



NATIONAL ASSEMBLY BILL TRACKER AS OF FRIDAY 1ST APRIL 2022

Regular sittings resumed on Tuesday, March 22, 2022 at 2:30 p.m.

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>Finance Bill 2022 (Not Yet Introduced). We had received a received a request from Treasury to submit private sector budget priorities for the FY 2022/23 by 30th Aug 2021.</p>	<p>Sector based town hall meetings were held on the 17th & 18th Aug 2021 from 8.30am-4.30am and the KEPSA proposals were submitted.</p> <p>We have re-shared the same with National Treasury in response to their recent call for submissions on Budget Tips for the FY2022/23 Budget statement due on 7th April 2022.</p>	<p>The Finance Bill is introduced annually to amend various tax laws to capture changes in tax laws/regime in each financial year.</p>	<p>Taxes are a huge aspect of the cost of doing business, it is important for private sector to lobby for tax rebates in light of Covid-19 business recovery, and keep track of any developments in the taxation regime for the new financial year.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>Certified Managers Bill 2021</p>	<p>First Reading on 15th June 2021.</p>	<p>It seeks to provide for the registration and regulation of the standards and practice of managers.</p>	<p>This will require managers of all businesses to be certified by the institute of certified managers, pay membership & subscription fees, and take out annual practicing certificates.</p> <p>The Bill does not define who a manager is, thus the scope is deemed to include all managers.</p> <p>KEPSA reached out to Kenya Institute of Management over the Bill and they declined to engage until the formal participation window is opened by Parliament.</p>
<p>National Electronic Single Window System Bill, 2021</p> <p>Among the Bills to be considered by the NA in the first quarter of the year as per their published programme.</p>	<p>Bill due for Second Reading on 5/04/2022.</p>	<p>It seeks to establish the National Electronic Single Window System in order to facilitate trade, and to establish the Kenya Trade Network Agency whose core function will be to provide for electronic transactions.</p>	<p>The system shall serve as a single-entry point to anyone involved in trade & transport to lodge documents electronically for processing, including import and export approval. Fees and levies on goods imported or exported will also be submitted through the system.</p> <p>This single-entry point will facilitate coordination among departments responsible for customs and other departments involved in the trade facilitation chain.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>The Landlord and Tenant Bill (National Assembly Bills No. 3 of 2021)</p>	<p>Passed on 25/11/2021; forwarded to the Senate for consideration on 21/12/2021.</p> <p>Set for Second reading in the Senate on 31st March 2022 for resumption of debate but deferred.</p>	<p>It seeks to consolidate the laws relating to the renting of business and residential premises; and to regulate the relationship between the landlord and tenant in order to promote stability in the rental sector.</p> <p>It creates a Tribunal which shall have powers to determine, assess or vary the rent payable and service charge in respect of any premises, and fix the date from which the rent is payable on the application of either the landlord or tenant.</p>	<p>It will apply to tenancy of business premises which are written, and those that are written but for a period not exceeding five years.</p> <p>Landlords will not have an absolute autonomy to set the rent and service charge payable as the Tribunal will have powers to vary the same and set “fair rent”.</p> <p>Landlords shall not increase the rent payable unless they give the tenant at least 90 days’ written notice of the intention to do so. Further, it will bind landlords to only increase rent if twenty-four months have elapsed since the date of the last rent increase.</p> <p>Landlords shall only be entitled to terminate the tenancy of a business by giving 24 months’ notice, or if the tenant has defaulted in the payment of rent for three consecutive months following the last date such rent became due and payable. Tenants can terminate by giving two months’ notice.</p> <p>Disputes between a landlord & tenant will be determined within a period of 3 months, as opposed to the lengthy court process that takes over a year or more. Appeals shall lie from the Tribunal to the High Court only on points of law.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
The Higher Education Loans Board (Amendment) Bill 2020	Due for Second Reading on 23rd March 2022, morning sitting.	<p>The Bill seeks to waive the imposition of interest on the principal loan advanced to the youth and persons with disabilities until such time as they have secured their first employment.</p> <p>Secondly, it proposes to set the percentage of interest that may be charged on the loan advanced at three per cent.</p> <p>It further proposes that the penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies.</p>	<p>This will reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment or becoming financially stable.</p> <p>It will also reinforce the Statutory role and obligation of employers to notify the HELB upon hiring a beneficiary.</p>
The National Construction Authority (Amendment) Bill (NA Bill No. 45 of 2020)	Due for Second reading on the 30 th March 2022, morning sitting	It seeks to ensure women, youth and persons living with disabilities with start-up businesses who apply to be registered as contractors under category six, seven and eight are exempted from paying the prescribed fee.	This will recognize women, youth and persons living with disabilities as marginalized groups and to cushion them from the burden of paying registration fees.
The Public Procurement and Asset Disposal (Amendment) (No.3) Bill (NA Bill No. 49 of 2020)	Due for Second Reading on 30 th March 2022, morning sitting.	It seeks to enhance the amount for tenders where Kenya citizens are given exclusive preference, from the sum of KSH. 500m to KSHS. 20B shillings.	This will protect the Kenyan traders from foreign competitors, and give them priority.

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>The Sustainable Waste Management Bill (National Assembly Bill No. 22 of 2021)</p>	<p>Second Reading on 3rd February 2022. Pending Committee stage.</p>	<p>The principal object of the Bill is to establish the legal and institutional framework for the sustainable management of waste. The key highlights of the Bill that affects business include:</p> <ul style="list-style-type: none"> i. The administration of take-back schemes; ii. Extended producer responsibility of entities engaged in the production, conversion and importation of products and packaging; and iii. The establishment and administration of materials recovery facilities 	<p>This will ensure businesses use their material resources in a manner that will reduce the amount of waste that is generated, and further manage their waste in a way that contributes to the environmental, social and economic goals of sustainable development.</p> <p>It will introduce Take Back Schemes that provide for return of products and packaging that may cause negative impacts on the environment to the seller after their use.</p> <p>It also introduces extended producer responsibility, to be placed on entities engaged in the production, conversion or importation of products and packaging, for the purpose of reducing the environmental impact of the products or packaging. This entails the design of environmentally friendly and recyclable products and packaging, physical collection and management of waste, and financial contributions to a collective scheme.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>The Public Procurement and Asset Disposal (Amendment) (No.2) Bill (National Assembly Bill No. 36 of 2021)</p>	<p>Due for Second Reading on 31st March 2022, afternoon sitting.</p>	<p>The Bill seeks to subject the open tender method of procurement to a two-envelope bid process. The key highlights of the Bill that affects businesses/MSMEs include:</p> <ul style="list-style-type: none"> i. Under the proposals, persons shall be invited by a procuring entity to submit technical proposals for evaluation. Where at least three technical proposals are deemed responsive, the successful bidders are to be invited to submit financial proposals within a twenty-four-hour window for evaluation. The two-stage process is proposed to be concluded within the prescribed evaluation period. ii. The proposal further seeks to waive the requirement on bidders to provide evidence of compliance with tender criteria to reduce the current reliance on technicalities to disqualify bidders during tender evaluation. Under the proposed amendments, bidders shall be required to submit a declaration under oath of their experience, qualifications and certifications held and the evaluation committee would only be required to verify the details of the declarations of successful bidders before awarding of a tender. 	<p>A lot of businesses are knocked out at the pre-qualification stage over very minute technicalities such as lack of certification of certificates as true copies. This will remedy the issue and place more focus on the technical evaluation bit. It gives businesses a fighting chance.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
<p>The Public Procurement and Asset Disposal (Amendment) Bill (National Assembly Bill No. 32 of 2021)</p>	<p>Second Reading on 3rd February 2022.</p> <p>The Committee of the Whole House gave its report and the amendments were adopted.</p>	<p>The key highlights of the Bill that affect business include:</p> <ul style="list-style-type: none"> i. Proposal to amend the definition of "procurement profession" to recognize other institutions who offer membership and professional qualification in procurement and supply chain management; ii. Introduction of the definition of "local contractor" into the Act to pave way for the inclusion of sole proprietorships, partnerships, cooperative societies, individual consultants, associations, and groups that are registered in Kenya; iii. Proposal to waive filing fees for reviews for disadvantaged groups. We should push for inclusion of start-ups and MSMEs; iv. Proposal to reduce the tender evaluation period from 30 days to 7 days to hasten the procurement process. Where a tender is complex or has attracted high number of tenderers, the accounting officer may extend the tender evaluation period once for a further period not exceeding 7 days; v. Proposal to reduce the number of days for evaluation of proposals from 21 days to 7 days, subject to extension where the procurement is complex or has attracted a high number of tenderers; and vi. Proposal to reduce the duration of the procurement process from 14 days to 7 days. 	<p>This paves way for smaller businesses that are not organized into companies, especially MSMEs that mostly operate as business names and consultant firms that are statutorily required to be organized as partnerships.</p> <p>Where disadvantaged groups feel aggrieved by the decision of the accounting officer/procuring authority on the tender award, they can also lodge complaints as the high filing fees will not be a discouraging factor.</p> <p>A shorter procurement period means tenderers will not be held in abeyance for too long, and where contracts are awarded the same will commence within a shorter period.</p>

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
The County Licensing (Uniform Procedures) Bill (Senate Bills No. 32 of 2020)	First Reading on 13th October 2021, relayed to Dev Committee.	It seeks to establish standards 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.
The Petroleum Products' (Taxes and Levies) (Amendment) Bill, 2021 Among the Bills to be considered by NA in the first quarter of the year as per their published programme.	Read the First Time and ordered to be referred to the relevant Departmental Committee on 09th November 2021. First reading on the 10/11/2021	The Principal object of the Bill is to: <ul style="list-style-type: none"> I. Review taxes and levies on petroleum products, with a view to making the products cheaper; II. Restructure the Petroleum Development Fund, with particular reference to specifying the purposes for which the Petroleum Development Levy may be used; and i. III. Amend the Statutory Instruments Act, to require that all statutory instruments that impose taxes and levies are positively or negatively approved by the National Assembly. 	The cost of energy is a huge component of production and the cost of doing business. A decrease in the price of petroleum products will translate to lower prices for the end consumers, as well as intermediary users like manufactures, transporters and petroleum retailers.
The Investment Promotion (Amendment) Bill (Senate Bills No. 2 of 2021)	Due for First Reading on 10th November 2021, in the afternoon.	It seeks to provide for the participation of County Governments in the promotion of trade in the country. The Bill obligates county governments to participate in the formulation and implementation of policies and strategies formulated by the Kenya Investment Authority to attract investors, both foreign and local in the counties, subject to proposed amendments.	This promotion of trade in the country by County governments will ensure County policies are aligned to national policies, hence attracting investors, both foreign and local in the counties.
The Information Communication Technology Practitioners Bill (National Assembly Bill No. 38 Of 2020)	Due for Second Reading on 30 th March 2022, morning sitting for resumption of debate interrupted on 2 nd March 2022.	The purpose of the Bill is to establish a legal framework for the training, registration, licensing, practice and standards of ICT professionals in Kenya.	It will potentially lock out a number of ICT industry players whose trade has been established over years of experience.
		KHF BILLS	

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
The Health (Amendment) Bill (Senate Bills No. 26 of 2020)	Due for First Reading on 10th November 2021, in the afternoon.	<p>The object of the Bill is to enhance the functions of the Kenya Health Human Resource Advisory Council in order to empower it to advise the National and the respective county governments on health human resources. The mandate of the Council shall include: advising the National government and the respective county governments on recruitment, employment and deployment of health human resources; considering and recommending applications for inter-county and intergovernmental transfers; reviewing and making recommendations on training and remuneration of health human resources.</p> <p>Due to the enhanced responsibilities of the Council, the Bill also proposes to increase the representation of the County Public Service Boards in the Council. This is because the counties are expected to employ the bulk of the health human resources and decisions of the Board are likely to greatly influence the functions of county governments in regard to employment of health human resources.</p>	The Council's enhanced mandate is expected to improve health service delivery in devolved units through the promotion of cooperation between the two levels of government in the critical area of Human Resources for Health.
The Community Health Services Bill (Senate Bills No. 34 of 2020)	Message from the Senate conveyed on 30/9/2021; referred to relevant Committee.	The principal object of the Bill is to promote access to primary health care services at the community level and reduce health disparities between counties. It also caters for the training and capacity building of the community health workforce.	
The Pharmacy and Poisons (Amendment) Bill (National Assembly Bill No. 1 Of 2021)	Due for Second Reading on 30 th March 2022, morning sitting.	The object of the Bill is to prohibit sale and dispensing of medicine without a written prescription from a registered health practitioner.	The aim is to safeguard the health and safety of all Kenyans.
		ASNET BILLS	

BILL	STATUS	KEY HIGHLIGHTS TOUCHING ON BUSINESS	IMPACT ON PRIVATE SECTOR IF PASSED
The Coffee Bill (Senate Bills No. 22 of 2020)	Due for Committee of Whole House on 31 st March 2022.	The Bill seeks to provide for the regulation, development and promotion of the Coffee industry.	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.
The Mung Beans Bill (Senate Bills No. 9 of 2020)	Message from the Senate conveyed on 4/5/2021; forwarded to Parliamentary Budget Office for technical review on 4/5/2021; technical review concluded on 21/9/2021; Bill to proceed for 2nd Reading.	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.	
The Irrigation (Amendment) Bill (National Assembly Bills No. 12 of 2021)	Passed on 23/09/2021 and forwarded to the Senate for consideration. Due for Committee of the Whole House in the Senate on 30 th March 2022.	The principal object of the Bill is to make amendments to the Irrigation Act, 2019.	
The Forest Conservation and Management (Amendment) Bill (NA Bill No. 53 Of 2021)	Coming up for First Reading on 3rd Feb 2022.	This is the controversial Bill that seeks to deplete forest cover, causing public uproar.	

The following Bills (among others) which were published in 2019 and whose Second Reading had not been concluded by the end of the Fifth Session have now lapsed:

- 1. The National Hospital Insurance Fund (Amendment) Bill (No. 5 of 2019);**
- 2. The Higher Education Loans Board (Amendment) Bill (No. 9 of 2019);**

3. The Crops (Amendment) (No.2) Bill (No. 32 of 2019);
4. The Public Procurement and Asset Disposal (Amendment) Bill (No. 36 of 2019);
5. The Kenya Uwezo Fund Bill (No. 42 of 2019);
6. The Public Participation Bill (No. 69 of 2019);
7. The Public Participation (No. 2) Bill (No. 71 of 2019);
8. The Breastfeeding Mothers Bill (No. 74 of 2019).

Regular sittings resumed on Tuesday, March 22, 2022 at 2:30 p.m.

KEY WORDS AND THEIR DEFINITIONS

<p>A PARLIAMENTARY COMMITTEE</p>	<p>COMMITTEE OF THE WHOLE (COTW)</p>	<p>CONCURRENCE</p>
<p>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 committee 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>DIVISION</p>	<p>FIRST READING</p>	<p>MEDIATION COMMITTEE</p>
<p>Division occurs in two stages:</p> <ol style="list-style-type: none"> 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. 	<p>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.</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 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.</p> <p>If the National Assembly agrees with the Bill and does not propose any amendments, the Senate forwards the Bill to the President for assent.</p>

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.

