



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

TUESDAY, SEPTEMBER 28, 2021

1. The House assembled at thirty minutes past Two O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Hon. Speaker

4. **COMMUNICATION FROM THE CHAIR**

The Speaker conveyed the following Communication –

Regarding a Visiting Delegation from the County Assembly of Nandi

“**Honourable Members**, I wish to introduce to you a delegation of members and staff from the County Assembly of Nandi who are seated in the Speaker’s Row. The delegation comprises of -

(i)	Hon. Geoffrey Kevolve	Leader of Delegation
(ii)	Hon. Milka Chumba	Member
(iii)	Hon. Elphas Cheruiyot	Member
(iv)	Hon. Pius Singoei	Member
(v)	Hon. Rose Chesang	Member
(vi)	Hon. Chepkwony Ronoh	Member
(vii)	Hon. Clara Chepkemei	Member
(viii)	Mr. Henry Tarus	Director, Human Resource
(ix)	Dr. Abraham Mulwo	Board Member
(x)	Ms. Damaris Maiyo	Deputy Director Committee Services
(xi)	Ms. Janet Jelimo	Clerk Assistant

Honourable Members, The delegation, which is drawn from the Membership of the Committee on Members’ Services and Facilities, is in the National Assembly on a benchmarking visit, specifically to share experiences and learn good practices with our counterpart Committee and other offices.

On my own behalf

f and that of the House, I wish to welcome them to the National Assembly and wish them fruitful engagements during their stay. I thank you!”

5. **PETITIONS**

The Member for Emuhaya (Hon. Omboko Milemba) presented a Petition regarding Suspension of the Teacher Professional Development (TPD) rolled out by the Teachers Service Commission as a mandatory module to be undertaken by practising teachers;

Petition referred to the Departmental Committee on Education and Research pursuant to Standing Order 127(2).

6. **PAPERS LAID**

The following Papers were laid on the Table –

(a) Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June, 2019 and the certificates therein: -

- i. Tourism Finance Corporation (TFC);
- ii. Non- Governmental Organizations Co-ordination Board; and
- iii. Kenya Institute for Public Policy Research and Analysis (KIPPRA).

(b) Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June, 2019 and the certificates therein: -

- i. Borabu;
- ii. Mukurkweni;
- iii. Kasipul;
- iv. Kandara;
- v. Kiambu;
- vi. Limuru;
- vii. Laikipia North; and
- viii. Tetu.

(The Leader of the Majority Party)

(c) Report of the Constitutional Implementation Oversight Committee on its consideration of the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 40 of 2020).

(Vice-Chairperson, Constitutional Implementation Oversight Committee)

(d) Reports of the Departmental Committee Transport, Public Works and Housing on the Ratification of: -

- i. Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and
- ii. Bilateral Air Services Agreement between the Republic of Kenya and the Republic of Botswana.

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

(e) Reports of the Departmental Committee on Health on its consideration of: -

- i. The Health (Amendment) Bill (National Assembly Bill No. 28 of 2020); and
- ii. The Health Laws (Amendment) Bill (National Assembly Bill No.2 of 2021).

(Chairperson, Departmental Committee on Health)

(f) Report of the Departmental Committee on Labour and Social Welfare on its consideration of the Institute of Social Work Professionals Bill (National Assembly Bill No. 31 of 2020).

(Vice - Chairperson, Departmental Committee on Labour and Social Welfare)

(g) Third Report of the Select Committee on Implementation on the Submissions from Stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions passed by the House.

(Chairperson, Select Committee on Implementation)

7. **NOTICES OF MOTION**

The following Notices of Motion were given -

(a) **THAT**, this House **adopts** the Report of the Departmental Committee on Transport, Public Works and Housing on the Ratification of the Bilateral Air Services Agreements between the Republic of Kenya and the Republic of South Africa; and Between the Republic of Kenya and the Republic of Botswana, *laid on the Table of the House on Tuesday, September 28, 2021*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of*: -

- i. the Bilateral Air Services Agreement between the Republic of Kenya and the Republic of South Africa; and
- ii. the Bilateral Air Services Agreement Between the Republic of Kenya and the Republic of Botswana

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

(b) **THAT**, this House **adopts** the Report of the Third Report of the Select Committee on Implementation of the Submissions from Stakeholders regarding Implementation Status of Inquiries, Petitions and Resolutions passed by the House *laid on the Table of the House on Tuesday, September 28, 2021*.

(Chairperson, Select Committee on Implementation)

(c) **THAT, aware that** the Basic Education Act, adopted in 2013 guarantees the implementation of the right to free and compulsory basic education as provided for in Article 35 of the Constitution; **appreciating that** pupils

shall be given appropriate incentives to learn and complete basic education; **deeply concerned that** the funding of free primary and secondary education does not provide for school feeding program thus undermining the children's socio-economic right to be free from hunger and to have adequate food of acceptable quality as well as education, **further concerned that** this fundamental omission in capitation exposes hundreds of thousands of school-going orphans and other vulnerable groups of learners to the adverse effects of hunger leading to deaths, early marriages, school dropout and high rates of truancy, **considering that** with the outbreak of Covid-19 virus, the income level of households have gone down through massive loss of jobs and opportunities and the virus will still be in existence for a long time as infection rates continue to rise the world over, **noting that** the Ministry of Education continues to take positive measures aimed at combating the pandemic within institutions of basic learning, **further noting that** the Primary school capitation of Ksh. 2500 per child and secondary school capitation of Ksh.22, 244 (Being 4, 144 for tuition, Ksh. 2,000 for medical insurance, Ksh. 1,500for activity Ksh. 200 for SMASSE, Ksh. 5,000 for maintenance and improvement and Ksh. 9,400 for LT & T Admin) does not include a vote head for school feeding program, **this House urges** the Government to enhanced the primary and secondary school capitation per learner in order to cater for feeding program for learners across the country.

(Member for Navakholo Constituency, the Hon. Emmanuel Wangwe, CBS, MP)

8. **QUESTIONS**

The following Questions were asked –

- (a) **Question No. 343/2021** by the Member for Dagoretti North (Hon. Simba Arati, MP) regarding ownership details of parcels of land occupied by Kilimani, Milimani and Kileleshwa Primary Schools in Nairobi City County.

(To be replied to by the Cabinet Secretary for Lands and Physical Planning before the Departmental Committee on Lands)

- (b) **Question No. 367/2021** by the Member for Masinga (Hon. Mwalyo J. Mbithi, MP) regarding constant human-wildlife conflict in Kyangosi, Masaku-Ite DC area to Nunguni region near Kamburu dam in Masinga Constituency.

(To be replied to by the Cabinet Secretary for Tourism and Wildlife before the Departmental Committee on Environment and Natural Resources)

- (c) **Question No. 368/2021** by the Member for Kasipul (Hon. Charles Were, MP) on 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.

(To be replied to by the Cabinet Secretary for Petroleum and Mining before the Departmental Committee on Environment and Natural Resources)

- (d) **Question No. 370/2021** by the Nominated Member (Hon. Wilson Sossion, MP) regarding 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.

(To be replied to by the Cabinet Secretary for National Treasury and Planning before the Departmental Committee on Finance & National Planning)

- (e) **Question No. 373/2021** by the Member for Tigania West (Hon. (Dr.) John K. Mutunga, MP) on 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.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

9. **REQUEST FOR STATEMENTS PURSUANT TO STANDING ORDER 44(2)(c)**

The Member for Tigania West (Hon. (Dr.) John Mutunga) requested for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding misrepresentation of facts during issuance of identity cards to Tigania West residents.

10. **MOTION - THE DRAFT ELECTION CAMPAIGN FINANCING REGULATIONS**

Motion made and question proposed –

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.

(Chairperson, Committee on Delegated Legislation)

Debate on the Motion having been concluded on Thursday, September 23, 2021;

Question put and agreed to.

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

Motion made and Question proposed –

THAT, the Trustees (Perpetual Succession) (Amendment) Bill (National Assembly Bill No. 23 of 2021) be now read a Second Time

(Chairperson, Departmental Committee on Finance and National Planning)
Debate on the Motion having been concluded on Thursday, September 23, 2021;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the whole House tomorrow.

12. **COMMITTEE OF THE WHOLE HOUSE**

Order for Committee read;

IN THE COMMITTEE

The Deputy Speaker in the Chair

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

Clause 3 - amendment proposed

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 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;

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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;

(Hon. Gladys Wanga)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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;

(h) 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;

(Hon. John Kiarie)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Further amendment proposed -

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”;
- (i) 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;

(Hon. Aden Duale)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 3 - as amended agreed to.

Clause 4 - amendment proposed-

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”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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;

(Leader of the Minority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to.

Clause 5 - amendment proposed -

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”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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”.

(Hon. Kimani Ichung’wah)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Clause 5 - as amended agreed to.

Clause 6 - amendment proposed –

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.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.”

(Chairperson, Departmental Committee on Health)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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”.

(Hon. Omboko Milemba)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 6 - as amended agreed to.

Clauses 7 & 8 - agreed to.

Clause 9 - amendment proposed -

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.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 9 - as amended agreed to.

Clause 10 - amendment proposed -

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 subject to paragraph (ca).

(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);

(i) of the amendment was dropped)

(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;

Paragraph (e) and (f) of the amendment dropped

(c) by deleting paragraph (f).

(Hon. Kimani Ichung'wah)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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);

(This part of the proposed amendment dropped)

“(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 respective rates as may be determined by the Board;

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

“(c) in the case of an unemployed person, such rate as may be determined by the Board.

(Leader of the Majority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.”

(This part of the proposed amendment was dropped)

- (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;”

(This part of the proposed amendment was dropped)

- (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”

(Chairperson, Departmental Committee on Health)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.”

(Hon. Gideon Koske)

(Proposed amendment dropped)

Further amendment proposed –

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

the county government official responsible for coordinating county government functions in the constituency.”

(Hon. Ojiambo Oundo)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clause 10 - as amended agreed to.

Clause 11 - amendment proposed –

THAT, the Bill be amended by deleting clause 11.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 11 - deleted

Clause 12 - amendment proposed –

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.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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—

(Hon. Aden Duale)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Further amendment proposed –

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”.

(Hon. Omboko Milemba)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 12 - as amended agreed to.

Clause 13 - amendment proposed –

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.”

(Hon. Ojiambo Oundo)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.

(Hon. Aden Duale)

Question of the further amendment proposed;

Debate arising;

Question put and negatived;

Clause 13 - amended as agreed to.

Clause 14 - amendment proposed –

Question of the amendment proposed –

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).

(Chairperson, Departmental Committee on Health)

Debate arising;

Question put and agreed to;

Clause 15 - amendment proposed -

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 through regulations”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Further amendment proposed -

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.”

(Hon. Gideon Koske)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 15 - as amended agreed to.

Clause 16 - amendment proposed -

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”.

(Hon. Omboko Milemba)

Question of the amendment proposed –

Debate arising;

Proposed amendment withdrawn;

Clause 16 - agreed to.

Clause 17 - amendment proposed –

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.

(Hon. Gladys Wanga)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.

(Hon. Kimani Ichung’wah)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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."

(Hon. Omboko Milemba)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Further amendment proposed –

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.

(Hon. Aden Duale)

Question of the further amendment proposed;

Debate arising;

Proposed amendment withdrawn;

Clause 17 - as amended agreed to.

Clause 18 - amendment proposed -

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”.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 18 - as amended agreed to.

Clause 19 - agreed to.

Clause 20 - amendment proposed –

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”.

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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.”

(Leader of the Minority Party)

Question of the further amendment proposed –

Debate arising;

Proposed amendment withdrawn;

Clause 20 - as amended agreed to.

Clause 21 - amendment proposed -

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”.
(Chairperson, Departmental Committee on Health)

Question of the amendment proposed -

Debate arising;

Question put and agreed to;

Further amendment proposed -

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;

(Leader of the Minority Party)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

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;

(Hon. John Kiarie)

Question of the further amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed –

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;”

(Hon. Rahim Dawood)

Question of the further amendment proposed –

Debate arising;

Proposed amendment withdrawn;

Clause 21 - as amended agreed to.

Clause 22 - amendment proposed –

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.”

(Hon. Kimani Ichung'wah)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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).

(Hon. Aden Duale)

Question of the further amendment proposed –

Proposed amendment withdrawn;

Further amendment proposed –

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).

(Hon. John Kiarie)

Question of the further amendment proposed –

Debate arising;

Proposed amendment withdrawn;

Clause 22 - as amended agreed to.

Clause 23 - amendment proposed –

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.”

(Chairperson, Departmental Committee on Health)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 23 - as amended agreed to.

Clause 24 - amendment proposed –

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.

(Hon. Kimani Ichung'wah)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Clause 25, 26 and 27 - agreed to.

Clause 28 - amendment proposed –

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

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

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

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.

(Hon. Kimani Ichung’wah)

Question of the amendment proposed –

Debate arising;

Question put and agreed to;

Further amendment proposed –

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

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”;

(Chairperson, Departmental Committee on Health)

Clause 28

- as amended agreed to.

NEW CLAUSES

Clauses 2A, 2B, 2C & 2D - amendment proposed -

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".

(Chairperson, Departmental Committee on Health)

Motion made and Question proposed:-

THAT, the New Clauses 2A, 2B, 2C & 2D be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clauses 2A, 2B, 2C & 2D be part of the Bill

Question put and agreed to.

Clause 3A - amendment proposed -

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 indigent and 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.

(Leader of the Minority Party)

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”.

(Chairperson, Departmental Committee on Health)

Motion made and Question proposed:-

THAT, the New Clause 3A be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clauses **3A** be part of the Bill

Question put and agreed to.

Further amendment proposed –

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.”

(Chairperson, Departmental Committee on Health)

Question of the further amendment proposed –

Proposed amendment withdrawn;

Further amendment proposed –

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

Amendmen
t 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 therefore 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;

(Hon. Kimani Ichung'wah)

Question of the further amendment proposed –

Proposed amendment withdrawn;

Further amendment proposed-

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.”

(Hon. Rahim Dawood)

Question of the further amendment proposed –

Proposed amendment withdrawn;

Clause 3B - amendment proposed -

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 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 Kenya Health Professions Oversight Authority;
- (e) one person nominated by the Federation of Kenya Employers;
- (f) one person nominated by the Central Organization of Trade Unions;
- (g) one person, not being a Governor, nominated by the Council of County Governors;
- (h) two persons, not being public officers, appointed by the Cabinet Secretary; 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) and (g) shall have 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*.

(Leader of the Minority Party)

Motion made and Question proposed:-

THAT, the New Clause 3B, be now read a Second Time;

Question put and agreed to.

Motion made and Question proposed;

THAT, the New Clause 3B be part of the Bill

Question put and agreed to.

PROGRESS REPORT

Motion made and Question proposed -

THAT, the Committee of the whole House do report progress and seeks leave to sit again

(Leader of Majority)

Question put and agreed to.

13. **HOUSE RESUMED** - Fourth Chairperson of Committees in the Chair

Progress reported -

THAT, the Committee of the whole House has considered the National Hospital Insurance Fund(Amendment) Bill, 2021 Bill (National Assembly Bill No.21 of 2021) and seeks leave to sit again

(Leader of Majority Party)

Question put and agreed to.

And the time being two minutes past Seven O'clock, the Fourth Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

14. **HOUSE ROSE** - at two minutes Seven O'clock

MEMORANDUM

The Speaker will take the Chair on
Wednesday, September 29, 2021 at 9.30 a.m.

---x---