an inpatient; and
- (c) the Fund shall cover the outstanding bill subject to the Fund’s applicable limits.”



LIMITATION OF DEBATE

The House resolved on Wednesday, February 10, 2021 as follows-

Limitation of Debate on Bills sponsored by Parties or Committees

- II. THAT**, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** shall be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

Limitation of Debate on Sessional Papers

- III. THAT**, each speech in a debate on any **Sessional Paper** shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Sessional Paper is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

Limitation of Debate on Committee Reports

- IV. THAT**, each speech in a debate on **Committee Reports (except for Reports of Audit Committees)**, including a Report of a Joint Committee of the Houses of Parliament or any other Report submitted to the House for which limitation of time has not been specified, shall be limited as follows:- A maximum of two and a half hours, with not more than twenty (20) minutes for the Mover in moving and five (5) minutes for any other Member speaking, **including** the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee (if the Committee Report is not moved by the Chairperson of the relevant Committee), and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and further **THAT** priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in **THAT** order.

NOTICE PAPER I

Tentative business for **Wednesday (Morning), September 29, 2021**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Wednesday (Morning), September 29, 2021-

A. THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 43 OF 2020)

(The Hon. Abdul Rahim Dawood, M.P.)

Second Reading

(Question to be put)

B. THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL
ASSEMBLY BILL NO. 31 OF 2019)

(The Hon. (Dr.) Robert Pukose, M.P.)

Second Reading

(Question to be put)

C. THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL
ASSEMBLY BILL NO. 79 OF 2019)

(The Hon. Gideon Keter, M.P.)

Second Reading

(Resumption of debate interrupted on Wednesday, September 22, 2021 - Morning sitting)

(Balance of time - 3 hours 10 minutes)

D. THE PENSIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY
BILL NO. 26 OF 2020)

(The Hon. Didmus Barasa, M.P.)

Second Reading

E. THE COMMUNITY HEALTH WORKERS BILL (NATIONAL
ASSEMBLY BILL NO. 30 OF 2020)

(The Hon. Martin Peters Owino, M.P.)

Second Reading

F. THE INFORMATION COMMUNICATION TECHNOLOGY PRACTITIONERS BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2020)

(The Hon. Godfrey Osotsi, M.P.)

Second Reading

G. THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2020)

(The Hon. David Gikaria, M.P.)

Second Reading

H. THE PHARMACY AND POISONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2021)

(The Hon. Alfred Keter, M.P.)

Second Reading

I. THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 11 OF 2021)

(The Hon. Aden Duale, M.P.)

Second Reading

J. THE HEALTH (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2021)

(The Hon. Mwambu Mabongah, M.P.)

Second Reading



NOTICE PAPER II

Tentative business for **Wednesday (Afternoon), September 29, 2021**

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee has approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon), September 29, 2021-

A. THE LANDLORD AND TENANT BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, September 28, 2021)

B. THE HEALTH LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 2 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, September 28, 2021)

C. MOTION - RATIFICATION OF THE AGREEMENT AMENDING THE AIR TRANSPORT AGREEMENT BETWEEN KENYA AND THE UNITED STATES OF AMERICA

(The Chairperson, Departmental Committee on Transport, Public Works and Housing)

(If not concluded on Tuesday, September 28, 2021)

D. MOTION – SESSIONAL PAPER NO. 1 OF 2021 ON THE NATIONAL WATER POLICY

(The Chairperson, Departmental Committee on Environment and Natural Resources)

(If not concluded on Tuesday, September 28, 2021)

E. MOTION – RATIFICATION OF PROTOCOLS TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF OLDER PERSONS AND THE RIGHTS OF PERSONS WITH DISABILITIES

(The Chairperson, Departmental Committee on Defence and Foreign Relations)

(If not concluded on Tuesday, September 28, 2021)

F. MOTION – RATIFICATION OF VARIOUS PROTOCOLS UNDER
THE INTERNATIONAL MARITIME ORGANIZATION
AND THE INTERNATIONAL LABOUR
ORGANIZATION AND THE AMENDMENTS
THEREIN

(The Chairperson, Departmental Committee on Transport, Public
Works and Housing)

APPENDIX

NOTICE OF PETITIONS, QUESTIONS & STATEMENTS

ORDER NO.7 - QUESTIONS

It is notified that, pursuant to the provisions of Standing Order 42A (5), the following Members will ask **questions** for reply before the specified Committees-

QUE NO

ORDINARY QUESTIONS

343/2021

The Member for Dagoretti North (Hon. Simba Arati, MP) to ask the Cabinet Secretary for Lands and Physical Planning: -

- (i) Could the Cabinet Secretary provide the ownership details of parcels of land occupied by *Kilimani, Milimani* and *Kileleshwa* Primary Schools in Nairobi City County?
- (ii) Could the Cabinet Secretary also provide the status of ownership of parcels of land occupied by *Kilimani, Kileleshwa* and *Muthangari* Police Stations in Nairobi City County?
- (iii) Could the Cabinet Secretary indicate when the Ministry plans to resolve land disputes on the parcels of land occupied by the said public institutions?

(To be replied before the Departmental Committee on Lands)

367/2021

The Member for Masinga (Hon. Mwalyo J. Mbithi, MP) to ask the Cabinet Secretary for Tourism and Wildlife:-

- (i) What action is the Ministry taking to permanently address the constant human-wildlife conflict in *Kyangosi, Masaku-Ite DC* area to *Nunguni* region near *Kamburu* dam in Masinga Constituency where wild animals have been crossing over from *Mwea* Game Reserve into private farms causing harm on people , destroying crops causing massive losses to the small-scale farmers along Tana River?
- (ii) Could the Cabinet Secretary provide a detailed list of the number of reported cases in the area for the last ten (10) years, including deaths and the status of compensation claims?

- (iii) Could the Ministry to ensure that claims for compensation as a result of human-wildlife conflict in the said area are settled promptly?

(To be replied before the Departmental Committee on Environment and Natural Resources)

368/2021

The Member for Kasipul (Hon. Charles Were, MP) to ask the Cabinet Secretary for the Ministry of Petroleum and Mining: -

- (i) Could the Cabinet Secretary confirm whether Environmental Impact Assessment was carried out prior to the licensing of quarry mining activities by *M/s. China City Construction Company* with respect to the quarry activities taking place at *Akech* village in Kasipul Constituency, and if so, indicate whether the company has been operating within the National Environment Management Authority's guidelines?
- (ii) What action is the Ministry taking against the said company for using heavy blasting equipment which has destroyed houses and caused structural weaknesses in others including at *Katangá* village where many houses have developed cracks on floors and walls?
- (iii) What action is the Ministry taking against the company for the resultant noise pollution and tremors particularly at *Akech* and *Katanga* villages?

(To be replied before the Departmental Committee on Environment and Natural Resources)

370/2021

The Nominated Member (Hon. Wilson Sossion, MP) to ask the Cabinet Secretary for National Treasury and Planning: -

- (i) Could the Cabinet Secretary provide the status report regarding the payment of death gratuity due to the estate of the late *Mr. Richard Chepkwony Koros, Personal Number 54171* who served as a teacher under Teachers Service Commission and whose next of kin is one *Ms. Grace Chepkirui Koros* and state when the dues will be paid?
- (ii) Could the Cabinet Secretary explain the next of kin is yet to be paid the gratuity despite assurance from the Director of Pensions to the Office of the Public Trustee in Eldoret of 28th February, 2020, indicating that a cheque of Kshs.335,597.15 had been released?

(iii) Could the Cabinet Secretary give an update regarding the payment of pensions for teachers who retired between 1997 and 2021 and payment of death gratuity to the next of kins for those who passed on?

(To be replied before the Departmental Committee on Finance & National Planning)

373/2021

The Member for Tigania West (Hon. (Dr.) John K. Mutunga, MP) to ask the Cabinet Secretary for Interior and Coordination of National Government: -

- (i) What action the Government is taking against police and administrative officers in particular, Chiefs and Assistant Chiefs who condone production, sale and consumption of illicit brews in Tigania West Constituency?
- (ii) What steps is the Ministry taking to build confidence in the police service and administrative officers who have been heavily implicated in perpetuating defiance as opposed to containing the production, sale and consumption of illicit brews across the country and in particular in Tigania West Constituency?

(To be replied before the Departmental Committee on Administration and National Security)

...../Appendix*(Cont'd)

ORDER NO.7 - STATEMENTS

It is **notified** that, pursuant to the provisions of Standing Order 44(2)(c) the following Statement will be requested –

No.	Subject	Member	Relevant Committee
1.	Misrepresentation of facts during issuance of Identity Cards to Tigania West residents	<i>The Hon. (Dr.) John Mutunga, MP</i>	D.C. on Administration and National Security
