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NATIONAL ASSEMBLY

By SMA
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Paper laid
By Hon Amina Abdalla
Chair, on Thur
1/10/15



ELEVENTH PARLIAMENT – THIRD SESSION- 2015

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE CONSIDERATION OF THE SENATE AMENDMENTS TO THE
NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL
NO. 42 OF 2013)

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI

OCTOBER, 2015



Table of Contents

1.0 PREFACE	2
1.1 Committee Mandate and Membership	2
1.2 Current Committee Membership	3
1.3 ACKNOWLEDGEMENT	4
2.0 INTRODUCTION	5
2.1 Consideration of the proposed amendments to the National Drought Management Bill	5

1.0 PREFACE

On behalf of the Departmental Committee on Environment and Natural Resources and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013).

The Bill was passed by the Senate on Wednesday 8th July, 2015 and passed to the National Assembly for consideration. The Assembly subsequently committed the bill to the Committee pursuant to the provisions of Standing Order 41 and it is on the basis of this that the Committee makes this Report.

1.1 Committee Mandate and Membership

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216(1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) 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;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and

- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Current Committee Membership

The Committee comprises of the following membership:-

1. Hon. Amina Abdalla, M.P. - **Chairperson**
2. Hon. Alexander. K. Kosgey, M.P. - **Vice Chairperson**
3. Hon. Alice Ng'ang'a, M.P.
4. Hon. Samuel Ndiritu, M.P.
5. Hon. Aisha Jumwa Karisa, M.P.
6. Hon. Ejidius Njogu Barua, M.P.
7. Hon. Jude Njomo, M.P.
8. Hon. Moitalel Ole Kenta, M.P.
9. Hon. Kathuri Murungi, M.P.
10. Hon. Sunjeev Birdi, M.P.
11. Hon. Jackson K. Rop, M.P.
12. Hon. Abdi Noor Ali, M.P.
13. Hon. Joyce Emanikor, M.P.
14. Hon. Abdulaziz Farah, M.P.
15. Hon. Ronald Tonui, M.P.
16. Hon. (Dr.) Reginalda Wanyonyi, M.P.
17. Hon. Gideon Mwiti, M.P.
18. Hon. Hassan Dukicha, M.P.
19. Hon. Chachu Ganya, M.P.
20. Hon. Opiyo Wandayi, M.P.
21. Hon. Charles Geni. Mongare, M.P.
22. Hon. (Dr.) Wilber K. Ottichilo, M.P.

- 23.Hon. Khatib Mwashetani, M.P.
- 24.Hon. George Ogalo, M.P.
- 25.Hon. (Major) Muluvi Mutua, M.P.
- 26.Hon. Mohamed, Diriye M.P.
- 27.Hon. Peter Kinyua, MP.
- 28.Hon. Shukra Hussein Gure, M.P

1.3 Consideration of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013)

The Committee considered the Senate Amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) and resolved to **reject** the Senate Amendments.

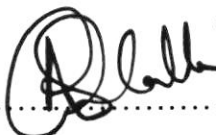
1.4 Acknowledgement

Mr. Speaker Sir,

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate.

Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Environment and Natural Resources, and pursuant to Standing Orders No.199 of the National Assembly, I now have the honour to present the Report thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

SIGNED  Thank You,

CHAIRPERSON

(HON. ABDALLA AMINA, MP)

DATE..... **1st OCTOBER 2015**

2.0 INTRODUCTION

The following amendments on the National Drought Management Authority Bill were passed by the Senate on Wednesday 8th July, 2015 and thereafter forwarded to the National Assembly for consideration.

Clause 4

THAT Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Authority shall establish offices in each county.

Clause 8

THAT Clause of the Bill be amended –

- a) In sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)
(da) one person who shall be nominated by the Council of Governors.

- (b) In sub-clause (5) by inserting the words “and (1)(d)” immediately after the words sub-section (1)(d).

3.0 CONSIDERATION OF THE PROPOSED SENATE AMENDMENTS TO THE NATIONAL DROUGHT MANAGEMENT BILL

The Committee considered the Senate amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) and resolved as follows:-

Clause 4

THAT Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Authority shall establish offices in each county.

The Committee resolved to reject the proposed amendment.

Clause 8

THAT Clause of the Bill be amended –

- b) In sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)
 - (da) one person who shall be nominated by the Council of Governors.

- (b) In sub-clause (5) by inserting the words “and (1)(d)” immediately after the words sub-section (1)(d).

The Committee agreed with the proposed amendment.

Justification: The Committee noted that disaster management is a function assigned to the National Government under the Fourth Schedule of the Constitution. Therefore there is no Constitutional justification for the Council of Governors to sit or be represented in a national government body as proposed by the Senate.

4.0 COMMITTEE RECOMMENDATION

Having considered the Senate amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) the Committee recommends that the National Assembly:-

1. **Rejects** the Senate amendment to **Clause 4**; and
2. **Approves** Senate amendment to **Clause 8** of the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013)



DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

ATTENDANCE SCHEDULE

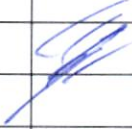

AGENDA: ADOPTION OF THE REPORT ON THE SENATE AMENDMENTS TO THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 42 OF 2013)

DATE: 01/10/2015

TIME: 10.00 AM

VENUE: C.P.A ROOM

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, MP-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP Vice Chairperson	
3	Hon. Dukicha, Hassan Abdi, MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare, MP	
7	Hon. Gure, Shukra Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogalo, George Oner, MP	
12	Hon. Sunjeev Kour Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Mwashetani, Khatib, MP	
20	Hon. Ndiritu, Samuel Mathenge, MP	

21	Hon. Ottichilo, Wilber Khasilwa, MP	
22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Wandayi, James Opiyo, MP	
27	Hon. Katana, Aisha Jumwa, MP	
28	Hon. Jude Njomo, MP	

NICHOLAS EMEJEN

FOR -CLERK OF THE NATIONAL ASSEMBLY

MINUTES OF THE 68TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 1ST OCTOBER, 2015 AT 10.00AM C.P.A ROOM, MAIN PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Kathuri Murungi, M.P.
3. Hon. Geni Charles Mong'are, M.P.
4. Hon. Tonui Ronald Kiprotich, M.P.
5. Hon. Rop Jackson Kipkorir, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Ole Kenta Richard Moitalel, M.P.
8. Hon. Emanikor Joyce, M.P.
9. Hon. Dukicha Hassan Abdi, M.P.
10. Hon. Dr. Wanyonyi Reginalda N. M.P.
11. Hon. Ganya Francis Chachu, M.P.
12. Hon. Gure Shukra Hussein, M.P.
13. Hon. Peter Kinyua, M.P.
14. Hon. Mwashetani Khatib, M.P.
15. Hon. Farah Abdulaziz Ali, M.P.

APOLOGIES

1. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
2. Hon. Muluvi Marcus Mutua, M.P.
3. Hon. Jude Njomo, M.P.
4. Hon. Ng'ang'a Alice Wambui, M.P.
5. Hon. Irea Gideon Mwitii, M.P.
6. Hon. Katana Aisha Jumwa, M.P.
7. Hon. Ottichilo Wilber Khasilwa, M.P.
8. Hon. Wandayi James Opiyo, M.P.
9. Hon. Barua Ejidius Njogu, M.P.
10. Hon. Sunjeev Kaur Birdi, M.P.
11. Hon. Abdinoor Mohammed Ali, M.P.
12. Hon. Ndiritu Samuel Mathenge, M.P.
13. Hon. Ogalo George Oner, M.P.

IN-ATTENDANCE

THE NATIONAL ASSEMBLY

1. Mr. Joshua Ondari - Clerk Assistant III
2. Ms. Lynette Otieno - Legal Counsel II

MIN. NO. DC/ENR/291/2015 - PRELIMINARIES

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

MIN. NO. DC/ENR/292/2015 – CONSIDERATION AND ADOPTION OF THE PETITION REPORT REGARDING THE CONSTRUCTION OF A DAM A LONG SIO RIVER

The Committee considered the report and there being no other changes it was unanimously adopted.

MIN. NO. DC/ENR/293/2015 – CONSIDERATION AND ADOPTION OF THE REPORT ON THE SENATE AMENDMENTS TO THE NATIONAL DROUGHT MANAGEMENT AUTHORITY BILL

The Committee considered the report and there being no other changes it was unanimously adopted.

MIN. NO. DC/ENR/294/2015 – CONSIDERATION AND ADOPTION OF THE REPORT ON THE INVESTIGATION INTO WILDLIFE POACHING IN KENYA

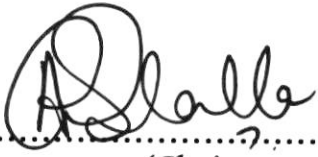
The Committee considered the report and there being no other changes it was unanimously adopted.

MIN. NO. DC/ENR/295/2015 – CONSIDERATION AND ADOPTION OF THE REPORT ON LEAD POISONING AT THE UHURU OWINO VILLAGE IN MIKINDANI MOMBASA

The Committee considered the report and there being no other changes it was unanimously adopted.

MIN.NO. DC/ENR/296/2015 ADJOURNMENT

There being no other business the meeting was adjourned at Twelve O'clock.

SIGNED.....
(Chairperson)

DATE..... 1st OCTOBER 2015

MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 18TH AUGUST, 2015 AT 10.00AM C.P.A ROOM, MAIN PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Kathuri Murungi, M.P.
3. Hon. Sunjeev Kaur Birdi, M.P.
4. Hon. Ottichilo Wilber Khasilwa, M.P.
5. Hon. Abdinoor Mohammed Ali, M.P.
6. Hon. Peter Kinyua, M.P.
7. Hon. Wandayi James Opiyo, M.P.
8. Hon. Ole Kenta Richard Moitalel, M.P.
9. Hon. Farah Abdulaziz Ali, M.P.
10. Hon. Geni Charles Mong'are, M.P.
11. Hon. Barua Ejidius Njogu, M.P.
12. Hon. Muluvi Marcus Mutua, M.P.
13. Hon. Ndiritu Samuel Mathenge, M.P.
14. Hon. Dr. Wanyonyi Reginalda N. M.P.

APOLOGIES

1. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
2. Hon. Emanikor Joyce, M.P.
3. Hon. Ogalo George Oner, M.P.
4. Hon. Mwashetani Khatib, M.P.
5. Hon. Jude Njomo, M.P.
6. Hon. Dukicha Hassan Abdi, M.P.
7. Hon. Ng'ang'a Alice Wambui, M.P.
8. Hon. Tonui Ronald Kiprotich, M.P.
9. Hon. Gure Shukra Hussein, M.P.
10. Hon. Ganya Francis Chachu, M.P.
11. Hon. Irea Gideon Mwiti, M.P.
12. Hon. Mohamed Diriye Abdullahi, M.P.
13. Hon. Katana Aisha Jumwa, M.P.
14. Hon. Rop Jackson Kipkorir, M.P.

IN-ATTENDANCE

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant III
3. Mr. Hassan Odhwa - Researcher Officer

4. Ms. Lynette Otieno - Legal Counsel II

MIN. NO. DC/ENR/253/2015 - PRELIMINARIES

The Chair called the meeting to order at 10.15 am followed by a word of prayer.

MIN. NO. DC/ENR/254/2015 – CONSIDERATION OF THE PROPOSED NATURAL RESOURCES (BENEFIT SHARING) BILL, 2015

The Committee considered and resolved to invite Sen. Agnes Zani for a meeting to take the Committee through the Bill.

MIN. NO. DC/ENR/255/2015 – CONSIDERATION OF THE PROPOSED AMENDMENT TO THE DROUGHT MANAGEMENT BILL, 2014

The Committee considered the Senate amendments to the National Drought Management Authority Bill (National Assembly Bill No. 42 of 2013) and resolved as follows:-

Clause 4

THAT Clause 4 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause-

(2) The Authority shall establish offices in each county.

The Committee resolved to reject the proposed amendment.

Clause 8

THAT Clause of the Bill be amended –

a) In sub-clause (1) by inserting the following new paragraph immediately after paragraph (d)

(da) one person who shall be nominated by the Council of Governors.

(b) In sub-clause (5) by inserting the words “and (1)(d)” immediately after the words sub-section (1)(d).

The Committee agreed with the proposed amendment.

Justification: The Committee noted that disaster management is a function assigned to the National Government under the Fourth Schedule of the Constitution. Therefore

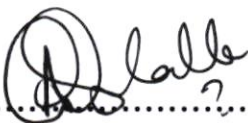
there is no Constitutional justification for the Council of Governors to sit or be represented in a national government body as proposed by the Senate.

MIN.NO. DC/ENR/256/2015 ANY OTHER BUSINESS

The Committee resolved to undertake a report writing retreat in Mombasa from Thursday 27th to Sunday 30th August, 2015 if the scheduled trip to China does not materialise on the proposed dates of 22nd to 28th August, 2015.

MIN.NO. DC/ENR/257/2015 ADJOURNMENT

There being no other business the meeting was adjourned at Half past Twelve O'clock.

SIGNED..... 
(Chairperson)

DATE..... 1/09/2015