

(No. 122)



(1601)

REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (FIFTH SESSION)

THE NATIONAL ASSEMBLY

ORDERS OF THE DAY

SPECIAL SITTING

(Convened vide Gazette Notice No.13599 of 17th December, 2021)

TUESDAY, DECEMBER 21, 2021 AT 10.00 A.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 – REPORT OF THE COMMITTEE OF THE WHOLE HOUSE ON ITS CONSIDERATION OF THE KENYA INDUSTRIAL RESEARCH AND DEVELOPMENT INSTITUTE BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2020)

(The Leader of the Majority Party)

THAT, this House do agree with the Report of the Committee of the whole House on its consideration of the Kenya Industrial Research and Development Institute Bill (National Assembly Bill No. 44 of 2020).

(Question to be put and Third Reading)

9.* THE PROCEEDS OF CRIME AND ANTI-MONEY LAUNDERING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 39 OF 2021)

(The Leader of the Majority Party)

Second Reading

(Question to be put)

(Subject to Speaker's Determination of questions of Procedure and its Constitutionality)

10*. THE HUDUMA BILL (NATIONAL ASSEMBLY BILL NO. 57 OF 2021)
(The Leader of the Majority Party)

First Reading

11*. MOTION – CONSIDERATION OF THE SENATE AMENDMENTS TO THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)
(The Leader of the Majority Party)

THAT, the Senate Amendments to the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021) be now considered.

(Schedule of Senate’s Amendments is published in the Notices)

12*. COMMITTEE OF THE WHOLE HOUSE

Consideration of Senate Amendments to the National Hospital Insurance Fund (Amendment) Bill (National Assembly Bill No. 21 of 2021)
(The Leader of the Majority Party)

*** Denotes Orders of the Day**

NOTICES

I. THE SENATE AMENDMENTS TO THE NATIONAL HOSPITAL INSURANCE FUND (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 21 OF 2021)

It is notified that the Senate made the following amendments to the National Hospital Insurance Fund (Amendment) Bill, 2021

CLAUSE 7

Senate Amendment

THAT, clause 7 of the Bill be amended-

- (a) in paragraph (d) by deleting the proposed new definition of the word “employer” and substituting therefor the following new definition-

“employer” means a person, national government or national government entity, county government or county government entity, firm, corporation or company who or which has entered into a contract of service with an individual.

- (b) in paragraph (k) in the proposed new definition of the word “accreditation” by deleting the words “relevant body” appearing immediately after the words “provider by the” and substituting therefor the word “Board”; and

- (c) in the proposed new definition of the word “health care provider” by inserting the word “promotive” immediately after the words “palliative, convalescent, preventative”.

CLAUSE 8

Senate Amendment

THAT, clause 8 of the Bill be amended-

- (a) in paragraph (b) in the proposed new paragraph (a) –

- (i) by deleting subparagraph (iv) and substituting therefor the following new subparagraph-

(iv) funds from the national government, county governments and their respective entities for the administration of the compulsory public service employee’s insurance benefit scheme or an employer who is not a national government, a county government or their respective entities, for the administration of employee benefits;

- (ii) in subparagraph (v) by deleting the word “funds” appearing immediately before the words “from post retirement funds” and substituting therefor the word “contributions”.

CLAUSE 9**Senate Amendment**

THAT, clause 9 of the Bill be amended-

- (a) in the proposed new subsection (1) by-

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

- (d) one person nominated by the Kenya Medical Association;

- (ii) in paragraph (g) by deleting the word “one person” appearing immediately before the words “not being a Governor” and substituting therefor the words “two persons”;

- (b) in the proposed new subsection (1A) by deleting the words “paragraphs (f) and (g)” appearing immediately after the words “appointed under” and substituting therefor the words “paragraphs (e), (f), (g) and (h)”.

CLAUSE 10**Senate Amendment**

THAT, clause 10 of the Bill be amended-

- (a) in paragraph (b) in the proposed new paragraph (c) by deleting the words “Cabinet Secretary” appearing immediately after the words “consultation with the” and substituting therefor the words “respective regulatory bodies specified under section 60 of the Health Act;

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

- (da) by inserting the following new subsection immediately after subsection (1)-

- (2) The Board shall facilitate public participation and stakeholder engagement in the carrying out of its functions under this Act.

CLAUSE 14**Senate Amendment**

THAT, clause 14 of the Bill be amended in the proposed new section 10(2) by deleting the word “Bachelor’s” appearing immediately after the words “at least a” and substituting therefor the word “Master’s”.

CLAUSE 15**Senate Amendment**

THAT, clause 15 of the Bill be amended in the proposed new section 10A by inserting the following new subsection immediately after subsection (1)-

(1A) A person is qualified for appointment as a corporation secretary under subsection (1) has been a member of the Institute of certified Public Secretaries for at least ten years and the person is in good standing with the Institute.

CLAUSE 19**Senate Amendment**

THAT, clause 19 of the Bill be amended-

- (a) in paragraph (c) by deleting subparagraph (ii);
- (b) in paragraph (d) by deleting the proposed new paragraph (e) and substituting therefor the following new paragraph-

(e) in the case of any other employer under subsection (1A)(c), a matching contribution equal to that which their employee is liable to contribute under subsection (1)(c) subject to section 6(c).

- (c) by inserting the following new paragraph immediately after paragraph (d)-

(da) by inserting the following new subsection immediately after subsection (2)-

(2A) 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 that employer has procured a private health insurance cover for its employees and the benefits are equal to or better than the benefits that the employees are entitled to under this Act.

(2B) An employer who intends to be exempted under subsection (2A) shall submit an application to the Board in writing together with a certificate issued by the Insurance Regulatory Authority to that employer—

- (a) certifying that the respective employees have been insured by a private health insurer;
- (b) specifying the details of the cover and the benefits; and
- (c) specifying the validity period of the private health insurance cover.

(2C) The Board, -

- (a) shall determine an application under subsection (2B) within thirty days of receipt; and
- (b) may grant the exemption if the Board is satisfied that the private health insurance is adequate.

- (d) in paragraph (i) in the proposed new subsection (6) by deleting the word “may” appearing immediately after the words “Cabinet Secretary” and substituting therefor the word “shall”.

CLAUSE 20**Senate Amendment**

THAT, clause 20 of the Bill be amended in paragraph (f) by deleting the words “one million” appearing immediately after the words “therefor the words” in subparagraph (ii) and substituting therefor the words “five hundred thousand”.

CLAUSE 21**Senate Amendment**

THAT, clause 21 of the Bill be amended-

- (a) in paragraph (b) in the proposed new subsection (1) by deleting the proviso;
- (b) in paragraph (c) by inserting the words “that would have been covered by the Fund” immediately after the words “pay the costs”;
- (c) by inserting a new paragraph immediately after paragraph (c)-
 - (d) where an employer is a national government, county government or a national or county government entity, the respective accounting officer shall be personally liable for the costs that would have been covered by the Fund and incurred by the employee when seeking treatment from a contracted health care provider during the period when the contribution is due.

CLAUSE 23**Senate Amendment**

THAT, clause 23 of the Bill be amended by deleting the words “by the youth” appearing immediately after the words “inserting the words” and substituting therefor the words “by unemployed persons”.

CLAUSE 26**Senate Amendment**

THAT, clause 26 of the Bill be amended in paragraph (c) by-

- (a) deleting the proposed subsection (3) and substituting therefor the following new subsections—
 - (3) The Board shall, in consultation with the Cabinet Secretary, prescribe benefits payable from the Fund including benefits available with respect to emergency treatment for –
 - (a) primary angioplasty;
 - (b) thrombolysis;
 - (c) thrombolysis and rescue angioplasty; or
 - (d) such other treatment as the Board may determine.

(3A) The benefits payable from the Fund shall be subject to such limits, and conditions as the Board may prescribe in regulations.

(b) deleting the proposed new subsection (3B) and substituting therefor the following new subsections-

(3B) The Board shall, every two years, carry out a review of the applicable tariffs payable to the Fund under section 15 and payable out of the Fund to empaneled contracted health care providers.

(3C) The Board shall use the approved risk spreading mechanism, approved claims administration services on benefits of outpatient, inpatient and on employees' benefits scheme as provided for under sections 3(iv) and (v), 15, 22 and 43.

CLAUSE 27

Senate Amendment

THAT, clause 27 of the Bill be amended in the proposed new section 23 by-

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

(b) inserting the following new subsection immediately after subsection (1)-

(2) The Board shall make regulations for the better carrying out of the provisions of this section.

CLAUSE 33

Senate Amendment

THAT, clause 33 of the Bill be amended-

(a) paragraph (b) in the proposed new subsection (1) by deleting the words “accreditation bodies” and substituting therefor the words “regulatory bodies specified under section 60 of the Health Act”.

(b) by deleting paragraph (d) and substituting therefor the following paragraph-

(c) deleting subsection (3) and substituting therefor the following new subsections-

(3) The Board may, at any time, revoke any empanelment under this section.

(3A) Where the Board intends to revoke the empanelment of a health provider under subsection (3), the Board shall notify the health care provider of the intended revocation, in writing, setting out the reasons for revocation of empanelment.

(3B) A health provider may, upon receiving a notification under subsection (3A) submit a written response to the notification within seven days.

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

(e) inserting the following new subsections immediately after subsections (3) -

(4) A healthcare 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.

(5) The Board shall cause the name of every healthcare provider whose empanelment is revoked to be published in the Gazette and in at least three newspapers with nationwide circulation.

CLAUSE 35

Senate Amendment

THAT, clause 35 of the Bill be amended in paragraph (c) by deleting the words “one million shillings or to imprisonment for a term not exceeding twenty-four months” appearing immediately after the words “therefor the words” and substituting therefor the words “one hundred thousand shillings or to imprisonment for a term not exceeding six months”.

CLAUSE 36

Senate Amendment

THAT, clause 36 of the Bill be amended by-

- (a) by inserting the following new paragraph immediately before paragraph (a)-
 (Aa) in paragraph (a) by inserting the words “on the advice of the Central Bank of Kenya” immediately after the words “a reputable bank”.

CLAUSE 39

Senate Amendment

THAT the Bill be amended by deleting clause 39 and substituting therefor the following new clause-

Amendment of section 38 of No. 9 of 1998.

39. The principal Act is amended by deleting section 38 and substituting therefor the following new section-

Annual reports.

38. (1) The Board shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Board for the immediately preceding year.

(2) The Cabinet Secretary shall, within three months of submission of the report under subsection (1), transmit the report to Parliament.

CLAUSE 44

Senate Amendment

THAT, clause 44 of the Bill be amended by deleting the proposed new section 45A and substituting therefor the following new sections-

Application of 45A. The provisions of the Insurance Act shall apply to
Cap 487. the Fund only in respect to risk spreading and claims administration services.

Application of 45B. The provisions of the Retirement Benefits Act shall
No. 3 of 1997. apply to Fund only with respect to post-retirement medical contributions.

NEW CLAUSE 26A

Senate Amendment

THAT the Bill be amended by inserting the following new clause immediately after clause 26-

Insertion of 26A. The principal Act is amended by inserting the following new
new section section immediately after section 22-
22A in No. 9
of 1998.

Non-withdrawal of 22A. (1) The Board shall not
benefits. withdraw the benefits of a person undergoing treatment for a chronic illness.

(2) The Board shall, in making regulations for determining benefits under the Fund ensure that the Fund shall meet the costs of a contributor accessing inpatient services at any empaneled health care provider.



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 Motions

- III. THAT**, each speech in a debate on any **Motion, including a Special motion** shall be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each 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 (15) minutes each, 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, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

Limitation of Debate on Senate amendments to a National Assembly Bill

- IV. THAT**, each speech in the **general debate contemplated under Standing Order 146** (*Consideration of Senate amendments to Bills originating in the National Assembly*) shall be limited as follows:- a maximum of one hour and thirty minutes, with not more than fifteen minutes (15) for the Mover in moving, fifteen minutes (15) for the Chairperson of the relevant Departmental Committee, and five (5) minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party (if the Bill is not party-sponsored), and **THAT** five (5) 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, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in **THAT** order.

NOTICE PAPER I

Tentative business for

Tuesday (Afternoon), December 21, 2021

(Published pursuant to Standing Order 38(1))

It is notified that the Speaker has approved the following *tentative* business to appear in the Order Paper for Tuesday (Afternoon), December 21, 2021:-

A. SPECIAL MOTION – APPROVAL OF NOMINEE FOR APPOINTMENT AS CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION (PSC)

(Subject to Tabling of Committee report and Notice of Motion)

B. SPECIAL MOTION – APPROVAL OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL GENDER AND EQUALITY COMMISSION (NGEC)

(Subject to Tabling of Committee report and Notice of Motion)

C. COMMITTEE OF THE WHOLE HOUSE

The Proceeds of Crime and Anti-Money Laundering (Amendment) Bill (National Assembly Bill No. 39 of 2021)
(The Leader of the Majority Party)

D. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)

(The Leader of the Majority Party)

Second Reading

NOTICE PAPER II

Tentative business for

Wednesday (Morning), December 22, 2021

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Wednesday (Morning), December 22, 2021:-

A. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT AS CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION (PSC)

(If not concluded on Tuesday, December 21, 2021 – Afternoon Sitting)

B. SPECIAL MOTION – CONSIDERATION OF NOMINEES FOR APPOINTMENT AS MEMBERS OF THE NATIONAL GENDER AND EQUALITY COMMISSION (NGEC)

(If not concluded on Tuesday, December 21, 2021 – Afternoon Sitting)

C. THE POLITICAL PARTIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2021)

(The Leader of the Majority Party)

Second Reading

(If not concluded on Tuesday, December 21, 2021 – Afternoon Sitting)

NOTICE PAPER III

Tentative business for

Wednesday (Afternoon), December 22, 2021

(Published pursuant to Standing Order 38(1))

It is notified that the House Business Committee, at their last meeting, approved the following *tentative* business to appear in the Order Paper for Wednesday (Afternoon), December 22, 2021:-

COMMITTEE OF THE WHOLE HOUSE

The Political Parties (Amendment) Bill (National Assembly Bill No. 56 of 2021)
(The Leader of the Majority Party)
