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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 GANGE, MP (CHAIRPERSON)
CLERK AT THE TABLE:	IMROPV 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 4<sup>th</sup> 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, 15<sup>th</sup> 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 30<sup>th</sup> 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, 27<sup>th</sup> October 2022, and further reconstituted on 6<sup>th</sup> 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. Mawathe Julius Musili, M.P.  
Embakasi South Constituency  
**Wiper Democratic Movement–Kenya**

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

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

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

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

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

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

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

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

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

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

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

#### 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 4<sup>th</sup> 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 30<sup>th</sup> 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 or 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

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



THE NATIONAL ASSEMBLY  
13<sup>TH</sup> 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: Mohamed Isuru

Approved by:

Signature:  Date: 17/07/25

Director Departmental Committees: .....

**MINUTES OF THE TWENTY-EIGHTH (28<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT HELD ON TUESDAY, 15<sup>TH</sup> JULY 2025 AT 10:23 A.M. IN COMMITTEE ROOM NO. 17 ON 3<sup>RD</sup> FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS**

**PRESENT**

1. Hon. Lochakapong Peter, M.P. - *Chairperson*
2. Hon. Paul Abuor, M.P. - *Vice-Chairperson*
3. Hon. Kalasinga Joseph Majimbo, M.P.
4. Hon. Nabulindo Peter Oscar, M.P.
5. Hon. Khamis Chome Abdi, M.P.
6. Hon. Maina Amos Mwago, M.P.
7. Hon. Tungule Charo Kazungu, M.P.
8. Hon. Basil Robert Ngui, M.P.
9. Hon. Munyoro Joseph Kamau, M.P.
10. Hon. Njeru Pamela Njoki, M.P.

**ABSENT WITH APOLOGY**

1. Hon. Sudi Oscar Kipchumba, M.P.
2. Hon. Mawathe Julius Musili, M.P.
3. Hon. Otucho Mary Emaase, M.P.
4. Hon. CPA Geoffrey Wandeto, M.P.
5. Hon. Umul Ker Kassim Sheikh, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Sisto Macharia - Clerk Assistant III
3. Mr. Moses Mwariri - Legal Counsel II
4. CPA. Cyrille Mutali - Fiscal Analyst II
5. Ms. Mwanasha Juma - Serjeant at Arms
6. Mr. Collins Akhonya - Audio Officer III

**AGENDA**

1. Prayers;
2. Preliminaries;
3. Confirmation of the previous minutes;
4. Legal briefing on the Senate amendments to the National Disaster Risk Management Bill, 2023 (National Assembly Bill No. 24 of 2023);
5. Any Other Business; and
6. Adjournment.

**MIN. NO. NA/DC-RD/ 146/ 2025: PRELIMINARIES**

The meeting was called to order at 10.23 a.m. by the Chairperson, followed by a word of prayer and introductions. The meeting agenda was then adopted, having been proposed by Hon. Tungule Charo Kazungu, M.P., and seconded by Hon. Nabulindo Peter Oscar, M.P.

**MIN. NO. NA/DC-RD/ 147/ 2025: CONFIRMATION OF MINUTES**

The agenda item was deferred.

The Legal Counsel took the Committee through the following amendments to the National Disaster Risk Management Bill, 2023, proposed by the Senate:

**1. Amendment to Clause 2 – Interpretation, which sets out definitions of various words and phrases used in the Bill**

**Senate Proposal:** Clause 2 be amended by inserting the following new definitions immediately after the definition of the words “climate change” –

- i. “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.
- ii. “Emergency” means an actual or imminent situation that arises suddenly poses immediate threat of life, health, property, environment, infrastructure, economic stability or public order
- iii. “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 Resolution:** The Committee **agreed** with the amendment.

**Reason:** The proposal for new definitions is in order as it broadens the principal objective of the Bill.

**2. Amendment to Clause 3 – Provides for the objects of the Act**

**Senate Proposal:** Clause 3 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (b)—

- i. (ba) provide for appropriate and dignified assistance and relief to victims and casualties of disasters;
- ii. (bb) promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management.

**Committee Resolution:** The Committee **agreed** with the amendment.

**Reason:** The proposed insertion of new paragraphs to introduce additional objects of the Act effectively also broadens the objectives of the Bill.

**3. Amendment to Clause 4 – Provides for the guiding principles of disaster risk management**

**Senate Proposal:** Clause 4 be amended by deleting paragraph (e) and substituting therefor the following new paragraph—

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

**Committee Resolution:** The Committee **agreed** with the amendment.

**Reason:** This proposal aligns the paragraph with the values under Article 10 of the Constitution.

**4. Amendment to Clause 6 – Provides for the headquarters of the Authority**

**Senate Proposal:** Clause 6 be amended by deleting subclause (2) and substituting therefor the following new subclause—

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

**Committee Resolution:** The Committee **disagreed** with the amendment.

**Reasons:**

- a. The Senate proposal to delete the provision allowing the Authority to establish such offices for the discharge of its functions contravenes 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.
- b. Such a proposal would also limit the Authority's capacity to effectively carry out its mandate. Furthermore, the Bill originally sought to decentralize the Authority's services to ensure proper coordination and implementation of disaster risk management throughout the country.

**5. Amendment to Clause 7 – Provides for the functions of the Authority**

**Senate Proposal:** Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m)—

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

**Committee Resolution:** The Committee **agreed** with the amendments, save for (iii) above.

**Reason:** The proposal to insert the new paragraphs to increase the functions of the Authority is in order. The Committee disagreed with the proposal to have the Authority carry out bi-annual national drill exercises as it would pose implementation and logistical challenges.

**6. Amendment to Clause 9 – Provides for the composition of the Board. In paragraph (f), the Bill provides that “the Chief Executive Officer of the Council of Governors” is a member of the Board.**

**Senate Proposal:** 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 Resolution:** The Committee **agreed** with the amendment.

**Reason:** This refer the entity as the “Council of County Governors” rather than “Council of Governors.” is in order. This terminology reflects the official recognized name of the body as established in law.

**7. Amendment to Clause 10 – Provides for the Qualifications of the Chairperson of the Board. Subclause 2 of the Bill provides that person is not qualified for appointment as a chairperson or member of the Board, if that person- (g) is serving as a member of another Board.”**

**Senate Proposal:** Clause 10 of the Bill be amended in subclause (2) by deleting paragraph (g).

**Committee Resolution:** The Committee **agreed** with the amendment.

**Reason:** The amendment seeks to delete the provision that a person is not qualified for appointment as a Chairperson or a member of the Board if the person is serving as a member of another Board. 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.

**8. Amendment to Clause 27 – Places a duty on the Authority to develop and maintain an electronic database**

**Senate Proposal:** 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 Resolution:** The Committee **disagreed** with the amendment.

**Reason:**

- a. The proposal to require the Authority to consult the county governments while developing and maintaining an electronic database may pose a challenge.

Involving too many players in these processes could lead to inefficiency and undermine effective management of the database.

- b. Furthermore, it could increase the risk of violating established security safeguards put in place to protect the right to privacy and to limit access by unauthorized persons. Additionally, clause 27(2) of the Bill provides that the Authority shall ensure that the database is accessible to the public. This proposal may lead to concerns about the potential infringement of privacy rights.

**9. Amendment to Clause 28 – Bill states that the Authority**

- a. Shall develop and regularly review the national disaster risk management plan and strategy for state organs and other players involved in disaster risk management;
- b. Collaborate with counties in coordinating the implementation of the policies, plans and strategies;
- c. develop guidelines for the integration of the concept and principles of disaster risk management in national and county integrated development plans, protocols, programmes and initiatives; and
- d. Mainstream gender issues in the plans and strategies.

**Senate Proposal:** Clause 28 of the Bill be amended in subclause (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 Resolution:** The Committee **agreed** with the amendment.

**Reason:** 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 is not contentious.

**10. 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

**Senate Proposal:** Clause 29 be amended in subclause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”

**Committee Resolution:** The Committee **disagreed** with the amendment.

**Reason:**

- a. The proposal to require the Cabinet Secretary to consult the Council of Governors while prescribing details of classification of disaster is in our view already taken into account by the Constitution. Article 6(2) of the Constitution

provides that both the national and county levels of government shall conduct their mutual relations on the basis of consultation and cooperation.

- b. Further, section 2 of the Statutory Instruments Act, Cap. 2A defines a “regulation-making authority” as any authority authorized by an Act of Parliament to make statutory instruments.
- c. Section 5(1) of the Statutory Instruments Act further provides that “A regulatory authority shall, before making a statutory instrument, undertake appropriate consultations with persons who are likely to be affected by the proposed instrument.”
- d. The Council of Governors is neither a state organ vested with legislative authority under Article 94(6) of the Constitution. Instead, it is a forum for consultation and coordination among county governments, established under Section 19 of the Intergovernmental Relations Act, Cap.265F to facilitate cooperation and sharing of information between the county governments.

#### **11. Amendment to Clause 32 – Provides for the functions of the County Committees**

**Senate Proposal:** Clause 32(1) be amended—

- i. by deleting paragraph (b);
- ii. in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers” immediately before the word “formulate”
- iii. 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
- iv. in paragraph (m) by inserting the words “and the respective county assembly “immediately after the word Authority”

**Committee Resolution:** The Committee **agreed** with the amendment.

**Reason:** The County Disaster Risk Management Centre serves as the implementing entity for the decisions of the County Committee.

#### **12. Amendment to Clause 52 – Provides for the PART VII- Provision on Delegated Powers.**

**Senate Proposal:** Clause 52 be amended’—

By deleting the heading PART VII and substituting therefore the following heading –  
**PART VII-MISCELLANEOUS PROVISIONS**

In subclause (2) by inserting the following new paragraph immediately after paragraph (h)—

- i. (ha) Protection of emergency responders during emergency and disaster response.

**Committee Resolution:** The Committee **disagreed** with the amendment.

**Reason:** The proposal to delete the heading **PART VII- PROVISION ON DELEGATED POWERS** and substitute therefor the heading **PART MISCELLANEOUS PROVISIONS** goes against S.O. 118 of our National Assembly Standing Orders. The Standing Order provides that every Bill that confers on any state organ, State Officer or Person the authority to make provision having the force of the law in Kenya in terms of Article 94(6) Constitution shall contain a separate and distinct part of the Bill under the title “Provisions on Delegated Powers.

### 13. New Clauses

**Senate Proposal:** The Bill be amended by inserting the following new clauses immediately after clause 41—

- i. 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.

- ii. 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.

- iii. 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.

- iv. 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.

- v. 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 Resolution:** The Committee **disagreed** with the amendment.

**Reasons:**

- a. The proposal to insert a new clause establishing the Disaster Management Fund maybe contentious as it seeks to expand the scope of the Bill against Standing Order 133(5).
- b. Further, the proposal is against the provisions of section 24(4) of the Public Finance Management Act, Cap.412A which provides that it is the Cabinet Secretary who has the mandate of establishing a fund with the approval of the National Assembly and further, it is the Cabinet Secretary who designates a person to administer every national public fund established.

The senate also proposed that the Bill be amended by inserting the following new clauses immediately after clause 52—

- i. 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—

- i. Deleting the word “may” appearing immediately after the words “Executive Committee” and substituting therefor the word “shall” in the marginal note;

- ii. 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—
    - i. the expenditure is required to respond to an emergency or disaster in accordance with the National Disaster Risk Management Act;
    - ii. the emergency of disaster could not have been foreseen through the normal planning and budgeting process; and
    - iii. delay in making the expenditure would result in significant harm to life and property.
- d. in section 113 by—
  - Renumbering the existing provision as subsection (1); and
  - 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 –

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  
 The additional amount is used solely for emergency or disaster response and recovery.

**Committee Resolution:** The Committee **disagreed** with the amendments.

**Reason:** The proposal to amend the Public Finance Management Act may pose a challenge in our opinion as it seeks to expand the scope of the Bill. This is against the provisions of S.O 133(5). Further, the amendment was not subjected to public participation by the National Assembly to allow the public submit their views on it.

In conclusion, the Legal Counsel informed the Committee that;

Article 112(2) provides that if, after the originating House has reconsidered a Bill referred back to it under clause (1)(b), that House—

- i. Passes the Bill as amended, the Speaker of that House shall refer the Bill to the President within seven days for assent; or
- ii. Rejects the Bill as amended, the Bill shall be referred to a mediation committee under Article 113.

**MIN. NO. NA/DC-RD/ 149/ 2025:**

**ANY OTHER BUSINESS**

No other business arose.

**MIN. NO. NA/DC-RD/ 150/ 2025:            ADJOURNMENT**

There being no other business to transact, the sitting adjourned at 11.10 a.m. The next sitting to be held on notice.

**Signed..... Date .....**

**HON. LOCHAKAPONG PETER, M.P.**

**CHAIRPERSON DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

**MINUTES OF THE THIRTY-FIRST (31<sup>ST</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT HELD ON THURSDAY, 17<sup>TH</sup> JULY 2025 AT 10:30 A.M. IN COMMITTEE ROOM NO. 17 ON 3<sup>RD</sup> FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS**

**MEMBERS PRESENT**

1. Hon. Lochakapong Peter, M.P. - *Chairperson*
2. Hon. Paul Abuor, M.P. - *Vice-Chairperson*
3. Hon. Mawathe Julius Musili, M.P.
4. Hon. Kalasinga Joseph Majimbo, M.P.
5. Hon. Nabulindo Peter Oscar, M.P.
6. Hon. Khamis Chome Abdi, M.P.
7. Hon. Maina Amos Mwago, M.P.
8. Hon. Tungule Charo Kazungu, M.P.
9. Hon. Basil Robert Ngui, M.P.
10. Hon. Munyoro Joseph Kamau, M.P.
11. Hon. Njeru Pamela Njoki, M.P.

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Sudi Oscar Kipchumba, M.P.
2. Hon. Otucho Mary Emaase, M.P.
3. Hon. CPA Geoffrey Wandeto, M.P.
4. Hon. Umul Ker Kassim Sheikh, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Sisto Macharia - Clerk Assistant III
3. Mr. Moses Mwariri - Legal Counsel II
4. Ms. Agnes Ibara - Hansard Reporter II
5. Mr. Brian Ojamaa - Media Relations Officer

**AGENDA**

1. Prayers;
2. Preliminaries;
3. Confirmation of the previous minutes;
4. Consideration and adoption of the Committee's report on the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023);
5. Any Other Business; and
6. Adjournment.

**MIN. NO. NA/DC-RD/ 161/ 2025:**

**PRELIMINARIES**

The meeting was called to order at 10.30 a.m. by the Chairperson, followed by a word of prayer and introductions. The meeting agenda was then adopted, having been proposed by Hon. Khamis Chome Abdi, M.P., and seconded by Hon. Paul Abuor, M.P.

**MIN. NO. NA/DC-RD/ 162/ 2025:**

**CONFIRMATION OF MINUTES**

The agenda item was deferred.

**MIN. NO. NA/DC-RD/ 163/ 2025: CONSIDERATION OF THE COMMITTEE'S REPORT ON THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 24 OF 2023)**

The Committee considered the Senate amendments to the Bill and made the following observations:

**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—

1. 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**

2. 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**

3. 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**

4. 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**

5. 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**

6. 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 the 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**

7. 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**

8. 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**

9. 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**

10. 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**

11. 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**

12. 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”

**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**

13. 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.”

#### **PROPOSED NEW CLAUSES FOR INCLUSION IN THE BILL**

14. 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**

15. 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.

### **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.**

### **16. 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 or 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.

#### **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.**

#### **COMMITTEE RECOMMENDATIONS**

In view of the observations made, the Committee proposed 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.

**MIN. NO. NA/DC-RD/ 164/ 2024:**

**ADOPTION OF THE COMMITTEE'S  
REPORT ON THE NATIONAL DISASTER  
RISK MANAGEMENT BILL (NATIONAL  
ASSEMBLY BILL NO. 24 OF 2023)**

The Committee unanimously adopted the report on the Bill having been proposed by Hon. Munyoro Joseph Kamau, M.P. and seconded by Hon. Njeru Pamela Njoki, M.P.

**MIN. NO. NA/DC-RD/ 165/ 2025:**

**ANY OTHER BUSINESS**

No matter arose.

**MIN. NO. NA/DC-RD/ 166/ 2025:**

**ADJOURNMENT**

There being no other business to transact, the sitting adjourned at 11.30 a.m. The next sitting to be held on notice.

Signed..... Date .....

**HON. LOCHAKAPONG PETER, M.P.**

**CHAIRPERSON DEPARTMENTAL COMMITTEE ON REGIONAL DEVELOPMENT**

REPUBLIC OF KENYA

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PARLIAMENT OF KENYA  
OFFICE OF THE CLERK OF THE SENATE

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

The Senate, on Tuesday, 15<sup>th</sup> April, 2025, considered and passed **the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023)**, with amendments as follows –

**CLAUSE 3**

Clause 3 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.

**CLAUSE 4**

Clause 4 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.

**CLAUSE 6**

Clause 6 amended by deleting subclause (2) and substituting therefor, the following new subclause –

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

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**CLAUSE 7**

Clause 7 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 national damage and loss assessment in respect to disasters;
- (mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

**CLAUSE 9**

Clause 9(1) 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”.

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**CLAUSE 10**

Clause 10 amended in subclause (2) by deleting paragraph (g).

**CLAUSE 27**

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

**CLAUSE 28**

Clause 28 amended in subclause (1) by inserting the following new paragraph immediately after paragraph (d) —

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

**CLAUSE 29**

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

Signature



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**CLAUSE 32**

Clause 32(1) amended -

- (a) by deleting paragraph (b);
- (b) in paragraph (c) by inserting the words "in collaboration with the County Disaster Risk Management Centers," immediately before the word "formulate";
- (c) in paragraph (h) by inserting the words "in collaboration with the County Disaster Risk Management Centre and the Authority," immediately after the word "oversee"; and
- (d) in paragraph (m) by inserting the words "and the respective county assembly" immediately after the words "to the Authority".

**CLAUSE 52**

Clause 52 amended -

- (a) by deleting the heading to Part VII and substituting therefor the following new heading -

**PART VII - MISCELLANEOUS PROVISIONS**

- (b) in subclause (2) by inserting the following new paragraph immediately after paragraph (h) -

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

**NEW CLAUSES**

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

Establishment of the 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.

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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 the purposes of the Fund;
- (c) income generated from the 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 Fund

**41C.** The Fund shall —

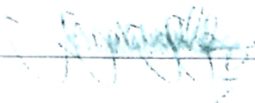
- (a) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (b) provide a common basket for receipt and disbursement of funds for disaster management;
- (c) support capacity development of county governments and other institutions mandated with disaster management;
- (d) support agencies dealing with early warning systems for disaster management;
- (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 management

**41D.** All public funds established for the purpose 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.

Signature

  
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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.

The bill 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 their 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 by –

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

(ii) 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 the 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 or disaster could not have been foreseen through the normal planning and budgeting process; and

Signature

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(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.

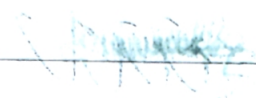
## CLAUSE 2

Clause 2 amended by inserting the following new definition immediately after the definition of the words “climate change” —

“climate change adaptation” means adjustments 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.

Clause 2 further amended by inserting the following definitions in their proper alphabetical order –

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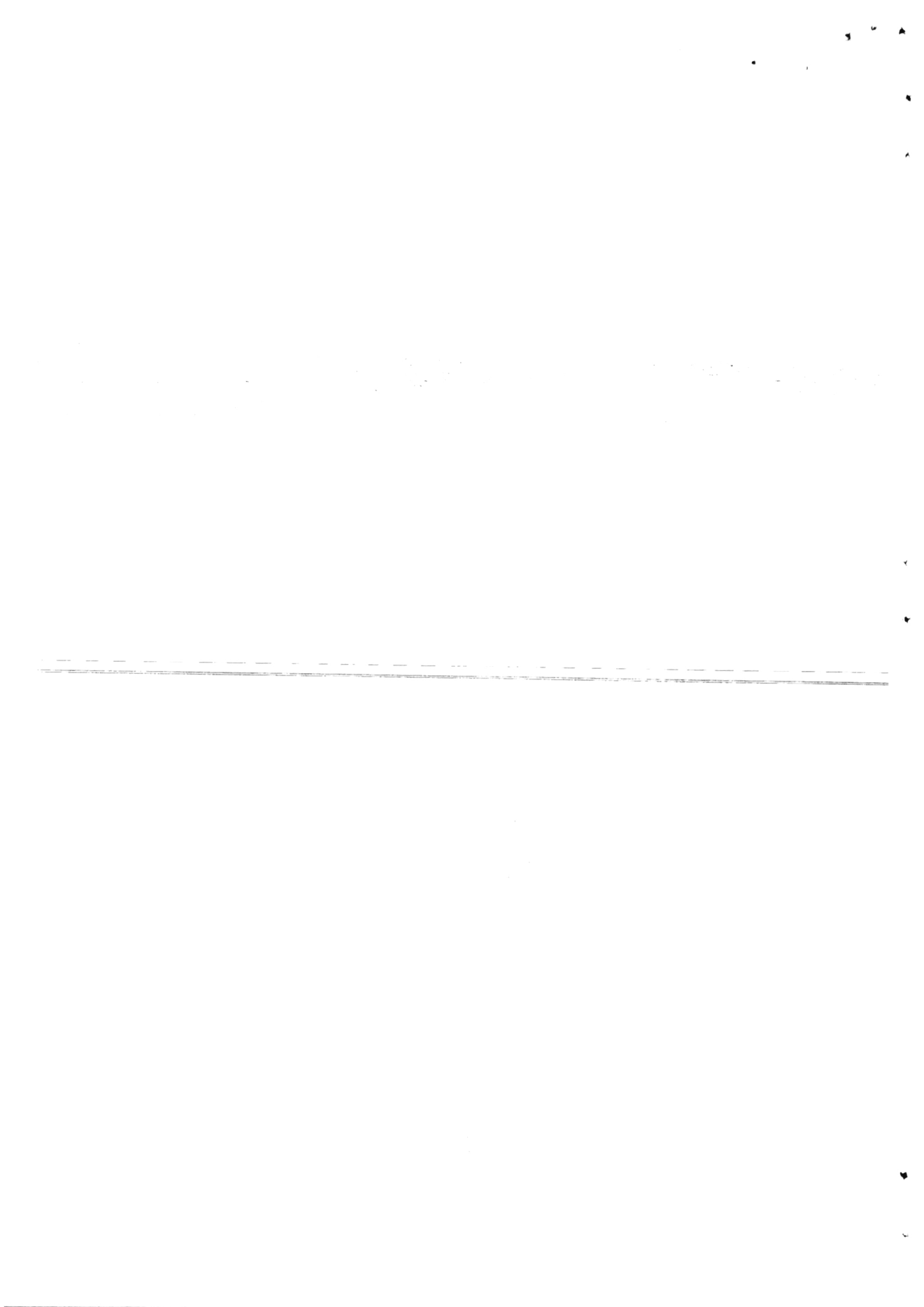
“emergency” means an actual or imminent situation that arises suddenly, poses immediate threat to life, health, property, environment, infrastructure, economic stability or public order and that –

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

“emergency responder” 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.

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**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT - (FOURTH SESSION)  
THE NATIONAL ASSEMBLY**

**MESSAGES**

**MESSAGES FROM THE SENATE**

\_\_\_\_\_ (No. 006 of 2025) \_\_\_\_\_

**ON PASSAGE OF FOUR BILLS BY THE SENATE**

**1. Honourable Members,** pursuant to the provision of Standing Order 41(4), I wish to report to the House that I have received four (4) Messages from the Senate regarding the passage of the following three (3) Senate Bills and one (1) National Assembly Bill—

- (1) The Persons with Disabilities Bill (Senate Bills No. 7 of 2023);**
- (2) The County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023);**
- (3) The County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024); and**
- (4) The National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023).**

**2. Honourable Members,** the **first Message** conveys that on Wednesday, 9<sup>th</sup> April 2025, the Senate considered and **agreed** to the National Assembly amendments to the Persons with Disabilities Bill (Senate Bills No. 7 of 2023).

3. You will recall that on Thursday, 16<sup>th</sup> January 2025, this House passed the said Bill **with amendments**, following which I referred the Schedule of National Assembly amendments to the Senate for consideration in accordance with Article 110(4) of the Constitution. The concurrence of the Senate with the National Assembly on the Bill therefore concludes its bicameral consideration under Article 110 of the Constitution.
4. **Honourable Members**, the **second Message** conveys that, on Tuesday, 15<sup>th</sup> April 2025, the Senate considered and passed the County Assembly Services (Amendment) Bill (Senate Bills No. 34 of 2023), **with amendments**. *The Bill seeks to amend the County Assembly Services Act to provide for the procedure for removal of a Member of the County Assembly Service Board and to establish a fair process for suspending a Clerk of a county assembly, among other provisions.*
5. **Honourable Members**, the **third Message** conveys that, on Tuesday, 15<sup>th</sup> April 2025, the Senate considered and passed the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024), **with amendments**. *The Bill seeks to provide for the establishment of a contributory pension scheme for members and staff of county assemblies. The Bill further establishes the county assemblies Pensions Fund for the payment or granting of pensions or retirement benefits to members and staff of County Assemblies and to provide for other related matters.*
6. **Honourable Members**, the **fourth Message** conveys that, on Tuesday, 15<sup>th</sup> April 2025, the Senate considered and passed the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023), **with amendments**.

7. In this regard, the Senate now seeks the National Assembly's reconsideration of the Bill in accordance with the provisions of Article 112 of the Constitution.
8. **Honourable Members**, having passed the two (2) Senate Bills, the Senate now seeks the concurrence of the National Assembly pursuant to the provisions of Article 110(4) of the Constitution.
9. **Honourable Members**, with regards to the two (2) Senate Bills, you will note that the Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First time upon conveyance of its Message to the House. In view of this, and noting that the House will proceed on recess at the rise of today's Sitting, I direct the Clerk to schedule the two (2) Senate Bills in the Order Paper for First Reading when the House resumes.
10. **Honourable Members**, inasmuch as I have directed the Bills to be read a First Time, close attention should be paid to **the County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024)** in line with the provisions of Articles 94(5) and 114 of the constitution on the introduction of Money Bills and the consideration of Money Bills, respectively. The relevant Committee is therefore urged to take note of the constitution provisions while considering the Bill.
11. Thereafter, the Bills will stand committed to the following Committees for consideration—
  - (1) The County Assemblies Services (Amendment) Bill (Senate Bills No. 34 of 2023) to the **Departmental Committee on Labour**; and
  - (2) The County Assemblies Pensions Scheme Bill (Senate Bills No. 14 of 2024) to the **Departmental Committee on Finance and National Planning**.

- 12. Honourable Members**, with respect to the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023), the Message and the Schedule of Senate amendments to the Bill are hereby referred to the **Departmental Committee on Regional Development** for consideration and reporting. I also direct the Clerk to circulate the Schedule of Senate amendments to the Bill to all Members.
- 13.** The Committees to which the Bills have been referred are encouraged to prioritise their consideration and submit their reports as soon as is practicable to enable the House to proceed with the necessary next steps on the Bills.
- 14.** The House is accordingly guided.

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**I thank you!**

  
**THE RT. HON. (DR.) MOSES F. M. WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Wednesday, 30<sup>th</sup> April 2025