



COUNTY ASSEMBLY OF MOMBASA

OFFICIAL REPORT
Thursday, 4th July, 2019
The House met at 2:47p.m.

(The Speaker (Hon. Aharub Ebrahim Khatri) in the Chair)

PRAYERS

The Speaker (Hon. Khatri): Honourable Members you may be seated, yes Clerk?

COMMUNICATION FROM THE CHAIR

Hon. Members I wish to bring to the attention of this Honourable Assembly that we have visitors from Bridge International Academy, Kwa Hola. I recognize the presence of the delegation which consists of:

Teachers

1. Mr. Isack Omuya
2. Mr. Liverson Mwasala
3. Madam Doreen Osedo

...Hon. Members we have the pupils,

Pupils

1. Vincent Ken
2. Eveline Omar
3. Patricia Mwikali
4. Tracy Moraa
5. Asili Jarso
6. Alex Kimanzi
7. Michelle Okumu
8. Zipporah Wanjiku
9. Lucy Njoki
10. Josephat Maingi

11. Peter Bwire
12. Rose Ngoa
13. Rebecca Kitaa
14. Maxwell Ochieng
15. Chantelle Akoth
16. Magdaline Mweni
17. Angela Wakio
18. Collins Munene
19. Awadh Abeid
20. Lavine Achien
21. Zenedine Ochieng
22. Soha Akida
23. Nicole Anyango
24. Fatma Karuku
25. Yvette Docile
26. Barbara Natasha
27. Marion Ouoma
28. Mwinyi Said
29. Husni David
30. Judy Muronji
31. Phaniel Asigo
32. Esther Katingi
33. Susan Amin
34. Kevin Kipkoech
35. Laurence Maina
36. Thelma Namasaka
37. Zubeda Rashid

(Teachers and pupils bowed before the House)

Thank you very much on behalf of the Assembly I welcome you all to the County Assembly of Mombasa, *karibuni sana*.

(Applause)

Yes Clerk, next order?

STATEMENTS

RESPONSE TO STATEMENT ON THE STATUS OF THE AUDITOR GENERAL'S REPORT

Yes Hon. Fadhili Makarani, Chairperson Committee on Public Accounts and Investment, please respond?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker.

Mr. Speaker as the Chairman of the Public Accounts Committee of late we have received a report from the Auditor General a report on Revolving Fund; also we have received a report on Elimu Fund, report from the Water Company for 2016/2017 and 2017/2018. Mr. Speaker we are also in possession of a report from the County Assembly 2016/2017, 2017/2018, County Executive 2016/2017, 2017/2018.

Mr. Speaker unfortunately the Committee has not worked on these reports because we have written to the Auditor General to respond if they have received any response from the above mentioned Departments but so far we have not received any feedback from the Office of the Auditor General and we also wrote to the Departments for them to bring responses to the Committee but also as I have said the Departments have failed to respond. Thank you.

The Speaker (Hon. Khatri): Thank you Hon. Makarani. So Hon. Makarani how much time do you need to get the responses? Can we give you one more week to bring the response?

The Deputy Speaker (Hon. Mwalimu): Mr. Speaker one week is insufficient, I will ask for two weeks because we have to write to the Office of the Auditor General and also the said Departments for them to bring the response to this Assembly and also to forward the response to the Office of the Auditor General. So please Mr. Speaker in two weeks we will respond back if we have received the responses from the said Departments and we also need to get status report from the Office of the Auditor General on the responses that the Department sent to their office, so two weeks time it will be sufficient time to this Committee.

The Speaker (Hon. Khatri): Thank you Hon. Fadhihi. Yes Hon. Charles Kitula?

The Chief Whip (Hon. Kitula): Mheshimiwa Spika nimemsikiza Mwenyekiti wa *Public Accounts Committee (PAC)* na *Public Investment Committee, (PIC)* na ameweza kusema kwamba waliweza kutoa barua kwa *Executive* lakini hawajapata jawabu lolote kutoka kwa *Executive* Mheshimiwa Mwenyekiti.

Langu na la kushangaza ni kwamba ni hatua gani watachukua kama Kamati Mheshimiwa Mwenyekiti, wakati kulingana na *Financial Statement* ya 2017/2018 tuliweza kupata na kulingana na Katiba na kipengele 229 (8), *within three months after receiving an Audit Report, Parliament or the County Assembly shall debate and consider the report and take appropriate action.* Lakini la kushangaza Mheshimiwa Spika mimi nina uhakika ya kwamba Kamati hii haijakua na kikao na kama wamefanya kikao watupatie kumbukumbu za mkutano tuweze kuziangalia walikaa lini na wakaweza kuleta mapendekezo gani kama Kamati Mheshimiwa Mwenyekiti? Ahsante sana.

The Speaker (Hon. Khatri): Thank you Hon. Charles Kitula. Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwa mujibu wa Kanuni na muda waliopewa Kamati husika ilipaswa kuwa miezi mitatu (3) na kumbukumbu yangu kama haijanipotosha walipewa majukumu haya tarehe 21/11/2018, kufikia sasa wana zaidi ya miezi sita.

Kwa hivyo kuitisha wiki mbili kama ndani ya miezi sita hawakutekeleza yaliyostahiki hata wiki mbili ni mchezo na kupoteza muda wa Bunge hili lako tukufu kwa muda ambao hawataweza kuyatekeleza wanayodai wataweza kuyatekeleza.

Hali kadhalika Mheshimiwa Spika, kwa wao kungoja barua kutoka kwa *Auditor General* wakati malalamishi yako kwa daftari walilopewa na wamewaandikia baadhi ya wahusika waje wajitete na hawajaja jitetea; ilikua ni jukumu lao walete ripoti kama ilivyo kulingana na uchunguzi wao na sisi kama Bunge tuchukue hatua ya kulijadili na kutoa mapendekezo kwa sababu *Executive* walipewa muda wa kujitetea na hawakulitekeleza hilo kwa uzembe wao, kwa makusudi wakijua hawana majibu mahusisi.

Na Mheshimiwa Spika wasi wasi wangu mimi ni muundo msingi kabisa uliopo katika Kamati hii ya PAC, kwa sababu wengi wa wanachama katika Kamati hii ya PAC ni wanachama wa Kamati ya Fedha...

(Applause)

Ambao wao wanahusika moja kwa moja katika masuala mengi ya utekelezaji ama utumizi wa fedha katika hizi Idara husika. Kwa hivyo wao pia hawapo tayari kwa hawa *Executive* kuitwa na kujibu.

Kwa hivyo ni suala la ndani kwa ndani la kutufanya sisi hapa kupoteza muda wa Bunge lako tukufu kwa mambo ambayo hawawezi kuyatekeleza Mheshimiwa. Naomba utuelekeze Mheshimiwa Spika lakini tukitegemea Kamati husika tutamaliza miaka mitano pasi kupata ripoti hata moja kutoka kwa Kamati husika. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Hon. Fadhili Makarani please can you respond?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker for giving me one more chance to respond on what the Hon. Members have raised. Mr. Speaker this is a House of law and procedures; one Hon. Member has raised a query that we have not sat or we have not even written to the Departments, we have proof and if given time by next week Tuesday or five minutes from now we can go and peruse our files and bring to this Honourable House the letters that we have sent to the Auditor General and the letters that we have sent to the Departments concerned.

Mr. Speaker the Committee works hand in hand with the Auditor General, we cannot and I am repeating we cannot proceed to our sittings without the presence of the Office of the Auditor General and that is why I said before we have to get a status report from the Auditor General for us to proceed with any issues raised in those reports. So Mr. Speaker it is the Office of the Auditor General that has failed us and an Hon. Member quoted Chapter 229 from the Constitution of Kenya. Mr. Speaker the Office of the Auditor General has also failed because these reports that we are talking about do not come at the right time even though we receive them. Mr. Speaker we have proof of the days that we receive the reports are not as specified in the Constitution; we have requested to be given two weeks and we will bring to this Honourable House all what is required and all the steps that we have taken as a Committee and it will be clear in this Honourable House who is failing who...!

Mr. Speaker an Hon. Member said that the membership of the Committee, Members in that Committee are same Members in Finance Committee. Mr. Speaker I concur with that but it is this Honourable House that approved the Public Accounts Committee and the Public Accounts Committee. As per our Standing Orders it has got three financial years and if the Hon. Members are not satisfied with the Committee then I will have no say Mr. Speaker other than to follow the procedure and follow the waves of the Assembly.

But Mr. Speaker we are working and I want to assure this Honourable House that we are together to ensure our County prospers in development...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Charles Kitula, you are standing on a point of order?

The Chief Whip (Hon. Kitula): Yes, under Standing Order 229 of the Constitution, No.7. *Mheshimiwa Mwenyekiti nimemsikiza Mwenyekiti wa Kamati ya PAC na ningependa kumsomea ya kwamba*, audit reports shall be submitted to Parliament or the relevant County Assembly, *na ni kweli tuliweza kupatiwa hizo* Audit Report ya financial statement ya 2017/2018. *Ilikua tabled hapa, halafu* No.8 *kama nilivyoweza kusomwa*, within three months after receiving an Audit Report, Parliament or the County Assembly shall debate and consider the report and take appropriate action.

Mheshimiwa Mwenyekiti imepita miezi sita hivi sasa tangu ripoti ilipoweza kuwa tabled, nashangaa barua yake ameandika ni barua ya nini kutoka kwa Auditor General? Barua gani anataka yeye kama Mwenyekiti ili aweze kupata kama Kamati? Sasa nashangaa akisema kwamba ameandika barua kwa Auditor General, suali langu ni barua gani ambayo ameandika kwa Auditor General wakati ripoti tayari tushapatiwa kutoka kwa Auditor General? Ahsante.

The Speaker (Hon. Khatri): Yes Hon. Fadhili?

The Deputy Speaker (Hon. Mwalimu): Thank you Mr. Speaker. Mr. Speaker when reports are being tabled in this Honourable House it becomes part and parcel of that Committee and after receiving the reports Public Accounts Committee, it is a Committee that has to work with the office of the Auditor General. Mr. Speaker you can not proceed without the input of the office of the Auditor General; it was clear when I said that we have to receive a status report from the office of the Auditor General.

Mr. Speaker when departments are being told to bring their responses that is when the office of the Auditor General prepares a status report; without a status report we can not proceed to any step further. So Mr. Speaker we wrote to the office of the Auditor General to get a status report and to confirm if the Departments have sent their responses to the office of the Auditor General. Also not only to send to the office of the Auditor General but also to bring to our Committee and I have said it clear Mr. Speaker when I rose to start speaking there are Departments that have not sent their responses to the Committee and to the office of the Auditor General and that is what is hindering the Committee to bring back a report that might be discussed in this Hon. House, thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Yes Hon. Raphael Bwire.

Hon. Bwire: Thank you Mr. Speaker. Mr. Speaker of course we are not despising what the Chairperson of PAC is talking about but we are clearly following the rules and the laws that governs this Nation and it states clearly that after the submission of the report by the office of the Auditor General within three months or after three months the report has to be tabled here; whether the Committee has written to the Auditor General to seek the status of the recommendation that were submitted by the office or not.

So we were to begin in that report as the Assembly after three months whether the office of the Chairman on PAC has written a letter to the Department or to the Auditor General. We do not want to know what has happened there; all we are asking is that kindly stick to the law, you were to report here after three months. You see we are discussing a report that we have not seen but we know that the Auditor General report is with your office so Mr. Speaker I am here to request that through your guidance let us be supplied by those letters within five minutes if you can allow it, let us see those letters that were written to the Auditor General and that one which was written to the Department concerned so that we can a bit build our trust to the PAC. Otherwise Mr. Speaker as the composition of that Committee as stated by Hon. Mwamwiri is full of the Members of Finance and less Members from other Committee, so we doubt the composition of the Committee itself and that is why we do not want to go further and doubt it. We just need those two letters that were written to the office of the Auditor General and the Department, thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you very much Hon. Bwire. Hon. Fadhili Makarani I think you have heard from the Members concerning the issue, may be you are overwhelmed by the work because at the same time you are the Deputy Speaker, you are the Chairman of Liaison, so maybe you can just admit to this House if you are overwhelmed by work and may be you can assign that work to someone else you know, yes Hon. Junior.

Hon. Wambua: Bwana Spika Mheshimiwa Fadhili amesema anaweza kutoa kwa dakika tano, kwa hivyo ni muhimu sana atupatie kwa wakati huo...

(Applause)

The Speaker (Hon. Khatri): So Hon. Fadhili moving forward, we understand may be you are overwhelmed, you can just tell the House or may be write to my office and we can see we can consider that; maybe we give that opportunity to someone else who can deliver.

So we are giving you two weeks and please if you can give the Hon. Members the copies of the letters which you have said you have written to the Auditor General so that they can have the copies and may be they can have confidence with you and you can share that copy of the letter to my office as well and after two weeks we need to know where the House stands with this issue. Thank you very much Hon. Members. Yes Clerk next order.

RESPONSE TO STATEMENT BY THE CHAIRPERSON COMMITTEE ON EDUCATION, INFORMATION
TECHNOLOGY AND MOMBASA VISION 2035 HON. OMONDI ON THE STATUS OF KWA HOLA ECDE
CENTRE

Yes Hon. Ibrahim Omondi, the Chairperson Committee on Education Information and Technology and Mombasa Vision 2035...

(Silence)

...Any other Member on the Committee of Education? Because I can see Hon. Ibrahim is not around. Yes Hon Mwamwiri, please respond to the statement?

Hon. Athman Mwamwiri: Mheshimiwa Spika ahsante kwa fursa hii. Kama Kamati tuliwahi fanya vikao mahsusi kuhusiana na mijengo hii na yote yanayosibu Kamati husika.

Labda tuombe wiki moja ili Mwenyekiti wangu; kwa sababu ndie muhusika mkuu anaye shikilia ripoti hii aweze kuwa hapa kuileta rasmi lakini kama Kamati tulishatembelea shule zote husika na miradi yote ambayo idara inafanya na tuko na ripoti ambayo inastahiki kuwa katika Bunge hili na *In shaa Allah* kwa ruhsa yako ndani ya wiki moja Mwenyekiti wangu ataleta ripoti hiyo.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri. Yes Hon. Fadhili.

The Deputy Speaker (Hon. Mwalimu): Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwa hakika Kamati ya Elimu ndiyo Kamati ambayo inaturudisha nyuma sana katika Bunge letu. Mheshimiwa Spika mambo ya Elimu ni mambo ambayo tunatakiwa tuyapatie kipao mbele; suala hili limekuja kwa Bunge letu mara kadha wa kadha, nimetumia hata kupatia nauli Kamati hii kuenda kutembelea shule hii ili iweze kuleta taarifa katika Bunge letu hili lakini nashangaa mmoja katika Wanakamati wa Kamati hii akisema kuwa bado wanaomba wiki moja na twakumbuka wakati tukitafuta ama tukiitisha basari ilikuwa tukiambiwa hivyo hivyo wiki moja, wiki mbili na ilichukua karibu miezi sita ndio tuweze kupata majibu haya.

Mheshimiwa Spika naomba Mwanakamati wa Kamati hii aweze kuwa mkweli ikiwa kweli wanayo ripoti hii aweze kuambia Bunge letu na tusiwapatie muda mrefu sana, ikiwezekana hata Jumanne waweze kutuletea tujue hali ya shule hii ni vipi, ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Fadhili. Hon. Fadhili I think you just stated that you have already gone to Kwa-Hola ECD, you went there to see the status?

Hon. Athman Mwamwiri: Yes.

The Speaker (Hon. Khatri): So am sure you have the knowledge to tell us here briefly, you do not need the report.

Hon. Athmani Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika baada ya msafara wetu Kwa Hola na shule nyengine tuliita Idara ya Elimu ama wahusika wa idara hiyo na wakatuambia kilicho chelewesha ni mgao wa kifedha ilikuwa hawajapata na wakatuhakikishia kwamba wakipata *quarter* ya mwisho ya mgao wa kifedha watakamilisha majengo yale ambayo mpaka sasa...

(Interruption)

The Speaker (Hon. Khatri): Kwa hivyo Hon. Mwamwiri swala lilikuwa wanataka kujua kuwa shule imemalizwa au haijamalizwa sio?

Hon. Athmani Mwamwiri: Ilikuwa bado kumalizwa.

The Speaker (Hon. Khatri): Si imefikia asilimia ngapi kumalizwa hiyo shule ya ECDE?

Hon. Athmani Mwamwiri: Nitakadiria asilimia 75 Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Bwire?

Hon. Bwire: Shukran Mheshimiwa Spika. Mheshimiwa Spika wajua kwa hisani yako hili ni Jumba la Sheria na Jumba la sheria lazima tujifunze kuzungumza ukweli.

Hii ni kwa sababu mara si moja alioleta habari hizi Mheshimiwa Faith Boniface amezungumza kinaga ubaga akasema kwamba wale wanafunzi wanasoma chini ya nyumba iliojengwa na mabamba na kwamba hamna dalili yoyote hata msingi haujawahi kuchimbwa. Leo hii Mheshimiwa Mbunge ambaye ni mmoja wa Wanakamati hiyo anazungumza kwamba imejengwa asilimia 75, Mheshimiwa tujifunze wakati mwengine kuzungumza ukweli. Halafu utoe msamaha kwa wananchi wa Mombasa na Bunge hili ili tuweze kuwapatia nyinyi na idara yenu wakati wa kuwajengea wananchi wetu madarasa mazuri ya kusomea.

Mheshimiwa Spika ninavyofahamu mimi na hii Taarifa ilivyokuja hamna hata msingi ambao umejengwa kwa ajili ya hii shule, hili ni darasa ambalo wanafunzi wanasomea chini ya mti na wengine wanasomea chini ya nyumba iliojengwa na mabamba na inavuja. Sasa hiyo ndiyo *status* tunataka kujua kwamba kama Idara yao wanataka kuchukua hatua gani, sio kuja kutuambia kwamba wamejenga asilimia 75, shukran.

The Speaker (Hon. Khatri): Thank you. Yes Hon Hamida?

Hon. Noor: Thank you Mr. Speaker Sir for giving me this opportunity. This thing has been coming to this House for too long and my fellow Member Faith Mwende has been asking about it and she says the children have been learning under a tree and here we are being told there is 70 per cent or 80 per cent completion. I think this statement is a very pressing one for those students with the sun of Mombasa to sit under the make shift and learn. I think we are not being fair to the children of Kwa Hola and I think as a whole House we should go there and have a look at it.

The Speaker (Hon. Khatri): Yes Hon. Samba?

Hon. Samba: Yes Hon. Speaker thank you for at least giving me this opportunity, let me also contribute. I have some few observations; first this is the Committee that has been delaying work of the House Hon. Speaker. I can also quote my colleague when it comes to the issue of bursary and in fact we had to champion for the human rights to come and intervene for the bursary issues to be sorted out. Now I do not know whether also that is where we are heading to! Hon. Speaker it is quite sad where a Committee we do not have a Chairperson or the Vice Chair and the Member who is responding is not even accurate, he is misleading the House. This is because number one; I fail to understand whether this Committee when they did a site visit did they actually have a Clerk? Because in case suppose there was in such scenario or situation where we do not have Chair or Vice Chair we may have a Member who will read the report that has been written by a Clerk but here comes a Member he just stood up and is misleading us, 75 per cent work done or 65 per cent work done.

Hon. Speaker this should go well in this House that in case you do not have any written report, you do not stand for something that you can not respond to it. Because this is a House of rules and procedures and everything that we contribute is captured in Hansard, now if we can tell him to substantiate between the work done and what is left he can not do that and I do not know why when it comes to issues of Education Department we have issues. Let us take charge this time round so that at least the information that you are given is very accurate, thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Samba.

Hon. Members but you see the Hon. Member stood and said that he wanted to be given one week and you are the same Hon. Members who were insisting that you want to know it now, so when he was trying to tell you guys you are saying now he has to bring the written report. Now am going to rule on this. The Honorable Member has said we give him one week, so we are going to give him one week until..., sorry we are going to give you one week, so by next Thursday you bring the report, I mean the written report and then we will debate on that issue if there is anything else. Thank you very much. Yes Clerk next order please?

RESPONSE TO STATEMENT BY CHAIRPERSON FINANCE HON. MOHAMED HATIMY ON STATUS OF
DEPARTMENTAL DEVELOPMENT PROJECTS FOR THE FY 2019/2020

Yes Hon. Mohamed Mohamed Hatimy, the Chairperson committee on Finance, please give the response?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika napenda kujulisha Nyumba hii kuwa jana ilikuja swala la kuuliza hii planning ya *medium term* na ningependa kuchukua fursa hii kupitia kiti chako Mheshimiwa Spika kusema kuwa stakabadhi hii iko ya miradi yote, lakini sitoweza kuisoma stakabadhi yote lakini ningependa kukupatia na kwa wale Waheshimiwa ambao watataka *copies* wataweza kupita ofisi yako ama ofisi ya Karani mkuu ili wapate kuchukua *copy* zao, ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Mohamed Mohamed Hatimy. Yes Hon. Raphael Bwire?

Hon. Bwire: Thank you once more Mr. Speaker. Mr. Speaker actually I am the one who raised that concern and I am yet to know what has the Chairman responded..! Is it the one that is in the 2018/2019 or the list of the projects that were to accompany the budget? He has to specify please.

The Speaker (Hon. Khatri): Hon. Raphael the copies which I have with me are stating medium term 2019/2020 financial year Departmental development projects, so these are for 2019/2020. Maybe you can ask the other details from the Hon. Member, so you are asking for the document of 2018/2019; is that what you are saying?

Hon. Bwire: Actually if I revisit my Statement I was very categorical that I wanted to know the status of the projects that were captured in the budget FY 2018/2019 and the list of the projects intended to be implemented under the FY 2019/2020, so I was just asking what has he complied with, is it the previous one or the list?

The Speaker (Hon. Khatri): I think the Hon. Member has complied with the list of the projects for FY 2018/2019.

Hon. Bwire: Okay.

The Speaker (Hon. Khatri): So the other one maybe Hon. Hatimy you can tell the House if you brought the copies or if you need more time?

Hon. Mohamed Hatimy: Thank you Mr. Speaker. Mr. Speaker yesterday I think I stated very well that today I will table this document and be given two weeks to prepare another document and is in record, thank you.

The Speaker (Hon. Khatri): Thank you Hon. Mohamed Hatimy. Hon. Bwire I think you heard it, maybe yesterday you did not hear what he was saying, the Hon. Member is saying after two weeks he will bring the list of those projects and the status of the projects. Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Mheshimiwa Spika fauka ya haya kulikuwa na kauli sambamba niliyoleta katika Jumba hili wakati tukipitisha makadirio ya mwaka 2019/2020 na aliyekuwa katika Bunge hili ni Naibu Mwenyekiti wa Kamati husika na kile tulichoomba na Waheshimiwa wakatilia mkazo ilikuwa ni *project based* ya hii makadirio ya mwaka huu 2019/2020 ya kila Wodi na aliomba wiki aliyekuwa kwa niaba ya Mwenyekiti ya kwamba angeleta na hii ni juma la tatu ya siku hio.

Kwa hivyo kuna tatizo baina ya hili liloletwa leo na hili tunalo lisubiria la mipangilio ya miradi ya maendeleo kwa kila kata kwa Bajeti hii tuliopitisha mwaka wa 2019/2020 na hili swala ndani ya miradi iliyofanyika ndani ya Bajeti 2018/2019 na hali ilipofikia kufikia sasa. Kwa hivyo sijui Mwenyekiti katika hili na lile aliloomba wiki mbili yanaambatana ama ni mawili tofauti? Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Ahsante sana Mheshimiwa Spika. Mheshimiwa Spika nataka kusema kuwa *program based budget* ni kitu kingine na kutaka kujua Wodi ni kitu kigeni na kama tunavyojua...

(*Interruption*)

The Speaker (Hon. Khatri): Hon. Amriya order! You are talking with a phone inside the House! Can you just walk out please? Hon. Member with all due respect, Serjeant-At-Arms please? You are calling yourself a Hon. Member and you are in the House talking with a phone please?! Yes continue Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nataka kueleza Nyumba hii kuwa ni kweli mdogo wangu aliweza kunielezea habari hii na nataka kusema kuwa kwenye *process* kuna *Integrated Development Plan* ambayo ni miaka mitano alafu kuna *Annual Development Plan* ambayo ni mwaka moja na bajeti ilienda kwa ile mwaka ambayo tuko sisi 2019/2020 ndio tuliopitisha. Hii stakabadhi nilioleta itaonyesha kila Wodi imewekewa nini, hii stakabadhi itaeleza ile miradi iliyoko kwenye Wodi ambayo mkisoma mtaona hii imetokomana na *Annual Development Plan*. Ahsante Mheshimiwa Spika.

(*Applause*)

The Speaker (Hon. Khatri): Thank you Hon. Mohamed Hatimy. Hon. Members I think it is very clear now with the Chairman on Finance Committee so we can move on. Yes Clerk next order please?

IMPLEMENTATION OF MOTIONS PASSED IN THE COUNTY ASSEMBLY OF MOMBASA

The Speaker (Hon. Khatri): Yes Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Ahsante Mheshimiwa Spika kwa kunipatia fursa tena kuongea na wenzangu kwenye Nyumba hii. Mheshimiwa Spika napendelea Kamati ya Utekelezaji iweze kutuletea ripoti ya Miswada yote ile iliopitishwa ndani ya Bunge hili.

Mheshimiwa Spika kama unavyojua kuwa sheria Miswada kupitishwa inatakikana kuwa imetekelezwa na wale wahusika ambao ni *Executive*. Kwa hivyo Mheshimiwa Spika naomba kupitia kiti chako Mwenyekiti wa Utekelezaji atuletee ripoti kwa uwazi ya kutuonyesha kila kitu kilichozungumzwa ndani ya Nyumba hii kutaka kujua hatua gani imeweza kuchukuliwa. Mheshimiwa Spika ni mambo mengi sana ya kaa ndani ya hii Nyumba lakini hayatekelezwi; nafikiri kukubaliana na mimi kusema kuwa tupate hio ripoti ili tupate kujua ni kazi gani ambayo sisi tumeweza kufanya tangu tuingie ndani ya hili Jumba, ni jambo gani limefanywa na jambo gani halijafanywa? Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Thank you Hon. Mohamed Hatimy. I think this goes to the Chairperson, Committee of Implementation which is Hon. Salim Kalume and I can not see him; any other Member? We have the Vice Chair with us, okay Hon. Mwamwiri please respond to that?

Hon Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kauli hii si mara ya kwanza kuja katika Jumba hili iliwahi kuja hapa na kama Kamati tulifanya tukaripotia Jumba hili ki ukweli kulikuwa na mushkil na kwa kuwa limeregelewa tena swala hili tunaomba wiki moja kwa sababu si swala la nyeti kwa sababu tunajua utekelezaji katika idara ya *executive*.

Kwa hivyo ndani ya wiki moja tutaweza kuleta taarifa kamili ya kwamba asilimia hii ya Miswada haijafanywa, kwa sababu hio ndio hali halisi kwa hivyo itakuwa ni Miswada hii na hii haijafanywa kwa mda huo utakao kuja na kuripoti Mheshimiwa Spika, ahsante.

The Speaker (Hon. Khatri): Thank you Hon. Mwamwiri yes, Hon. Mohamed Hatimy?

Hon. Mohamed Hatimy: Mheshimiwa Spika hatutaki ripoti ya kuletewa makaratasi hii imetekelezwa hatujui kumetekelezwa kitu gani? Twataka ripoti za kutoka kule kwa *executive* kuji *commit* kusema wamepata kwa sababu barua kutoka kwa Karani mkuu ziko na kwa hivyo twataka sisi *executive* ilete barua za kuonyesha Nyumba hii kuwa wametekeleza kwa njia gani mambo yote tuliyopitisha sisi?

The Speaker (Hon. Khatri): Yes, Hon. Shebe?

Hon. Athman Shebe: Ahsante sana Mheshimiwa Mwenyekiti kunipa fursa hii adhimu kuweza kuchangia. Ningependa tu Mheshimiwa Mwenyekiti kwanza tufahamu bayana kuna vitu vitatu muhimu ambavyo sisi kama Wajumbe vimeweza kutukwaza na kutulemea sana.

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Mheshimiwa Mwenyekiti kwanza ukiritimba, pili utepetevu na tatu hujuma; nafikiri Mheshimiwa mwenza wa sarafu na fedha anayeibua swala nyeti sana ili watu wajue, wakaazi wa Mombasa wajue kuwa ni hoja ngapi zililetwa katika Bunge hili. Wamefikiriwa haki yao imezungumzwa namna gani katika Bunge hili. Zile tarifa zote zilizokusanywa katika Bunge hili je Serikali ambayo ni *Executive* imetekeleza mangapi? Maana sasa imekuwa ni mithili ya changanya maharagwe na mahindi.

Kwa hivyo kila mtu hapa aweze kuwajibika na kubeba mzigo wake kwa hivyo mimi napenda sana maswala haya ya kusema kuwa hizi ripoti ziletwe twataka kujua Wodi kwa Wosi kulifanywa nini? Zile hoja tumeleta hapa Bungeni zimesaidia vipi wakaazi wa Mombasa kuboresha mazingira na hali ya maisha yao Mheshimiwa Mwenyekiti. Kwa hivyo haya ni maswala matatu ni lazima tuyaangalie ikiwa ni ukiritimba, utepetevu na hujuma zijulikane wapi hawajukumiki, wapi wanazembea?...

(Applause)

Sisi kama Wabunge wa Kaunti hii tumezoa kubeba misalaba ya watu Mheshimiwa Mwenyekiti; wengine hali ya jamvi ndio kama hizi nguvu ya kubeba misalaba ya watu hatuna, kila mtu aweze kubeba msalaba wake Mheshimiwa Mwenyekiti. Kwa hivyo hiyo taarifa iweze kuletwa hapa haraka iwezekanavyo na ushahidi kamili na kila Mbunge hapa ajue Wodi yake katika hoja zilizoletwa hapa kumefanywa nini? Zimetekelezwa vipi? Kila mtu awajibike kuna njia Mheshimiwa wa sheria, hili ni Bunge la sheria Mheshimiwa Spika ahsante.

(Applause)

The Speaker (Hon. Khatri): Thank you Hon. Shebe. Yes Hon Bwire you wanted to say something?

Hon. Bwire: Thank you Mr. Speaker. I just wanted to remind you that this is the second time that Hon. Mwamwiri has been misleading this House according to me. Yes the concern was raised sometimes back but no response was brought back to this House. So for him telling us that the concern was raised back sometimes back and they have never responded to this concern and that is why Hon. Hatimy has come up again with the same issue! Mr Speaker as stated by Hon. Shebe Athman, actually we are almost blamed for having done nothing yet we do pass mMotions here; that touch on the lives of the people we represent in this County.

So we will be so glad to be told that this is the number of Motions that we have passed and this is how we have implemented those Motions you have passed. Otherwise Mr. Speaker we will be bringing the Motions and we have realised of late it has demoralised Members because we bring Motions we discuss we pass it but no implementation that takes place. So we need to exercise our mandate as the County Assembly. We need to stamp our authority so that whoever is sleeping on job goes back home if he is not going to deliver. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Bwire. Yes Hon. Bernard Ogutu?

Hon. Ogutu: Ahsante Mheshimiwa Spika. Mheshimiwa Spika ningeomba Wabunge ambao wameongea kuongea waweze ku *specify*.

Manake kuna Miswada ambazo haziendi na miradi na wengine wanasema kwamba ni miradi mingapi imefanyika katika kila Wodi. Ningeomba Naibu Mwenyekiti pia aweze kuomba muda...

(Consultations)

Nafikiri wiki moja haitoshi hiyo kazi ni kubwa ni lazima tufuatilizie kila kitu na tulete ripoti ambayo imekamilika. Kwa hivyo kwangu ningeomba tupewe kama miezi mitatu ili tuweze kufanya hiyo kazi ili iwe rahisi kwetu.

The Speaker (Hon. Khatri): Hon. Bernard Ogutu, are you part of that Committee?

Hon. Ogutu: Yes.

The Speaker (Hon. Khatri): Okay, yes Hon. Samba?

Hon. Samba: Hon. Speaker I am a Member of the said Committee and as the Members have said initially what Hon. Members requested was the Motion tracker and then Chairman responded if my memory serves me well. Now it is the Motions that have been implemented; I think we started that journey but whoever was in charge we invited the County Secretary and in the process I think you know what befell the County Secretary. Currently we do not have County Secretary since it has also come up we are going as Department per Department however what my colleague has said that one week is not enough, if we can be given two to three weeks at least we want to bring tangible convincing and conclusive report to this Honourable House, thank you Hon. Speaker.

The Speaker (Hon. Khatri): Thank you Hon. Samba. Yes Hon. Milka Moraa?

Hon. Moraa: Thank you Mr. Speaker for allowing me this time to also give my sentiments on the same. I think I want to congratulate the Hon. Member for this important Statement because our core business here is to legislate and bringing Motions is part of that and when a Member of Implementation Committee talks about three months, it is quite sad because we have been here for almost two years and somebody is talking about being given three months to go and find out and bring others report on how the Motions have been implemented, to repeat again I find that its very up sad. The colleagues that have talked about three weeks that is a bit reasonable; If we pass a Motion here and it is not implemented month in month out the Members of the House get demoralised and probably that is why there is no business coming in these days and I remember all Motions passed in this House are very important to the citizens of Mombasa.

I remember we passed a Motion on installation of litter bins to keep our County very clean and look very impressive even to our tourists who are coming here and also to the citizens of this County. It has not been done two years down the line; are we serious implementation Committee? Do not come here telling us about three months, two weeks, four weeks, no! We refuse to buy such kind of things. Thank you Mr. Speaker.

The Speaker (Hon. Khatri): Yes Hon. Mohamed?

Hon. Mohamed Hatimy: Nataka kuwaambia *Members let us be serious. Motion* ikipitishwa ndani ya Nyumba hii yule ambaye anatakiwa awe ametekeleza ile *Motion* amepatiwa siku 60.

Mheshimiwa Spika naomba kupitia Kiti chako siwezi kusoma nina matatizo ya pumzi kama utanikubalia Karani wa Bunge atusomee *Standing Order number 182* watu wajue kuwa umuhimu wa haya maneno tunaongea ndani ya hii Nyumba.

The Speaker (Hon. Khatri): Okay Hon. Hatimy I will read for you, *Standing Order 182*?

Hon. Mohamed Hatimy: Ndio Mheshimiwa Spika.

(The Speaker (Hon. Khatri) read Standing Order 182)

Hon. Mohamed Hatimy: Mheshimiwa Spika iko wazi kabisa kwa mambo ya haya maamuzi (*resolutions*) tunayoyapitisha ndani ya hii Nyumba ni lazima ziwe yafanyiwa kazi. Kwa hivyo Mheshimiwa Spika kupitia kwako naomba kusema kuwa hawa watu wa *Implementation Committee* Waheshimiwa wawe *serious* na watuletee hino ripoti ili tuweze kujipanga. Kama mnavyooona mambo vile yanavyokwenda hivi sasa kule nje Mheshimiwa Spika tuweni *serious* na tuonekane kuwa hii kazi tunaifanya. Ahsante Mheshimiwa Spika.

The Speaker (Hon. Khatri): Yes Hon. Athuman?

Hon. Athman Shebe: Ahsante Mheshimiwa Spika...

(Interruption)

The Speaker (Hon. Khatri): Yes Hon. Athman Shebe?

(Laughter)

Hon. Athman Shebe: Mheshimiwa Bunge hili limejaaliwa na Athman wawili mapacha na wote pia niwana falsafa, ahsante. Mheshimiwa kwanza kabisa niko chini ya himaya yako, pili Mheshimiwa nataka utupatie muelekeo wa kueleweka; Mheshimiwa kama vile nilivyotangulia kusema hatutaki na tumechoka kubeba misalaba ya watu wengine, kuna vitu viwili Mheshimiwa Mwenyekiti; Kuna Kamati na Kaimati. Hivi ni vitu viwili tofauti. Kwa hivyo mimi naona Bunge hili tumejaaliwa kuwa na Kamati na vile vile pia tumejaaliwa na Kaimati. Maanake Mheshimiwa...

(Interruption)

The Speaker (Hon. Khatri): Hon. Member, please?

Hon. Athman Shebe: Mtu awezi kuomba...

(Interruption)

The Speaker (Hon. Khatri): Hon. Member can you just withdraw that, I do not know what is that you are talking about *Kaimati*? Please Hon. Member.

Hon. Athman Shebe: Mheshimiwa ruhusa kwanza niweze kufafanua...

(Interruption)

The Speaker (Hon. Khatri): Just withdraw that word because I do not see that word anywhere in the Kamusi or in the Dictionary.

Hon. Athman Shebe: La! Mheshimiwa Mwenyekiti tafadhali nipe nafasi ya kumaliza kidogo ndio ujue. Kamati...

(Interruption)

The Speaker (Hon. Khatri): No! No! Hon. Member please just withdraw that word.

(Interruption)

Hon. Athman Shebe: Mheshimiwa...

(Interruption)

The Speaker (Hon. Khatri): You can use any other word whereby we can understand we do not understand what is the meaning of that *Kaimati*, so please?

Hon. Athman Shebe: Kama naweza eleza Mheshimiwa maana yake ni ruhusu.

The Speaker (Hon. Khatri): No! No! No! Please?

Hon. Athman Shebe: Mheshimiwa ahsante na *withdraw*...

(Interruption)

The Speaker (Hon. Khatri): Order! Order Hon. Member! Please just withdraw that word.

Hon. Athman Shebe: Ningependa kuliondoa neno hilo la *Kaimati*...

The Speaker (Hon. Khatri): Yes.

Hon. Athman Shebe: Niweze kulibadilisha na neno jengine Mheshimiwa Mwenyekiti.

The Speaker (Hon. Khatri): Yes you may continue Hon. Member.

Hon. Athman Shebe: Ahsante, Mheshimiwa Mwenyekiti Bunge...

Hili ni Bunge la sheria na kutekeleza na kufuatilia na kuhakikisha kuwa yale yote ambayo mwananchi wa Mombasa anataka yafanyiwe ama yatekelezwe basi ni wajibu wetu sisi kutekeleza. Nafikiri Mheshimiwa Mwenyekiti ni muda muafaka umefika kuweza kuangalia Kamati nyingi za Bunge hili letu la Mombasa vinara wao na mseto wa ile Kamati, nafikiri ni wakati muafaka umefika kuweza kupigwa msasa vizuri. Kwa sababu ukiangalia majukumu makubwa ya Bunge hili ni kuweza kuhakikisha tunabuni sheria ambazo zinasaidia mwananchi wetu kule mashinani na ikiwa wewe umepatiwa cheo kama Mwenyekiti ama Naibu wake na wale Wanakamati wote ambao wako pale Mheshimiwa Mwenyekiti basi ni kuhakikisha kuwa nyinyi mnawajibikia, kama ile Kamati kuhakikisha kuwa ile hoja ilioletwa pale na Wabunge wenzako basi unaifuatilia.

Leo nikinaya ukiangalia kama Kamati ambayo ina umuhimu mkubwa sana ya Elimu, Kamati kama ya *Implementation*, Kamati kama ya *PAC* ukiangalia mseto wa wale wanachama na vinara, *wallahi* ni masikitiko kwa sababu ikiwa mtu ataenuka aombe miezi mitatu kwa maswala kama haya ambayo yana umuhimu mkubwa Mheshimiwa Mwenyekiti! Basi sijui sisi twafanyanya nini hapa? Aidha tuangalie ni muda muafaka umefika wa kupiga hizi Kamati msasa, tuangalie vipi tutaweza kuzalisha hoja, vipi tutaweza kuleta natija kwa watu wetu na zitategemea hizi Kamati Mheshimiwa Mwenyekiti.

Kwa hivyo mimi hoja yangu ya msingi ni kuangalia hizi Kamati ambazo zinaendesha Bunge hili katika maswala mazima ya kutetea haki ya mwananchi kule mashinani basi ziweze kuwajibika Mheshimiwa Mwenyekiti.

(The Speaker (Hon. Khatri) exited the Chair)

(The Deputy Speaker (Hon. Mwalimu) in the Chair)

The Deputy Speaker (Hon. Mwalimu): Okay thank you Hon. Athuman Shebe. Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika kwanza nikiwa na akili zangu razini ningemtaka Mheshimiwa wa Junda anitake radhi kwa heshima na taadhima kwa kunieekelea kauli ya kwamba napotosha Bunge hili. Mheshimiwa Spika kumbukumbu zangu ziko sahihi ya kwamba kauli hii ililetwa tarehe 29 mwezi wa tisa, tarehe 29 mwezi wa kumi na moja mwaka elfu mbili na kumi na nane (29/11/2018). Tulileta jawabu katika Jumba hili na nina hiyari na ruhusa aende kwa kumbukumbu za Bunge hili na kama atakosa hilo ninalolisema mimi nitamtaka radhi. Lakini kunihukumu na kunihujumu ya kwamba napotosha Bunge wakati kumbukumbu zangu ziko sahihi Mheshimiwa hiyo si kauli njema sijaipokea vizuri na namtaka Mheshimiwa wa Junda kwa heshima na taadhima anitake radhi.

Mheshimiwa Spika kuhusu wiki moja kujibu haya ni swala ambalo siswala geni na tulifanya vikao vya kutosha na tunajua ya kwamba asilimia kubwa ya hoja hizi hazijatekelezwa kwa sababu ya msukumo mahali mahsusi.

Mheshimiwa Spika ni juzi tu kumekuwa na kauli hapa ya kutaka kujua baadhi ya utekelezaji wa mipango na miradi katika bajeti iliokamilika tarehe 30 ya mwezi wa sita na hapa kulitembea simu kutoka upande wa pili ya baadhi ya Waheshimiwa wakiambiwa hoja hiyo isitekelezeke na jukumu hili lilikuwa kwa Kamati ya Utekelezaji na Mwenyekiti wangu akaingizwa uoga kwa muda simuoni kwa sababu ya kutaka kutekeleza hoja ama kauli iliyokuwa inataka kujulia miradi na mgao wa kifedha kila idara iliyoganyiwa.

Kwa hivyo Mheshimiwa Spika hoja hizi ziko mubashara ya kwamba hazijatekelezwa asilimia kubwa na kikezo tunakijua kiko wapi, kwa hivyo hata tukisema mwezi ni kupoteza muda lakini wiki moja inatosha kukamilisha hili. Hii ni kwa sababu Mheshimiwa hakuna kilichotekelezeka Mheshimiwa Spika, lakini halahala Mheshimiwa wa Junda anitake radhi kwa sababu kauli hiyo imeingia kwa kumbukumbu za Bunge hili ya kwamba mimi mwanafalsafa Mkereketwa Mheshimiwa wa Wodi ya Likoni ninapotosha Jumba hili wakati Mheshimiwa Spika kwa heshima Bunge hili litabakia kunikumbuka kwa mchango wangu katika Bunge hili. Kwa hivyo sio sahihi kauli hiyo kubakia katika kumbukumbu za Bunge hili Mheshimiwa Spika. Ahsante.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Mwamwiri. Hon. Mwamwiri as you have said the Hon. Member will go back to the Hansard and enquire from Hansard if not you will come back to apologize. Hon. Mwamwiri I have requested the Hon. Member to visit the Hansard office and in two weeks' time he will come to apologize if need be...Yes Clerk?

STATUS OF DRAINAGE REHABILITATION WORKS AT TUDOR ESTATE IN TUDOR WARD

Yes Hon. Tobias Samba?

(Consultations)

Proceed Hon. Tobias?

Hon. Samba: Yes Hon. Speaker, I seek to enquire the following Statement from the Committee Chair Department on Lands, Planning and Housing if he is aware of the following;

If is he aware that the on-going drainage rehabilitation works in Tudor estate by the Department of Lands, Planning and Housing;

Number two, if he is aware that the rehabilitation work on the site by the contractor employed by the County government is shoddy despite huge allocation of money for this project;

Number three, why most projects in Tudor Ward under the same Department have stalled? And then a last one, in addition I request to be served the BQ (Bill of Quantities) of all projects on the site.

Hon. Speaker I think I have made myself clear and I would request that you treat this matter with the urgency it deserves because it is very urgent, the situation is deplorable and it is a cause of great health hazard and it is now becoming a break out of diseases.

I would wish that you may give a direction and I do not see the Chairman or the Vice Chair but you will give the direction, treat with urgency. Thank you Hon. Speaker.

The Deputy Speaker (Hon. Mwalimu): Any Member from the Lands Committee? Yes Hon. Mwalimu Mgwisho.

Hon. Mwalimu Mgwisho: Ehhhh!

The Deputy Speaker (Hon. Mwalimu): Are you a Member of Lands Committee?

Hon. Mwalimu Mgwisho: Yes.

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The Deputy Speaker (Hon. Mwalimu): Okay, Do you have a response on this?

Hon. Mwalimu Mgwisho: No! I do not have.

(Laughter)

The Deputy Speaker (Hon. Mwalimu): So I am directing the Lands Committee to respond on this issue by Wednesday morning.

Hon. Mwalimu Mgwisho: Thank you. Yes Hon. Mwamwiri?

Hon. Athman Mwamwiri: Ahsante Mheshimiwa Spika. Mheshimiwa Spika nasimama chini ya hibara ya 41, kipengele cha pili (c) cha Kanuni za Bunge hili, nikiwa na kauli Mheshimiwa Spika kutaka kufahamu kutoka kwa Mwenyekiti wa Fedha na Mipangilio ya Bajeti kama yuko na taarifa ya kwamba mwezi huu wa sita wahudumu wa malori wa kubeba mchanga na mawe walishurutishwa kulipa ada mpya kinyume na ada iliyoko katika sheria ya fedha ya mwaka 2018/2019 ambayo Bunge hili kwa heshima tuliwaekea kiwango cha shilingi 1600/- kwa lori la tani saba na kumi na nne na juzi wakashurutishwa kulipa kima cha 2500 kwa lori la tani baina ya tani saba na tani kumi na nne.

Mheshimiwa Mwenyekiti na swala hili Mheshimiwa lilileta muamko na jazba kiasi ya kwamba wahudumu hawa walifanya maandamano na ikiwa maandamano haya yaishilie katika Bunge lako tukufu kwa tuhuma kutoka kwa Mwakilishi wa Kata hili ama *Sub County Administrator* ya kwamba Bunge hili ndilo lilopitisha sheria hiyo ndani ya huo mwezi kwao wao kuhujumiwa na kutozwa ada ya kupitiliza.

Kwa hivyo tungetaka kulifahamu hili ni swala ambao linachemka kule mashinani tuweze kujua Kanuni hii ilipita wapi na kama haikupita amri hii ilitoka wapi ya wahudumu wa malori haya kuitishwa ama kulipishwa ada ya kupitiliza Mheshimiwa Spika. Ahsante Mheshimiwa Spika.

The Deputy Speaker (Hon. Mwalimu): Thank you Hon. Mwamwiri, as I can see it is an issue concerning revenue of the County; I will request the Committee to respond back to this Honourable House on what has been raised by Hon. Mwamwiri and to have proof of whether the said has been passed in this Honourable House by Wednesday morning the Committee to respond to this Hon. Assembly. Yes Clerk?

ADJOURNMENT

There being no other business the House stands adjourned until Tuesday 9th at 2:30p.m.

The House rose at 3:53 p.m.