



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 19 March, 2009

1. The House met at 11.20 a.m. Mr Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 18 March, 2009.

By unanimous consent, the Votes and Proceedings was adopted.

3. **Announcements:**
Visitors:
Mr Speaker recognized the presence in the Gallery, of the following visitors:

- (i) Hon. Gabriel Smith, of the Liberian Parliament;
- (ii) Students from Hamstead Academy, Abuja;
- (iii) Students from Freedom International Schools, New-Karu, Nasarawa State; and
- (iv) Students from British-Nigerian Academy, Abuja.

4. **Privilege of the Floor:**
Motion made and Question proposed, "That pursuant to Order XV, Rule 9 (x), this House do admit into its Chamber, Hon. Gabriel Smith, a Member of the Liberian Parliament to observe the day's proceedings" (Hon. Tunde Akogun).

Question put and agreed to.

5. **Privilege:**
Citing Order V, Rule 1, Hon. Patricia Ette drew the attention of the House to the Supremacy of the Constitution of the Federal Republic of Nigeria over any other enactment. She submitted that the House Rule was derived from the Constitution and in her view Members should be allowed to raise a 'Point of Constitutional Order'.

Mr Speaker ruled that there should be no objection to Members making reference to the relevant provisions of the Constitution during proceedings.

6. **Matter of Urgent Public Importance:**
Citing Order VIII, Rule 4, Hon. Dino Melaye directed the attention of the House to the Federal Government's plan to remove the Fuel Subsidy on Petroleum Products by reasons of the huge sums of money being expended on the subsidy and maintenance of the refineries as well as corruption and smuggling in the sector. He noted that only few individuals had taken undue advantage of the benefits accruing from the subsidy instead of the majority of Nigerians intended to be the direct beneficiaries. He therefore, urged the House to consider the matter as one of Urgent Public Importance.

Question put and negatived.

7. Petition:

The following petition was received and referred to the Committee on Public Petitions:

Hon. Augustine Adikpe (*Obi/Oju Federal Constituency*), from Mr Godwin Obanga, praying the House to prevail on the Nigeria Police Force to implement the court judgment (KDH/KAD/46m/94) and reinstate him.

8. Presentation of Reports:

(i) Joint Committee on Federal Capital Territory, Federal Capital Territory Area Councils and Finance:

Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Federal Capital Territory, Federal Capital Territory Area Councils and Finance on a Bill for an Act to Authorize the Issue From the Consolidated Revenue Fund of the Federation Account the total Sum of ₦135,117,502,826.00k (One Hundred and Thirty -Five Billion, One Hundred and Seventeen Million, Five Hundred and Two Thousand, Eight Hundred and Twenty-six Naira) only of Which the Sum of ₦24,206,078,357.00k (Twenty-four Billion, Two Hundred and Six Million, Seventy-eight Thousand, Three Hundred and Fifty-seven Naira) only, is for Personnel Cost and the Sum of ₦18,453,875,194.00k (Eighteen Billion, Four Hundred and Fifty-three Million, Eight Hundred and Seventy-five Thousand, One Hundred and Ninety-four Naira) only is for Overhead Costs Whilst the Balance of ₦92,457,549,275.00k (Ninety Two Billion, Four Hundred and Fifty-seven Million, Five Hundred and Forty-nine Thousand, Two Hundred and Seventy-five Naira) only is for Capital Projects for the Service of the Federal Capital Territory, Abuja, for the Financial Year Commencing on 1st January and Ending, 31st December, 2009 (HB. 169)" (*Hon. Ali A. Attai-Idoko Usman*).

Question put and agreed to.

Report laid.

(ii) Ad-hoc Committee on Jos Crisis:

Motion Made and Question proposed, "That this House do receive the Report of the *Ad-hoc* Committee on Jos Crisis" (*Hon. Isah Idiris Umaru*).

Question put and agreed to.

Report laid.

(iii) Committee on Science and Technology:

Motion made and Question proposed, "That this House do receive the Mid-Sessional Report of the Committee on Science and Technology" (*Hon. Akinlade Abiodun Isiaq*).

Question put and agreed to.

Report laid.

(iv) Committee on Pensions:

Motion made and Question proposed, "That this House do receive the Mid-Sessional Report of the Committee on Pensions" (*Hon. Adewusi Babatunde*).

Question put and agreed to.

Report laid.

(v) Committee on Rural Development:

Motion made and Question proposed, "That this House do receive the Mid-Sessional Report of the Committee on Rural Development" (*Hon. Igwe Paulinus Nwogu*).

Question put and agreed to.

Report laid.

9. Breach of Rule of Law in Ondo State:

Motion made and Question proposed,

The House:

Aware that recently the Election Appeal Court sitting in Benin declared Dr Olusegun Mimiko as the duly elected Governor of Ondo State and had been sworn-in as the Executive Governor of the State;

Further aware that prior to the Appeal Court declaration, the Local Government Councils' election was conducted in accordance with the law duly enacted by the Ondo State House of Assembly;

Concerned that the Governor on assumption of duty in disregard to Constitutional provisions suspended the statutory allocation to the 18 Local Government Councils in Ondo State;

Further concerned that in usurpation of the powers of the Ondo State House of Assembly, the Governor of Ondo State dissolved all the duly elected Local Government Councils;

Conscious of the fact that the withholding of the Local Government Councils Statutory allocations, and the dissolution of the duly elected Local Government Councils in Ondo State by Governor, Dr Olusegun Mimiko amounts to a flagrant abuse of our democratic process and a breach of the Rule of Law and the Constitution of the Federal Republic of Nigeria, 1999, which we had all sworn to uphold.

Resolves to:

Urge the Governor and other parties involved in this matter to toe the path of Constitutionality and not to take any action that will further aggravate the political tension in the State (*Hon. Farouk Lawan and 93 Others*).

Debate:

Question put and agreed to.

Main Question put and agreed to.

The House:

Aware that recently the Election Appeal Court sitting in Benin declared Dr Olusegun Mimiko as the duly elected Governor of Ondo State and had been sworn-in as the Executive Governor of the State;

Further aware that prior to the Appeal Court declaration, the Local Government Councils' election was conducted in accordance with the law duly enacted by the Ondo State House of Assembly;

Concerned that the Governor on assumption of duty in disregard to Constitutional provisions suspended the statutory allocation to the 18 Local Government Councils in Ondo State;

Further concerned that in usurpation of the powers of the Ondo State House of Assembly, the Governor of Ondo State dissolved all the duly elected Local Government Councils;

Conscious of the fact that the withholding of the Local Government Councils Statutory allocations, and the dissolution of the duly elected Local Government Councils in Ondo State by Governor, Dr Olusegun Mimiko amounted to a flagrant abuse of our democratic process and a breach of the Rule of Law and the Constitution of the Federal Republic of Nigeria, 1999, which we had all sworn to uphold.

Resolved to:

Urge the Governor and other parties involved in this matter to toe the path of Constitutionality and not to take any action that would further aggravate the political tension in the State (**HR. 15/2009**).

10. Order IX, Rule 4:

Pursuant to Order IX, Rule 4 of the House Standing Orders, Hon. Bala Ibn Na'Allah referred to the conduct of Members during Sitting. He urged the House to ensure strict compliance with the rules guiding the behaviour of Members during proceedings of the House.

Point of Order sustained

11. Consideration of Report:***Committee on Power:***

Motion made and Question proposed, "That this House do resume consideration of the Report of the Committee on Power on the Investigation into the Huge sums of Money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without commensurate Result and approve the Recommendations Therein" (*Hon. Ndudi Elumelu*).

Question put and agreed to.

Question that the House do resolve into the Committee of Whole to consider the Report put and agreed to.

HOUSE IN COMMITTEE)

(Mr Deputy Speaker in the Chair)

Recommendations (i):

That there is absolute necessity for a clear endorsement from the Ministry of Energy (Power) to complete the transition of corporate governance of the Niger Delta Power Holding Company (NDPHC). This would require far-reaching structural and administration changes as envisaged by the Electric Power Sector Reform Act (EPSRA), 2005. The net effect should be to give the Niger Delta Power Holding Company (NDPHC) management full authority to restructure the composition and structure of the National Integrated Power Projects (NIPP) Technical Committee (*Hon. Ndudi Elumelu*).

Question put and negatived.

Recommendations (ii):

That the Government has a duty to lay a firm foundation for the electricity sector by completing ongoing project. At that stage, the government can confidently begin to think to privatizing those sets (*Hon. Ndudi Elumelu*).

Question put and negatived.

Recommendations (iii):

That the Power Holding Company of Nigeria (PHCN) should be wound up expeditiously in compliance with the Electric Power Sector Reform Act (EPSRA), 2005 and the reform process strengthened (*Hon. Ndudi Elumelu*).

Question put and negatived.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of the Whole resumed consideration of the Report of the Committee on the Power on the investigation into the Huge sums of Money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without commensurate result and rejected Recommendations 1 - 3.

Executive Session — **12.59 p.m.**

House in Plenary — **1.45 p.m.**

12. Rescission of House Decision: Order 9, Rule 1 (b):

Motion made and Question proposed, "That this House do rescind its decision on Recommendations 1 - 3 of the Report of the Committee on Power on the investigation into the Huge sums of Money spent on Power Generation, Transmission and Distribution between June 1999 and May 2007 without commensurate result" (*Hon. Emmanuel Deeyah*).

Question put and agreed to.

13. Constitution of a Seven-Member Committee:

Mr Deputy Speaker reported that the House at the Executive Session discussed the Power Probe Report and resolved to mandate a Seven-Member Committee to revisit the Committee's Recommendations and draw up recommendations that would enable the House to reach a consensus on the matter:

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|-------|------------------------|---|--------------------------------|
| (i) | Hon. Aminu Tambuwal | — | <i>Chairman;</i> |
| (ii) | Hon. Hassan Shekarau | — | <i>Member (North West);</i> |
| (iii) | Hon. Abiodun Adesida | — | <i>Member (South West);</i> |
| (iv) | Hon. Mohammed Mongunu | — | <i>Member (North East);</i> |
| (v) | Hon. C. I. D. Maduabum | — | <i>Member (South East);</i> |
| (vi) | Hon. Chile Igbawa | — | <i>Member (North Central);</i> |
| (vii) | Hon. Patrick Ikhariale | — | <i>Member (South South).</i> |

(The Committee was mandated to report to the House on Wednesday, 25 March, 2009).

Question that the House do adopt the Decision at the Executive Session, put and agreed to.

14. Adjournment:

That this House do now adjourn till Tuesday, 24 March, 2009 at 10.00 a.m. (*Hon. Baba Shehu Agaie*).

Adjourned accordingly at 2.03 p.m.

Dimeji Sabur Bankole
Speaker