



## NATIONAL ASSEMBLY BILL TRACKER AS OF APRIL 9, 2024

The Bills Tracker provides an overview of the status of all Bills before the National Assembly in the year 2024

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<b>The Public Procurement and Asset Disposal (Amendment) Bill, 2022</b>	First Reading on 08/11/2023	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.

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<p><b>The National Construction Authority(Amendment Bill, 2022</b></p>	<p>Passed; forwarded to the Senate for consideration on 6/12/2023</p>	<p>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>	<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>
<p><b>The National Transport and Safety Authority (Amendment) Bill, 2022</b></p>	<p>At the Second Reading stage.</p> <p>Second read on 19/04/2023, 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 Land (Amendment) Bill, 2022</b></p>	<p><u>Committee Stage:</u> 13/03/2024 20/03/2024</p> <p>Passed</p>	<p>The Bill seeks to amend the Land Act No.6 of 2012 by providing for registration of public land.</p> <p>Currently, certificates of title are not issued with respect to public land and as a result grabbing of public land has been an ongoing issue that requires regulation.</p>	<p>If the Bill is passed into Law, issuance of certificates of title in regards to public land in Kenya will take effect which will help curb the grabbing of public land.</p> <p>Businesses investing in projects involving public land would likely benefit from the increased certainty and security offered by proper land titles. This could encourage more local and foreign investment in various sectors such as real estate, agriculture, and infrastructure development.</p>

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<b>The County Governments (Revenue Raising Process) Bill, 2023</b>	First Read on 04/05/2023	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;	<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>
<b>The Higher Education Loans Board (Amendment) Bill, 2023</b>	First Read on 09/08/2023	The Bill seeks to amend the Higher Education Loans Board Act, No. 3 of 1995 to reduce the financial burden on recent graduates who 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.	This will ultimately reduce the financial burden on recent graduates in the making of loan payments to the Higher Education Loans Board.

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<p><b>The Employment (Amendment) Bill, 2023 (Senate Bills No. 11 of 2022)</b></p>	<p>Bill lost at 2nd Reading            Bill rejected by the National Assembly on 5/03/2024            Bill referred to a Mediation Committee pursuant to Article 113 of the Constitution</p>	<p>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.</p>	<p>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.</p>
<p><b>The Natural Resources (Benefit Sharing Bill) (Senate Bills No. 6 of 2022).</b></p>	<p>Bill rejected on 12/03/2024.            Bill referred to a Mediation Committee pursuant to Article 113 of the Constitution</p>	<p>It seeks to establish a system of benefit sharing in natural resource exploitation between resource exploiters, the national government, county governments and local communities.</p>	<p>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.</p>
<p><b>The National Rating Bill, 2022</b></p>	<p>Passed; forwarded to the Senate on 31/10/2023 for consideration</p>	<p>Provides for a framework for imposition of rates on land and buildings, and valuation of rateable properties.</p>	<p>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.</p>

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<p><b>The Land Control Bill, 2023</b></p>	<p>First Read on 4/10/2023</p>	<p>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.</p> <p>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.</p>	<p>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.</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>

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<b>The Learners with Disabilities Bill, 2023</b> (Senate Bills No. 4 of 2023)	First Read on 07/11/2023	Bill seeks to provide for the education of learners with disabilities; for the conduct of educational institutions for learners with disabilities.	It will promote disability inclusion and enhancement and accessibility of persons with disabilities in all spheres of societal and academic existence.
<b>The Breastfeeding Mothers Bill, 2024</b>	Gazetted on 16/02/2024 Matured on 29/02/2024	Bill seeks to provide a legal framework to support mothers who wish to breastfeed their children at the workplace.	<p>The Bill will promote and encourage breastfeeding, protect the rights of working mothers, and enhance mother-infant relationships by providing necessary facilities and support in the workplace.</p> <p>The Bill will enhance the well-being of both mothers and babies reducing the absenteeism and or turnover of female employees and thus contributing to the economy and social development of the sector and the country as a whole.</p>
<b>The National Disaster Risk Management Bill, 2023</b>	2 <sup>nd</sup> Read on 21/03/2024 (ongoing)	The Bill seeks to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees; to provide a legal framework for the coordination of disaster risk management activities in both levels of government.	Proactive disaster risk management measures could ultimately benefit businesses by reducing vulnerability to disasters and ensuring greater continuity of operations in the face of unforeseen challenges and ultimately contribute to the long-term resilience of the private sector in Kenya.
<b>The County Licensing (Uniform Procedure) Bill</b> (Senate Bills No. 9 of 2022)	1 <sup>st</sup> Read on 28/02/2024	It seeks to establish standards and uniform procedures for licensing by county governments subject to the proposed amendments.	There are varied procedures in the forty-seven county governments when applying for licenses which has had a negative impact on the ease of doing business in the counties. This will establish uniform procedures for licensing to ensure certainty in the process and ultimately encourage private sector players to do business in the counties.

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<b>The Cooperatives Bill, 2024</b>	Gazetted on 9/2/2024 Matured on 22/2/2024	The Bill aims to amend the Co-operative Societies Act, No. 12 of 1997 in order to align it with the Constitution of Kenya, 2010.	<p>It will ensure that the legal framework governing co-operatives reflects the current constitutional provisions and promotes effective governance and development of co-operative societies;</p> <p>This will create a conducive environment for co-operatives to conduct their businesses and contribute to the economy and the social fabric by strengthening the capacity and skills of cooperative members and leaders, and offer innovation and competitiveness in the sector.</p>
<b>The Start-up Bill (Senate Bills No. 14 of 2022)</b>	1 <sup>st</sup> Read on 28/02/2024	The Bill seeks to create a framework for a more favourable environment for innovation, so as to encourage growth and sustainable technological development and entrepreneurship. This is meant to attract Kenyan talent and capital.	<p>It will provide for registration of start-ups, and their linkage with private investors and financiers, research institutions, private sector and other government institutions.</p> <p>There shall also be fiscal and non-fiscal support to start-ups in Kenya through incubation facilities.</p> <p>Newly registered entities and those in existence for not more than 7 years will be eligible to be registered for admission into an incubation programme.</p>
<b>The Mung Beans Bill (Senate Bills No. 13 of 2022)</b>	1 <sup>st</sup> Read on 28/02/2024	The Bill seeks to provide for the development, regulation and promotion of the mung beans sector. It further provides for the support of farmers of mung beans in each county in the production and marketing of their produce and encourages the use of mung beans as a food security item by the National and county governments in their various feeding policies and programs.	It will have a significant impact on food security by increasing production, diversifying crops, reducing dependence on imports and creating economic opportunities.

## 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.