



## NATIONAL ASSEMBLY BILL TRACKER AS OF MONDAY, AUGUST 5<sup>TH</sup>, 2024

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

BILL	KEPSA SECTOR BOARD	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
The Public Procurement and Asset Disposal (Amendment) Bill, 2022 (National Assembly Bill No. 62 of 2022)	Public Finance	1 <sup>st</sup> Read on 08/03/2023	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 Kenyan traders from foreign competitors and give them priority
The National Construction Authority (Amendment) Bill (National Assembly Bill No. 59 of 2022)	Lands and Housing	Passed; Forwarded to the Senate for consideration on 6/12/2023	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	This will recognize women, youth and persons with disabilities as marginalized groups and reduce the burden of paying registration fees  Enhanced economic growth: The bill can stimulate economic growth by fostering the development of small businesses owned by women, youth and persons with disabilities. Increased participation of women and youth in the construction sector can result in a more competitive industry, driving economic growth and revenue

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<b>The National Transport and Safety Authority (Amendment) Bill, 2022 (National Assembly No. 43 of 2022)</b>	Transport and Infrastructure	2 <sup>nd</sup> Read on 19/04/2023; 26/04/2023 (ongoing)	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.	The ability of two and three-wheeled public transport to manoeuvre feeder roads and settlement networks has made them the preferred mode of transport and access in both urban and rural areas. This will ease movement of people by cutting down their daily business and social networks. Improved manoeuvrability, two-wheelers and three-wheelers have only lessened the distances travelled by people seeking employment to many young people to own a vehicle either with owned or hired.
<b>The Land (Amendment) Bill (National Assembly Bill No. 40 of 2022)</b>	Lands and Housing	Passed; Forwarded to the Senate for consideration on 15/04/2024	The Bill seeks to amend the Land Act No.6 of 2012 by providing for registration of public land. 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.	If the Bill is passed into Law, issuance of titles with regards to public land in Kenya will take place to curb the grabbing of public land. Businesses investing in projects involving public land are likely benefit from the increased certainty of titles by proper land titles. This could encourage foreign investment in various sectors including agriculture, and infrastructure development.
<b>The Climate Change (Amendment) Bill (National Assembly Bills No. 42 of 2023)</b>	Environment, Water and Natural Resources	<b>Bill assented to on 1/9/2023 and commenced on 15/9/2023</b>	The Bill seeks to amend the Climate Change Act, 2016 to provide for the regulation of carbon markets and a framework for carbon trading.	This will ensure that the regulation of carbon markets is stamped in law and is part of Kenya's climate change initiatives.

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<p><b>The County Governments (Revenue Raising Process) Bill, 2023 (National Assembly Bill No. 11 of 2023)</b></p>	<p>Public Finance</p>	<p>1<sup>st</sup> Read on 04/05/2023</p> <p><i>Ps: Bill at the Senate</i></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>	<p>Competitive disadvantages: If county governments have the power to vary taxes or charges, it could lead to disparities between different counties. Some counties may offer lower taxes or fees to attract businesses, while others may increase them. This could create a competitive disadvantage for businesses operating in counties with higher taxes, potentially leading to shifts in business investment patterns.</p> <p>Uncertainty and planning challenges: If county governments have the authority to change taxes or charges, it introduces an element of uncertainty for businesses, making long-term planning and investment decisions more challenging, as businesses need to consider the potential impact of future changes in county-level tax policies.</p>
<p><b>The Higher Education Loans Board (Amendment) Bill, 2023 (National Assembly Bill No. 10 of 2023)</b></p>	<p>Education</p>	<p>1<sup>st</sup> 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 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.</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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The Employment (Amendment) Bill, 2022 (National Assembly Bill No. 11 of 2022)	Labour	Bill rejected by the National Assembly on 5/03/2024.  Bill referred to a Mediation Committee pursuant to Article 113 of the Constitution.	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 automatically pose a challenge to the private sector in Kenya. The changes proposed negate the ability of managing enterprises freely to meet the challenges posed by the market.
The Natural Resources (Benefit Sharing) Bill, 2022 (National Assembly Bill No. 6 of 2022)	Environment, Water and Natural Resources	Bill rejected by the National Assembly on 12/03/2024.  Bill referred to a Mediation Committee pursuant to Article 113 of the Constitution.	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 utilizing natural resources in the country for economic benefit.
The National Rating Bill, 2022 (National Assembly Bill No. 55 of 2022)	Lands and Housing	Bill referred back from the Senate <b>with amendments</b> on 09/05/2024.  Senate amendments rejected on 12/06/2024; Bill referred to a Mediation Committee pursuant to Article 113 of the Constitution.	Provides for a framework for imposition of rates on land and buildings, and valuation of rateable properties.	Certainty and uniformity in levying of rates due and payable annually helps business forecast and protects them against arbitrary rates by County governments. A number of cases have been taken to court for such, especially where the difference is massive like agriculture, retail stores etc. The difference in rates amounts to tens and

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<p><b>The Land Control Bill, 2023 (National Assembly Bill No. 39 of 2023)</b></p>	<p>Lands and Housing</p>	<p>1<sup>st</sup> 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 significant impact on the agricultural land sector as it will put in place a new legal framework, thus impacting agri-business.</p>
<p><b>The Digital Health Bill (National Assembly Bill No. 57 of 2023)</b></p>	<p>Health</p>	<p><b>Bill assented to on 19/10/2023 and commenced on 2/11/2023</b></p>	<p>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.</p>	<p>This move away from paper-based systems to digital systems for medical information to digital systems will enable new ways of delivering care and a better patient experience. The processes and outcomes of the health systems streamline administrative tasks such as appointment scheduling, billing, and insurance claims.</p> <p>Digital health systems not only reduce costs but also minimize errors, leading to cost savings for providers and payers. Businesses can benefit from reduced administrative overhead and more efficient operations.</p>

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<b>The Social Health Insurance Bill (Senate Bills No. 58 of 2023)</b>	Health	<b>Bill assented to on 19/10/2023 and commenced on 22/11/2023</b>	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.	The proposed deductions and reforms business costs, high cost of living and sector.
<b>The Mining (Amendment) Bill, 2023 (National Assembly Bill No. 51 of 2023)</b>	Mining and Blue Economy	1 <sup>st</sup> Read on 12/10/2023	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.	If this Bill is passed, it will streamline administrative and dispute resolution upon in the Mining Act, 2016.
<b>The Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023)</b>  <i>Publication period of the Bills was reduced from fourteen (14) days to four (4) days vide a Motion passed on 19th September, 2023</i>	Health	<b>Bill assented to on 19/10/2023 and commenced on 2/11/2023</b>	The Bill seeks to provide for public health facility improvement financing and management and administration of the improvement financing	With increased public/government funding for improvement, private healthcare providers face heightened competition. Public health improved infrastructure and services attract patients away from private healthcare providers.

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<p><b>The Primary Health Care Bill (Senate Bills No. 44 of 2023)</b></p> <p><i>Publication period of the Bills was reduced from fourteen (14) days to four (4) days vide a Motion</i></p>	Health	<p><b>Bill assented to on 19/10/2023 and commenced on 2/11/2023</b></p>	<p>The Bill seeks to provide a framework for the delivery of and access to and management of primary health care</p>	<p>With a strengthened primary health care system, primary care facilities may become more competitive. This could lead to increased competition among providers, potentially resulting in a decline in prices for private clinics and practitioners.</p> <p><b>Revenue and Profit Reduction:</b> Private providers may see reduced revenues and profits if the improved and often more affordable public sector, which may be subsidized or supported by government.</p> <p><b>Regulatory Compliance and Administrative Burden:</b> Private providers may introduce new regulations and requirements for healthcare providers operating in the private. Complying with these regulations may increase administrative burden and associated costs for private entities.</p>
<p><b>The Learners with Disabilities Bill, 2023 (National Assembly Bill No. 4 of 2023)</b></p>	Education	<p>1<sup>st</sup> Read on 07/11/2023</p>	<p>Bill seeks to provide for the education of learners with disabilities; for the conduct of educational institutions for learners with disabilities.</p>	<p>It will promote disability inclusion and improve the accessibility of persons with disabilities in societal and academic existence.</p>
<p><b>The County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022)</b></p>	Trade and Industry	<p>Passed; referred back to the Senate for consideration on 06/05/2024</p> <p><b>Bill assented to.</b></p>	<p>It seeks to establish standards and uniform procedures for licensing by county governments subject to the proposed amendments.</p>	<p>There are varied procedures in the various county governments when applying for licenses, which may have a negative impact on the ease of doing business. This will establish uniform procedures for licensing, providing certainty in the process and ultimately making it easier for private sector players to do business in the country.</p>

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<p><b>The Startup Bill (Senate Bills No. 14 of 2022)</b></p>	<p>ICT</p>	<p>1<sup>st</sup> Read on 28/02/2024</p>	<p>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>	<p>It will provide for registration of start-ups with private investors and financiers. It will also provide for the registration of start-ups in the private sector and other government institutions.</p> <p>There shall also be fiscal and non-fiscal incentives to attract investment in Kenya through incubation facilities.</p> <p>Newly registered entities and those in existence for less than 7 years will be eligible to be registered in an incubation programme.</p>
<p><b>The Mung Beans Bill (Senate Bills No. 13 of 2022)</b></p>	<p>Agriculture</p>	<p>1<sup>st</sup> Read on 28/02/2024</p>	<p>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.</p>	<p>It will have a significant impact on food production, diversifying crops, reducing imports and creating economic opportunities.</p>
<p><b>The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022)</b></p>	<p>Agriculture</p>	<p>1<sup>st</sup> Read on 28/02/2024</p>	<p>The principal object of the Bill is to provide for agricultural and livestock extension which is aimed primarily at improving the knowledge of farmers for development; as such, it has been recognized as a critical component for technology transfer.</p>	<p>This will improve knowledge and skills which in turn will enhance productivity, access to markets and income for farmers.</p>



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<b>The Tea (Amendment) Bill (Senate Bills No. 1 of 2023)</b>	Agriculture	Passed; Forwarded to the Senate for consideration	The principal object of the Bill is to provide for establishment of private vocational education and training centres within the counties, which are to be owned and operated by private sector.	<p>Direct Sales: This will provide multiple tea and enhance the opportunity for private sector, however a concern, that the stipulation of a price for direct sales that is above market price is impractical and will hamper tea market performance table below.</p> <p>Value addition: Adoption of this proposal will expand the scope of value addition, and will discourage small-scale processors that have adopted value addition model. This will be counterproductive to Government effort to promote value addition.</p> <p>Apportionment of Tea Levy: Apportionment will be used to prioritize the institutions whose functions are related to tea operations, and which will further the development of tea and national economic development.</p>
<b>The Vocational Training Bill (Senate Bills No. 3 of 2022)</b>	Education	1 <sup>st</sup> Read on 25/07/2023	The Bill seeks to provide for establishment of private vocational education and training centres within the counties, some of which are to be owned and operated by private sector.	This will ensure TVET agenda remains a priority and spur the economy through production of skilled labour.
<b>The National Disaster Risk Management Bill, 2023 (National Assembly Bill No. 24 of 2023)</b>	Security	Passed; Forwarded to the Senate for consideration on 20/06/2024	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 will ultimately benefit businesses by reducing the impact of disasters and ensuring greater continuity of operations in the face of unforeseen challenges and ultimately ensuring the long-term resilience of the private sector.

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<b>The Cooperatives Bill, 2024 (National Assembly Bill No. 7 of 2024)</b>	Trade and Industry	1 <sup>st</sup> Read on 09/04/2024	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 cooperatives reflects the current constitutional provisions for effective governance and development of cooperative societies;</p> <p>This will create a conducive environment for cooperatives to conduct their businesses and contribute to the social fabric by strengthening the capacity of cooperative members and leaders, and enhancing the competitiveness in the sector.</p>
<b>The Breastfeeding Mothers Bill, 2024 (National Assembly Bill No. 8 of 2024)</b>	Gender	1 <sup>st</sup> Read on 02/05/2024	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 rights of working mothers, and enhance work-life relationships by providing necessary facilities at the workplace.</p> <p>The Bill will enhance the well-being of mothers and babies reducing the absenteeism and thus contributing to the productivity of employees and thus contributing to the development of the sector and the country.</p>
<b>The Coffee Bill (Senate Bills No. 10 of 2023)</b>	Agriculture	1 <sup>st</sup> Read on 16/04/2024	The Bill seeks to provide for the regulation, development and promotion of the Coffee industry.	The Bill proposes to reorganize the regulatory framework transitioning the regulatory and commercial functions undertaken by the Agriculture and Food Board of Kenya.

<p><b>The Cotton Industry Development Bill, 2023 (Senate Bill No. 5 of 2023)</b></p>	<p>Agriculture</p>	<p>2<sup>nd</sup> Read on 28/02/2024; 06/03/2024; 13/03/2024.  <b><u>Committee Stage:</u></b> Pending</p>	<p>The Bill seeks to provide for the production, processing, marketing and distribution of cotton in Kenya and its products; establish the Cotton Industry Development Board; provide a framework for cotton farming; ensure value addition to cotton and its related products; and for connected purposes.</p>	<p>The bill aims to promote a sustainable, potentially benefiting businesses through support and development incentives and substantial positive transformations in the industry by creating a structured, supportive environment. However, it also poses challenges in terms of compliance, costs, and adaptation.</p>
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Gazetted Bills

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**KEYWORDS AND THEIR DEFINITIONS**

<p><b>A PARLIAMENTARY COMMITTEE</b></p>	<p><b>COMMITTEE OF THE WHOLE (COTW)</b></p>	<p><b>CONCURRENCE</b></p>
<p>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.</p>	<p>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.</p>	<p>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.</p>
<p><b>DIVISION</b></p>	<p><b>FIRST READING</b></p>	<p><b>MEDIATION COMMITTEE</b></p>

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.

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.

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

### 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.

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.