



## SENATE BILLS TRACKER AS OF WEDNESDAY, SEPTEMBER 18<sup>TH</sup>, 2024

The Bills Tracker provides an overview of the status of Bills before the Senate in the year 2024

BILL	OBJECTIVE OF THE BILL	KEPSA SECTOR BOARD	IMPACT ON THE PRIVATE SECTOR/BUSINESS IF PASSED	STATUS
<b>The Prompt Payment Bill, 2022</b> <i>(Sen. Bills No. 8 of 2022)</i>	<p>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>	<p>Trade and Industry</p>	<p>This will do away with the issue of pending bills in government and increase liquidity for businesses as they 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 national or county government entity will have to make a declaration to the accounting officer of the entity on any pending payments owed to a small or micro-enterprise. The said declaration shall give details on when the outstanding payment fell due and the reasons for the delay in payment.</p> <p>Aside from interests accruing on late payments, the accounting officer of any procuring entity that fails to pay a supplier will be committing an offence and will be liable, on conviction, to a</p>	<p>Bill negated at the Second Reading stage</p>

			fine not exceeding one million shillings or to imprisonment for a term not exceeding five years or both	
<b>The Natural Resources (Benefit Sharing) Bill, 2022</b> (Sen. Bills No. 6 of 2022)	It seeks to establish a system of benefit sharing in natural resource exploitation between resource exploiters, the national government, county governments, and local communities	Environment, Water and Natural Resources	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	Bill passed by the Senate <b>with amendments</b> and referred to the National Assembly for consideration.  Bill <b>rejected</b> by the National Assembly on 12/03/2024.  Bill referred to a Mediation Committee
<b>The County Licensing (Uniform Procedure) Bill, 2022</b> (Sen. Bills No. 9 of 2022)	It seeks to establish standards and uniform procedures for licensing by county governments subject to the proposed amendments	Trade and Industry	There are varied procedures in the forty-seven county governments when applying for licenses which has harmed 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	National Assembly amendments were considered and approved by the Senate on 11/06/2024.  <b>Bill assented to on 28/06/2024</b>
<b>The Startup Bill, 2022</b> (Sen. Bills No. 14 of 2022)	The Bill seeks to create a framework for a more favourable environment for innovation, to encourage growth and sustainable technological development and entrepreneurship.	ICT	It will provide for registration of start-ups, and their linkage with private investors and financiers, research institutions, private sector and other government institutions.	Bill passed by the Senate <b>with amendments</b> and referred to the National

	This is meant to attract Kenyan talent and capital		There shall also be fiscal and non-fiscal support to start-ups in Kenya through incubation facilities.  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	Assembly for consideration.
<b>The Employment (Amendment) Bill, 2022</b> <i>(Sen. Bills No. 11 of 2022)</i>	The Bill seeks to limit employers from contacting their employees past working hours and penalizes the same	Labour	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	Bill passed by the Senate <b>without amendments</b> and referred to the National Assembly for consideration.  Bill <b>rejected</b> by the National Assembly on 05/03/2024.  Bill referred to a Mediation Committee.
<b>The Agricultural and Livestock Extension Services Bill, 2022</b> <i>(Sen. Bills No. 12 of 2022)</i>	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 of technology transfer	Agriculture	This will improve knowledge and skills for farmers which in turn will enhance productivity, access to markets and increase income for farmers	Bill passed by the Senate <b>with amendments</b> and referred to the National Assembly for consideration

<p><b>The Mung Beans Bill, 2022</b> (Sen. Bills No. 13 of 2022)</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>Agriculture</p>	<p>It will have a significant impact on food security by increasing production, diversifying crops, reducing dependence on imports, and creating economic opportunities</p>	<p>Bill passed by the Senate <b>with amendments</b> and referred to the National Assembly for consideration.</p>
<p><b>The Tea (Amendment) Bill, 2023</b> (Senate Bills No. 1 of 2023)</p>		<p>Agriculture</p>	<p>Direct Sales: This will provide multiple marketing avenues for tea and enhance the opportunity for price discovery. There is however a concern, that the stipulation and implementation of a price for direct sales that is above Auction sales will be impractical and will hamper tea marketing, as set out in the table below.</p> <p>Value addition: Adoption of this proposal additionally restricts the scope of value addition, and will disincentivize enterprises that have adopted value addition models that result in products packaged in quantities above 10 kilograms. This will be counterproductive to Government efforts to encourage tea value addition.</p>	<p>Bill at Committee of the Whole Stage</p>

			Apportionment of Tea Levy: Apportionment of funds should prioritize the institutions whose functions serve entire industry operations, and which will further the development of industry and national economic development	
<b>The Vocational Training Bill, 2022</b> (Sen. Bills No. 3 of 2022)	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	Education	This will ensure TVET agenda remains robust and is able to spur the economy through production of well-trained youth	Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration
<b>The Konza Technopolis Bill, 2023</b> (Sen. Bills No. 2 of 2023)	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.	Trade and Industry	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	Bill negated at Second Reading Stage
<b>The Learners with Disabilities Bill, 2023</b> (Sen. Bills No. 4 of 2023)	Bill seeks to provide for the education of learners with disabilities; for the conduct of educational institutions for learners with disabilities.	Education	It will promote disability inclusion and enhancement and accessibility of persons with disabilities in all spheres of societal and academic existence	Bill passed by the Senate <u>with amendments</u> and referred to the National Assembly for consideration

<p><b>The Coffee Bill, 2023</b> (Sen. Bills No. 10 of 2023)</p>	<p>The Bill seeks to provide for the regulation, development and promotion of the Coffee industry</p>	<p>Agriculture</p>	<p>The Bill proposes to reorganize the coffee industry by transitioning the regulatory and commercial roles currently undertaken by the Agriculture and Food Authority to the Coffee Board of Kenya</p>	<p>Passed on 21/03/2024</p> <p>Bill passed by the Senate <b>with amendments</b> and referred to the National Assembly for consideration</p>
<p><b>The Energy (Amendment) Bill, 2023</b> (Sen. Bills No. 42 of 2023)</p>	<p>The Bill seeks to provide for transparency in energy purchase agreements through the disclosure of beneficial ownership information</p>	<p>Energy</p>	<p>If passed, the Bill will stamp in law, the requirement to disclose beneficial ownership information in energy purchase agreements</p>	<p>Bill at the Second Reading stage</p>
<p><b>The Street Vendors (Protection of Livelihood) Bill, 2023</b> (Sen. Bills No. 41 of 2023)</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>Trade and Industry</p>	<p>If the Bill is passed, the county governments shall provide for the construction and maintenance of vending centres to enable traders to carry out their businesses in a fair, transparent and safe manner</p>	<p>Bill at Committee of the Whole Stage</p>
<p><b>The Real Estate Regulation Bill, 2023</b> (Sen. Bills No. 35 of 2023)</p>	<p>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>	<p>Lands and Housing</p>	<p>The Bill will provide a general regulatory framework for real estate agents, land companies and developers operating in Kenya. If the bill is passed it may lead to:</p> <p>Billions of Kenyan shillings are lost due to fraud in the real estate sector leaving a trail of disgruntled investors/purchasers with little to no recourse. This is due to lapses in the</p>	<p>Bill at the Second Reading stage</p>

			<p>system to adequately protect consumers from unscrupulous developers who run briefcase companies and lack of implementation of the Estate Agents Act CAP 533.</p> <p>It is laudable that Parliament has taken steps to protect the consumers against such rogue developers and land selling companies. There are however a few concerns as the Bill seems to go beyond the regulation of developers and extend to the practice of estate agency as a trade</p>	
<p><b>The National Rating Bill, 2022</b> (NA Bills No. 55 of 2022)</p>	<p>Provides for a framework for imposition of rates on land and buildings, and valuation of rateable properties</p>	<p>Lands and Housing</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. Several 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>	<p>Bill passed by the Senate <b>with amendments</b> and referred back to the National Assembly.</p> <p>Senate amendments were rejected by the National Assembly on Wednesday, 12/06/2024.</p> <p>Bill referred to a Mediation Committee</p>

<p><b>The Co-Operative Societies (Amendment) Bill, 2023</b> (<i>Sen. Bills No. 53 of 2023</i>)</p>	<p>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</p>	<p>Trade and Industry</p>	<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>	<p>Bill at the Second Reading stage</p>
<p><b>The Nuts and Oil Crops Development Bill, 2023</b> (<i>Sen. Bills No. 47 of 2023</i>)</p>	<p>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</p>	<p>Agriculture</p>	<p>The Bill will have far-reaching impacts on the private sector, including fostering market growth, enhancing investment opportunities, promoting value addition, ensuring regulatory compliance, improving market access, stimulating innovation, and encouraging partnerships for sustainable sector growth.</p>	<p>Bill at Committee of the Whole stage</p>
<p><b>The Land (Amendment) Bill, 2022</b> (<i>NA Bills No. 40 of 2022</i>)</p>	<p>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</p>	<p>Lands and Housing</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</p>	<p>Bill at Second Reading stage</p>



	been an ongoing issue that requires regulation		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.	
<b>The National Construction Authority (Amendment) Bill, 2022</b> <i>(NA Bill No. 59 of 2022)</i>	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	Lands and Housing	This will recognize women, youth, and persons living with disabilities as marginalized groups and cushion them from the burden of paying registration fees 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	Bill at the Committee of the Whole stage
<b>The Local Content Bill, 2023</b> <i>(Sen. Bills No. 50 of 2023)</i>	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 –	Energy Mining and Blue Economy	It creates growth opportunities, enhanced local capabilities, and deeper market integration. There will be encouraged capacity building for the local workforce. Increased local procurement: The bill will likely mandate the procurement of goods and services from local suppliers and or investment in local infrastructure or partnership	Bill awaiting Division at the Second Reading stage

	<p>(a)the development of local economies;</p> <p>(b)stimulation of industrial development;</p> <p>(c)increase in local capability;</p> <p>(d)building of a skilled workforce; and</p> <p>(e)the creation of a competitive supplier base.</p>		<p>developments thus benefiting the local industries and ultimately sector growth</p>	
<p><b>The County Governments (Revenue Raising Process) Bill, 2023</b> (<i>Sen. Bills No. 22 of 2023</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>Public Finance</p>	<p>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.</p> <p>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</p>	<p>Bill at Second Reading stage</p>

<p><b>The Tobacco Control (Amendment) Bill, 2024</b> (Sen. Bills No. 35 of 2024)</p>	<p>The Bill seeks to amend the Tobacco Control Act (Cap. 245A) to enhance regulations on smoking, the production and sale of tobacco products, and electronic nicotine delivery systems. It aims to regulate tobacco advertising, prohibit sales to those under 18, and control online promotion through digital platforms. Additionally, the Bill mandates that all tobacco products, especially electronic nicotine delivery systems, must receive prior authorization from the Cabinet Secretary for Health before being manufactured, distributed, imported, or sold in Kenya, addressing the issue of unapproved products entering the market without understanding their public health impact.</p>	<p>Health Trade and Industry</p>	<p>If passed, this could significantly impact private sector businesses in the tobacco industry by increasing compliance costs due to stricter regulations, advertising, and marketing restrictions, and more stringent packaging and labelling requirements. Higher taxes may result in elevated retail prices, potentially reducing demand and inadvertently promoting illicit trade. Distribution channels could be limited, leading to reduced market reach. Additionally, businesses may face higher litigation risks, a need for enhanced corporate social responsibility efforts, and economic implications such as job losses and decreased tax contributions. Overall, while aiming to improve public health, the bill could pose substantial operational and financial challenges for the tobacco sector</p>	<p>Bill due for Second Reading on 5/09/2024</p>
<p><b>The National Disaster Risk Management Bill, 2023</b> (NA Bill No. 24 of 2023)</p>	<p>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</p>	<p>Security</p>	<p>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</p>	<p>Bill at Second Reading Stage</p>

**Key Words and Their Definitions**

<p><b>FIRST (1<sup>ST</sup>) READ</b></p> <p>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.</p>	<p><b>PARLIAMENTARY COMMITTEE</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><b>SECOND (2<sup>ND</sup>) READ</b></p> <p>A stage where the Senators debate the essence and principles of the Bill and give their views on the Bill.</p>
<p><b>COMMITTEE OF THE WHOLE (COTW)</b></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><b>DIVISION</b></p> <p>Division occurs in two stages:</p> <ul style="list-style-type: none"> <li>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).</li> <li>b) Division 2 - One of the parts that a country or state is divided into for the purpose of holding an election.</li> </ul>	<p><b>THIRD (3<sup>RD</sup>) READ</b></p> <p>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.</p>
<p><b>CONCURRENCE</b></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</p>	<p><b>MEDIATION COMMITTEE</b></p> <p>Whenever the Senate does not agree to any of the amendments proposed by the National Assembly or rejects a Motion that a Bill which</p>	<p><b>PRESIDENTIAL ASSENT</b></p> <p>Means that once a Bill originating in the Senate or National Assembly has been passed by both</p>

to the Clerk of the National Assembly together with a Message signed by the Speaker requesting concurrence of the Assembly

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.

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.