



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 14 May, 2009

1. The House met at 11.00 a.m. Mr Deputy Speaker read Prayers.
2. **Votes and Proceedings:**
Mr Deputy Speaker announced that he had examined and approved the Votes and Proceedings of Wednesday, 13 May, 2009.

By unanimous consent, the Votes and Proceedings was adopted
3. **Oaths of Allegiance and Membership:**
Mallam Alhassan Uba Idris, Member-elect (*Dala Federal Constituency of Kano State*), took and subscribed the Oaths as prescribed by law.
4. **Message:**
Mr Deputy Speaker read the following Message from the President of the Federal Republic of Nigeria:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

May 12, 2009

*Right Honourable Dimeji Bankole, CFR
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear brother,

OPTIMAL IMPLEMENTATION OF THE 2009 BUDGET MATTERS ARISING

I am writing as a follow up to our various discussions which took place following my assent to the 2009 Appropriation Act. You will recall that I had raised specific concerns on a number of issues pertaining to our ability to implement the 2009 budget as passed.

Following our discussions, and upon the assent to the Bill, I requested the Presidential Committee on 2009 Budget, under the Chairmanship of the Minister of Finance, to review these issues and advise appropriately. The Committee had extensive discussion with MDAs on how best to implement the Budget, and the outcome of these deliberations validates the concerns I raised earlier on.

The first major challenge that surfaced relates to revenue projections and deficit financing. You will recall that I had indicated then that the approved revenue projections are well in excess of what we consider to be realistically attainable. Although oil prices have recovered somewhat from the low point of US\$37/barrel in December 2008 to about US\$50/barrel today, oil revenue continues to be a source of concern, with production falling as low as 1.6 million barrels a day for a period due to the situation in the Niger Delta as well as the limit set by our OPEC production quota of 1.67 million barrels a day. In addition, the non-oil revenue projections remain very ambitious compared to actual receipts to date. Overall, we experienced a shortfall in revenue of over 30% in the first quarter.

This revenue shortfall has been exacerbated by the challenge of financing the fiscal deficit. We had identified sources of financing the deficit such as accessing the international and local capital markets. However, we have stepped down plans to issue the US\$500million Naira - denominated international bond due to the on-going global financial crisis which has adversely affected international liquidity. The administration is also being cautious in excessively accessing the domestic financial markets, to avoid the risk of crowding out the private sector and stifling economic growth. Furthermore, privatization proceeds appear to have been over-estimated. Finally, although we have introduced measures to improve internally generated revenue, including customs reforms and audit of MDAs' internally generated revenues, there are still challenges in meeting our financing needs.

Another area, of concern highlighted by the on-going review relates to the initiatives of Government that are critical to the attainment of the 7-point Agenda of this administration. The amounts proposed by the Executive were cut or completely removed from the 2009 Budget appropriation. These include:

- a) provisions for power related projects critical for the attainment of targeted 6000mw of power by the end of 2009;*
- b) allocations for the Multi Year Tariff Order (MYTO) which is critical to the ongoing power sector reforms;*
- c) vote for security of Oil and Gas assets to improve the security around our oil installations;*
- d) arrears for parastatals monetization;*
- e) provision for public sector wage adjustment;*
- f) provision for FCT water treatment plant;*
- g) construction of soldier's accommodation necessary to improving security under the 7-point Agenda; and*
- h) Mr President's contingency, which is a vital provision that provides the administration with the necessary resources to promptly respond to urgent and unanticipated expenditures. Details of these are provided in the annex to this letter.*

Furthermore, there were several areas where new projects were included in the 2009 budget as passed. Ministers have expressed concerns about their ability and capacity to implement some of these projects. A number of these projects have not had the benefit of proper design and costing prior to their inclusion in the Budget, while others, such as the construction of boreholes, primary school class rooms and the like, might present a challenge of effective supervision and implementation from the centre. You would recall that in last year's budget, we had agreed, as a matter of principle that these kinds of projects will not feature in Federal Government's budget.

In addition to the expenditure related issues above, there are certain Clauses in the 2009 Appropriation Act, which impinge on the constitutional principle of separation of powers. These clauses relate to reporting requirements on release of funds by the Accountant-General and their utilization by MDAs. As you are well aware there are clearly defined channels of reporting to the National Assembly and it would be more practical and consistent with the principles of separation of powers that these channels are utilized since the Accountant-General and all Accounting Officers of the MDAs report directly to the Executive. Furthermore, the requirement pertaining to budgetary releases does not take into account situations where there are revenue

In the light of the above concerns, it would be necessary at the appropriate stage, to revisit some aspects of the 2009 Budget as passed through the following measures:

- a) *Aligning and rationalizing government spending with revenue flows and prioritizing expenditure to focus on projects central to the realization of the administration 7-point Agenda.*
- b) *Virement proposals to relocate resources from projects for which we do not have capacity for implementation and effective supervision to critical projects.*
- c) *Submission of a supplementary budget to the National Assembly to fund particularly critical projects that were left out in the 2009 budget.*
- d) *Initiating dialogue with the National Assembly to address issues of constitutional separation of powers in relation to budget execution.*

The Executive will continue to engage with the leadership and members of the National Assembly in addressing these issues. May I crave your understanding and cooperation to facilitate their resolution for the ultimate benefit of Nigerians.

I would like to once again thank you and all your Distinguished Colleagues for your patriotism, cooperative spirit and contribution in bringing the 2009 budget process to a successful conclusion. I trust that I can count on your support, as we seek to implement the budget, amidst complex and difficult challenges occasioned by the global economic crisis.

Yours sincerely,

(Signed)

UMARU MUSA YAR'ADUA

5. Announcements:

Visitors:

Mr Deputy Speaker recognised the presence in the Gallery of:

- (a) Staff and Pupils of Lyngra Private (Montessori) School, Karu, Nasarawa State;
- (b) Staff and Students of Wesley Junior Secondary School, Wuse, Abuja.

6. Petitions:

The following petitions were received and referred to the Committee on Public Petitions:

- (i) Hon. Suleiman Abdulrahman Kawu (*Sumaila/Tokai Federal Constituency*), from Alhaji Abdulahi Bashir on behalf of Federal Housing Estate Residence Association, Sharada Phase II, Kano, praying the House to intervene in the alleged exorbitant levy imposed on them by the Federal Housing Authority, Abuja;
- (ii) Hon. Yakubu Umar Barde (*Kajuru/Chikun Federal Constituency*), from Alhaji Musa Garba and Mr Samuel M. Gaiya, praying the House to investigate the alleged unlawful termination of their appointments by the Nigerian Civil Aviation Authority (NCAA) with a view to re-instating them;
- (iii) Hon. Kayode Jelili Amusan (*Abeokuta North/Odesa/Obafemi Owode Federal Constituency*), from A. A. Opaleye, praying the house to investigate his alleged unlawful dismissal by the Nigerian National Petroleum Corporation (NNPC) with a view to re-instating him;
- (iv) Hon. Patrick A. Ikhariale (*Esan Central/Esan West/Igueben Federal Constituency*), from Festus Ifuokhaunu, praying the House to intervene in the termination of his appointment by the West African Gas Pipeline Company (WAPCO) with a view to re-instating him;
- (v) Hon. Chinwedu Odedo (*Idemili North/South Federal Constituency*), from Daniel Nwogbo, praying the House to intervene in the non-payment of the proceeds of the contract executed for the Bureau of Public Enterprises with a view to paying him;

- (vi) Hon. Labaran Y. Dambatta (*Dambatta/Makoda Federal Constituency*), from E. T. Inyang on behalf of the Nigeria Union of Pensioners, Nigerian Security Printing and Minting Plc, praying the House to investigate the non-payment of their pension arrears and non-compliance with Court's Order with a view to paying all arrears owed them;
- (vii) Hon. Herman Hembe (*Konshisha/Vandeikya Federal Constituency*), from Mrs Alu Dim on behalf of Yaban Hotel, Abuja, praying the House to intervene in the alleged non-payment of accumulated Hotel Bills by the Local Organising Committee (LOC), (COJA) Abuja Branch with a view to settling all their outstanding debts.

7. Matter of Urgent Public Importance:

Citing Order VIII, Rule 4 of the House Standing Orders, Hon. Mohammed Ali Ndume directed the attention of the House to the Message from Mr President of the Federal Republic of Nigeria in respect of the 2009 Appropriation Act. He noted that the issues raised therein were of fundamental importance as they related to the implementation of the 2009 Appropriation Act which had been called into question and should therefore, be made available to Members and discussed forthwith.

Mr Deputy Speaker stated that the letter would be published in the day's Votes and Proceedings and ruled that the matter would be considered upon a future legislative day.

8. Presentation of Bills:

- (i) National Agency for Albinism and Hypo-Pigmentation (Establishment) Bill, 2009 — *Read the First Time.*
- (ii) Evidence Act (Amendment) Bill, 2009 — *Read the First Time.*
- (iii) Foreign Offenders (Publication of information) Bill, 2009 — *Read the First Time.*

9. Presentation of Reports:

(i) Committee on Health:

Motion made and Question proposed, "That this House do receive the Report of the Committee on Health on a Bill for an Act to Amend the National Primary Health care Development Agency Act, 1992 No. 29 and for Matters Connected Therewith, 2008" (*Hon. Alaba Lad-Ojomo*).

Question put and agreed to.

Report laid.

(ii) Committee on Health:

Motion made and Question proposed, "That this House do receive the Report of the Committee on Health on a Bill for an Act to Repeal the National Programme on Immunization Act, 1997 and Transfer the Functions of the National Programme on Immunization to the National Primary Health Care Development Agency and for Matters Connected Therewith, 2008" (*Hon. Alaba Lad-Ojomo*).

Question put and agreed to.

Report laid.

(iii) Joint Committee on Health and Justice:

Motion made and Question proposed, "That this House do receive the Report of the Joint Committee on Health and Justice on a Bill for an Act to Control the Possession, Sale, Use of Corrosive Chemical Substances Containing Hydro-chemical Acid, Trioxonitrate (v) Acid, Tetra-sulphate (iv) Acid, Sulphuric Acid, Nitric Acid and Other Liquids Capable of Causing Hurt, Harm or Death and other Related Matters, 2008" (*Hon. Alaba Lad-Ojomo*).

Question put and agreed to.

Report laid.

10. A Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act Cap. 15 LFN 2004 and for Related Matters, 2009 — *Second Reading.*

Motion made and Question proposed, "That a Bill for an Act to Alter the Provisions of the Constitution of the Federal Republic of Nigeria, 1999 by Amending the Land Use Act Cap. 15 LFN 2004 and for Related Matters 2009 be now read a Second Time" (*Hon. Tunde Akpoom*).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read a Second Time and referred to the Special Ad-hoc Committee on the Review of 1999 Constitution and Ancillary Matters.

11. **A Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 — *Second Reading.***
Motion made and Question proposed, "That a Bill for an Act to Provide for the Establishment of the Federal Capital Territory Primary Education Board and for Matters Connected Therewith, 2009 be now read a Second Time" (Hon. Ita Enang).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read a Second Time and referred to the Committee of Whole.

12. **A Bill for an Act to encourage, promote and regulate the concept and practice of corporate social responsibility by business concerns, community, organizations and public bodies, to enable voluntary contributions, etc. to be made by such organizations to major national challenges such as education, energy, the Environment, creation of jobs and enhancement of employee skills, Neighbourhood regeneration, agricultural advancements, reduction of poverty, etc. and for other Connected Purposes, 2009 — *Second Reading.***
Motion made and Question proposed, "That a Bill for an Act to encourage, promote and regulate the concept and practice of corporate social responsibility by business concerns, community, organizations and public bodies, to enable voluntary contributions, etc. to be made by such organizations to major national challenges such as education, energy, the Environment, creation of jobs and enhancement of employee skills, Neighbourhood regeneration, agricultural advancements, reduction of poverty, etc. and for other Connected Purposes, 2009 be now read a Second Time" (Hon. Halims Agoda).

Debate:

Question that the Bill be now read a Second Time, put and agreed to.

Bill read a Second Time and referred to the Joint Committee on Civil Societies and Donor Agencies, and Commerce.

13. **Consideration of Report:**
Motion made and Question proposed, "That this House do consider the Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operation Matters, 2008" (Hon. Tunde Akogun).

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)

A BILL FOR AN ACT TO ESTABLISH THE HYDROELECTRIC POWER PRODUCING AREA DEVELOPMENT COMMISSION AND VEST IT WITH THE RESPONSIBILITY OF MANAGING THE ECOLOGICAL MENACE DUE TO OPERATION MATTERS

PART I — ESTABLISHMENT OF THE HYDROELECTRIC POWER PRODUCING AREAS DEVELOPMENT COMMISSION AND GOVERNING COUNCIL, ETC.

Clause 1: Establishment of the Commission.

- (1) There is established a Commission to be known as Hydroelectric Power Producing Area Development Commission (in this Bill referred to as "the Commission") which shall be a body corporate with perpetual succession and a common seal and may sue

- (2) The headquarters of the Commission shall be situate in Minna, Niger State (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 2: Establishment Membership and Powers of the Governing Council.

- (1) There shall be establishment for the Commission a Governing Council (in this Bill referred to as "the Council"), which shall consist of —
- (a) a Chairman who shall be appointed on part time basis and shall preside over council meetings;
 - (b) One person who shall be from the affected communities to represent each of the member States viz —
 - (i) Niger;
 - (ii) Kwara;
 - (iii) Kogi;
 - (iv) Kebbi;
 - (v) Plateau, and
 - (vi) any other State where hydroelectric power is generated;
 - (c) two persons to represent other non-Hydroelectric Power Producing Areas or States;
 - (d) one person to represent each of the following establishments —
 - (i) Federal Ministry of Power,
 - (ii) Federal Ministry of Environment,
 - (iii) Federal Ministry of Water Resources, and
 - (iv) Federal Ministry of Finance; and
 - (e) the Managing Director of the Commission
- (2) (a) The Chairman and other members of the Council; shall be appointed by the President, Commander-in-Chief of the Armed Forces subject to confirmation by the Senate, except the persons mentioned in section 2 (1) (d) whose appointment shall not be subject to confirmation by the Senate.
- (b) The office of Chairman shall rotate among the member States of the Commission in the following alphabetical order:
- (i) Kebbi;
 - (ii) Kogi;
 - (iii) Kwara;
 - (iv) Niger;
 - (v) Plateau; and
 - any other State where hydroelectric power is generated.

Schedule.

- (3) The Supplementary provisions set out in the schedule to this Bill shall have effect

- (4) The Council shall have the power to —
- (a) make broad policy and oversee the affairs of the Commission;
 - (b) provide policy guidelines for carrying out the functions of the Commission;
 - (c) enter and inspect premises, project and such place as may necessary for the purpose of carrying out its function under this Act
 - (d) approve the payment to the staff of the Commission such remuneration and allowance as are payable to persons with equivalent grade in the Civil Service of the Federation;
 - (e) enter into such contract as may be necessary or expedient for the discharge of its functions and ensure the efficient performance of the function of the Commission.
 - (f) do such other things as are necessary and expedient for the efficient performance of the function of the Commission; and
 - (g) approve the appointment, promotion and discipline of senior staff of the Commission (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 2 stand part of the Bill, put and agreed to.

Clause 3: Tenure of the Office of Members of the Council.

- (1) The Chairman and members of the Council other than ex- officio members shall hold office for four years, renewable for one further period of four years only.
- (2) Members of the Council shall be paid such remuneration and allowances as the Federal Government may from time to time determine for the Chairmen and members of statutory boards generally (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 4: Cessation of Tenure of Office, etc.

- (1) A person shall cease to hold office as a member of the Council if —
 - (a) he becomes bankrupt
 - (b) he is convicted of a felony or an 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 professional qualification, he is disqualified or suspended, other than his own request from practising his profession in any part of the world by an order of a competent authority made in respect of that matter; or
 - (f) he resigns his appointment by letter addressed to the President.
- (2) A member of the Council may be removed by the President if it is not in the interest of the Commission or of the public that the member should continue in office.
- (3) Where a vacancy occurs in the membership of the Council, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, and the successor shall represent the same interest and shall be appointed by the President as provided in this Bill (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART II — FUNCTIONS AND POWERS OF THE COMMISSION, ETC.

Clause 5: Functions of the Commission.**(1) The Commission shall —**

- (a) formulate policies and guidelines for the development of hydroelectric power producing areas;
- (b) conceive, plan and implement in accordance with set rules, regulate projects and programmes for the development of hydroelectric power producing areas;
- (c) carry out a survey of hydroelectric power producing areas in order to ascertain measures which are necessary to promote its physical developments;
- (d) prepare schemes designed to promote the physical developments of the hydroelectric power producing areas and estimate the cost of implementing such schemes;
- (e) implement all measures approved for development of hydroelectric power producing areas by the Federal Government;
- (f) identify factor inhibiting the development of the hydroelectric power producing areas and assists states in the formulation and implementation of policies to ensure sound and efficient management of the resources of the hydroelectric power producing areas;
- (g) assess and report on any project being funded or carried out in the hydroelectric power producing areas and ensure that funds released for such project are properly utilised;
- (h) tackle ecological problems that arise from overloading of dams in the hydroelectric power producing areas and advise Federal and State Governments on the prevention and control of floods and environmental hazards;
- (i) execute such other work and perform such other functions which in the opinion of the Commission are required for the development of the hydroelectric power producing areas and their people; and
- (j) carry out such other functions as the President may from time to time direct.

- (2) In exercising its functions under this section, the Commission shall have regard to the varied and specific contributions of each member State of the Commission (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART III — STRUCTURE OF THE COMMISSION

Clause 6: Establishment of the offices of the Commission.

There shall be established in the Commission the following Directorates -

- (a) Directorate of Finance and Administration;
- (b) Directorates of Operation;
- (c) Directorates of Engineering and Technical Services;
- (d) Directorates of Community and Rural Development;
- (e) Directorates of Legal Services; and

- (f) Directorates of Planning, Research and Statistics (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 6 stand part of the Bill, put and agreed to.

Clause 7: Management Committee.

- (1) There shall be for the Commission a Management Committee which shall consist of —
- (a) the Managing Director who shall be the Chief Executive Officer and head of the management committee; and
 - (b) directors responsible for the Directorates established under section 6 of this Bill.
- (2) The Committee shall be responsible for the general operations and administration of the Commission (*Hon. Tunde Akogun*) — *Agreed to.*

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

Clause 8: Advisory Committee.

There shall be established for the Commission an Advisory Committee which shall consist of —

- (a) all Governors of member states of the Commission; and
- (b) one person from each of the member States and five other persons from the remaining five geopolitical zones of the Federation excluding the North Central Zone (*Hon. Tunde Akogun*) — *Agreed to.*

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

PART IV — STAFF OF THE COMMISSION

Clause 9: Staff of the Commission, etc.

- (1) There shall be the Managing Director of the Commission who shall be —
- (a) appointed by the President subject to confirmation by the Senate;
 - (b) be a competent Nigerian; and
 - (c) hold office on such terms and conditions as may be specified in his letter of appointment and in accordance with this Bill.
- (2) The Managing Director shall —
- (a) be an indigene from among the member States of the Hydroelectric Power Producing Areas Commission, whose appointment and tenure shall rotate among member States in alphabetical order provided that the Chairman and Managing Director shall not be indigenes of the same State;
 - (b) be responsible for the general supervision of the employees of the Commission;
 - (c) be the Chief Accounting Officer of the Commission; and
 - (d) hold office for a term of four years and renewable for another term of four years and more.
- (3) The Director of Legal Services shall be the Secretary of the Commission and shall subject to the general direction of the Council be responsible for —
- (a) the administration of the secretariat of the Council; and

- (b) keeping the books and proper records of the proceedings of the Council
(*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 9 stand part of the Bill, put and agreed to.

Clause 10: Pension — Application of the Pension Reform Act, Cap. 346 LFN.

- (1) Service in the Commission shall be permanent and pensionable for the purpose of the Pension Reform Act and persons employed in the Commission shall be entitled to such pensions, gratuities and other retirement benefits as are prescribed in the Act.
- (2) Nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity as in respect of that office.
- (3) For the purpose for the application of the provision to the Pensions Reform Act, any power exercised by the Minister or other authority of the Government of the Federation other than the power to make regulations is hereby vested in and shall be exercisable by the Commission and not by any other person or authority (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 10 stand part of the Bill, put and agreed to.

PART V — FINANCIAL PROVISIONS

Clause 11: Funds of the Commission.

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the commission.
- (2) There shall be paid and credited to the Fund established pursuant to subsection (1) of this section —
 - (a) 30 per cent of the total revenue generated by any company or authority from the operation of any Hydroelectric dams in any member State of the Commission;
 - (b) 50 per cent of money due to member States of the Commission from the Ecological Funds;
 - (c) all money raised for the purpose of the functions of the Commission by way of gifts, loans, grants-in-aid, testamentary disposition or otherwise;
 - (d) proceeds from all other assets that may from time to time accrue to the Commission; and
 - (e) the Federal Government shall contribute to the funds by way of appropriations through the National Assembly, a sum no less than 40 per cent of the Commission's annual budget.
- (3) The Fund shall be managed in accordance with the rules made by the Council, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions —
 - (a) specifying the manner in which the assets of the funds of the Commission are to be held and regulating the making of payments into and out of funds; and
 - (b) requiring the keeping of proper accounts and records for the purpose of funds in such form as may be specified in the rules (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 11 stand part of the Bill, put and agreed to.

Clause 12: Application of Funds of the Commission.

The Commission shall apply the proceeds of the funds established pursuant to section 11 of this Bill to —

- (a) the cost of administration of the Commission;
- (b) the payment of salaries, fees, remuneration, allowances, pension and gratuities under this Act;
- (c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;
- (d) the underpayment for all purchase; and
- (e) undertake such other activities as are connected with all or any of the functions of the commission under this Bill (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 12 stand part of the Bill, put and agreed to.

Clause 13: Power to accept Gifts

The Commission may, accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift provided such condition is in accordance with the laws of Nigeria (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 13 stand part of the Bill, put and agreed to.

Clause 14: Borrowing Powers.

The Commission may, with the consent of the President borrow, on such terms and conditions, as the Commission may determine, such sum of money as the Commission may require in the exercise of its function under this Bill (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 14 stand part of the Bill, put and agreed to.

Clause 15: Annual estimate Expenditure.

- (1) The Council shall, not later than 31st October in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year.
- (2) The Council shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation to the Funds and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 15 stand part of the Bill, put and agreed to.

Clause 16: Quarterly report.

The Commission shall, at the end of every year, submit to the President a report on the activities and administration of the Commission (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 16 stand part of the Bill, put and agreed to.

Clause 17: Annual Report.

- (1) The Council shall prepare and submit to the President not later than 30th June in each year, a report in such form as the President may direct on the activities of the Commission during the immediately preceding year, and shall be included in the report a copy of the audited accounts of the Commission for that year and the auditor's report.

- (2) The President shall upon receipt referred to in subsection (1) of this section, cause a copy of the report and the audited accounts of the Commission and the auditors report to be submitted to each House of the National Assembly (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 17 stand part of the Bill, put and agreed to.

PART VI — MISCELLANEOUS

Clause 18: Establishment of Monitoring Committee.

- (1) There is established for the Commission a Monitoring Committee which shall consist of such number of persons as the President may deem fit to appoint from the public or Civil Service of the Federation.
- (2) The Monitoring Committee shall —
- (a) monitor the management of the funds of the Commission and the implementation of the projects of the Commission; and
- (b) have access to the books of accounts and other records of the Commission at all times, and submit periodical reports to the President (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 18 stand part of the Bill, put and agreed to.

Clause 19: Office and Premises of the Commission. Cap. L5 LFN.

- (1) For the purpose of providing offices and premises necessary for the performance of its functions under this Bill, the Commission may, subject to the Land Use Act —
- (a) purchase or take on lease any interest in land, or other property; and
- (b) construct offices and premises and equip and maintain same.
- (2) The Commission may, subject to the Land Use Act, sell or lease out any office or premises which is no longer required for the performance of its functions under this Bill subject to the approval by the President and Commander-in-Chief (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 19 stand part of the Bill, put and agreed to.

Clause 20: Directives by the President.

- (1) Subject to the provisions of this Bill, the President may give to the Commission directives of a general nature or relating generally to matter of policy with regards to the performance by the Commission of its function and it shall be the duty of the Commission to comply with the directives.
- (2) The Commission shall, with the approval of the President make regulations generally for the purpose of giving effect to this Bill (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 20 stand part of the Bill, put and agreed to.

Clause 21: Limitation of suits against the Commission. Cap. P41 LFN.

- (1) Subject to the provisions of this Bill, the provisions of Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.
- (2) Notwithstanding anything contained in any other law or enactment, no suit shall lie against any member of the Council, the Managing Director for any act done in pursuance or execution of this Bill or any other law or enactment, or of any public duty or authority or in respect of any alleged neglect or default in execution of this Bill or such law or enactment, duty or authority, shall lie or be instituted in any court unless —

- (a) it is commenced within three months next after the act, neglect or default complained of; or
- (b) in the case of a continuation of damage or injury, within six months next after the ceasing of such damage or injury.
- (3) No suits shall be commenced against a member of the Council, the Managing Director, officer or employee of the Commission before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff and the relief which he claims.
- (4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 21 stand part of the Bill, put and agreed to.

Clause 22: Service of Document.

A notice, summons or other documents required or authorised to be served upon the commission under the provisions of this act or any other law or enactment may be served by delivering it to the managing director or by sending it by registered post and addressed to the managing director at the principal officer of the commission (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 22 stand part of the Bill, put and agreed to.

Clause 23: Indemnity of officers.

A member of the council, the managing director, any officer or employee of the commission shall be indemnified out of the commission against any proceedings, whether civil or criminal in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Council, the Managing Director, Officer or employee of the Commission (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 23 stand part of the Bill, put and agreed to.

Clause 24: Interpretation.

In this Bill, unless the context otherwise requires —

"Chairman" means the Hydroelectric Power Producing Areas Development Commission established under section 1 of this Act (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the meaning of the word "Chairman" be as defined in the interpretation of this Bill, put and agreed to.

"Indigene" means a person from the following States Kebbi, Kogi, Kwara, Niger, Plateau and any other State where hydroelectric power is generated (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the meaning of the word "indigene" be as defined in the interpretation of this Bill, put and agreed to.

"Member" means a member of the Council and includes the Chairman (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the meaning of the word "Member" be as defined in the interpretation of this Bill, put and agreed to.

"Member State" means include Kebbi, Kogi, Kwara, Niger, Plateau and any other State where hydroelectric power is generated (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the meaning of the words "Member State" be as defined in the interpretation of this Bill, put and agreed to.

"President" means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the meaning of the word "President" be as defined in the interpretation of this Bill, put and agreed to.

Question that Clause 24 stand part of the Bill, put and agreed to.

Clause 25: Citation.

This Bill may be cited as Hydroelectric Power Producing Areas Development Commission (Establishment, etc.) Bill, 2009 (*Hon. Tunde Akogun*) — *Agreed to.*

Question that Clause 25 stand part of the Bill, put and agreed to.

SCHEDULE

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC.

Proceedings of the Council

1. (1) Subject to the Act and section 27 of the interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.
- (2) The quorum of the Council shall be the chairman or the person presiding at the meeting and for other members of the Council, and the quorum of any committee of the Commissions shall be as determined by the Council.
- (3) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by less than four other members, he shall summon a meeting of the Council be held within 14 days from the date on which the notice is given.
- (4) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their members to preside at the meeting.
- (5) Where the Council desires to obtain the advice of any person on a particular matter, the Council for such period as it deems fit but a person who is in attendance by virtue of this subparagraph shall not be entitled to vote at meeting of the Council and shall not count towards a quorum.
6. The validity of any proceedings of the Council, or of a Committee shall not be adversely affected by —
 - (a) a vacancy in the membership of the Council or Committee; or
 - (b) a defect in the appointment of a membership of the Council Committee;
 - (c) reason that person not entitled to do so took part in the proceedings of the Council or Committee.

Committees

2. (1) The Council may appoint one or more committees to carry out, on behalf of the Council, such functions such as the Council may determine.
- (2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office on the committee in accordance with terms of his appointment.
- (3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council (*Hon. Tunde Akogun*) — *Agreed to.*

Question that the provisions of the Schedule stand part of the Bill, put and agreed to.

Long Title:

A Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operation Matters, 2009 (*Hon. Tunde Akogun*) — *Agreed to.*

Question that a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operation Matters, 2009 be the Long Title of the Bill, put and agreed to.

Chairman to Report Bill.

(HOUSE IN PLENARY)

Mr Deputy Speaker in the Chair, reported that the House in the Committee of Whole considered a Bill for an Act to Establish the Hydroelectric Power Producing Area Development Commission and Vest it with the Responsibility of Managing the Ecological menace due to Operation Matters, 2009 and approved Clauses 1 - 25, the Schedule and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of Whole, put and agreed to.

14. Adjournment:

That this House do now adjourn till Tuesday, 19 May, 2009 at 10.00 a.m. (*Hon. Tunde Akogun*).

Adjourned accordingly at 1.45 p.m.

Usman Bayero Nafada
Deputy Speaker