

**REPUBLIC OF KENYA**



**THE SENATE**

-----

**TWELFTH PARLIAMENT  
FOURTH SESSION, 2020**

-----

**SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND  
NATURAL RESOURCES**

-----

.....

**COMMITTEE REPORT ON THE NATIONAL DROUGHT  
MANAGEMENT AUTHORITY (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILLS NO. 26 OF 2019)**

.....

*Clerk's Chambers,  
First Floor,  
Parliament Buildings,  
NAIROBI.*

*MAY, 2020*

## TABLE OF CONTENTS

<b>TABLE OF CONTENTS</b> .....	<b>1</b>
<b>PREFACE</b> .....	<b>2</b>
Establishment of the Committee .....	2
Membership of the Committee .....	2
Acknowledgement.....	4
<b>CHAPTER ONE</b> .....	<b>5</b>
<b>INTRODUCTION</b> .....	<b>5</b>
1.0 Background .....	5
1.1 The Object of the Bill .....	5
1.2 Overview of the Bill .....	6
1.3 Consequences of the Bill .....	7
<b>CHAPTER TWO</b> .....	<b>8</b>
<b>PUBLIC PARTICIPATION</b> .....	<b>8</b>
2.0 Attendance by Stakeholders.....	8
2.1 Submissions from Stakeholders .....	8
<b>CHAPTER THREE</b> .....	<b>11</b>
<b>COMMITTEE OBSERVATIONS AND RECOMMENDATIONS</b> .....	<b>11</b>
3.0 Observations and Determinations .....	11
3.1 Recommendations .....	12
<b>APPENDICES</b> .....	<b>13</b>

## **PREFACE**

### **Establishment of the Committee**

The Standing Committee on Land, Environment and Natural Resources is established under standing order 218(3) of the Senate Standing Orders. The mandate and the functions of the committee are set out under the Second Schedule of the Senate Standing Orders which mandates the Committee to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

### **Membership of the Committee**

The Committee is comprised of the following members:-

- |                                       |                           |
|---------------------------------------|---------------------------|
| 1. Sen. Mwangi Paul Githiomi, M.P.    | - <b>Chairperson</b>      |
| 2. Sen. Prengei Victor, M.P.          | - <b>Vice Chairperson</b> |
| 3. Sen. George Khaniri, MGH, M.P.     | - Member                  |
| 4. Sen. (Eng.) Godana Hargura, M.P.   | - Member                  |
| 5. Sen. Ndwiga Peter Njeru, EGH, M.P. | - Member                  |
| 6. Sen. Halake Abshiro, M.P.          | - Member                  |
| 7. Sen. Boy Issa Juma, M.P.           | - Member                  |
| 8. Sen. (Arch.) Sylvia Kasanga, M.P.  | - Member                  |
| 9. Sen. Mwaruma Johnes, M.P.          | - Member                  |

### **Mr. Speaker,**

The National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019) establishes the National Drought Emergency Fund under Public Finance Management Act (PFMA), 2012 and not the National Drought Management Authority Act, 2016 since the PFMA, 2012 is the principal law guiding the administration, management and oversight of public funds including the establishment of national public funds.

The Committee considered the Bill at length, conducted public participation and deliberated on the submissions received from the stakeholder who submitted written Memorandum. Based on the deliberations and public participation, the Committee resolved to present the Bill in its original form and without any amendments for consideration by this House.

## **Acknowledgement**

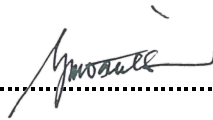
The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate as well as the Secretariat comprised of Mr. Victor Bett, Ms. Carolyn Cheruiyot and Mr. Tiyan Joseph for the support extended to it in the conduct of the public hearings and in fulfilling its mandate.

Further, the Committee wishes to thank Ministry of Devolution and ASALs (Arid and Semi Arid Lands) who submitted written Memoranda in support of the Bill.

### **Mr. Speaker,**

It is now my pleasant duty, pursuant to standing order 143 of the Senate Standing Orders, to present the Report of the Standing Committee on Land, Environment and Natural Resources on the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019).

Signed: .....



Date: ..... **7/05/2020** .....

**SEN. MWANGI PAUL GITHIOMI, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**

## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background

The National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019) is sponsored by Hon. Aden Duale, Leader of Majority Party (National Assembly). The Ministry of Devolution and ASALs, the National Treasury and Planning and the Attorney General developed the Public Finance Management (National Drought Emergency Fund) Regulations 2019 pursuant to section 24 of the Public Finance Management Act 2012 thus leading to the necessity to amend the National Drought Management Authority Act (NDMA), 2016, which had established the Fund so to align it to the provisions of the PFMA, 2012 as guided by Law.

The Bill was passed by the National Assembly without amendments on 10<sup>th</sup> September, 2019, and read a First Time in the Senate on 19<sup>th</sup> February, 2020. Following the First Reading in the Senate, it stood committed, pursuant to standing order 140(1) of the Senate Standing Orders, to the Standing Committee on Land, Environment and Natural Resources for facilitation of public participation. Subsequently, the Committee, pursuant to Article 118(1)(b) of the Constitution and standing order 140 (5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement on the People and the Star Newspapers on 2<sup>nd</sup> March, 2020

#### 1.1 The Object of the Bill

The principal object of the Bill is to amend the National Drought Management Authority Act, 2016 in order to make provision for the fund to;

- a) improve the effectiveness and efficiency of the drought risk management systems in the country;

- b) facilitate resilience building, preparedness and timely response to drought during its different stages in order to mitigate the negative effects of droughts; and
- c) provide a common basket emergency fund in order to facilitate faster, transparent, predictable, and accountable release of funds for drought risk management as well as receive financial resources from development partners who support government on drought risk management interventions.

## **1.2 Overview of the Bill**

The rationale for establishment of the National Drought Emergency Fund under Public Finance Management Act (PFMA), 2012 and not the National Drought Management Authority Act, 2016 is that PFMA, 2012 is the principal law guiding the administration, management and oversight of public funds including the establishment of national public funds.

Further, Section 6 (e) of the PFMA, 2012 provides that the PFM Law shall prevail in case of any inconsistency in establishment, administration and management of any public Fund.

In addition, Section 24 (4) of the Act assigns powers to establish national public funds to the Cabinet Secretary for the National Treasury & Planning with the approval of the National Assembly.

Accordingly, there is need to amend the National Drought Management Authority Act (NDMA), 2016, which had established the Fund to align it to the provisions of the PFMA, 2012 as guided by Law. This will avoid inconsistencies and duplication of laws and pave way for the seamless operationalization of the National Drought Emergency Fund.

### **1.3 Consequences of the Bill**

The Amendment bill will facilitate the operationalization of the Public Finance Management (National Drought Emergency Fund) Regulations 2019, as the existing inconsistency and duplication in law in the National Drought Management Act and Fund regulations will be cured;

The Amendment bill has aligned the provisions of the National Drought Management Act, 2016 and the Public Finance Management Authority Act, 2012 in regard to establishment of the Fund as well as the institutional framework while maintaining the letter and spirit of the National Drought Management Act, 2016 as well as the desired Government Objective.



## CHAPTER TWO

### PUBLIC PARTICIPATION

#### **2.0 Attendance by Stakeholders**

The Committee, pursuant to Article 118 of the Constitution and standing order 140 (5) of the Senate Standing Orders, invited submissions from members of the public on the Bill via an advertisement on the People and the Star Daily Newspapers on 2<sup>nd</sup> March, 2020. On 12<sup>th</sup> March, 2020, the Committee met in, Shimba Hills Hall, 1<sup>st</sup> Floor, Kenya International Conference Centre (KICC), Nairobi and received written Memoranda on the Bill from the Ministry of Devolution and ASALs.

#### **2.1 Submissions from Stakeholders**

#### **MINISTRY OF DEVOLUTION AND ASALs**

The submissions by the Ministry were as follows:

#### **BACKGROUND**

The Ministry of Devolution and ASALs, the National Treasury and Planning and the Attorney General developed the Public Finance Management (National Drought Emergency Fund) Regulations 2019 pursuant to section 24 of the Public Finance Management Act 2012. The object of the fund is to;

- d) improve the effectiveness and efficiency of the drought risk management systems in the country;
- e) facilitate resilience building, preparedness and timely response to drought during its different stages in order to mitigate the negative effects of droughts; and
- f) provide a common basket emergency fund in order to facilitate faster, transparent, predictable, and accountable release of funds for drought risk management as well as receive financial resources from development partners who support government on drought risk management interventions.

## **JUSTIFICATION**

Rationale for establishment of the National Drought Emergency Fund under Public Finance Management Act (PFMA), 2012 and not the National Drought Management Authority Act, 2016 is that PFMA, 2012 is the principal law guiding the administration, management and oversight of public funds including the establishment of national public funds.

- a) Further, Section 6 (e) of the PFMA, 2012 provides that the PFM Law shall prevail in case of any inconsistency in establishment, administration and management of any public Fund.
- b) In addition, Section 24 (4) of the Act assigns powers to establish national public funds to the Cabinet Secretary for the National Treasury & Planning with the approval of the National Assembly.

Accordingly, there is need to amend the National Drought Management Authority Act (NDMA), 2016, which had established the Fund to align it to the provisions of the PFMA, 2012 as guided by Law. This will avoid inconsistencies and duplication of laws and pave way for the seamless operationalization of the National Drought Emergency Fund.

### **The Governance Structure of the National Drought Emergency Fund**

The National Drought Emergency Fund shall be under the oversight of the National Drought Management Authority board; the Chief Executive Officer of the Authority shall be the Funds' accounting officer/ administrator; and the NDMA Staff will provide Secretariat services to the Fund

### **Effect of National Drought Management Authority (Amendment) Bill, 2019 to Counties pursuant to Article 110 of the Constitution**

The National Drought Management Authority is a national government institution fully funded from the equitable share of the national government.

Section 7 (2) of the NDMA Act, 2016 had provided for administrative structures to counties through delegation when implementing NDMA programmes and initiatives at the counties. The proposed amendments under the NDMA Amendment Bill, 2019 therefore do not affect in any way counties as provided for under Article 110 of the Constitution. The Fund Regulations will be actualizing the provisions of the Act and will facilitate effective and efficient delivery of service by the Authority.

### **JUSTIFICATION**

The Amendment bill will facilitate the operationalization of the Public Finance Management (National Drought Emergency Fund) Regulations 2019, as the existing inconsistency and duplication in law in the National Drought Management Act and Fund regulations will be cured;

The Amendment bill has aligned the provisions of the National Drought Management Act, 2016 and the Public Finance Management Authority Act, 2012 in regard to establishment of the Fund as well as the institutional framework while maintaining the letter and spirit of the National Drought Management Act, 2016 as well as the desired Government Objective.

### **RECOMMENDATIONS**

The Ministry of Devolution and ASALs has no concerns on the contents of the National Drought Management Act Bill 2019, as published. Unless any views to the contrary are brought forth by any other party, the Ministry is of the view that the Bill be passed in the manner it was Published.

## CHAPTER THREE

### COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

#### 3.0 Observations and Determinations

The Committee made the following observations in line with the submissions made during the Public Hearing:

1. The Committee observed that it would be prudent that the Fund be managed by the National Drought Management Authority and the Parent Ministry under the auspices of the Public Finance Management Act, 2012 which makes general provisions for the management of all public funds in the country.
2. The Committee did not receive any other submissions on the Bill from members of the Public and deliberated on the Bill with the guidance of the submissions submitted by the Ministry of Devolution and ASALs.

### **3.1 Recommendations**

The Committee therefore recommends to the House to pass the Bill as initially passed by the National Assembly and without any further amendments.

## **APPENDICES**

**Annex I:** Minutes of the Committee Meetings

**Annex II:** Newspaper Adverts on the Public Hearing

# **ANNEX I**

## **MINUTES OF THE 10<sup>TH</sup> SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 7<sup>TH</sup> MAY, 2020 ON ZOOM ONLINE PLATFORM AT 10.00 AM.**

### **MEMBERS**

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Godana Hargura, M.P.
4. Sen. Mwaruma Johnes, M.P.
5. Sen. Boy Issa Juma, M.P.

### **PRESENT**

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

### **ABSENT WITH APOLOGY**

1. Sen. Slyvia Kasanga, M.P. - Member
2. Sen. Halake Abshiro, M.P. - Member
3. Sen. Ndwiga Peter Njeru, EGH. M.P. - Member
4. Sen. George Khaniri, MGH, M.P. - Member

### **IN ATTENDANCE**

### **SECRETARIAT**

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Judy Ndegwa - Legal Counsel
3. Ms. Carolyne Cheruiyot - Legal Counsel
4. Mr. John Nganga - Audio Recording

### **MINUTE SEN/SCLNENR/049/2020: PRELIMINARIES**

The meeting was called to order at 10.25 am by the Chairperson followed by a word of prayer.

### **MINUTE SEN/SCLNENR/050/2020: ADOPTION OF AGENDA**

The agenda was therefore proposed by Sen. Prengei Victor. M.P. and seconded by Sen. Godana Hargura, M.P. as follows.

1. Preliminaries - *Prayer*
2. Adoption of the agenda;
3. Confirmation of Minutes of the Previous Sitings;
4. **Housekeeping –**
  - A. **Status of Bills**
  - B. **Status of Statements**

- C. Status of Petitions
- D. Possible Committee Inquiries
- E. Proposed Schedule of Meetings
- 5. Consideration of the Committee Report on the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019);
- 6. Any other Business;
- 7. Date of the next meeting;
- 8. Adjournment.

**MINUTE SEN/SCLNR/051/2020: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS**

The Minutes of the 6<sup>th</sup> sitting held on 10<sup>th</sup> March, 2020 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Godana Hargura, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

The Minutes of the 7<sup>th</sup> sitting held on 11<sup>th</sup> March 2020 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

The Minutes of the 8<sup>th</sup> sitting held on 12<sup>th</sup> March, 2020 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

The Minutes of the 9<sup>th</sup> sitting held on 12<sup>th</sup> March, 2020 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Prengei Victor, M.P. and seconded by Sen. Mwaruma Johnes, M.P. respectively.

**MINUTE SEN/SCLNR/052/2020: HOUSEKEEPING –**

**i. STATUS OF BILLS**

1. Report of the Standing Committee on Land, Environment and Natural Resources on the Sectional Properties Bill (National Assembly Bills No. 23 of 2019) – the Committee resolved to table the report on **Tuesday, 12<sup>th</sup> May, 2019** after it was adopted by the Committee before the suspension period of COVID-19.
2. Report of the Standing Committee on Land, Environment and Natural Resources on the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019). – the Committee resolved to table the report on **Tuesday, 12<sup>th</sup> May, 2019** after it is adopted later in the meeting.
3. Report of the Standing Committee on Land, Environment and Natural Resources on the Wildlife Conservation and Management (Amendment) Bill (Senate Bills No. 24 of 2019). - The Committee resolved to review the Matrix of the Public



Hearing that was already held before the suspension of business on **Wednesday, 13<sup>th</sup> May, 2020**, adoption of report to be done at another meeting to be held as soon as the report is ready.

4. **Geology Bill, 2020** – The Committee was informed by the secretariat that the Bill was cleared by the Geology Society of Kenya and that the Committee can review it a final time before its forwarded for publishing.

#### **ii. STATUS OF STATEMENTS**

- Statement requested by Senator for Elgeyo Marakwet County on an issue of national concern regarding the landslide that occurred in Kerio Valley affecting residents of West-Pokot and Elgeyo Marakwet counties. - The Secretariat informed the Committee that letters have been done seeking for a response from the following Cabinet Secretary, Ministry of Interior and Coordination of National Government; Cabinet Secretary Lands and Physical Planning; and National Land Commission. The Secretariat is following up on the feedback from the aforementioned stakeholders and will brief the Committee during the forthcoming meeting.
- Statement requested by Sen. Johnson Sakaja regarding the demolitions of houses that have left more than 5,000 residents in Kariobangi North Ward, Embakasi North Constituency Homeless – the Committee resolved to have a meeting on Monday, 11<sup>th</sup> May, 2020 at 10.00am with the relevant stakeholders and thereafter conduct a site visit to the families affected.

The Secretariat was tasked to analyze the pending Statements seeking information where necessary so as to conclude on them as soon as possible.

Further remarks on each of the Statements are indicated in the Statements Tracker attached. (*See Statement Tracker*)

#### **iii. STATUS OF PETITIONS**

The Committee tasked the Secretariat to prepare reports that can be tabled and also seek information from the Ministry where necessary so as to conclude as many Petitions as possible. The Secretariat was also tasked to schedule meetings that are possible so as to reduce on the number of Petitions that are pending.

Further remarks on each of the Petitions are indicated in the Petitions Tracker attached. (*See Petition Tracker*)

#### **iv. COMMITTEE INQUIRIES**

The Chairperson indicated that the Committee embarks on inquiries and had requested the secretariat to do some research on the recent happenings as observed in the media touching on Land matters and the move by the Government to recover land grabbed from

the Dandora Estate Waste Sewerage Treatment Plant in Ruai. The Secretariat was able to present a brief as is in the media regarding the Ruai land and resolved to write to the relevant Ministries seeking facts on the matter.

v. **SCHEDULE OF MEETINGS**

The Committee resolved to schedule as many number of meetings as possible so as conclude on all pending business that is before the Committee.

**MINUTE SEN/SCLNR/053/2020: CONSIDERATION OF THE COMMITTEE REPORT ON THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 26 OF 2019);**

The Committee adopted its report with the following Recommendations;

**That the Committee recommends to the House to pass the Bill as initially passed by the National Assembly and without any further amendments.**

The Report was adopted after having been proposed by Sen. Prengei Victor, M.P. and Seconded by Sen. Boy Issa Juma, M.P.

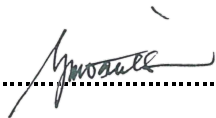
**MINUTE SEN/SCLNR/054/2020: ANY OTHER BUSINESS;**

There was no other business discussed.

**MINUTE SEN/SCLNR/055/2020: DATE OF NEXT MEETING;**

The meeting was adjourned at 12.15 pm and the next meeting was scheduled for Monday, 11<sup>th</sup> May, 2020 at 10.00am in the Senate Chamber.

Signed: .....



Date: ..... 7/05/2020 .....

**SEN. MWANGI PAUL GITHIOMI, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES**

**MINUTES OF THE 8<sup>TH</sup> MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 12<sup>TH</sup> MARCH, 2020 IN SHIMBA HILLS HALL, 1<sup>ST</sup> FLOOR, KICC AT 9.30 AM.**

**MEMBERS**

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Prengei Victor, M.P.
3. Sen. Slyvia Kasanga, M.P.
4. Sen. Mwaruma Johnes, M.P.
5. Sen. Halake Abshiro, M.P.

**PRESENT**

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

**ABSENT WITH APOLOGY**

1. Sen. Godana Hargura, M.P. - Member
2. Sen. Boy Issa Juma, M.P. - Member
3. Sen. Ndwiga Peter Njeru, EGH. M.P. - Member
4. Sen. George Khaniri, MGH, M.P. - Member

**IN ATTENDANCE**

**SECRETARIAT**

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Carolyn Cheruiyot - Legal Counsel
3. Mr. Wilson Bosmet - Sergeant-at-arms
4. Mr. John Nganga - Audio Recording
5. Mr. Abdalla Mbore - Sergeant-at-arms
6. Ms. Faith Wanja - Intern
7. Mr. Frank Nyabuti - Intern

**MINUTE SEN/SCLNENR/038/2020: PRELIMINARIES**

The meeting was called to order at 10.00 am by the Chairperson followed by a word of prayer.

**MINUTE SEN/SCLNENR/039/2020: ADOPTION OF AGENDA**

The agenda was therefore proposed by Sen. Mwaruma Johnes. M.P. and seconded by Sen. Halake Abshiro, M.P. as follows.

1. Preliminaries - *Prayer*
2. Adoption of the agenda;

3. Confirmation of Minutes of the Previous Sittings;
4. **Public Hearings on the National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019);**
  - 9.30am – 10.00am - Briefing by the Legal Counsel on the Bill
  - 10.00am – 11.00am - Views from Stakeholders
    - The National Treasury,
    - The Ministry of Devolution,
    - The National Drought Management Authority,
  - 11.00am – 12.00Noon – Views from Members of the Public
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

**MINUTE SEN/SCLNR/040/2020: PUBLIC HEARINGS ON THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 26 OF 2019)**

The Committee did not obtain any attendance from members of the Public and discussed the Bill with the guidance of the Secretariat and resolved to support the Bill in its current status and without any amendments.

The Committee was only in receipt of submissions from the Ministry of Devolution as follows:

**BACKGROUND**

The Ministry of Devolution and ASALs, the National Treasury and Planning and the Attorney General developed the Public Finance Management (National Drought Emergency Fund) Regulations 2019 pursuant to section 24 of the Public Finance Management Act 2012. The object of the fund is to;

- g) improve the effectiveness and efficiency of the drought risk management systems in the country;
- h) facilitate resilience building, preparedness and timely response to drought during its different stages in order to mitigate the negative effects of droughts; and

- i) provide a common basket emergency fund in order to facilitate faster, transparent, predictable, and accountable release of funds for drought risk management as well as receive financial resources from development partners who support government on drought risk management interventions.

## **JUSTIFICATION**

Rationale for establishment of the National Drought Emergency Fund under Public Finance Management Act (PFMA), 2012 and not the National Drought Management Authority Act, 2016 is that PFMA, 2012 is the principal law guiding the administration, management and oversight of public funds including the establishment of national public funds.

- c) Further, Section 6 (e) of the PFMA, 2012 provides that the PFM Law shall prevail in case of any inconsistency in establishment, administration and management of any public Fund.
- d) In addition, Section 24 (4) of the Act assigns powers to establish national public funds to the Cabinet Secretary for the National Treasury & Planning with the approval of the National Assembly.

Accordingly, there is need to amend the National Drought Management Authority Act (NDMA), 2016, which had established the Fund to align it to the provisions of the PFMA, 2012 as guided by Law. This will avoid inconsistencies and duplication of laws and pave way for the seamless operationalization of the National Drought Emergency Fund.

### **The governance structure of the National Drought Emergency Fund:**

The National Drought Emergency Fund shall be under the oversight of the National Drought Management Authority board; the Chief Executive Officer of the Authority shall be the Funds' accounting officer/ administrator; and the NDMA Staff will provide Secretariat services to the Fund

### **Effect of National Drought Management Authority (Amendment) Bill, 2019 to Counties pursuant to Article 110 of the Constitution**

National Drought Management Authority is a national government institution fully funded from the equitable share of the national government.

Section 7 (2) of the NDMA act, 2016 had provided for administrative structures to counties through delegation when implementing NDMA programmes and initiatives at

the counties. The proposed amendments under the NDMA Amendment bill, 2019 therefore do not affect in any way counties as provided for under Article 110 of the Constitution. The Fund Regulations will be actualizing the provisions of the Act and will facilitate effective and efficient delivery of service by the Authority.

## **JUSTIFICATION**

The Amendment bill will facilitate the operationalization of the Public Finance Management (National Drought Emergency Fund) Regulations 2019, as the existing inconsistency and duplication in law in the National Drought Management Act and Fund regulations will be cured;

The Amendment bill has aligned the provisions of the National Drought Management Act, 2016 and the Public Finance Management Authority Act, 2012 in regard to establishment of the Fund as well as the institutional framework while maintaining the letter and spirit of the National Drought Management Act, 2016 as well as the desired Government Objective.

## **RECOMMENDATIONS**

The Ministry of Devolution and ASALs has no concerns on the contents of the National Drought Management Act Bill 2019, as published. Unless any views to the contrary are brought forth by any other party, the Ministry is of the view that the Bill be passed in the manner it was Published.

### **MINUTE SEN/SCLNR/041/2020: ANY OTHER BUSINESS;**

There was no other business discussed.

### **MINUTE SEN/SCLNR/042/2020: DATE OF NEXT MEETING;**

The meeting was adjourned at 12.45 pm and the next meeting was scheduled for to follow thereafter.

Signed:.....

Date:..... **7/05/2020**.....

**SEN. MWANGI PAUL GITHIOMI, MP**

**CHAIRPERSON**

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**

## **ANNEX II**

**REPUBLIC OF KENYA**



**TWELFTH PARLIAMENT**

**THE SENATE**

### **PUBLIC HEARINGS/ RECEIPT OF MEMORANDA**

#### **THE NATIONAL DROUGHT MANAGEMENT AUTHORITY (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 26 OF 2019)**

**The National Drought Management Authority (Amendment) Bill (National Assembly Bills No. 26 of 2019)** was read a First Time in the Senate on 19<sup>th</sup> February, 2020 and was thereafter committed to the Senate Standing Committee on Land, Environment and Natural Resources for consideration.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and standing order 140 of the Senate Standing Orders, the Senate Standing Committee on Land, Environment and Natural Resources now invites interested members of the public and stakeholders to submit their views on the Bill. The views may be submitted through submission of written memoranda in the following manner-

1. Public Hearing for the Bill shall be held on **Thursday, 12<sup>th</sup> March, 2020 from 10:00 a.m. to 12:00 noon at KICC, Shimba Hills Boardroom, Nairobi;** or
2. Written Memoranda may be forwarded to the **Clerk of the Senate/ Secretary, Parliamentary Service Commission, P.O. Box 41842-00100, Nairobi,** hand-delivered to the **Office of the Clerk of the Senate/ Secretary, Parliamentary Service Commission, First Floor, Main Parliament Buildings, Nairobi** or emailed to **csenate@parliament.go.ke**, to be received **on or before Thursday, 12<sup>th</sup> March, 2020 at 5.00 p.m.**

The Bill may be found on the Parliament website at <http://www.parliament.go.ke/senate>.

**CLERK OF THE SENATE/ SECRETARY,  
PARLIAMENTARY SERVICE COMMISSION.**