



## NATIONAL ASSEMBLY BILL TRACKER AS OF TUESDAY 7<sup>TH</sup> NOVEMBER 2023

The Bills Tracker provides an overview of the status of all Bills before the National Assembly in the year 2023

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<b>The Public Procurement and Asset Disposal (Amendment) Bill, 2022</b>	Second reading on 11/10/2023	It seeks to enhance the amount for tenders where Kenyan citizens are given exclusive preference from the sum of five hundred million shillings to twenty billion shillings. This is to protect Kenyan traders from foreign competitors.	This will protect the Kenyan traders from foreign competitors, and give them priority.
<b>The National Construction Authority (Amendment) Bill, 2022</b>	Passed; to be forwarded to the Senate for consideration	It seeks to provide that women, youth and persons living with disabilities who own start-up businesses and who apply for registration as contractors shall be exempt from payment of prescribed fees.	<p>This will recognize women, youth and persons living with disabilities as marginalized groups and cushion them from the burden of paying registration fees.</p> <p>Enhanced economic growth: The bill can contribute to overall economic growth by fostering the development of small businesses owned by women, youth, and persons with disabilities. Increased participation of these groups in the construction sector can result in a more vibrant and competitive industry, driving economic activity and generating revenue.</p>

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<p><b>The National Transport and Safety Authority (Amendment) Bill, 2022</b></p>	<p>At the second reading stage. Second read on 19/04/2023 &amp; 26/04/2023 (ongoing)</p>	<p>This Bill seeks to assign additional functions to the NTSA and the proposed additional functions include the establishment of systems and procedures for the regional registration and licensing of two and three-wheeled public motorcycle taxis and the regional registration and licensing of drivers of two and three-wheeled public motorcycle taxis by County government in consultation with the Authority.</p>	<p>The ability of two and three-wheeled public motorcycle taxis to manoeuvre feeder roads and settlements with poor road networks has made them the preferred choice for mobility and access in both urban and rural areas.</p> <p>This will ease movement of people by connecting them to their daily business and social networks. Because of manoeuvrability, two-wheelers and three-wheelers have not only lessened the distances travelled but also provided employment to many young people to operate as riders, either with owned or hired.</p>
<p><b>The County Governments (Revenue Raising Process) Bill, 2023</b></p>	<p>First read on 04/05/2023</p>	<p>The Bill seeks to provide for the process to be followed by county governments in the exercise of their power under Articles 209 and 210 of the Constitution to impose, vary or waive taxes, fees, levies and other charges;</p>	<ol style="list-style-type: none"> <li>1. Competitive disadvantages: If county governments have the power to vary taxes or charges, it can create disparities between different counties. Some counties may impose lower taxes or fees to attract businesses, while others may choose to increase them. This could create a competitive disadvantage for businesses operating in higher-tax counties, potentially leading to shifts in business locations and investment patterns.</li> <li>2. Uncertainty and planning challenges: When county governments have the authority to change taxes and charges, it introduces an element of uncertainty for businesses. Long-term planning and investment decisions may become more challenging, as businesses need to consider the potential impact of future changes in county-level taxation policies.</li> </ol>
<p><b>The Climate Change (Amendment) Bill, 2023</b></p>	<p>Assented into law on 1<sup>st</sup> September 2023.</p>	<p>The Bill seeks to amend the Climate Change Act, 2016 to provide for the regulation of carbon markets and a framework for carbon trading.</p>	<p>This will ensure that the regulation of carbon markets is stamped in law and is part of Kenya's Climate Action initiatives.</p>
<p><b>The Higher Education Loans Board (Amendment) Bill, 2023</b></p>	<p>First read on 09/08/2023</p>	<p>The Bill seeks to amend the Higher Education Loans Board Act, No. 3 of 1995 to reduce the financial burden on recent graduates to are expected to pay large sums of money to the Board before securing employment or becoming financially stable. It employs proposals such as waiving the imposition of interest on the principal amount of a loan advanced to the youth and persons living with disabilities until such a time as they have secured their first employment. It also sets the maximum interest at 3% per annum.</p>	<p>This will ultimately reduce the financial burden on recent graduates in the making of loan payments to the Higher Education Loans Board.</p>

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<b>The Employment (Amendment) Bill (Senate Bills No. 11 of 2022)</b>	Bill passed by Senate without amendments and referred to the National Assembly for consideration. Read a First time in NA on 17/08/23.	The Bill seeks to limit employers from contacting their employees past working hours and penalizes the same. Where it is unavoidable, it provides for payment of overtime hours.	The Bill will introduce new stringent measures that will curtail the prerogative to manage enterprises by the owners. This will automatically pose a challenge to Industrial Relations in Kenya. The changes proposed negate the very essence of managing enterprises freely to meet the demands and challenges posed by the market.
<b>The Natural Resources (Benefit Sharing Bill (Senate Bills No. 6 of 2022.</b>	Bill passed by the Senate with amendments and referred to the National Assembly for consideration. First Reading on 17/08/2023	It seeks to establish a system of benefit sharing in natural resource exploitation between resource exploiters, the national government, county governments and local communities.	If the Bill is passed it will increase the cost of doing business by increasing the cost of utilizing natural resources in the country for economic benefit.
<b>The National Rating Bill, 2022</b>	Passed; forwarded to the Senate on 31/10/2023 for consideration	Provides for a framework for imposition of rates on land and buildings, and valuation of rateable properties.	Certainty and uniformity in levying of property rates that are due and payable annually helps businesses to plan and forecast and protects them against arbitrary varying of land rates by County governments. A number of counties have been taken to court for such, especially where the property involved is massive like agriculture, retail stores, etc and the resultant difference in rates amounts to tens and hundreds of millions.
<b>The Land Control Bill, 2023</b>	First reading ongoing First read on 4/10/2023	Seeks to repeal and replace the Land Control Act, cap 302 to align the law governing dealings in agricultural land with the provisions of the Constitution of Kenya 2010, the Environment and Land Court Act, 2011, the Land Registration Act, 2012 and the Land Act, 2012. It also proposes the establishment of Land Control Committees in each Constituency to replace the current Land Control Boards and further proposes the establishment of Land Control Appeals Committees to handle any appeals emanating from the Land Control Committee.	If this Bill is passed, it will have a profound impact on agricultural land as it will put in place a new control structure thus impacting agri-business.
<b>The Digital Health Bill, 2023</b>	Bill passed by the Senate with amendments and referred to the NA for consideration.  <b>Bill assented to</b>	The bill seeks to provide for the establishment of the Digital Health Agency and to provide a framework for provision of digital health services. It will establish a comprehensive integrated digital health information system, data governance and protection of personal health information, service delivery through digital health interventions, e-waste disposal, and health tourism.	This move away from paper-based storage and retrieval of medical information to digital systems opens the opportunity for new ways of delivering care and a better understanding of the processes and outcomes of the health service. Digital health systems streamline administrative processes such as appointment scheduling, billing, and insurance claims. Digital health systems not only reduce paperwork but also minimize errors, leading to cost savings for healthcare providers and payers. Businesses can benefit from reduced administrative overhead and more efficient operations.

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<p><b>The Social Health Insurance Bill, 2023</b></p>	<p>Bill passed by the Senate with amendments and referred to the NA for consideration.</p> <p><b>Bill assented to</b></p>	<p>The bill seeks to establish the framework for the management of social health insurance and to provide for the establishment of the Social Health Authority. This will repeal the NHIF Act.</p>	<p>The proposed deductions and reforms will lead to increased business costs, high cost of living and unrest in the labour sector.</p>
<p><b>The Mining (Amendment) Bill, 2023</b></p>	<p>First read on 12/10/2023</p>	<p>This Bill seeks to amend the Mining Act, 2016 to provide for the separate implementation of the policy formulation, administrative and dispute resolution functions of the Act. The current convergence of the aforementioned functions provides regulatory uncertainty in the mining sector.</p>	<p>If this Bill is passed, it will streamline policy formulation, administrative and dispute resolution functions propounded upon in the Mining Act, 2016.</p>
<p><b>The Facilities Improvement Financing Bill (Senate Bill No. 43 Of 2023)</b></p>	<p>Bill passed by the Senate with amendments and referred to the NA for consideration.</p> <p><b>Bill assented to</b></p>	<p>The Bill seeks to provide for public health facility improvement financing and management and administration of the improvement financing</p>	<p>With increased public/government funding for health facility improvement, private healthcare providers may face heightened competition. Public health facilities, with their improved infrastructure and services, might draw more patients away from private healthcare providers.</p>
<p><b>The Primary Health Care Bill (Senate Bill No. 44 Of 2023)</b></p>	<p>Bill passed by the Senate with amendments and referred to the NA for consideration.</p> <p><b>Bill assented to</b></p>	<p>The Bill seeks to provide a framework for the delivery of and access to and management of primary health care</p>	<ol style="list-style-type: none"> <li>1. With a strengthened primary healthcare system, public primary care facilities may become more attractive to patients. This could lead to increased competition for private sector providers, potentially resulting in a decline in patient numbers for private clinics and practitioners.</li> <li>2. <b>Revenue and Profit Reduction:</b> Private primary care providers may see reduced revenues and profits if more patients opt for the improved and often more affordable services in the public sector, which may be subsidized or fully funded by the government.</li> <li>3. <b>Regulatory Compliance and Administrative Burden:</b> The bill may introduce new regulations and administrative requirements for healthcare providers, both public and private. Complying with these regulations can increase the administrative burden and associated costs for private sector entities.</li> </ol>

# KEYWORDS AND THEIR DEFINITIONS

## A PARLIAMENTARY COMMITTEE

This means a representative Committee which is a miniature of the main House. It is appointed or elected by the House or nominated by the Speaker. A Committee works under the direction of the Speaker and presents its report to the House or to the Speaker. There are several types of committees as they all deal in specific stipulated areas.

## COMMITTEE OF THE WHOLE (COTW)

This is a Committee composed of all Senators in plenary. At Committee, the Senate considers the Bill clause by clause and may amend the clauses. Any Senator, other than the sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least 24 hours before commencement of the sitting at which the amendment is to be considered.

## CONCURRENCE

Where a Bill that is passed by the Senate is required to be submitted to the National Assembly, a certified copy of the Bill is forwarded to the Clerk of the National Assembly together with a Message signed by the Speaker requesting concurrence of the Assembly.

## DIVISION

Division occurs in two stages:

- a) Division 1 which is the separation of the members of the House into two groups, for and against, so the votes can be counted and recorded in Hansard (the full reports (verbatim) of the speeches of Members of Parliament).
- b) Division 2 - One of the parts that a country or state is divided into for the purpose of holding an election.

## FIRST READING

Occurs when a Bill is introduced in Parliament. A Bill is read the first time by the Clerk reading only the title of the Bill and is referred to the relevant Committee.

## MEDIATION COMMITTEE

Whenever the Senate does not agree to any of the amendments proposed by the National Assembly or rejects a Motion that a Bill which originated in the National Assembly, the Speakers of both Houses appoint a Mediation Committee, consisting of an equal number of Senators and Members of the National Assembly to develop a version of the Bill that is agreeable to both Houses.

If the National Assembly agrees with the Bill and does not propose any amendments, the Senate forwards the Bill to the President for assent.

If the National Assembly proposes amendments to the Bill, the amendments are submitted to the Senate and are circulated to the Senators.

The amendments are then considered in the Committee of the Whole. The Senate may then pass the Bill by including all the amendments or may reject any or all the amendments. Where an amendment is rejected, the Bill is referred to a mediation committee.

## **PRESIDENTIAL ASSENT**

Means that once a Bill originating in the Senate or National Assembly has been passed by both Houses where applicable, the Speaker refers the concluded Bill to the President for assent.

The President is required to either assent to the Bill or refer the Bill back to the Senate for reconsideration within fourteen (14) days noting any reservations by the President. Where a Bill has been referred back to Parliament by the President, the Parliament may either amend the Bill in light of the President's reservations or pass it a second time without amendments or with amendments that do not fully accommodate the President's reservations. Parliament may either amend the Bill in light of the President's reservations or pass it a second time without amendments or with amendments that do not fully accommodate the President's reservations.

## **SECOND READING**

A stage where the Senators debate the essence and principles of the Bill and give their views on the Bill.

## **THIRD READING**

Once Committee of the whole on a Bill is concluded, the Bill is reported back to the Senate. On adoption of the report on the Bill, the Bill is read a third time. No amendments may be moved at this stage except amending the motion to defer or postpone the third reading of the Bill to a future date.