

SPECIAL ISSUE

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HOMA BAY COUNTY BILLS, 2019

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**THE HOMA BAY COUNTY STATE OF THE
COUNTY ADDRESS BILL, 2019**

A Bill for

AN ACT of the County Assembly of Homa Bay to provide for the delivery of the annual state of the County Address by the Governor of Homa Bay County to the County Assembly of Homa Bay; and for matters incidental thereto

ENACTED by the County Assembly of Homa Bay as follows—

PART I – PRELIMINARY PROVISIONS

1. This Act may be cited as the Homa Bay County State of the County Address Act, 2019 and shall come into force on the fourteenth day after its publication in the Kenya Gazette and County Gazette.

Short title and commencement.

2. In this Bill unless the context otherwise requires—

Interpretation.

“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 Homa Bay;

“Gazette” means the Kenya Gazette and County Gazette;

“Governor” means the Governor of Homa Bay County;

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

“Speaker” means the Speaker of the County Assembly of Homa Bay; and

“Year” means the period beginning January and ending December

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

Purpose of the Act

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

4. (1) The Governor shall deliver the annual state of the county address at the County Assembly during a special sitting.

The Governor's
Address

(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.

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.

Notification of
place, date and
time

(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

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

Governor entering or leaving the Chamber

7. (1) The Governor may be accompanied in the Chamber by an *aide-de-camp*.

Delivery of Governor's Address.

(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.

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.

Tabling and debate of 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

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

public access

(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.

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

External media

(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.

11. The first delivery of the address by the Governor to the County Assembly under this Act shall be within thirty days of the publication of this Act.

Transitional
provisions

MEMORANDUM OF OBJECTS AND REASONS

Section 32(2)(k) of the County Government Act, 2012 obliges the Governor of the County Government of Homa Bay 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 Homa Bay 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 Homa Bay 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.

EVANCE MARIEBA,
Deputy Speaker.