



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 24th January, 2006

1. The Senate met at 10: 20 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, 19th January, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.
3. Message **from the** President:
The Senate President announced that he had received two letters from the President, Commander-in-Chief which he read as follows:
(A)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

PRES/134

18 January, 2006

Senator Ken Nnamani,
President of the Senate,
Senate Chambers, National
Assembly, Three Arms Zone,
Abuja.

REQUEST FOR CONFIRMATION OF APPOINTMENT OF A JUSTICE OF THE SUPREME COURT OF NIGERIA

Following the retirement of Honourable Justice D. O. Edozie, CON, Justice of the Supreme Court of Nigeria, with effect from 10th November, 2005, the National Judicial Council on the advice of the Federal Judicial Service Commission has recommended Honourable Justice F. F. Tabai, Justice of the Court of Appeal from Bayelsa State, for appointment as Justice of the Supreme Court of Nigeria.

By the provisions, of Section 231 Sub-Section 2 of the 1999 Constitution, the appointment of a Justice of the Supreme Court shall be made by me on the recommendation of the National Judicial Council, subject to confirmation by the Senate. In line with this provision, the National

Judicial Council met on 14th - 15th December, 2005 and recommended Honourable Justice F. F. Tabai for appointment as Justice of the Supreme Court. I attach herewith a copy of letter Ref. No. FJSC/A.711111 !777 of 23rd December, 2005 from the Chief Justice of Nigeria and Chairman, National Judicial Council, in that regard.

Accordingly, I seek Senate confirmation of the appointment of Honourable Justice F. F. Tabai as a Justice of the Supreme Court of Nigeria.

I look forward to your early action.

Yours sincerely,

Signed OLUSEGUN
OBASANJO

(B)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

January 16, 2006

PRES/134

Senator Ken Nnamani,
President of the Senate,
Senate Chambers, National
Assembly Complex, Three
Arms Zone, Abuja.

CONFIRMATION OF MINISTERIAL NOMINEE

In the exercise of powers conferred on me by Section 147(2) of the 1999 Constitution of the Federal Republic of Nigeria, I hereby present Dr. (Mrs.) Grace Ooja OGWUCHE (Benue State) whose CV is attached herewith, for confirmation by the Senate. Dr. (Mrs.) OGWUCHE is to fill the vacancy created as a result of the exit of Dr. Iyorchia Ayu, who was representing Benue State in the Federal Executive Council.

While I trust that the Distinguished Senate will confirm this nominee for appointment as Minister of the Federation, consistent with Section 147(2) of the 1999 Constitution, without delay, please accept the assurances of my highest consideration.

Yours sincerely,

Signed OLUSEGUN
OBASANJO

4. Announcements:

(i) Membership of Senate Standing Committees:

The Senate President announced the Committee Membership of Senator Fred I. Orti as follows:

(1)	Aviation	—	Vice Chairman
(2)	Niger-Delta	—	Member
(3)	Communication	—	Member
(4)	Drugs, Narcotics and Financial Crimes	—	Member
(5)	Judiciary, Human Rights and Legal Matters	—	Member

(ii) *Appropriation Bill 2006:*

The Senate President urged Committee Chairmen to expedite action on the Appropriation Bill 2006 in order to meet up with the dead line set by the Senate as no extension of time would be granted.

5. Matter of Urgent Public Importance:

Fire Outbreak at the Sabon Gari Market in Zaria, Kaduna State

Rising on Rule 42 and 52, Senator Dalhatu Sarki Tafida invited the attention of the Senate to the recent fire incidence in Sabon Gari market of Sabon Gari Local Government Area of Kaduna State. He sought and obtained leave of the Senate for the matter to be debated forthwith as a Matter of Urgent Public Importance.

Motion made and Question Proposed: That whereas at about 2.00 a. m on Wednesday, 18th January 2006, an incident of fire outbreak occurred at the Sabon Gari Market, Zaria;

WHEREAS injuries were sustained and properties worth over N350, 000,000.00 (Three hundred and fifty million naira) were lost to the inferno;

WHEREAS the prompt response of the Kaduna State Fire Service, Zaria was hindered by difficulties in accessing the area of the inferno due to the very high density of market stalls blocking the access routes;

WHEREAS this inaccessibility limited the fire fighting operation to only within the periphery of the market resulting in the gutting of about one third of the market;

WHEREAS since the incident, commercial activities in Sabon Gari Local Government have been paralyzed, leaving many traders stranded without any visible means of income.

Be it resolved: That the Senate do

- (i) commiserate with the Government and people of Kaduna State, and through the Governor to the people of Sabon Gari Local Government in particular.
- (ii) commend the Kaduna State Fire Service, Zaria, for their prompt intervention which not only saved lives but limited the extent of the damage;
- (iii) urge the Kaduna State Government and the Sabon Gari Zaria Local Government to set up machinery to resuscitate full commercial activities in the market in the shortest possible time;
- (iv) urge the National Emergency Management Agency to send urgently needed relief such as food, corrugated roofing sheets, timber, Cement to help in the reconstruction exercise; and
- (v) appeal to the Kaduna State Government to assist in the re—construction of the market as a long term measure to avoid a re—occurrence (*Senator Dalhatu Sarki Tafida*).

Debate: _____

Prayer (i):

Question: That the Senate do commiserate with the Government and people of Kaduna State, and through the Governor to the people of Sabon Gari Local Government in particular — *Agreed to.*

Prayer (ii):

Question: That the Senate do commend the Kaduna State Fire Service, Zaria, for their prompt intervention which not only saved lives but limited the extent of the damage— *Agreed to.*

Prayer (in):

Question: That the Senate do urge the Kaduna State Government and the Sabon Gari Zaria Local Government to set up machinery to resuscitate full commercial activities in the market in the shortest possible time— *Agreed to.*

Prayer (iv) :

Question: That the Senate do urge the National Emergency Management Agency to send urgently needed relief such as food, corrugated roofing sheets, timber, cement to help in the reconstruction exercise— *Agreed to.*

Prayer (v):

Question: That the Senate do appeal to the Kaduna State Government to assist in the re-construction of the market as a long term measure to avoid a re-occurrence — *Agreed to.*

Resolved: That the Senate do

- (i) commiserate with the Government and people of Kaduna State, and **through** the Governor to the people of Sabon Gari Local Government in particular;
- (ii) commend the Kaduna State Fire Service, Zaria, for their prompt intervention which not only saved lives but limited the extent of the damage;
- (iii) urge the Kaduna State Government and the Sabon Gari Zaria Local Government to set up machinery to resuscitate full commercial activities in the market in the shortest possible time.
- (iv) urge the National Emergency Management Agency to send urgently needed relief such as food, corrugated roofing sheets, timber, Cement to help in the reconstruction exercise; and
- (v) appeal to the Kaduna State Government to assist in the re—construction of the market as a long term measure to avoid a re—occurrence(**S. Res/037/06**).

6. **Presentation of Bills:**

- (i) **Fuel Pumps** Re-certification Bill 2006 (SB. 270) — *Read the First Time.*
- (ii) Grains and Other Staple Food Products (Procurement, Storage, Preservation and Sales) Bill 2006 (SB. 275) - *Read the First Time.*

7. **Committee on States, Local Government Administration:**

Report on Border Communities Development Agency Act (Amendment) Bill 2006 (SB. 47): *Motion made and Question Proposed:* That the Senate to receive and consider the Report of the Committee on States, Local Government Administration on Border Communities Development Agency Act (Amendment) Bill 2006 (*Senator Iyabode Anisulowo*).

Question put and agreed to.

Report presented and Laid.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Report of Committee on States and Local Government Administration on Border Communities Development Agency Act (Amendment) Bill 2006 (SB. 147).

PART -1

Clause 1: Establishment of the Border Communities Development Agency:

- (1) There is established an agency to be known as the Border Communities Development Agency (in this Act referred to as "the Agency").
- (2) The Agency-
 - fa) shall be a body corporate with perpetual succession, and a common seal; and
 - (b) may sue and be sued in its corporate name.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Iyabode Anisulowo*) — *Agreed to.*

Question that Clause 1 stand part of the Bill put and agreed to.

Clause 2:

Establishment of the Governing Board of the Agency:

(1) There is established for the Agency a governing board which shall provide the general policy guidelines for the day-to-day administration of the Agency and shall comprise-

- (a) the Vice President of the Federation, who shall be the Chairman;
- (b) the Attorney-General of the Federation;
- (c) the Ministers responsible for each of the following-
 - (i) the Ministry of Foreign Affairs
 - (ii) the Federal Ministry of Works and Housing;
 - (iii) the Federal Ministry of Internal Affairs;
 - (iv) the Federal Ministry of Finance;
 - (v) the Federal Ministry of Defence;
 - (vi) the Federal Ministry of Water Resources,
 - (vii) the Federal Ministry of Health and Human Resources; and
 - (viii) the Federal Ministry of Education;

Committee's Recommendation:

Insert new sub-clauses 2(c)(ix) to (xiv) as follows:

- "(ix) the Federal Ministry of Power and Steel;
- (x) the Federal Ministry of Science and Technology;
- (xi) the Federal Ministry of Environment;
- (xii) the Federal Ministry of Agriculture and Rural Development;
- (xiii) the Ministry of Police Affairs;
- fxiv) Executive Secretary of the Agency who shall serve as Secretary to the Board" (*Senator Jyabode Anisulowo*).

Amendment Proposed:

Leave out sub-clause 2(c)(xiv) and insert the provision as sub-clause 2(k)

(Senator Umaru Dahiru).

Question that the amendment be made put and agreed to.

- (d) the Inspector-General of Police;
- (e) the Chief Economic Adviser National Planning Commission;
- (f) the Director-General, National Boundary Commission;
- (g) the Director-General, National Intelligence Agency;
- (h) the Permanent Secretary, States and Local Government Affairs Office;
- (i) the Surveyor-General of the Federation; and
- (j) six other persons to represent each of the six Geo-political zones.

(2) The Chairman and other members of the Board shall be appointed by the President.

Amendment Proposed:

Leave out the words "the Chairman and" in line [(Senator Umaru Dahiru).

Question that the amendment be made put and agreed to. Question that Clause 2 as amended stand part of the Bill put and agreed to.

Clause 3:

Tenure of Members of the Board:

(1) Members of the Board other than ex-officio members-

Amendment Proposed:

Leave out the words "other than ex-officio members" and wherever it appears in the Act (Senator Umar Hambagda).

Question that the amendment be made put and agreed to.

Another Amendment Proposed:

Immediately after the word "Board" insert the words "appointed under section 2(j) of this Act (Senator Bassey Ewa-Henshau).

Question that the amendment be made put and agreed to.

- (a) shall hold office on such terms and conditions as may be specified in their letters of appointment;
- (b) shall hold office for a term of four years in the first instance and may be re-appointed thereafter for a further term of four years and no more;
- (c) with the exception of the Executive Secretary, all members of the Board including ex-officio members shall serve on part-time basis.

Question that Clause 3 as amended stand part of the Bill put and agreed to.

Clause 4:

Removal of a Member from Office by the President:

Notwithstanding the provisions of sections 2 - 3 of this Act, a member of the Board may at anytime be removed from office by the President for inability to discharge the functions of his office (Whether arising from infirmity of mind or body or any other cause) or for misconduct;

Committee's Recommendation:

That the provision in Clause 4 be retained (Senator lyabode Anisulowo) — Agreed to.

Question that Clause 4 stand part of the Bill put and agreed to.

Clause 5:

Resignation of Appointment by a Member of the Board:

A member of the Board other than an ex-officio member may resign his appointment by a notice in writing under his hand and that member shall, on the date of the receipt of the notice by the President cease to be a member;

Committee's Recommendation;

That the provision in Clause 5 be retained (Senator lyabode Anisulowo) — Agreed to.

Question that Clause 5 stand part of the Bill put and agreed to.

Clause 6:

Cessation of Membership of the Board:

- (1) An ex-officio member of the Board shall cease to be a member upon vacation of his office on grounds of resignation, retirement from service, re-deployment or for any other reason.
- (2) Notwithstanding the foregoing provisions of section 2 of this Act, a person shall cease to hold office as a member of the Board if-

- (a) he becomes bankrupt, suspends payment or compounds with his creditors; or
- (b) he is convicted of a Felony or any offence involving dishonesty or fraud; or
- (c) he becomes of unsound mind, or incapable of carrying out his duties; or
- (d) he is guilty of a serious misconduct in relation to his duties; or
- (e) in the case of a Person possessed of a professional qualifications, he as disqualified or suspended, (other than at his own request from practicing his profession in any part of the world) by an order of a competent authority made in respect of that member; or

Amendment Proposed:

Immediately after the word "person" in line 1 *Leave out* the word "possessed" and *insert* the word "possession" instead *thereof* (Senator Tokunbo Afikuyomi).

Question that the amendment be made put and agreed to.

- (f) he resigns his appointment by a letter addressed to the President.

Amendment Proposed:

Immediately after the word "President" *insert* the words "in accordance with section 5 of this Act" (Senator Tunde Ogbeha).

Question that the amendment be made put and agreed to. Question that Clause 6

as amended stand part of the Bill put and agreed to. PART — II

Clause 7: Functions and Powers of the Agency:

(1) The Agency shall-

- (a) prepare a comprehensive programme of action for the development of the border communities;
- (b) prepare and submit proposals on project for the border communities to the President;
- (c) advise the Federal Government on border areas development and other related issues;
- (d) consult with the relevant border communities and liaise with the Federal Government on areas required for overall development in order to maintain, sustain and develop border communities;
- (e) identify and determine in each year, such deliberate or conscious infrastructural project required for the overall development of the border communities.
- (f) execute such border development policies, projects and programs in the border communities;
- (g) coordinate the activities of all relevant ministries in the implementation of Federal Government policies and Programmes for the development of border communities; and

- (h) set guidelines for the implementation and monitoring of Federal Government projects in the border communities;
- (i) plan and develop strategies towards ensuring efficient and effective implementation of Federal projects within the Border states and ensure their Implementation;
- (j) to receive and administer such funds as may be allocated to it from the federation account;

Amendment proposed:

Immediately before the word "receive" in line 1, *leave out* the word "to" (Senator David Mark).

Question that the amendment be made put and agreed to. (k)

maintain account with a Reputable bank; and

- (l) do such other things which it deems expedient in the performance of its functions under this Act (Senator Iyabode Anisulowo).

Question that Clause 7 as amended stand part of the Bill put and agreed to.

Clause 8: Offices and Premises of the Agency Cap. 202 LFN 1990:

For the purposes of providing offices and premises necessary for the performance of its functions under this Act, the agency may subject to the Land Use Act, take lease of any interest in land or other property and may sell or dispose of such interest held by it.

Committee's Recommendation:

That the provision in Clause 8 be retained (Senator Iyabode Anisulowo) — Agreed to.

Question that Clause 8 stand part of the Bill put and agreed to.

Further consideration of the Bill deferred and Bill recommitted to the Committee for further legislative actions.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on States and Local Government Administration on Border Communities Development Agency Act (Amendment) Bill 2006 and approved as follows:

Clause 1	As Recommended
Clause 2	— As Amended
Clause 3	— As Amended
Clause 4	— As Recommended
Clause 5	— As Recommended
Clause 6	As Recommended
Clause 7	— As Amended
Clause 8	— As Recommended

9. Federal Capital Territory Appropriation Bill 2006 (SB. 269):

Motion made and Question Proposed: That the Federal Capital Territory Appropriation Bill 2006 be read the Second Time (*Senate majority Leader*),

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Federal Capital Territory to report within three (3) weeks.

10. National Institute for Reproductive health Bill 2006 (SB. 241):

Bill by leave of Senate stood down till next legislative day.

11. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Wednesday, 25th January, 2006 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 1. 55 p. m.

Ken Nnamani
President of the Senate
