

SPECIAL ISSUE

Kenya Gazette Supplement No. 43 (National Assembly Bills No. 26)



REPUBLIC OF KENYA

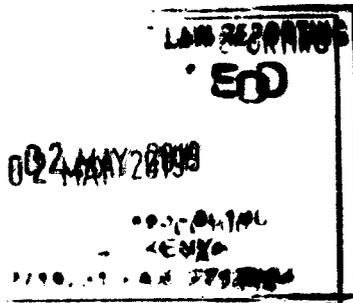
KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2019

NAIROBI, 5th April, 2019

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**THE NATIONAL DROUGHT MANAGEMENT
AUTHORITY (AMENDMENT) BILL, 2019**

A Bill for

**AN ACT of Parliament to amend the National Drought
Management Authority Act, 2016**

ENACTED by Parliament of Kenya, as follows—

1. This Act may be cited as the National Drought Management Authority (Amendment) Act, 2019.

Short title.

2. The National Drought Management Authority Act, in this Act referred to as the “principal Act” is amended in section 2 by deleting the definition of “Fund”.

Amendment of section 2 of No. 4 of 2016.

3. Section 7 of the “principal Act” is amended—

Amendment of section 7 of No. 4 of 2016.

- (a) in subsection 1(a), by deleting the words “establish and”; and
- (b) by deleting subsection (2).

4. The “principal Act” is amended by repealing section 18 and replacing it with the following new section —

Amendment of section 18 of No. 4 of 2016.

Sources of funds for the Authority.

18. The funds of the Authority shall be—

- (a) such monies as may be appropriated by Parliament;
- (b) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or performance of its functions under this Act;
- (c) such monies including fees as may be payable to the Authority pursuant to this Act or any other written law; and
- (d) such grants and donations, gifts or bequests as may be given to the Authority.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Bill is to amend the National Drought Management Authority Act, 2016 by amending the sections providing for the establishment of the co-ordinating committees and establishment of the management of the National Drought Emergency Fund in the Act in order to enable the enactment of the National Drought Emergency Fund, Regulations under the Public Finance Management Act, 2012.

The specific clauses of the Bill are as follows:

Clause 1 of the Bill provides for the short title.

Clause 2 of the Bill seeks to amend section 2 of the National Drought Management Authority Act which section has defined term Fund.

Clause 3 of the Bill seeks to amend section 7 of the National Drought Management Authority Act by deleting the words “establish and” appearing in subsection (1)(a) and deleting subsection (2).

Clause 4 of the Bill seeks to repeal section 18 of the National Drought Management Authority Act in order to delete the provisions establishing the National Drought Emergency Fund and substituting with provisions providing for the funds of the Authority.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill does concern County Governments in terms of Article 110 (1) (a) of the Constitution as it does contain provisions that affect the powers of the County Government, in as far as institution and co-ordination of drought frameworks at the county level are concerned.

Statement that the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall occasion expenditure of public funds to be provided for through the annual estimates.

Dated the 12th March, 2019.

ADEN DUALE,
Leader of Majority.

Section 2 of No. 4 of 2016 which it is proposed to amend—

“Fund” means the National Drought Emergency Fund established under section 18;

Section 7 of No. 4 of 2016 which it is proposed to amend—

Drought co-ordination institutional framework

7. (1) The Authority shall, in the performance of its functions—

(a) establish and facilitate co-ordination frameworks at national and county levels of government by providing appropriate policy guidance...

(2) The drought co-ordination institutional framework established pursuant to subsection (1) shall consist of—

- (a) a national forum that shall provide policy guidance on drought and climate change;
- (b) a county forum that shall co-ordinate and oversee drought related interventions in all drought prone counties; and
- (c) sub-committee of the national and county forums that shall provide technical support to both the national and the county forums.

Section 18 of No. 4 of 2016 which it is proposed to amend—

Establishment of the Fund

18. (1) There is established a fund to be known as the National Drought Emergency Fund which shall be administered by the Secretary with the overall guidance and supervision of the Board.

(2) There shall be paid into the Fund—

- (a) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) such monies as may accrue to or vest in the Authority in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) such monies as may be appropriated by the National Assembly;
- (d) such monies including levies and fees as may be payable to the Authority pursuant to this Act or any other written law;
- (e) such gifts as may be given to the Authority; and

- (f) monies from any other source provided, donated or lent to the Authority.
- (3) The objective of the Fund shall be to—
 - (a) facilitate timely response to drought during its different stages;
 - (b) provide for a common basket emergency fund in order to minimize the negative effects of drought;
 - (c) provide funds for capacity and technical expertise development to improve on drought management; and
 - (d) finance the establishment, management and coordination of projects, activities or programmes to further the foregoing purposes.