



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 5 February, 2008

1. The Senate met at 10.05 a.m. The Senate President read prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 31st January, 2008 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. Message from Mr. President:
The Senate President announced that he had received a letter from the President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, which he read as follows:



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

February 4, 2008

*Distinguished Senator David Mark,
President of the Senate, Three Arms
Zone, National Assembly Complex,
Abuja.*

Excellency and Dear Brother,

**RE: REQUEST FOR CONFIRMATION OF APPOINTMENT
OF 27 MEMBERS OF THE FEDERAL
CHARACTER COMMISSION**

Further to my earlier letter to you Ref. PRES/134 dated 22nd October, 2002 on the above subject matter and in execution of the Powers conferred on me by Section 154(1) of the 1999 Constitution, I hereby substitute the following: HON. MUHAMMED A. TUNDUNWADA (Kano) and MRS. KEMI NELSON (Lagos) with ENGR. AHMED ISHAQ and MR. ADEBAYO WILUAMS respectively.

The Curriculum Vitae of the two nominees are attached herewith.

I would appreciate the usual expeditious consideration of the nomination by the Distinguished Senate, please.

Best regards,

Signed; UMARU
MUSA YAR'ADUA

4. Announcement:

(A) *Northern Senators Forum: Composition of New Executive Members:*

The Senate President read out the names of the new Executive members of the Northern Senators Forum as follows:

(i)	Senator Umaru Dahiru	Chairman
(ii)	Senator Smart Adeyemi	Vice Chairman
(iii)	Senator Bala A. Mohammed	Secretary
(iv)	Senator Ibrahim M. Ida	Treasurer
(v)	Senator Abubakar U. Gada	Organizing Secretary
(vi)	Senator Gbemisola R. Saraki	Forum Coordinator
(vii)	Senator Sulaiman M. Nazif	Public Relations Officer
(viii)	Senator Sahabi Alh. Ya'u	Auditor
(ix)	Senator Anthony G. Manzo	Assistant Secretary
(x)	Senator Hassan M. Gusau	Assist. Public Relations Officer
(xi)	Senator Dahiru B. Gassol	Assistant Organizing Secretary
(xii)	Senator Patricia N. Akwashiki	Assistant Auditor
(xiii)	Senator Usman J. Wowo	Welfare Officer
(xiv)	Senator Dahiru A. Kuta	Assistant Welfare Officer
(xv)	Senator Ahmad I. Lawan	Assistant Treasurer
(xvi)	Senator Grace F. Bent	Financial Secretary
(xvii)	Senator Mohammed A. Bello	Assistant Financial Secretary
(xviii)	Senator Mohammed K. Jibril	Legal Adviser
(xix)	Senator Satty D. Gogwim	Assistant Legal Adviser
(xx)	Senator Abubakar D. Sodangi	Patron
(xxi)	Senator Nuhu Aliyu	Patron
(xxii)	Senator Mahmud K. Bello	Patron
(xxiii)	Senator Maina M. Lawan	Patron
(xxiv)	Senator Ahmad M. Makarfi	Patron

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| (xxv) | Senator Kabiru I. Gaya | Patron |
| (xxvi) | Senator Mohammed Mana | Patron |
| (xxvii) | Senator Bukar A. Ibrahim | Patron |
| (xxviii) | Senator Ahmad R. Sani | Patron |
| (xxix) | Senator Mohammed A. Aliero | Patron |

- (B) The Senate President read an announcement from the Chairman, Committee on Rules and Business as follows: _____



THE SENATE
FEDERAL. REPUBLIC OF NIGERIA
Committee on Rules and Business

National Assembly Complex Three-Arms

Zone, P. M. B. 141. Garki - Abuja

Our Ref:.

Date: 5TH FEBRUARY, 2008

Your Ref:

SENATE SITTING

This is to bring to the notice of Distinguished Senators that Senate Sitting starts from 10.00 a.m. Prompt (Tuesdays, Wednesdays and Thursdays).

Distinguished Senators are by this Notice kindly requested to be seated in the Chamber before the arrival of the President of the Senate.

Please be guided accordingly.

Signed:

Senator Aloysius A. Etok

Chairman,

Senate Committee on Rules and Business

- (C) The Senate President read two letters from Senator Adeleke O. Mamora as follows: (0

Sen. Adeleke Olorunnimbe Mamora
 (LAGOS EAST)
 Deputy Minority Leader



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

October 9, 2007

*The President of the Senate
 Senator David Mark
 Senate of the Federal Republic of Nigeria
 National Assembly Complex
 Abuja.*

Your Excellency,

RE: AMENDMENT TO SENATE STANDING RULE 111

Pursuant to order 110 of Senate Standing Orders 2007 as amended, I hereby give notice to amend Order 111 ("Business continued from Session to Session").

My proposal is that the entire Order 111 be deleted and same substituted with the words, "The legislative business of the Senate which remains undetermined at the close of a Session of the Senate shall be resumed and proceeded with in the same manner as if no adjournment of the Senate had taken place; and all papers referred to Committees and not reported upon at the close of Session of the Senate shall be returned to the office of the Clerk of the Senate and retained until the next Session of the Senate when they shall be returned to the several Committees to which they had previously been referred. "

Order 110 sub 3 would be fully addressed at the appropriate time in compliance with the Senate Rules.

Thank you for your anticipated cooperation.

Yours faithfully,

Signed:

Senator Olorunnimbe A. Mamora

(II)

Deputy Minority header



THE SEJ* Federal
Republic of Nigeria

**Proposed Amendment of Order 111 Pursuant to Rule
110 of the Senate standing Order**

This amendment is predicated on the following reasons:

The amendment as effected in the last Senate was possibly an act of inadvertent error of judgment which the present Senate ought to correct.

Rule 110, particularly 111.bos it is, is inconsistent with legislative best practices and tradition all over the world.

Fresh Senators who were not party to issues in the proceeding Senate would be denied the opportunity of any meaningful input thus eroding their legislative mandate.

Retention of the Rule could foreclose injection of fresh ideas based on new realities and better understanding of issues.

Retention of the Clause could create crisis situation for a new administration particularly in lawmaking where a presidential veto existed over a bill passed by a previous Senate.

Signed:

Senator Olorunnimbe A. Mamora

5. **Order from the Chair:****(A) Distribution of the Report on 2008 Appropriation Bill (SB. 21):**

The Senate President announced that the Report of the Committee on Appropriation on the 2008 Appropriation Bill 2008 will be distributed to Senators latest by 6.00 p.m. that day. He therefore urged distinguished Senators to Endeavour to go through their pigeon holes as to enable Senators make meaningful contributions when it is being considered next legislative day.

(B) Dismal performance of the Super Eagles:

The Senate President welcomed back Senator Heineken Lokpobiri Chairman, Senate Committee on Sports from Ghana where the on-going Africa Cup of Nations is taking place. He expressed Senate's disappointment over the defeat of the Super Eagles in their Quarter Final encounter against the host country.

6. **Presentation of Bill:**

National Health Bill 2008 (SB. 50) — *Read the First Time.*

7. **Final and Main Report on Senate Retreat:**

Motion made and Question Proposed: That the Senate do receive and consider the final and main Report on the Third Senate Retreat held in Port Harcourt from October 28th to November 2nd, 2007.

Recommendation:

- (i) The Retreat should be held annually;
- (ii) The Annual Retreat should be held in different geo-political zones of the country to enable the Senate get first hand assessment of the difficulties, fears, etc of those areas;
- (Hi) The Senate should embark on a progressive amendment of the 1999 Constitution beginning with the less contentious issues as practiced by India and United States of America;
- (iv) The Niger Delta Development Commission (NDDC) should be adequately funded in order to sustain and actualize the Niger Delta Master Plan;
- (v) The National Assembly should enact an Act compelling the Executive to enforce Senate Resolutions that are backed by two third majority;
- (vi) There is the need to further amend the Independent Corrupt Practices and Other Related Offences Commission Act (ICPC) in order to ensure that offenders are effectively investigated and prosecuted; and
- (vii) The Executive should uphold the provisions of the Constitution as they relate to arrest, detention, search, trial and seizure of a citizen's property and the Rule of law to apply to all citizens of Nigeria in equal measure (*Senate Majority Leader*).

*Debate:**Recommendation (i):*

Question: That the Retreat should be held annually — *Agreed to.*

Recommendation (ii):

Question That the Annual Retreat should be held in different geo-political zones of the country to enable the Senate get first hand assessment of the difficulties, fears, etc of those areas — *Agreed to.*

Recommendation (in):

Question: That the Senate should embark on a progressive amendment of the 1999 Constitution beginning with the less contentious issues as practiced by India and United States of America — *Agreed to.*

Recommendation (iv) :

The Niger Delta Development Commission (NDDC) should be adequately funded in order to sustain and actualize the Niger Delta Master **Plan**;

Amendment Proposed:

Leave out the provision in Prayer (iv) and *insert* the following instead thereof:

"The Niger Delta Development Commission (NDDC) Act should be strictly implemented in order to sustain and actualise the Niger Delta Master Plan (*Senator Adeleke O. Mamora*).

Question that the Amendment be made, put and agreed to.

Recommendation (v):

Question: That the National Assembly should enact an Act compelling the Executive to enforce Senate Resolutions that are backed by two third majority — *Agreed to.*

Recommendation(iv):

There is the need to further amend the Independent Corrupt Practices and Other Related Offences Commission Act (ICPC) in order to ensure that offenders are effectively investigated and prosecuted; and

Amendment Proposed:

Leave out the provision in Prayer (vi) and *insert* the following instead thereof:

"There is a need to further amend the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, the Economic and Financial Crime Commission (EFCC) Act and all other acts related to fighting corruption in Nigeria (*Senator Umaru Dahiru*).

Question that the Amendment be made, put and agreed to.

Recommendation (vii):

The Executive should uphold the provisions of the Constitution as they relate to arrest, detention, search, trial and seizure of a citizen's property and the Rule of law and adhere strictly to the Rule of Law as apply to all citizens of Nigeria in equal measure

Amendment Proposed:

Leave out all the words after "Constitution" in line 1 and *insert* the following instead thereof: "and adhere strictly to the Rule of Law as it applies to all citizens of Nigeria" (*Senator Wilson Ake*).

Question that the Amendment be made, put and agreed to.

Resolved:

- (i) That the Retreat should be held annually;
- (ii) That the Annual Retreat should be held in different geo-political zones of the country to enable the Senate get first hand assessment of the difficulties, fears, etc of those, areas;
- (iii) That the Senate should embark on a progressive amendment of the 1999 Constitution beginning with the less contentious issues as practiced by Indian and United States of America;
- (iv) That the Niger Delta Development Commission (NDDC) Act should be strictly implemented in order to sustain and actualise the Niger Delta Master Plan;
- (v) That the National Assembly should enact an Act compelling the Executive to enforce Senate Resolutions that are backed by two third majority;
- (vi) That there is a need to further amend the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, the Economic and Financial Crime Commission (EFCC) Act and all other acts related to fighting corruption in Nigeria; and
- (vii) The Executive should uphold the provisions of the Constitution and adhere strictly to the Rule of Law as it applies to all citizens of Nigeria (*S. Res/42/08*).

8. A Bill for an Act to Amend the Customs, Excise, Tariff, Etc (Consolidation) Act 1990 and for Connected Purposes 2008 (HB. 01):

Motion made and Question Proposed: That the Bill for an Act to Amend the Customs, Excise, Tariff, Etc (Consolidation) Act 1990 and for Connected Purposes 2008 be read the Second Time (*Senate Majority Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to Committee on Finance to report in 1 (one) week.

9. A Bill for an Act to Establish the Hydroelectric Power Producing Areas Commission and to Vest it with the Responsibility of Managing the Ecological Menace due to Operation of Dams and to Provide for other Matters in Connection Therewith 2008 (SB. 03):

Motion made and Question Proposed: That the Hydroelectric Power Producing Areas Commission and to Vest it with the Responsibility of Managing the Ecological Menace due to Operation of Dams and to Provide for other Matters in Connection Therewith 2008 be read the Second Time (*Senator Dahiru A. Kuta*).

Point of Order:

Rule 111 (Business continued from Session to Session):

Rising on Rule 111, Senator Idris Umar drew the attention of the Senate to the Bill for an Act to Establish the Hydroelectric Power Producing Areas Commission and to Vest it with the Responsibility of Managing the Ecological Menace due to Operation of Dams and to Provide for other Matters in Connection Therewith which was passed by the Fifth Senate and was transmitted to the President, Commander-in-Chief, for assent. He urged the Senate to apply Rule 111 in order to save the Bill from the rigours of legislative process and requested that the Senate deal with the Report administratively.

Debate;

Point of Order Sustained:

Bill accordingly to be resubmitted for Third Reading.

11. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 6th February, 2008 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 1. 55 p.m.

David A. B. Mark
President of the Senate