

SPECIAL ISSUE

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BUNGOMA COUNTY BILLS, 2022

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CONTENT

	PAGE
Bill for Introduction into the County Assembly of Bungoma—	
The Bungoma County State of the County Address Bill, 2022	1

THE BUNGOMA COUNTY STATE OF THE COUNTY ADDRESS
BILL, 2022

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY PROVISIONS

- 1—Short title.
- 2—Interpretation.
- 3 — Purpose of the Act.

PART II—DELIVERY OF THE ANNUAL STATE OF THE
COUNTY ADDRESS

- 4—The Governor's Address.
- 5—Notification of place, date and time.
- 6—Governor entering or leaving the Chamber.
- 7—Delivery of Governor's Address.
- 8—Tabling and debate of Address.

PART III— MISCELLANEOUS PROVISIONS

- 9—Public access.
- 10— External media.

**THE BUNGOMA COUNTY STATE OF THE COUNTY ADDRESS
BILL, 2022**

A Bill for

AN ACT of the County Assembly of Bungoma to provide for the delivery of the annual State of the County Address by the Governor of Bungoma County to the County Assembly of Bungoma; and for matters incidental thereto

ENACTED by the County Assembly of Bungoma, as follows—

PART I—PRELIMINARY PROVISIONS

Short title and commencement

1. This Act may be cited as the Bungoma County State of the County Address Act, 2022 and shall come into force on the fourteenth day after its publication in the *Kenya Gazette* and *County Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“Address” means the state of the County Address delivered by the Governor in the County Assembly;

“Chambers” means the County Assembly debating chambers;

“County” means the County of Bungoma;

“Gazette” means the *Kenya Gazette* and *County Gazette*;

“Governor” means the Governor of Bungoma County;

“Member” means a member of the County Assembly of Bungoma as enshrined in Article 177 of the Constitution;

“Speaker” means the Speaker of the County Assembly of Bungoma; and

“Year” means the period beginning January and ending December.

Purpose of the Act

3. The purpose of this Act is to provide for the delivery of the annual state of the County Address by the Governor of Bungoma County to the County Assembly of Bungoma.

**PART II—DELIVERY OF THE ANNUAL STATE OF THE
COUNTY ADDRESS**

The Governor’s Address

4. (1) The Governor shall deliver the annual State of the County Address at the County Assembly during a special sitting.

(2) The Governor shall deliver the annual state of the county address not later than the 30th day of March each calendar year.

(3) The Governor shall notify the Speaker in writing of his/her intent to deliver the annual state of the County Address at least fourteen days prior to the delivery.

(4) The Governor address shall contain—

- (a) a report on all the measures taken and the progress achieved in the realization of the national values referred to in Article 10 of the Constitution of Kenya, 2010;
- (b) a report on the implementation status of the county policies and plans;
- (c) a report on the performance reports of the county executive committee and public service based on the performance management plan;
- (d) a report on citizen participation in the affairs of the county government; and
- (e) any other information that the Governor may deem fit.

(5) The Governor shall cause to be published in the *Gazette* the details of the measures and progress under section 4(a) above.

Notification of place, date and time

5. (1) The Speaker shall notify the Members and the general public of the place, date and time of the sitting under section 4(1) *vide a Gazette Notice* at least seven days prior to the delivery of the Address.

(2) Whenever the Speaker has been informed that the Governor will address a special sitting of County Assembly on a specified day and time, then on that day, no Motion for the adjournment of the County Assembly shall be made before the time for which the Governor's arrival has been notified.

Governor entering or leaving the Chamber

6. Members shall be called to order and stand in silence whenever the Governor enters or leaves the Chamber.

Delivery of Governor's Address

7. (1) The Governor may be accompanied in the Chamber.

(2) During the address of the Governor to the County Assembly, the Speaker shall take the seat on the right of the Governor.

(3) When delivering the address to the County Assembly, the Governor shall be heard in silence and the address shall not be followed by any comment or question.

Tabling and debate of Address

8. (1) A Member shall lay the Address on the table of the County Assembly in the next sitting of the County Assembly following the reading of the Address.

(2) A Member may give a notice of Motion that "The Thanks of the County Assembly be recorded for the exposition of public policy contained in the Address of the Governor".

(3) The debate on the Motion in subsection (2) shall not exceed four sitting days.

PART III—MISCELLANEOUS PROVISIONS

Public Access

9. (1) The public may access the County Assembly during the delivery of the address subject to section (4).

(2) The County Assembly may not exclude any person from a sitting of the County Assembly or of a committee unless, in exceptional circumstances, the Speaker has determined that there are justifiable reasons for the exclusion.

External Media

10. (1) The proceedings of the County Assembly may be broadcast by the County Assembly Broadcasting Unit established under the County Assembly Standing Orders.

(2) No external media assembly or other person may broadcast any proceedings of the Assembly except as received from the broadcast feed provided by the County Assembly Broadcasting Unit or with the permission of the Speaker.

(3) An external media that receives a broadcast feed from the County Assembly Broadcasting Unit shall broadcast it without any manipulation or distortion.

(4) No camera or other recording or broadcasting equipment shall be allowed in the Assembly without authorization.

(5) Accredited journalists shall be allowed access to designated areas for purposes of following the proceedings and taking notes and any journalist so allowed shall observe the Standing Orders and these Rules.

MEMORANDUM OF OBJECTS AND REASONS

Section 32(2)(k) of the County Governments Act, 2012 obliges the Governor of the County Government of Bungoma to deliver annual state of the county address containing such matters as may be specified in county legislation. This Bill intends to ensure that the Governor delivers the address in the County Assembly within the first quarter of the year. The state of the county address shall contain;

- (a) a report on all the measures taken and the progress achieved in the realization of the national values referred to in Article 10 of the Constitution of Kenya, 2010;
- (b) a report on the implementation status of the county policies and plans pursuant to Section 32(2)(j) of the County Government Act, 2012;
- (c) a report on the performance reports of the County Executive Committee and public service based on the performance management plan pursuant to Section 47(3) of the County Government Act, 2012;
- (d) a report on citizen participation in the affairs of the county government pursuant to Section 92(2) of the County Government Act, 2012; and
- (e) any other information that the Governor may deem fit.

Statement of the delegation of legislative powers and the limitations of fundamental rights and freedoms

The Bill does not delegate legislative powers neither does it limit any fundamental right and freedom.

Statement of how the Bill concerns county government.

The Bill concerns the concerns County Government of Bungoma County in line with the provisions of Section 32(2)(k) of the County Government Act, 2012 which obliges the Governor of the County Government of Bungoma to deliver annual state of the county address.

Statement as to whether the Bill is within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Statement of financial implication

The Bill has no financial implication whatsoever.

STEPHEN WAFULA,
Member of the County Assembly.