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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

.....

REPORT ON THE SENATE AMENDMENTS TO THE NATIONAL DISASTER
RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 22 JULY 2025	DAY: TUESDAY
TABLED BY:	HON. PETER LOCHAKA GANU, MP (CHAIRPERSON)
CLERK AT THE TABLE:	INZOVU MWALE

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

JULY 2025

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Regional Development on the consideration of the Senate Amendments to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) which was passed by the National Assembly on 4th June, 2024 and submitted to the Senate pursuant to the provisions of Standing Order 142 of the National Assembly Standing Orders. The Senate considered and passed the Bill with amendments on Tuesday, 15th April 2025.

The Senate amendments to the Bill were referred to the Departmental Committee on Regional Development for consideration and reporting back to the House on 30th April 2025.

The Committee held two (2) sittings to consider the Senate Amendments to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023). The Committee agreed with the amendments proposed by the Senate to clauses 2, 3, 4, 7 (ma) and (mb), 9, 10, 28 and 32 but rejected the amendments proposed to clauses 6, 7(mc), 27, 29, new clauses 41A, 41B, 41C, 41D, 41E and 52A because of various reasons that are provided in Chapter III of this Report.

Acknowledgements

The Committee registers its appreciation to the Offices of the Speaker, Office of the Clerk of the National Assembly, Director, Departmental Committees, and the Committee Secretariat for the logistical support extended during the vetting process.

I acknowledge and appreciate the Members of the Committee for their patience, sacrifice, and commitment, which enabled the Committee to effectively undertake its legislative mandate.

On behalf of the Departmental Committee on Regional Development and pursuant to Standing Order 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Regional Development on its consideration of the Senate Amendments to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023).

**HON. PETER LOCHAKAPONG, M.P
(CHAIRPERSON)**

DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

CHAPTER ONE

1 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Regional Development is one of the Departmental Committees of the National Assembly established under **Standing Order 216** whose mandates pursuant to the **Standing Order 216 (5)** are as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. ***To study and review all legislation referred to it;***
 - v. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Subjects under the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to oversee:
 - (a) Regional development, including regional development authorities;
 - (b) Refugee affairs;
 - (c) Devolution;
 - (d) Inclusive growth;
 - (e) Arid and semi-arid areas;
 - (f) Disaster risk management;
 - (g) Drought, famine, and disaster response; and
 - (h) Post-disaster recovery and rehabilitation.
3. In executing its mandate, the Committee oversees the State Department for ASALS and Regional Development, the State Department for Devolution, State Department of Special Programmes and the Department of Refugee Affairs.

1.3 Committee Membership

4. The Departmental Committee on Regional Development was first constituted by the House on Thursday, 27th October 2022, and further reconstituted on 6th March 2025, and comprises of the following Members:

Chairperson

Hon Lochakapong Peter, M.P.
Sigor Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Paul Abuor, M.P.
Rongo Constituency
Orange Democratic Movement (ODM)

Members

Hon. Sudi Oscar Kipchumba, M.P.
Kapseret Constituency
United Democratic Alliance (UDA)

Hon. Kalasinga Joseph Majimbo, M.P.
Kabuchai Constituency
Ford-Kenya Party

Hon. Munyoro Joseph Kamau, M.P.
Kigumo Constituency
United Democratic Alliance (UDA)

Hon. Maina Mwago Amos, M.P.
Starehe Constituency
Jubilee Party

Hon. Tungule Charo Kazungu, M.P.
Ganze Constituency
Pamoja African Alliance (PAA)

Hon. Otucho Mary Emaase, M.P.
Teso South Constituency
United Democratic Alliance (UDA)

Hon. Basil Robert Ngui, M.P.
Yatta Constituency
Wiper Democratic Movement–Kenya

Hon. Mawathe Julius Musili, M.P.
Embakasi South Constituency
Wiper Democratic Movement–Kenya

Hon. Nabulindo Peter Oscar, M.P.
Matungu Constituency
Orange Democratic Movement (ODM)

Hon. Njeru Pamela Njoki, M.P.
Embu County Women Representative
United Democratic Alliance (UDA)

Hon. Abdi Khamis Chome, M.P.
Voi Constituency
Wiper Democratic Movement–Kenya

Hon. CPA Geoffrey Wandeto, M.P.
Tetu Constituency
United Democratic Alliance (UDA)

Hon. Umul Ker Kassim Sheikh, M.P.
Mandera County Women Representative
United Democratic Movement (UDM)

1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Mohamed Boru
Clerk Assistant I/Head of Secretariat

Mr. Sisto Macharia
Clerk Assistant III

Ms. Agnes Ibara
Hansard Reporter II

Mr. Moses Mwariri
Legal Counsel II

CPA. Cyrille Mutali
Fiscal Analyst II

Ms. Rose Tabuke
Research Officer III

Ms. Mwanasha Juma
Assistant Sergeant-at-Arms

Ms. Deborah Mupusi
Media Relations Officer II

Mr. Kelvin Lengasi
Audio Officer II

Mr. Jared Onyancha
Public Communication Officer III

CHAPTER TWO

2.1 OVERVIEW OF THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2024 (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)

6. The National Disaster Management (National Assembly Bill No. 23 of 2023) is a Bill sponsored by the Leader of the Majority Party, Hon. Kimani Ichungwa'h. The Bill seeks to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees, to provide a legal framework for the co-ordination of disaster risk management activities and connected purposes.
7. The National Assembly considered and passed the Bill on 4th June, 2024 and thereafter, pursuant to Article 110(4) of the Constitution, referred the Bill to the Senate for consideration.
8. The Senate considered the Bill and pursuant to Article 112(1)(b) of the Constitution, passed the Bill in an amended form and has referred the Bill back to the National Assembly for concurrence. The amendments were subsequently referred to the Departmental Committee on Regional Development on 30th April, 2025.

2.2 AMENDMENTS PROPOSED BY SENATE

9. The Senate proposed amendments to clauses 2, 3, 4, 6, 7, 9, 10, 27, 28, 29, 32 and clause 52. They also proposed introduction of new clauses 41A, 41B, 41C, 41D, 41E and 52B. They proposed that:

Senate Amendment to Clause 2

10. Clause 2 be amended by inserting the following new definitions immediately after the definition of the words "climate change" –

"climate change adaptation" means adjustment to ecological, social or economic systems in response to actual or expected climatic impacts in order to moderate potential damages or to benefit from opportunities associated with climate change"

"emergency" means an actual or imminent situation that arises suddenly poses immediate threat of life, health, property, environment, infrastructure, economic stability or public order that –

- (a) requires prompt coordinated action to protect life and property and restore essential services;
- (b) maybe caused by natural, technological, and human-induced, health or industrial incidents;
- (c) exceeds normal response capabilities requiring multi-agency intervention

"emergency responders" refers to a person involved in an organized response to a potential, actual or impending emergency, including but not limited to

firefighters, police officers, emergency medical personnel, county government emergency management personnel, national government emergency management personnel, military personnel or an officer of a recognized humanitarian organization dealing with disaster response.

Analysis of Senate Amendment to Clause 2

Clause 2 provides for the interpretation which sets out definitions of various words and phrases used in the Bill.

Senate Amendment to Clause 3

11. Clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b)—

(ba) provide for appropriate and dignified assistance and relief to victims and casualties of disasters;

(bb) promote inclusiveness and a multidisciplinary and multi-sectoral approach to disaster management.

Analysis of Senate Amendment to Clause 3

The amendment proposed to clause 3 of the Bill seeks to introduce a new additional object of the Act.

Senate Amendment to Clause 4

12. Clause 4 be amended by deleting paragraph (e) and substituting therefor the following new paragraph—

(e) the national values and principles of governance under Article 10 of the Constitution.

Analysis of Senate Amendment to Clause 4

Clause 4 of the Bill provides for the guiding principles of disaster risk management. This proposal seeks to have the values under Article 10 of the Constitution as part of the guiding principles.

Senate Amendment to Clause 6

13. Clause 6 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

(2) The Authority shall collaborate with the County Disaster Risk Management Committees in all counties in the discharge of its functions.

Analysis of Senate Amendment to Clause 6

This Clause provides for the headquarters of the Authority. The Bill in sub-clause (2) provides that the Authority may establish such offices as it considers necessary for the discharge of its function. Senate seeks to delete this provision to provide that the Authority shall instead collaborate with County Disaster Risk Management Committees in all counties in the discharge of its functions.

Senate Amendment to Clause 7

14. Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m)—

(ma) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;

(mb) carry out and coordinate the national damage and loss assessment in respect to disaster;

(mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

Analysis of Senate Amendment to Clause 7

Clause 7 of the Bill provides for the functions of the Authority. The Senate proposed the insertion of the new paragraphs to increase the functions of the Authority.

Senate Amendment to Clause 9

15. Clause 9(1) be amended in paragraph (f) by deleting the word “Governors” appearing immediately after the words “Council of” and substituting therefor the words “County Governors or a representative designated in writing.”

Analysis of Senate Amendment to Clause 9

Clause 9 of the Bill provides for the composition of the Board to include the Chief Executive Officer of the Council of Governors. The proposal seeks to amend the terminology to “Council of County Governors” rather than “Council of Governors.”

Senate Amendment to Clause 10

16. Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (g).

Analysis of Senate Amendment to Clause 10

Clause 10 (2) of the Bill provides for the Qualifications of the Chairperson of the Board. Sub-clause 2 of the Bill provides that a person is not qualified for appointment as a chairperson or member of the Board, if that person is serving as a member of another Board.

Senate Amendment to Clause 27

17. Clause 27(1) of the Bill be amended in the introductory clause by inserting the words “in consultation with County Governments” immediately after the words “The Authority shall”

Senate Amendment to Clause 27

Clause 27 of the Bill places a duty on the Authority to develop and maintain an electronic database containing: particulars of national and county organs involved in disaster risk management, non-governmental organizations involved in disaster risk management including foreign ones; and experts; information concerning disasters; directory of role-players; emergency response resources and capacity; emergency preparedness; classification of disasters; and disaster risk management research and training facilities. Senate amendment seeks to provide that the Authority while developing and maintaining the electronic database, shall have to consult the county governments.

Senate Amendment to Clause 28

18. Clause 28 of the Bill be amended in sub-clause (1), by inserting the following new paragraph immediately after paragraph (d)—

(e) develop a national multi-hazard early warning system guideline for its implementation.

Analysis of Senate Amendment to Clause 28

The amendment seeks to provide that the Authority may develop a national multi-hazard early warning system guideline for its implementation.

Senate Amendment to Clause 29

19. Clause 29 be amended in sub-clause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”

Analysis of Senate Amendment to Clause 29

Clause 29 of the Bill provides for the Classification of disasters. In sub-clause (8), the Bill provides that the Cabinet Secretary shall by regulations prescribe the details of classification of a disaster under this section. The Senate amendment seeks to provide that the Cabinet Secretary shall consult the Council of County Governors while prescribing regulations on the details of classification of disaster.

Senate Amendment to Clause 32

20. Clause 32(1) be amended—

By deleting paragraph (b);

- (a) in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers” immediately before the word “formulate”
- (b) in paragraph (h) by inserting the words in collaboration with the County Disaster Risk Management Center and the Authority” immediately after the word “oversee” and
- (c) in paragraph (m) by inserting the words “and the respective county assembly “immediately after the word Authority”

Analysis of Senate Amendment to Clause 32

Clause 32 of the Bill outlines the functions of the County Committees. The Senate amendment proposes that the County Disaster Risk Management Centre shall serve as the implementing agency for the decisions of the County Disaster Risk Management Committees.

Senate Amendment to Clause 52

21. Clause 52 be amended’—

- (a) by deleting the heading PART VII-PROVISION ON DELEGATED POWERS and substituting therefore the following heading –

“PART VII-MISCELLANEOUS PROVISIONS”

- (b) in sub-clause (2), by inserting the following new paragraph immediately after paragraph (h)—

(ha) protection of emergency responders during emergency and disaster response.

Analysis of Senate Amendments to Clause 52

Clause 52 of the Bill provides for Delegated Powers.

2.3 PROPOSED NEW CLAUSES FOR INCLUSION IN THE BILL

22. The Senate further proposed the inclusion of the following new Clauses under Clause 41 and Clause 52 as follows:

Proposed Senate Inclusion of New Clause 41A

23. The Bill be amended by inserting the following new clauses immediately after clause 41—

Establishment of a Disaster Management Fund Cap 412A

41A. (1) There is established the Disaster Risk Management Fund which shall be administered in accordance with section 24 of the Public Finance Management Act.

(2) The Director-General of the Authority shall be the administrator of the Fund.

Sources of the Fund

41B. The Fund shall consist of—

- (a) such moneys as may be appropriated by the National Assembly;
- (b) grants or donations for purposes of the Fund;
- (c) income generated from proceeds of the Fund; and
- (d) any moneys accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary for the time being responsible for finance.

Objects of the Funds

41C. The fund shall—

- (a) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (b) provide a common basket for receipt and disbursement of funds for disaster management;
- (c) support capacity development of county governments and other institutions mandated with disaster management;
- (d) support agencies dealing with early warning systems for disaster;
- (e) support the implementation of programmes, projects or activities to further the objectives of this Act; and
- (f) support any other purpose approved by the Board that would enhance the development and promotion of prudent disaster management in the country.

Consolidation of Public Funds related to disaster

41D. All funds established for the purposes of disaster management prior to the commencement of this Act, shall be consolidated into the Fund, except funds—

- (a) established to support institutions created under an Act of Parliament; or
- (b) established by county governments.

Tax Exemptions on Disaster Management Assistance

41E. The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage, charges port charges and any other tax as may be determined.

Analysis of the proposed new Clause 41

The proposal seeks to insert new clauses establishing the Disaster Management Fund, the Sources of the Fund, the Objects of the Fund, Consolidation of Public Fund related to disaster and Tax Exemptions on Disaster Management Assistance

24. Proposed Senate Inclusion of New Clause 52A

The Bill be amended by inserting the following new clauses immediately after clause 52—

Amendment
to Cap.412A

52A. The Public Finance Management Act is amended—

(a) in section 2 by inserting the following new definitions in the proper alphabetical order—

“emergency” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act; and

“Disaster” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act.

(b) in section 110—

(a) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in the marginal note;

(b) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in subsection (1);

(c) in section 112 by deleting subsection (2) and substituting therefor the following new subsection—

(2) For purposes of subsection (1), there is an urgent and unforeseen need for expenditure if—

(a) the expenditure is required to respond to an emergency or disaster in accordance with the National Disaster Risk Management Act;

- (b) the emergency of disaster could not have been foreseen through the normal planning and budgeting process; and
- (c) delay in making the expenditure would result in significant harm to life and property.
- (d) in section 113 by—
 - (i) renumbering the existing provision as subsection (1); and
 - (ii) inserting the following new subsection immediately after subsection (1)—

(2) Notwithstanding subsection (1), the County Executive Committee member may, in order to effectively respond to an emergency or disaster and with the approval of the county assembly, exceed the limit prescribed under subsection (1) provided that –

- (a) the total payment does not exceed five percent of the total county government revenue as shown in that county government's audited financial statements for the previous financial year; and
- (b) the additional amount is used solely for emergency or disaster response and recovery.

Analysis of the proposed new Clause 52

The proposal seeks to amend the Public Finance Management Act by amending definitions related to 'emergency' and 'disaster' as well as the administration of funds in instances of emergencies.

CHAPTER THREE

3.0 COMMITTEE OBSERVATIONS

The Committee having considered the Senate Amendments to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) observed that—

25. The Senate proposed amendments to clauses 2, 3, 4, 6, 7, 9, 10, 27, 28, 29, 32 and clause 52 of the Bill. The Senate also proposed the introduction of new clauses 41A, 41B, 41C, 41D, 41E and 52A.

Senate Amendment to Clause 2

26. Clause 2 be amended by inserting the following new definitions immediately after the definition of the words “climate change” –

“climate change adaptation” means adjustment to ecological, social or economic systems in response to actual or expected climatic impacts in order to moderate potential damages or to benefit from opportunities associated with climate change”

“emergency” means an actual or imminent situation that arises suddenly poses immediate threat of life, health, property, environment, infrastructure, economic stability or public order that –

- (a) requires prompt coordinated action to protect life and property and restore essential services;
- (b) maybe caused by natural, technological, and human-induced, health or industrial incidents;
- (c) exceeds normal response capabilities requiring multi-agency intervention

“emergency responders” refers to a person involved in an organized response to a potential, actual or impending emergency, including but not limited to firefighters, police officers, emergency medical personnel, county government emergency management personnel, national government emergency management personnel, military personnel or an officer of a recognized humanitarian organization dealing with disaster response.

Committee Observation

The Committee agreed with the proposal to add the new definitions as they appropriately broaden the objectives of the Bill.

Senate Amendment to Clause 3

27. Clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b)—
- (ba) provide for appropriate and dignified assistance and relief to victims and casualties of disasters;
 - (bb) promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management.

Committee Observation

The proposed insertion of the new paragraphs to introduce additional objects of the Act effectively broadens its objectives.

Senate Amendment to Clause 4

28. Clause 4 be amended by deleting paragraph (e) and substituting therefor the following new paragraph—

- (e) the national values and principles of governance under Article 10 of the Constitution.

Committee Observation

The Committee observed that the Bill had expressly provided in the clause transparency and accountability as part of the national values. However, the Senate recommended the deletion of this specific provision and instead proposed the insertion of a broader provision anchoring the Bill on the national values and principles of governance under Article 10 of the Constitution.

Senate Amendment to Clause 6

29. Clause 6 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

- (2) The Authority shall collaborate with the County Disaster Risk Management Committees in all counties in the discharge of its functions.

Committee Observation

The Committee rejected the Senate's proposal to delete the provision which allows the Authority to establish such offices as may be necessary for the discharge of its functions. The Committee observed that the deletion of this provision would contravene Article 6(3) of the Constitution, which provides that a national State organ shall ensure reasonable access to its services in all parts of the Republic, as far as is appropriate, having regard to the nature of the service. Further, the Committee noted that the Senate's proposal would limit the Authority's capacity to effectively carry out its mandate.

Senate Amendment to Clause 7

30. Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m)—

- (ma) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;
- (mb) carry out and coordinate the national damage and loss assessment in respect to disaster;
- (mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

Committee Observation

The Committee agreed with the proposal to insert the new paragraphs (ma) and (mb) into the Bill. However, with respect to paragraph (mc), the Committee observed that requiring the Authority to carry out bi-annual national drill exercises is necessary for effective preparedness in cases of disaster. The Committee noted that this may present significant logistical and budgetary challenges by mandating two full scale national drills each year, which could place undue strain on the Authority, thereby risking non-compliance. The Committee further noted that an annual national drill exercise may be a more practical and sustainable while still supporting preparedness efforts.

Senate Amendment to Clause 9

31. Clause 9(1) be amended in paragraph (f) by deleting the word “Governors” appearing immediately after words “Council of” and substituting therefor the words “County Governors or a representative designated in writing.”

Committee Observation

The Committee agreed with the proposal to refer to the entity as the “Council of County Governors” rather than “Council of Governors” as this terminology reflects the official recognized name of the body as established in law.

Senate Amendment to Clause 10

32. Clause 10 of the Bill be amended in sub-clause (2) by deleting paragraph (g).

Committee Observation

The Committee agreed with the proposed deletion of the provision noting that in practice, Principal Secretaries often serve in more than one Board and having the provision may unnecessarily limit the flexibility needed for effective coordination of government functions.

Senate Amendment to Clause 27

33. Clause 27(1) of the Bill be amended in the introductory clause by inserting the words “in consultation with County Governments” immediately after the words “The Authority shall”

Committee Observation

The Committee rejected the proposal to require the Authority to consult county governments in the development and maintenance of the electronic database. The Committee observed that involving too many actors in these processes could lead to inefficiencies and undermine the effective management of the database. The Committee further observed that the involvement of county governments could heighten the risk of breaching established security safeguards designed to protect the right to privacy and to restrict access by unauthorized persons. The Committee further noted that clause 27(2) of the Bill already provides that the Authority shall ensure the database is accessible to the public.

Senate Amendment to Clause 28

34. Clause 28 of the Bill be amended in sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)—

(e) develop a national multi-hazard early warning system guideline for its implementation.

Committee Observation

The Committee agreed with the proposal to insert the new paragraph to provide that the Authority may develop a national multi-hazard early warning system guideline for its implementation.

Senate Amendment to Clause 29

35. Clause 29 be amended in sub-clause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”

Committee Observation

The Committee noted that the proposal to require the Cabinet Secretary to consult the Council of County Governors when making regulations prescribing details of the classification of disasters is already addressed by existing constitutional and statutory provisions. Specifically, Article 6(2) of the Constitution mandates that the national and county governments conduct their mutual relations on the basis of consultation and cooperation. Further, the Committee observed that Section 5(1) of the Statutory Instruments Act, Cap. 2A requires a regulatory authority to undertake appropriate consultations with persons likely to be affected before making a statutory instrument. The Committee further observed that the Council of Governors, which is established under Section 19 of the Intergovernmental Relations Act, Cap. 265F, serves as a forum for consultation and coordination among county governments, and is not a State organ vested with legislative authority under Article 94(6) of the Constitution. For these reasons, the Committee rejected this amendment.

Senate Amendment to Clause 32

36. Clause 32(1) be amended—

By deleting paragraph (b);

(d) in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers” immediately before the word “formulate”

(e) in paragraph (h) by inserting the words “in collaboration with the County Disaster Risk Management Center and the Authority” immediately after the word “oversee” and

(f) in paragraph (m) by inserting the words “and the respective county assembly” immediately after the word “Authority”

Committee Observation

The Committee noted that the proposal may be adopted, given that the County Disaster Risk Management Centre serves as the implementing entity for the decisions of the County Disaster Risk Management Committee.

Senate Amendment to Clause 52

37. Clause 52 be amended—

By deleting the heading PART VII and substituting therefore the following heading –

"PART VII-MISCELLANEOUS PROVISIONS"

In sub-clause (2) by inserting the following new paragraph immediately after paragraph (h)—
(ha) protection of emergency responders during emergency and disaster response.

Committee Observation

The Committee observed that the proposal to delete the heading *PART VII – PROVISION ON DELEGATED POWERS* and substitute it with *PART – MISCELLANEOUS PROVISIONS* contravenes Standing Order 118 of the National Assembly Standing Orders. The National Assembly Standing Order requires that every Bill conferring on any State organ, State officer, or person the authority to make provisions having the force of law under Article 94(6) of the Constitution shall contain a separate and distinct part titled *"Provisions on Delegated Powers."*

3.1 PROPOSED NEW CLAUSES FOR INCLUSION IN THE BILL

38. The Senate further proposed the inclusion of new sub-clauses under Clause 41 and Clause 52 as follows:

Proposed Senate Inclusion of New Clause 4A

39. The Bill be amended by inserting the following new clauses immediately after clause 41—

Establishment of a Disaster Management Fund Cap 412A

41A. (1) There is established the Disaster Risk Management Fund which shall be administered in accordance with section 24 of the Public Finance Management Act.

(2) The Director-General of the Authority shall be the administrator of the Fund.

Sources of the Fund

41B. The Fund shall consist of—

- (e) such moneys as may be appropriated by the National Assembly;
- (f) grants or donations for purposes of the Fund;
- (g) income generated from proceeds of the Fund; and
- (h) any moneys accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary for the time being responsible for finance.

Objects of the Funds

41C. The fund shall—

- (g) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (h) provide a common basket for receipt and disbursement of funds for disaster management;
- (i) support capacity development of county governments and other institutions mandated with disaster management;
- (j) support agencies dealing with early warning systems for disaster;
- (k) support the implementation of programmes, projects or activities to further the objectives of this Act; and

- (l) support any other purpose approved by the Board that would enhance the development and promotion of prudent disaster management in the country.

Consolidation of Public Funds related to disaster

41D. All funds established for the purposes of disaster management prior to the commencement of this Act, shall be consolidated into the Fund, except funds—

- (c) established to support institutions created under an Act of Parliament; or
- (d) established by county governments.

Tax Exemptions on Disaster Management Assistance

41E. The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage, charges port charges and any other tax as may be determined.

Committee Observation

The Committee observed that the proposal to insert a new clause establishing the Disaster Risk Management Fund seeks to expand the scope of the Bill, contrary to Standing Order 133(5). Further, the proposal conflicts with section 24(4) of the Public Finance Management Act, Cap. 412A, which vests the mandate to establish a fund with the approval of the National Assembly, in the Cabinet Secretary. The same provision designates the Cabinet Secretary as the authority to appoint the person responsible for administering any national public fund so established.

40. Proposed Senate Inclusion of New Clause 52A

The Bill be amended by inserting the following new clauses immediately after clause 52—

Amendment
to Cap.412A

52A. The Public Finance Management Act is amended—

(a) in section 2 by inserting the following new definitions in the proper alphabetical order—

“emergency” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act; and

“Disaster” has the meaning assigned to it under section 2 of the National Disaster Risk Management Act.

(b) in section 110—

(c) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in the marginal note;

(d) deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in subsection (1);

(c) in section 112 by deleting subsection (2) and substituting therefor the following new subsection—

(2) For purposes of subsection (1), there is an urgent and unforeseen need for expenditure if—

- (d) the expenditure is required to respond to an emergency or disaster in accordance with the National Disaster Risk Management Act;
- (e) the emergency of disaster could not have been foreseen through the normal planning and budgeting process; and
- (f) delay in making the expenditure would result in significant harm to life and property.

(d) in section 113 by—

- (iii) renumbering the existing provision as subsection (1); and
- (iv) inserting the following new subsection immediately after subsection (1)—

(2) Notwithstanding subsection (1), the County Executive Committee member may, in order to effectively respond to an emergency or disaster and with the approval of the county assembly, exceed the limit prescribed under subsection (1) provided that –

- (c) the total payment does not exceed five percent of the total county government revenue as shown in that county government's audited financial statements for the previous financial year; and
- (d) the additional amount is used solely for emergency or disaster response and recovery.

Committee Observation

The proposal to amend the Public Finance Management Act seeks to expand the scope of the Bill which is contrary to the provisions of S.O 133(5). Further, the Committee observed that the amendment was not subjected to public participation by the National Assembly to allow the public submit their views on it.

CHAPTER FOUR

3.0 COMMITTEE RECOMMENDATIONS

In view of the observations made, the Committee proposes the following amendments to the Bill—

1. The House **AGREES** with the Senate Amendments to:

- (a) Clause 2;
- (b) Clause 3;
- (c) Clause 4;
- (d) Clause 7 (ma) and (mb);
- (e) Clause 9;
- (f) Clause 10;
- (g) Clause 28; and
- (h) Clause 32.


2. The House **REJECTS** the Senate Amendments to:

- (a) Clause 6;
- (b) Clause 7 (mc);
- (c) Clause 27;
- (d) Clause 29;
- (e) New Clause 41A, 41B, 41C, 41D and 41E;
- (f) Clause 52; and
- (g) New Clause 52A.

SIGNED..........DATE.....17/7/25.....

HON. PETER LOCHAKAPONG, MP
(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 22 JUL 2025	
DAY: TUESDAY	
TABLED BY:	HON. PETER LOCHAKAPONG, MP (CHAIRPERSON)
CLERK-AT-THE-TABLE:	MZGRU MWALE



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT

DATE: 17/07/2025

ADOPTION LIST

TIME: From 10:30am To 11:30am

VENUE: BUNGE TOWER 3RD FLOOR RM 17

AGENDA: Consideration and adoption of the Committee's report on the National Disaster Risk Management Bill, 2023 (National Assembly Bill No. 24 of 2023)

We, the undersigned, adopt the Committee's report on the National Disaster Risk Management Bill, 2023 (National Assembly Bill No. 24 of 2023)

NO.	NAME	SIGNATURE
	Hon. Lochakapong Peter, CBS, M.P. – Chairperson	
2.	Hon. Paul Abuor, M.P. – Vice - Chairperson	
3.	Hon. Sudi Oscar Kipchumba, M.P.	
4.	Hon. Mawathe Julius Musili, M.P.	
5.	Hon. Otucho Mary Emaase, M.P.	
6.	Hon. Kalasinga Joseph Majimbo, M.P.	
7.	Hon. Nabulindo Peter Oscar, M.P.	
8.	Hon. Khamis Chome Abdi, M.P.	
9.	Hon. Maina Amos Mwago, M.P.	
10.	Hon. Tungule Charo Kazungu, M.P.	
11.	Hon. Basil Robert Ngui, M.P.	
12.	Hon. CPA Geoffrey Wandeto, M.P.	
13.	Hon. Munyoro Joseph Kamau, M.P.	
14.	Hon. Njeru Pamela Njoki, M.P.	
15.	Hon. Umul Ker Kassim Sheikh, M.P.	

Forwarded by:

Signature: Date: 17/7/2025

Committee Clerk: ISORU

Approved by:

Signature: Date: 17/07/25

Director Departmental Committees:

