



THE SENATE BILL TRACKER AS OF MONDAY, AUGUST 5TH, 2024

| BILL | KEPSA SECTOR BOARD | STATUS | KEY HIGHLIGHTS TOUCHING ON BUSINESS | IMPACT ON PRIVATE SECTOR IF PASSED |
|---|--------------------|--|---|--|
| The Prompt Payment Bill (Senate Bills No. 8 of 2022) | Trade and Industry | Bill negated at the Second Reading stage | The Bill seeks to provide for prompt payment for the supply of goods, works or services procured by the national government, county governments and private entities. | <p>This will do away with the issue of delayed payment by the government and increase liquidity for suppliers. Suppliers will be paid within a stipulated amount of time.</p> <p>Businesses that wish to enter into a contract for the supply of goods, works or services with a government entity will have to make a declaration to the accounting officer of the entity on whether they are owed to a small or micro-enterprise. The accounting officer shall give details on when the outstanding amount is due and the reasons for the delay in payment.</p> <p>Aside from interests accruing on the outstanding amount, an accounting officer of any procuring entity who is a supplier will be committing an offence if, upon conviction, to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.</p> |

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| The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022) | Environment, Water and Natural Resources | <p>Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration.</p> <p>Bill rejected by the National Assembly on 12/03/2024.</p> <p>Bill referred to a Mediation Committee.</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. | If the Bill is passed it will increase the cost of utilizing natural resources by increasing the cost of utilizing natural resources in the country for economic benefit. |
| The County Licensing (Uniform Procedure) Bill (Senate Bills No. 9 of 2022) | Trade and Industry | <p>National Assembly amendments were considered and approved by the Senate on 11/06/2024.</p> <p>Bill assented to.</p> | It seeks to establish standards and uniform procedures for licensing by county governments subject to the proposed amendments. | There are varied procedures in county governments when applying for licenses, which has a negative impact on the ease of doing business in the counties. This will establish uniform procedures to ensure certainty in the process and encourage private sector players to do business. |
| The Startup Bill (Senate Bills No. 14 of 2022) | ICT | <p>Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration.</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>It will provide for registration of startups with private investors and financiers in the private sector and other government agencies.</p> <p>There shall also be fiscal and non-fiscal incentives in Kenya through incubation facilities.</p> <p>Newly registered entities and those registered for more than 7 years will be eligible to be registered into an incubation programme.</p> |

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| The Employment Bill (Amendment) Bill (Senate Bills No. 11 of 2022) | Labour | <p>Bill passed by the Senate <u>without amendments</u> and referred to the National Assembly for consideration.</p> <p>Bill rejected by the National Assembly on 05/03/2024.</p> <p>Bill referred to a Mediation Committee.</p> | The Bill seeks to limit employers from contacting their employees past working hours and penalizes the same. | The Bill will introduce new stringent measures that will curtail the prerogative to manage employee relations. This will automatically pose a challenge to the existing Relations in Kenya. The changes present a new paradigm in the presence of managing enterprises in the current economic demands and challenges posed by the global economy. |
| The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022) | Agriculture | Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration. | 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. | This will improve knowledge and skills of farmers. The turn will enhance productivity, and increase income for farmers. |
| The Mung Beans Bill (Senate Bills No. 13 of 2022) | Agriculture | Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration. | 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, production, diversifying crops, reducing dependence on imports and creating economic opportunities for farmers. |

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| <p>The Tea (Amendment) Bill (Senate Bills No. 1 of 2023)</p> | <p>Agriculture</p> | <p>Passed on 23/04/2024 Bill at Committee of the Whole Stage</p> | <p>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> | <p>Direct Sales: This will provide multiple channels for tea and enhance the opportunities for tea producers. There is however a concern, that the implementation of a price for direct sales will be impractical. Auction sales will be impractical for tea marketing, as set out in the table below.</p> <p>Value addition: Adoption of this Bill restricts the scope of value addition for tea enterprises that have adopted value addition. This will result in products packaged in smaller quantities (kilograms). This will be counterproductive to the efforts to encourage tea value addition.</p> <p>Apportionment of Tea Levy: Apportionment of the tea levy will prioritize the institutions whose operations are in the industry operations, and which will contribute to the growth of industry and national economic development.</p> |
| <p>The County Vocational Education and Training Bill (Senate Bills No. 3 of 2022)</p> <p><i>The name of the Bill was changed to: The Vocational Training Bill (Senate Bills No. 3 of 2022)</i></p> | <p>Education</p> | <p>Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration.</p> | <p>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.</p> | <p>This will ensure TVET agenda remains a priority and spur the economy through production and service.</p> |

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| The Konza Technopolis Bill (Senate Bills No. 2 of 2023) | Trade and Industry | Bill negated at Second Reading Stage. | It seeks to provide for the establishment of the Konza Technopolis and an Authority to administer the planning, development and management of the Konza Technopolis. This will ensure companies are registered and businesses get licenses immediately on e-platform so that investors don't have a problem wherever they are. | This will ensure companies are registered and get licenses immediately on e-platform so that investors don't have a problem wherever they are. |
| The Learners with Disabilities Bill (Senate Bills No. 4 of 2023) | Education | Bill passed by the Senate with amendments and referred to the National Assembly for consideration. | 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 accessibility of persons with disabilities in societal and academic existence. |
| The Climate Change (Amendment) Bill (NA Bills No. 42 of 2023) | Environment, Water and Natural Resources | Bill assented to on 1/9/2023 and commenced on 15/9/2023 | 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 is stamped in law and is part of Kenya's initiatives. |
| The Coffee Bill (Senate Bills No. 10 of 2023) | Agriculture | Passed on 21/03/2024 Bill passed by the Senate with amendments and referred to the National Assembly for consideration. | The Bill seeks to provide for the regulation, development and promotion of the Coffee industry. | The Bill proposes to reorganize the industry by transitioning the regulatory and control functions undertaken by the Agriculture and Coffee Board of Kenya. |

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| <p>The Energy (Amendment) Bill, (Senate Bills No. 42 of 2023)</p> | <p>Energy</p> | <p>Bill at the Second Reading stage</p> | <p>The Bill seeks to provide for transparency in energy purchase agreements through the disclosure of beneficial ownership information.</p> | <p>If passed, the Bill will stamp in law to disclose beneficial ownership in energy purchase agreements.</p> |
| <p>The Street Vendors (Protection of Livelihood) Bill, (Senate Bills No. 41 of 2023)</p> | <p>Trade and Industry</p> | <p>Bill awaiting Division at the Second Reading stage</p> | <p>The Bill seeks to provide a regulatory framework for all counties to guide hawkers and highway vendors and bring sanity to the sector.</p> | <p>If the Bill is passed, the county government will be enabled for the construction and maintenance of markets to enable traders to carry out their business in a transparent and safe manner.</p> |
| <p>The Facilities Improvement Financing Bill (Senate Bills No. 43 of 2023)</p> <p><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></p> | <p>Health</p> | <p>Bill assented to on 19/10/2023 and commenced on 2/11/2023</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 financing for improvement, private healthcare providers will face heightened competition. Public health facilities will have improved infrastructure and services, drawing patients away from private healthcare.</p> |

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| <p>The Primary Health Care Bill (Senate Bills No. 44 of 2023)</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>Bill assented to on 19/10/2023 and commenced on 2/11/2023</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 accessible to patients. This could lead to increased competition from private sector providers, potentially resulting in higher numbers for private clinics and practices.</p> <p>Revenue and Profit Reduction: Private providers may see reduced revenue if patients opt for the improved and more affordable services in the public sector, which are fully funded by the government.</p> <p>Regulatory Compliance and Administrative Burden: Private providers may introduce new regulations and requirements for healthcare providers in the private sector. Complying with these regulations may increase administrative burden and associated costs for private sector entities.</p> |
| <p>The Digital Health Bill (National Assembly Bills No. 57 of 2023)</p> | Health | <p>Bill assented to on 19/10/2023 and commenced on 2/11/2023</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 may lead to new ways of delivering care and streamlining of the processes and outcomes of the health systems streamline administrative tasks such as appointment scheduling, billing, and claims processing.</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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| The Social Health Insurance Bill (Senate Bills No. 58 of 2023) | Health | Bill assented to on 19/10/2023 and commenced on 22/11/2023 | 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 reform of business costs, high cost of living in the sector. |
| The Real Estate Regulation Bill (Senate Bills No. 35 of 2023) | Lands and Housing | Bill at the Second Reading stage | The Bill seeks to provide for the regulation of the business of negotiating for or otherwise acting in relation to the selling, purchasing or letting of land and buildings. It also seeks to provide for the regulation and registration of real estate agents, land companies and developers and the establishment of the Real Estate Board. | <p>The Bill will provide a general regulation of real estate agents, land companies and developers in Kenya. If the bill is passed it may lead to billions of Kenyan shillings are lost in the real estate sector leaving a trail of frustrated investors/purchasers with little to no recourse. This is due to lapses in the system to adequately regulate unscrupulous developers who run businesses on the back of lack of implementation of the Estate Agency Act.</p> <p>It is laudable that Parliament has taken steps to protect consumers against such rogue developer companies. There are however a few concerns that seem to go beyond the regulation of the industry to the practice of estate agency as a whole.</p> |
| The National Rating Bill (National Assembly Bills No. 55 of 2022) | Lands and Housing | <p>Bill passed by the Senate <u>with amendments</u> and referred back to the National Assembly.</p> <p>Senate amendments rejected by the National Assembly on Wednesday, 12/06/2024.</p> <p>Bill referred to a Mediation Committee</p> | Provides for a framework for imposition of rates on land and buildings, and valuation of rateable properties. | Certainty and uniformity in levying rates due and payable annually helps businesses forecast and protects them against fluctuations in rates by County governments. A number of cases have been taken to court for such, especially in the agricultural sector. The resultant difference in rates amounts to millions. |

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| The Affordable Housing Bill (National Assembly Bills No. 75 of 2023) | Lands and Housing | Bill assented to on 19/3/2024 | Provides a framework for the establishment of the Affordable Housing Fund, access to affordable housing and in particular giving effect to the right to accessible and adequate housing | the Affordable Housing Programme p... transforming the private sector b... opportunities, fostering public-priv... driving the demand for local manu... that active and continued engagem... through supportive policies and re... achieving the ambitious housing tar... government. |
| The Co-Operative Societies (Amendment) Bill (Senate Bills No. 53 of 2023) | Trade and Industry | Bill at the Second Reading stage | 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 by setting out the functions of the National Government and the county governments in relation to governance of co-operative societies | It will ensure that the legal fra... operatives reflects the current const... promotes effective governance an... operative societies This will create a conducive environm... conduct their businesses and contrib... the social fabric by strengthening th... cooperative members and leaders, a... competitiveness in the sector. |
| The Nuts and Oil Crops Development Bill (Senate Bills No. 47 of 2023) | Agriculture | Bill at the Committee of the Whole stage | Bill seeks to establish the Nuts and Oil Crops Development Board with the aim of saving the nuts and oil crops industry by revamping the policy and institutional framework within which the industry operates. | The Bill will have far-reaching impac... including fostering market growth... opportunities, promoting value addit... compliance, improving market... innovation, and encouraging partn... sector growth. |

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| The Land (Amendment) Bill (National Assembly Bills No. 40 of 2022) | Lands and Housing | Bill at Second Reading stage | 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 in regards to public land in Kenya will help curb the grabbing of public land. Businesses investing in projects involving public land are likely to benefit from the increased security offered by proper land titles. This will attract local and foreign investment in various sectors including real estate, agriculture, and infrastructure. |
| The National Construction Authority Bill (Amendment) Bill (National Assembly Bill No. 59 of 2022) | Lands and Housing | Bill at the Committee of the Whole stage | 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 will promote overall economic growth by fostering the growth of small businesses owned by women, youth and persons with disabilities. Increased participation in the construction sector can result in a more competitive industry, driving economic growth and generating revenue. |
| The Local Content Bill (Senate Bills No. 50 of 2023) | Energy Mining and Blue Economy | Bill at the Second Reading stage | The Bill seeks to provide a framework for the development and adoption of local content through ownership, control and financing of activities connected with the exploitation of gas, oil and other hydrocarbon resources by local persons and local enterprises to ensure – (a)the development of local economies; (b)stimulation of industrial development; (c)increase in local capability; (d)building of a skilled workforce; and (e)the creation of a competitive supplier base. | It creates opportunities for growth, job creation, capabilities and deeper market integration. Encouraged capacity building for the local industry. Increased local procurement: the Bill will encourage procurement of goods and services from local suppliers or investment in local infrastructure and services developments thus benefiting the local economy and ultimately sector growth. |

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| The County Governments (Revenue Raising Process) Bill, 2023 | Public Finance | Bill at Second Reading stage | 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 | Competitive disadvantages: If county governments have the power to vary taxes or charges, it could lead to differences between different counties. Some counties may offer lower taxes or fees to attract businesses, while others may choose to increase them. This could create a competitive disadvantage for businesses operating in counties that choose to increase taxes or fees, potentially leading to shifts in business and investment patterns. Uncertainty and planning challenges: If county governments have the authority to vary taxes or charges, it introduces an element of uncertainty for businesses. Long-term planning and investment decisions may become more challenging, as businesses may need to consider the potential impact of future changes in county-level taxation policies. |

Gazetted Bills

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KEYWORDS AND THEIR DEFINITIONS

| A PARLIAMENTARY COMMITTEE | COMMITTEE OF THE WHOLE (COTW) | CONCURRENCE |
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| It 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. | 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 | 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 |

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.

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.

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 a 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

It 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.

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

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.

amending the motion to defer or postpone the third reading of the Bill to a future date.