



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

MONDAY, MAY 13, 2024 AT 2.30 P.M. (SPECIAL SITTING)

1. The House assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Honourable Speaker.
4. **COMMUNICATION FROM THE CHAIR**

The Speaker issued the following Communications –

(i) Convocation of a Special Sitting of the National Assembly on Monday, 13th May 2024

“Honourable Members,

I take this opportunity to welcome you to this Special Sitting, which has been convened pursuant to the provision of Standing Orders 29(3) and 64(3) relating to the procedure for convening of Specialittings of the House during recess.

You will recall that on Thursday, 2nd May 2024, the House resolved to establish a Select Committee to investigate the grounds for the proposed dismissal of Hon. Franklin Mithika Linturi, EGH, as the Cabinet Secretary for Agriculture and Livestock Development. Notably, Article 152(7) of the Constitution and Standing Order 66(5)(b) require the Select Committee to report its findings to the House as to whether it finds the allegations against the Cabinet Secretary have been substantiated. This ought to be done within a constitutional timeline of ten (10) days. This period lapsed on Sunday, 12th May 2024.

Honourable Members, instructively, Article 259(7) of the Constitution states that ‘if, in any particular circumstance, the period of time prescribed by the Constitution ends on a Sunday or a public holiday, the period extends to the first subsequent day that is not a Sunday or public holiday.’

Additionally, Standing Order 64(3) concerning consideration of a Special Motions for removal from State office provides that ‘if the National Assembly is not sitting, the Speaker shall summon the Assembly for a special sitting to dispose of the motion.’

In this regard, and pursuant to the provisions of Standing Order 64(3), I appointed today, Monday, 13th May 2024 at 2.30pm, as the day and time for the

Special Sitting of the House to receive the report of the Select Committee and to consider any other priority business.

Additionally, Honourable Members, in keeping with the requirements of Standing Order 29(3), by *Kenya Gazette Notice No. 5612* of 6th May 2024, I gave notice of today's Special Sitting.

Accordingly, Honourable Members, today's Special Sitting of the House is properly convened.

Honourable Members, as specified in the said *Gazette* Notice, and Indeed as also notified to all Members and the general public by way of newspaper notification published on 7th May 2024, the purpose of today's Special Sitting is as follows—

- (i) Conveyance of any urgent Messages from the President, the National Executive and the Senate. In this regard, I will shortly be conveying a Message from the Senate relating to the passage of four Bills;
- (ii) Tabling of any other Papers with statutory timelines, including subsidiary legislation;
- (iii) Tabling of the Report of the Select Committee investigating the Proposed Dismissal of Hon. Franklin Mithika Linturi as Cabinet Secretary for Agriculture and Livestock Development, pursuant to Articles 152(7)(b) and 152(9) of the Constitution.

I am notified that the Committee has just adopted its report. At an appropriate stage, after I have acclimatized with the contents of the report, I will allow the Chairperson to table it and thereafter, I will give further guidance as to the next steps; and

- (iv) Tabling of the Report of the Budget and Appropriations Committee on the Senate amendments to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024). You will note that this business is contained in the Order Paper as Order No. 10, given its' urgency.

Honourable Members, the House is also to transact the following urgent business—

- (i) First Reading of the Finance Bill, 2024, as today presents the only opportunity for formal introduction of the Bill in the House so that public participation on it can commence;
- (ii) Consideration of a Motion on the Report of the Departmental Committee on Finance and National Planning on the Ratification of the Multilateral Convention to Implement Tax Treaty-Related Measures to Prevent Base Erosion and Profit Shifting;
- (iii) Consideration of the Senate amendments to the Division of Revenue Bill, 2024 in Committee of the Whole House, should the business under Order No. 10 be passed; and
- (iv) Committee of the Whole House and Third Reading of the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023).

The House is accordingly guided. I thank you!"

(ii) Recognition of a Delegation from The Parliament of Zambia**“Honourable Members,**

I wish to introduce to you a delegation from the Parliament of Zambia who are seated in the Speaker’s Row. The delegation comprises ten (10) Members of the Committee on Planning and Budgeting. They are:

- (i) The Hon. Fred Chibulo Chaatila, MP - Leader of the Delegation;
- (ii) The Hon. Brenda Nyirenda, MP;
- (iii) The Hon. David Mabumba, MP;
- (iv) The Hon. Jamba Machila, MP;
- (v) The Hon. Kalalwe Mukosa, MP;
- (vi) The Hon. Anthony Mumba, MP;
- (vii) The Hon. Mwabashike Nkulukusa, MP;
- (viii) The Hon. Koonwa Simunji, MP;
- (ix) The Hon. Jeffrey Mulebwa, MP; and
- (x) The Hon. Mayungo Simushi, MP.

Honourable Members, the delegation, accompanied by two (2) staff, is on a benchmarking visit to gain deeper insights into legislative processes, and explore innovative approaches, particularly in the realms of Budget, Finance, and National Planning.

Honourable Members, on my own behalf and that of the National Assembly as a whole, I welcome the delegation to Parliament and wish them fruitful engagements during their stay in the Country. Thank you!”

(iii) Consideration of Performance Audit Reports by Relevant Committees**“Honourable Members,**

As you are aware, the Office of the Auditor-General is one of the independent offices established by the Constitution and is mandated to, *inter alia*, audit and report on the accounts of all public entities in accordance with Article 229 of the Constitution. In addition, section 36 of the Public Audit Act, 2015 requires the Office of the Auditor-General to conduct performance audits for the purpose of examining the economy, efficiency, and effectiveness of public expenditure by public institutions. These reports are critical in the examination of efficiency and effectiveness of our public resource utilization and are meant to advise public entities on areas of improvement to ensure prudence in public finance management.

Indeed, Honourable Members, I am in receipt of a letter from the Office of the Auditor-General indicating that, sixty-three (63) performance audit reports have been submitted to the National Assembly since 2012. However, it is noted that only one (1) such report has been considered by the House over this period. This performance is dismal and calls into question the prioritization of these reports by Committees of the House.

Notably, Honourable Members, the performance audit reports cover various sectors including—

- (i) Agriculture, Rural and Urban Development;

- (ii) Health;
- (iii) Education;
- (iv) Environment, Protection, Water and Natural Resources;
- (v) Social Protection, Culture and Recreation;
- (vi) Governance, Justice, Law and Order;
- (vii) Energy, Infrastructure and ICT;
- (viii) General Economic and Commercial Affairs;
- (ix) Public Administration and International Relations; and
- (x) Finance.

Honourable Members, given the centrality of the performance audit reports in the streamlining of resource utilization by public institutions, and pursuant to the provisions of Standing Order 216(5), I hereby direct –

- (i) **THAT**, the Clerk circulates the performance audit reports received from the Office of the Auditor-General to respective Departmental Committees and any other relevant Committees for consideration; and
- (ii) **THAT**, the Committees ought to prioritize the examination of the performance audit reports and table respective reports for consideration by the House as appropriate.

The House is accordingly guided.”

(iv) Appointment of Members to a Mediation Committee on the Division of Revenue Bill, 2024

“Honourable Members,

This Communication relates to the decision that the House has made on the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024).

Honourable Members, as you are all aware, today, Monday, 13th May 2024, the House has rejected the Motion on consideration of the Senate amendments to the Division of Revenue Bill, 2024. This decision consequently remits the Bill to a Mediation Committee in accordance with Article 112 of the Constitution and Standing Order 149.

Honourable Members, Article 113 of the Constitution requires that whenever a Bill is referred to a mediation committee, the Speakers of the Houses of Parliament shall appoint an equal number of Members from both Houses to attempt to develop a version of the Bill for consideration by the Houses of Parliament.

In this regard, Honourable Members, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, I have appointed the following Members to represent the National Assembly in the Mediation Committee to consider the said Bill –

1. The Hon. Ndindi Nyoro, CBS, MP;
2. The Hon. Mary Emaase, MP;
3. The Hon. David Ochieng, CBS, MP;
4. The Hon. Nyakundi Mokaya, MP;
5. The Hon. Samuel Moroto, CBS, MP;

6. The Hon. Samuel Atandi, MP;
7. The Hon. Naisula Leisuuda, MP;
8. The Hon. (Dr.) Makali Mulu, MP; and
9. The Hon. Ali Wario Guyo, MP.

Honourable Members, the aforementioned Members will await the appointment of Senators to the Mediation Committee for the Committee to be fully constituted, for purposes of commencing the mediation process. Once I receive a Message from the Senate to that effect, I will convey the same to the House.

Thereafter, the Mediation Committee will embark on an attempt to develop a mediated version of the Bill in accordance with Article 113 of the Constitution. The House is accordingly guided. I thank you!”

5. MESSAGES

The Speaker conveyed the following Message –

(i) Passage of Four Bills

“Honourable Members,

Pursuant to the provisions of Standing Order 41(5), I wish to report to the House that on 2nd May 2024, I received four (4) Messages from the Senate regarding the passage of two Senate Bills and two National Assembly Bills.

The first and second Messages convey that, on Thursday, 25th April 2024, the Senate considered and passed The County Boundaries Bill (Senate Bill No. 6 of 2023) and The Sugar Bill (National Assembly Bill No. 34 of 2022). The Sugar Bill was passed with amendments.

Honourable Members, the third and fourth Messages convey that, on Thursday, 2nd May 2024, the Senate considered and passed The Division of Revenue Bill (National Assembly Bill No. 14 of 2024) with amendments and the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) without amendments.

Honourable Members, the County Boundaries Bill (Senate Bill No. 6 of 2023) seek to give effect to Article 188 of the Constitution by providing for a procedure for alteration of county boundaries. It also proposes to provide for a mechanism for resolution of disputes relating to county boundaries as well as the establishment of an independent county boundaries commission.

On the other hand, the County Governments (Amendment) Bill (Senate Bill No. 25 of 2023) seeks to amend the County Governments Act, Cap. 265 to raise the statutory thresholds for removal of a member of a County Executive Committee. In conveying the Message regarding passage of this particular Bill, the Rt. Hon. Speaker of the Senate has notified that the sponsor, Sen. Samson Cherarkey, MP, has nominated the Member for Marakwet West, the Hon. Timothy Kipchumba Toroitich, MP, to co-sponsor the Bill in this House. In this regard,

the Hon. Toroitich will henceforth be responsible for marshaling its consideration in the National Assembly.

Honourable Members, with regard to the Sugar Bill (National Assembly Bill No. 34 of 2022), I hereby direct the Clerk to circulate the Senate amendments to the Bill to all Members as required by the Standing Orders. In the meantime, the Message from the Senate, together with the Schedule of Senate amendments, shall stand referred to the Departmental Committee on Agriculture and Livestock for consideration.

Honourable Members, in order for the House to commence consideration of the two (2) Senate Bills, I further direct the Clerk to schedule the Bills for First Reading when the House convenes next for its regular Sittings. Thereafter, the two Bills will stand committed to the Departmental Committee on Justice and Legal Affairs for consideration.

I urge the two Committees to prioritize the respective Bills referred to them and report to the House as soon as is practicable to enable the House to proceed with the next stages of the Bills.

Honourable Members, with respect to the two (2) National Assembly Bills, that is, the Sugar Bill, 2022 and the Division of Revenue Bill, 2024, you will recall that the National Assembly passed the two Bills on 27th September, 2023 and 20th March 2024, respectively, following which I referred the Bills to the Senate for consideration pursuant to the requirements of Article 110(4) of the Constitution. As part of the bicameral architecture of our legislative process on Bills concerning County Governments, the House is now required to consider the Senate amendments to the two Bills.

Honourable Members, passage of a Division of Revenue Bill ought to be done expeditiously and within the statutory timelines in order to allow for the attendant steps in the budget making process.

In this regard and in line with the resolution of the House of 14th February 2024 regarding *Processing of Messages received from the Senate during the Short and Long Recesses*, through *Notification No. 001 of 2024* dated Monday, 6th May 2024, I referred the Senate amendments to the Division of Revenue Bill, 2024 to the Budget and Appropriations Committee as soon as I received it.

The Committee is expected to have concluded consideration of the Senate amendments and should table its report today to facilitate consideration of the business listed as Order No. 10 in the day's Order Paper. As I have communicated earlier, this particular business has a statutory timeline. The House is accordingly guided. I thank you!"

(ii) Appointment of Senators to a Mediation Committee on the Water (Amendment) Bill (National Bill No. 33 Of 2023)

"Honourable Members,

Pursuant to the provisions of Standing Order 41(1) of the National Assembly Standing Orders, I wish to report to the House that I have received a Message from the Senate regarding the appointment of Senators to a Mediation Committee.

Honourable Members, the Message conveys that, pursuant to Article 113 of the Constitution, the Speaker of the Senate has appointed Senators to a Mediation Committee to consider the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023).

Honourable Members, the following Senators have been appointed to the said Committee –

1. Sen. John Methu Muhia, MP;
2. Sen. (Dr.) Steve Ltumbesi Lelgwe, CBS, MP;
3. Sen. Wahome Wamatinga, MP;
4. Sen. Mariam Sheikh Omar, MP;
5. Sen. Johnes Mwashushe Mwaruma, MP;
6. Sen. Agnes Kavindu Muthama, SC, MP; and
7. Sen. Beatrice Akinyi Ogola, MP.

Honourable Members, you will recall that, on Tuesday, 30th April, 2024, the House rejected the Senate amendments to the Water (Amendment) Bill (National Assembly Bill No. 33 of 2023). This effectively committed the Bill to a Mediation Committee pursuant to Article 112(12(b) of the Constitution. Subsequently, I appointed seven (7) Members to the Committee to represent the National Assembly, vide a Communication issued on 6th May 2024.

Honourable Members, following the appointment of Senators, the Mediation Committee is now fully constituted as contemplated under Article 113 of the Constitution. I therefore call upon the Committee to expeditiously consider the respective Bill and submit a version of the Bill for consideration by the Houses of Parliament.

In considering the Bill, I hasten to remind the Committee to be alive to the timelines provided for under Article 113(4) of the Constitution to ensure the bicameral process is concluded. I thank you!"

6. PAPERS

The following Papers were laid on the Table of the House –

- (i) Report of the Budget and Appropriations Committee on its consideration of the Senate Amendments to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024); and

(The Chairperson, Budget and Appropriations Committee)

- (ii) Report of the Select Committee Investigating the proposed Dismissal of the Cabinet Secretary for Agriculture and Livestock Development.

(Chairperson, Select Committee Investigating the proposed Dismissal of the Cabinet Secretary for Agriculture and Livestock Development)

7. **PROCEDURAL MOTION -REDUCTION OF PUBLICATION PERIOD OF A SPECIFIED BILL**

Motion made and Question proposed-

THAT, pursuant to the provisions of Standing Order 120, this House **resolves** to reduce the publication period of the Finance Bill (National Assembly Bill No. 30 of 2024) from **seven (7) days to four (4) days**.

(The Chairperson, Departmental Committee on Finance and National Planning)

Debate arising;

Question put and agreed to.

8. **THE FINANCE BILL (NATIONAL ASSEMBLY BILL NO. 30 OF 2024)**

(The Chairperson, Departmental Committee on Finance and National Planning)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

9. **MOTION – CONSIDERATION OF SENATE AMENDMENTS TO THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2024)**

Motion made and Question proposed-

THAT, the **Senate amendments** to the Division of Revenue Bill (National Assembly Bill No. 14 of 2024) be now considered.

(The Chairperson, Budget and Appropriations Committee)

Debate arising;

Question put and negatived.

10. **MOTION – RATIFICATION OF THE MULTILATERAL CONVENTION TO IMPLEMENT TAX TREATY-RELATED MEASURES TO PREVENT BASE EROSION AND PROFIT SHIFTING (MLI)**

Motion made and Question proposed-

THAT, this House **adopts** the Report of the Departmental Committee on Finance and National Planning on its consideration of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, *laid on the Table of the House on Tuesday, 30th April 2024*, and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act, 2012, **approves** the *Ratification of the Multilateral Convention to*

*Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, subject to **reservations on Article 5** (Application of Methods for Elimination of Double Taxation) and **Article 16** (Mutual Agreement Procedure).*

(The Chairperson, Departmental Committee on Finance and National Planning - 2.5.2024)

Mover replied;

Question put and agreed to.

11. COMMITTEE OF THE WHOLE HOUSE

Order for Committee read –

IN THE COMMITTEE

The Second Chairperson in the Chair

The National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023)

Clause 3 - agreed to;

Clause 4 - amendment proposed -

THAT, clause 4 of the Bill be amended by inserting the following new paragraph immediately after paragraph (f)-

(fa) protecting vulnerable groups including women, children, persons with disabilities and older persons of the society.”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 4 - as amended agreed to;

Clause 5 - amendment proposed-

THAT, the Bill be amended by deleting Clause 5.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 5 - deleted;

Clause 6 - amendment proposed;

THAT, the Bill be amended by deleting Clause 6.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 6 - deleted;

Clause 7 - amendment proposed-

THAT, the Bill be amended by deleting Clause 7.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 7 - deleted;

Clause 8 - amendment proposed -

THAT, the Bill be amended by deleting Clause 8.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Further amendment proposed -

THAT, clause 8 of the Bill be amended in sub-clause (3)(c)(ii), by inserting the words “on individuals desegregated by gender, age and disability” immediately after the word “disaster”.

(Hon. Millie Odhiambo-Mabona)

Proposed amendment dropped;

Clause 8 - deleted;

Clauses 9 & 10 - agreed to;

Clause 11 - amendment proposed –

THAT, Clause 11 of the Bill be amended in paragraph (n) by deleting the words “Intergovernmental Council” and substituting therefor the words “Cabinet and the Summit”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 11 - as amended agreed to;

Clause 12 - agreed to;

Clause 13- amendment proposed -

THAT, the Bill be amended by deleting Clause 13 and substituting therefor the following new Clause -

Composition of the Board.

13. (1) The management of the Authority shall vest in a Board which shall comprise -

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to disaster risk management or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to defence or a representative designated in writing;
- (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to drought management or a representative designated in writing;
- (f) the Chief Executive Officer of the Council of Governors;
- (g) one person, who has knowledge and experience in disaster risk management, nominated by the Council of County Governors and appointed by the Cabinet Secretary;
- (h) a person nominated by the Kenya Red Cross Society and appointed by the Cabinet Secretary;

- (i) a person nominated by the Kenya Private Sector Alliance and appointed by the Cabinet Secretary; and
 - (j) the Director-General of the Authority who shall be an *ex-officio* member of the Board.
- (2) The chairperson and members of the Board, other than an *ex-officio* member, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Amendment to amendment proposed-

THAT, Clause 13 be further amended by inserting the following new subsection immediately after subsection (2)-

(3) The Cabinet Secretary shall ensure that no more than two thirds of the persons appointed under subsection (1) shall be of the same gender.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment to the amendment proposed;

Debate arising;

Question of the amendment to the amendment put and agreed to.

Further amendment proposed –

THAT, clause 13 of the Bill be amended by inserting the following paragraph immediately after paragraph (h) -

“(ha) the Principal Secretary in the Ministry for the time being responsible for matters relating to issues gender”

(Hon. Millie Odhiambo-Mabona)

Proposed further amendment dropped.

Clause 13 - as amended agreed to;

Clause 14 - amendment proposed –

THAT, clause 14 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (f) -

(g) is serving as a member of another Board”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 14 - as amended agreed to;

Clause 15 - amendment proposed -

THAT, clause 15 of the Bill be amended in paragraph (d) by deleting the words “permission of the Board” and substituting therefor the words “justifiable cause”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 15 - as amended agreed to;

Clause 16 - amendment proposed -

THAT, clause 16 of the Bill be amended in paragraph (c) by -

- a) deleting the words “is” appearing before the word “absent” and substituting therefor the words “being”
- b) deleting the words “permission of the Board” and substituting therefor the words “justifiable cause”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 16 - as amended agreed to;

Clauses 17 & 18- agreed to.

Clause 19 - amendment proposed -

THAT, clause 19 of the Bill be amended in sub-clause (2) by deleting the word “co-opt” appearing immediately after the word “resolution” and substituting therefor the word “engage”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 19 - as amended agreed to;

Clauses 20, 21 & 22 - agreed to.

Clause 23 - amendment proposed -

THAT, clause 23 of the Bill be amended in sub-clause (2) by inserting the words “or her” immediately after the word “his”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 23 - as amended agreed to;

Clause 24 - amendment proposed -

THAT, clause 24 of the Bill be amended in sub-clause (1) by deleting the words “or otherwise in writing from time to time”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 24 - as amended agreed to;

Clauses 25, 26 & 27 - agreed to;

Clause 28 - amendment proposed -

THAT, clause 28 of the Bill be amended by inserting the following new sub-clause immediately after in sub-clause (2) -

“(3) In appointing staff under sub-clause (1), due regard to ethnic, gender representation, representation of young persons and persons with disabilities shall be taken into account”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 28 - as amended agreed to;

Clause 29 - amendment proposed -

THAT, clause 29 of the Bill be amended in sub-clause (1) by deleting the expression “the Director-General or such other person as the Board may direct” appearing immediately after the word “Secretary”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 29 - as amended agreed to;

Clauses 30, 31, 32, 33 & 34 - agreed to;

Clause 35 - amendment proposed -

THAT, clause 35 of the Bill be deleted and replaced with the following new clause-

Establishment of **35.** (1) There is established a County Disaster Risk Management Committee in each county.
County Disaster Risk Management Committees.

(2) The members of the County Committee shall comprise-

- (a) the Governor who shall be the chairperson;
- (b) the county commissioner who shall be the co-chairperson;
- (c) the county executive committee member responsible for matters relating to disaster risk management who shall be the secretary;
- (d) the County Police Commander;
- (e) two persons, a man and a woman, with knowledge and experience in disaster risk management appointed by the Governor;
- (f) a person nominated by the Kenya Red Cross Society and appointed by the Governor;
- (g) a person nominated by the Kenya Chamber of Commerce appointed by the Governor;
- (h) a person nominated by the civil society organization with expertise in disaster risk management in the county appointed by the Governor.

(3) In appointing members under subsection (2) (e), (f), (g) and (h), the Governor shall observe the principle of gender equality, and representation of the youth, persons with disabilities and the marginalized communities.

(4) The members of a County Committee shall elect one of the members appointed under subsection (2) (e), (f), (g) and (h) to be the vice-chairperson.

(5) A member of the County Committee appointed under subsection (2) (e), (f), (g) and (h) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(6) The members of the County Committee shall serve on a part-time basis and shall be paid such allowance as may be advised by the Salaries and Remuneration Commission.

(7) The County Committee may engage an expert into its membership for effective discharge of its functions.

(8) The County Committee shall regulate its own procedure in the conduct of its business and affairs.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Further amendment proposed –

THAT, clause 35 of the Bill be amended -

(a) in sub-clause (1)(a), by deleting the words “or a representative appointed in writing by the Governor”

(b) by inserting the following new sub-clause immediately after sub-clause (7) -

“The members of the County Committee shall ensure that the member elected under sub-clause (3) shall be of a different gender from the Chairperson.”

(Hon. Millie Odhiambo-Mabona)

Proposed amendment dropped.

Clause 35 - as amended agreed to;

Clauses 36 & 37- agreed to.

Clause 38 - amendment proposed –

THAT, clause 38 of the Bill be amended in paragraph (b) by deleting the words “the permission of the Chairperson” and substituting the words “justifiable cause”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 38 - as amended agreed to;

Clause 39 - agreed to;

Clause 40 - amendment proposed –

THAT, clause 40 of the Bill be amended in sub-clause (3)(h)(i), by inserting the word “on” before the word “legislative”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 40 - as amended agreed to;

Clauses 41 & 42- agreed to;

Clause 43 - amendment proposed –

THAT, clause 43 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) -

“(ca) establishment of designated public convergence zones in case of emergencies”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 43 - as amended agreed to;

Clauses 44, 45 & 46 - agreed to.

Clause 47 - amendment proposed -

THAT, Clause 47 of the Bill be amended in sub-clause (2) (a) by deleting the word “changes” appearing immediately after the word “other” and substituting therefor the word “charges”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to.

Clause 47 - as amended agreed to;

Clauses 48, 49, 50, 51, 52, 53 54 & 55 - agreed to;

Clause 56 - amendment proposed -

THAT, clause 56 of the Bill be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (b) -

“(ba) establishment of designated public convergence zones in case of emergencies

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 56 - as amended agreed to;

Clause 57 - amendment proposed -

THAT, Clause 57 of the Bill be amended by deleting sub-clause (1) and substituting therefor the following new sub-clause -

“(1) A public officer currently serving in the National Disaster Operations Centre and National Disaster Management Unit shall be seconded to the Authority for a period not exceeding three years.”

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 57 - as amended agreed to;

Clause 58 - amendment proposed –

THAT, clause 58 be amended in sub-clause (1) by deleting the word “Risk” appearing immediately before the words “Management Unit”.

(Chairperson, Departmental Committee on Regional Development)

Question of the amendment proposed;

Debate arising;

Question put and agreed to;

Clause 58 - as amended agreed to;

Schedule - amendment proposed –

THAT, the Schedule to the Bill be amended in paragraph 1(2) by –

- (a) deleting the words “may, and” immediately after the word Chairperson and substituting therefor the word “shall”
- (b) deleting the word “shall” appearing before the words “convene a special meeting of the Board”
- (c) deleting sub-paragraph (5) and substituting therefor the following new paragraph –

“The Chairperson shall preside at every meeting of the Board at which he is present, but in his absence, the Vice Chairperson shall preside and in the absence of the vice chairperson, members present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.”

- (i) inserting the following new subparagraph immediately after subparagraph (5)

“(5A) At the first meeting of the Board, the members shall elect a vice-chair who shall not be of the same gender with the chairperson”

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Part (c) of the proposed amendments withdrawn by the Mover;

Debate arising;

Question of the amendment put and agreed to;

Schedule - as amended agreed to;

Clause 2 - amendment proposed -

THAT, clause 2 of the Bill be amended -

- (a) in the definition of the word “disaster,” by deleting the word “localized” appearing before the word “natural”
- (b) by deleting the definition “disaster risk management” and substituting therefor the following new definition -
 - “disaster risk management” means a continuous and integrated multisectoral, multi-disciplinary process of developing, planning and implementing of policies, strategies and measures aimed at -
 - (a) having in place a permanent structure of disaster risk management at the county and national level;
 - (b) identifying and mapping disaster prone or vulnerable areas, situations or people;
 - (c) issuing early-warning of eminent disaster;
 - (d) relocating populations in case of eminent disasters;
 - (e) preventing or reducing the risk of disasters;
 - (f) mitigating the severity or consequences of disasters;
 - (g) protecting the most vulnerable populations in disasters including women, children, persons with disabilities and the elderly;
 - (h) emergency preparedness;
 - (i) a rapid and effective response to disasters;
 - (j) post-disaster recovery, restoration and rehabilitation; and
 - (k) using technology to better manage disasters.
- (c) in the definition of the words “emergency preparedness” -
 - (i) by deleting the word “a state of readiness” appearing in paragraph (a) and substituting therefor the words “measures in place” by inserting the following new paragraphs immediately after paragraph (b) -
 - (c) having in place a policy at the national and county level on disaster response;
 - (d) having in place a structure at the county and national government level that enables quick response in cases of disaster;
 - (e) having in place a monitoring system at the national and county level on disaster risk;
 - (f) having in place an early-warning system at the national and county level on disaster risk;
 - (g) having in place a continuous public education and awareness of the public on disaster risk response including emergency numbers and centres;

- (h) having in place facilities and equipment for effective and quick response to disasters including fire tracks, land, water and air ambulatory services; and
- (i) establishing a center for emergency convergence during disasters.

(Hon. Millie Odhiambo-Mabona)

Question of the amendment proposed;

Debate arising;

Part (a) of the proposed amendments withdrawn by the Mover;

Question put of the amendment and agreed to;

Clause 2 - as amended agreed to;

Title - agreed to.

Clause 1 - agreed to.

Bill to be reported with amendments.

12. HOUSE RESUMED - Second Chairperson in the Chair

The National Disaster Management Bill (National Assembly Bill No. 24 of 2023)

Bill reported with amendments.

Motion Made and Question proposed –

THAT, the House do agree with the Committee in the said report.

(The Leader of the Majority Party)

Question deferred.

And the time being six minutes past Seven O'clock, the Second Chairperson interrupted debate and adjourned the House without Question put pursuant to the Standing Orders.

13. HOUSE ROSE - at six Minutes past Seven O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Tuesday, June 4, 2024 at 2.30pm