



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 14th November, 2017

1. The Senate met at 11:01 a.m. The Deputy Senate President read Prayers.

2. **Closed Session:**

Closed Session — 11:03 a.m.

Open Session — 11:13 a.m.

The Deputy Senate President reported that the Senate in a Closed Session deliberated on issues bordering on the workings of the Senate in particular and the National Assembly in general. The Senate also resolved that Senator Mohammed Ali Ndume (*Borno South*) should resume on Wednesday, 15th November, 2017, having served out his suspension of 90 legislative days. This is without prejudice to the on going court process.

3. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 9th November, 2017.

Question was put and the Votes and Proceedings were approved.

4. **Announcements:**

(a) **Notification of a Grand Civic Reception:**

The Deputy Senate President read a letter from Senator Samuel N. Anyanwu (*Imo East*) as follows:



Senator Samuel N. Anyanwu
REPRESENTING IMO EAST SENATORIAL ZONE (OWERRI)
CHAIRMAN, COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS
DEPUTY CHAIRMAN, COMMITTEE ON BANKING, INSURANCE AND
OTHER FINANCIAL INSTITUTIONS

REF: SSNA/13/11/2017/SP/153b

November 13, 2017

The Senate President,
Sen. (Dr.) Abubakar Bukola Saraki
National Assembly
Abuja

Dear Sir,

NOTIFICATION OF A GRAND CIVIC RECEPTION IN MY HONOUR BY MY SENATORIAL DISTRICT

I am pleased, with due courtesy to notify you and my distinguished colleagues of a grand civic reception being organised in my honour by the people of Ikeduru Local Government Area of Imo East Senatorial district that I represent.

The reception is in honour of my meritorious services and outstanding contributions to the development of the Local Government in particular and Imo East in general through my quality, efficient and sagacious representation in the hallowed chambers.

I am really humbled to have the involvement of prominent leaders across political party boundaries taking active participation in the planned event, and poised to rollout drums with pomps and pageantry to celebrate my stewardship.

I consider this civic reception a special event in my life that I will greatly feel honoured by your esteemed presence to grace the occasion and share in the joy and blessing of the day.

This reception is scheduled to take place;

Date: 2nd December, 2017

Venue: Iho Township stadium, Ikeduru LGA, Imo State

Time: 11.00am

Please do also consider this notification as a formal invitation to the event.

Accept the assurances of my esteemed regards.

(Signed)

Senator Samuel N. Anyanwu

(b) Acknowledgment:

The Deputy Senate President acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Members of Students' Representative Council, Federal University of Technology, Akure, Ondo State;
- (ii) Members of Niger Delta Student's Association, Northern Zone, Abuja; and
- (iii) Staff and Students of Pinky and the Brain School, Dutse-Alhaji, FCT, Abuja.

5. Petitions:

- (i) Rising on Rule 41, Senator Ovie A. Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from V. E. Otomiewo & Co. on behalf of Uvwie Traditional Council, Uvwie Local Government Area of Delta State, against the Nigerian Army Properties Limited, over illegal conversion of their land. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

- (ii) Rising on Rule 41, Senator Gershom O. H. Bassey (*Cross River South*) drew the attention of the Senate to a petition from his constituent, Okechukwu Akpotua, against Niger Delta Development Commission (NDDC), over failure to construct Etekwuru Land II link road in Egbema Ohaji Local Government Area of Imo State. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within two (2) weeks.

6. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate to the Saturday, 11th November, 2017 Nguru Market inferno, in Yobe North Senatorial District. He stated that the fire incident destroyed many shops and goods worth several millions of Naira. He sought and obtained the leave of the Senate to present the matter.

Matter to stand over to the next Legislative Day [Rule 42(2)].

7. Committee on Local and Foreign Debts:

Report on the Issuance of USD 2.5 Billion Bond to Finance the 2017 Appropriation Act and USD3.0 Billion Bond to refinance domestic debts:

Motion made: That the Senate do receive and consider the Report of the Committee on Local and Foreign Debts on the Issuance of USD 2.5 Billion Bond to Finance the 2017 Appropriation Act and USD3.0 Billion Bond to refinance domestic debts (*Senator Shehu Sani —Kaduna Central*).

Question put and agreed to.

Report Laid and presented:

Debate:

Proposed Resolution

Question: That the Senate do approve the issuance of USD2.5 Billion Bond to finance the 2017 Appropriation Act and the sum of USD3.0 Billion Bond for the refinancing of the Nation's domestic debts, totaling USD5.5 Billion (Five Billion, Five Hundred Million USD) — *Agreed to.*

Resolved:

That the Senate do approve the issuance of USD2.5 Billion Bond to finance the 2017 Appropriation Act and the sum of USD3.0 Billion Bond for the refinancing of the Nation's domestic debts, totaling USD5.5 Billion (Five Billion, Five Hundred Million USD)(*S/Res/114/03/17*).

8. Motions:

- (a) ***Urgent need to investigate allegations of Unremitted Stamp Duty Revenue running into trillions of naira:***

Motion made: That the Senate notes that the Stamp Duty Act is one of the oldest and enduring laws in Nigeria since 1939, and that application of stamp duties has institutionally been a significant revenue earner for both Federal and State governments since independence, thus accounting for almost a quarter of the taxation resources, annually;

aware of the necessity to upgrade and reactivate the provisions of the Stamp Duty Act to include modern and efficient methods of taxation, it is imperative to ensure that the existing Stamp Duty Act is made to work for the Federal and State Governments;

perturbed by recent reports in the media that over 7 trillion naira in stamp duties revenue from electronic cashless transactions remain unpaid to the federation since 2015, and that the total volume of unremitted stamp duties fund is about 20 trillion naira;

worried that the provision for stamp duty in the revenue framework of the nation's annual budget for 2015, 2016 and 2017 has been ₦8.713b, ₦66.138b and ₦16.96b respectively despite the above reports;

apprised of the anti-stamp duties collection stance of the Nigerian Inter-Bank Settlement System (NIBSS) currently being accused of systemic diversion of huge revenue flows from stamp duties collection on the electronic transfer receipt on online bank transactions, and the necessity to demand notice on all unremitted stamp duties;

acknowledges the patriotic role of the School of Banking Honours (SBH), a body corporate approved through registration. by the Nigerian Copyrights Commission to research into banking operations, facilitate collaboration between banks, and also ensure collaboration between banks and the Government, and to represent the Government in facilitating the imposition and monitoring of stamp duty on all electronic cash transactions;

informed that the Central Bank of Nigeria declared in 2013 that stamp duties revenue accruals from 5 States only was over 160 billion Naira; and

convinced of the duties and responsibilities of the National Assembly to ensure the harnessing of all sources of revenue to the Government of the Federation, and to curb all forms of wastefulness, corruption and diversion of funds belonging to the federation.

Accordingly resolves to:

- (i) commend the tenacity and fortitude of the School of Banking Honours for bringing the issue of unremitted Stamp Duties revenue to public notice, and for insisting on probity of the Nigerian Inter-Bank Settlement System; and
- (ii) mandate Committees on Finance; and Banking, Insurance and other Financial Institutions to investigate allegations of unremitted stamp duties revenue in the last five years, and to report to the Senate within eight(8) weeks (*Senator John O. Enoh — Cross River Central*).

Debate:

Proposed Resolution(i):

Question: That the Senate do commend the tenacity and fortitude of the School of Banking Honours for bringing the issue of unremitted Stamp Duties revenue to public notice, and for insisting on probity of the Nigerian Inter-Bank Settlement System — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate Committees on Finance; and Banking, Insurance and other Financial Institutions to investigate allegations of unremitted stamp duties revenue in the last five years, and to report to the Senate within eight(8) weeks — *Agreed to.*

Resolved:

That the Senate do:

- (i) commend the tenacity and fortitude of the School of Banking Honours for bringing the issue of unremitted Stamp Duties revenue to public notice, and for insisting on probity of the Nigerian Inter-Bank Settlement System; and

- (ii) mandate Committees on Finance; and Banking, Insurance and other Financial Institutions to investigate allegations of unremitted stamp duties revenue in the last five years, and to report to the Senate within eight(8) weeks (*S/Res/115/03/17*).

(b) *The Need for Fair and Equitable Distribution of Federal Health Facilities in all Six Geo-political Zones of the Country in response to several demands:*

Motion made: That the Senate notes that in recent times, there has been numerous requests from Nigerians including: legislators; stakeholders and the general public for the establishment of Federal health facilities in all six geo-political zones of the country to provide health care services amongst other things;

notes further that some of these requests are currently being considered by this 8th Senate of the Federal Republic of Nigeria in its set determination to ensure fairness at all times to all sectors and segments of the country;

aware that till date, no proper template or records exist anywhere in the country mirroring the locational distribution of Federal health facilities across the length and breadth of the Nigerian geographical landscape;

aware further that because of the absence of such a database or records register, location or citing of Federal health facilities has been skewed with some states or geo-political zones having more of the facilities than others. Again this violates fairness and the Federal Character Principle;

understands that Federal Health Facilities in this context refer to Federal University Teaching Hospitals; Federal Medical Centers; Federal Orthopedic Hospitals; Federal Neuro-Psychiatric Hospitals; Federal Eye Hospitals; Federal Primary Healthcare Centers, etc; and

understands further that arising from the very important services provided by these facilities, certain demographics, sections or people may be disadvantaged if they have to travel very far to other locations to seek these services because their Local Government Areas, State or Zones have been denied the presence of such a facility.

Accordingly resolves to:

- (i) mandate the Joint Committee on Health (Secondary & Tertiary); and Primary Healthcare and Communicable Diseases to catalogue all existing Health facilities reflecting their locations, size, nature of services rendered, years of construction, present condition and other challenges to form part of the Health Sector Information Bank to date; and
- (ii) direct all requests or demands by Legislators and other Stakeholders for the citing of Federal Health Facilities, where they do not already exist, to this Joint Committee with the intent and purposes of correcting the imbalance in the distribution of Federal health facilities across Local Government Areas, States and or Geo-Political Zones (*Senator Matthew A. Urhohide — Edo South*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Joint Committee on Health (Secondary & Tertiary); and Primary Healthcare and Communicable Diseases to catalogue all existing Health facilities reflecting their locations, size, nature of services rendered, years of construction, present condition and other challenges to form part of the Health Sector Information Bank to date —
Agreed to.

Proposed Resolution(ii):

Question: That the Senate do direct all requests or demands by Legislators and other Stakeholders for the citing of Federal Health Facilities, where they do not already exist, to this Joint Committee with the intent and purposes of correcting the imbalance in the distribution of Federal health facilities across Local Government Areas, States and or Geo-Political Zones — *Agreed to.*

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“That the Senate do mandate the Joint Committee to work out a template of engagement among the three tiers of Government in the staffing and manpower of the health centres” (*Senator Aidoko A. Ali — Kogi East*).

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

Resolved:

That the Senate do:

- (i) mandate the Joint Committee on Health (Secondary & Tertiary); and Primary Healthcare and Communicable Diseases to catalogue all existing Health facilities reflecting their locations, size, nature of services rendered, years of construction, present condition and other challenges to form part of the Health Sector Information Bank to date;
- (ii) direct all requests or demands by Legislators and other Stakeholders for the citing of Federal Health Facilities, where they do not already exist, to this Joint Committee with the intent and purposes of correcting the imbalance in the distribution of Federal Health Facilities across Local Government Areas, States and or Geo-Political Zones; and
- (iii) mandate the Joint Committee to work out a template of engagement among the three tiers of Government in the staffing and manpower of the health centres (*S/Res/116/03/17*).

9. Committee on Niger Delta:

Report on the Niger Delta Development Commission (NDDC) Act 2000 (Amendment) Bill, 2017 (SB.544):

Motion made: That the Senate do consider the Report of the Committee on Niger Delta on the Niger Delta Development Commission (NDDC) Act 2000 (Amendment) Bill, 2017 (*Senator Peter O. Nwaoboshi — Delta North*).

Question put and agreed to.

Report presented.

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

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Clause 1: The Niger Delta Development Commission (Establishment) Act No. 6, 2000 (in this Bill referred to as "the Principal Act") is amended as set out in this Bill.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

Clause 2:**Amendment of Section 2:****Establishment of the Governing Board of the Commission**

Section 2 of the Principal Act is amended:

- (a) in subsection (1) (b), by substituting for the word, "area", in line 1, the words, "Local Government Area";
- (b) in subsection (1) (e), by inserting, after the word, "person", in line 1, the words, "holding the position of Permanent Secretary or equivalent";
- (c) in subsection (1) (f), by inserting, after the word, "person", in line 1, the words "holding the position of Permanent Secretary or equivalent"; and
- (d) in subsection (3), by substituting for the expression, "(i)", in line 1, the expression, "(a)".

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

Clause 3:**Amendment of Section 3:****Cessation of Membership of the Board etc.**

Section 5 of the Principal Act is amended-

- (a) in subsection (3), by substituting for the words, "represent the same interest", in line 3, the words, "come from the same Local Government Area or State" and
- (b) by renumbering subsection (3) as subsection "(2)".

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

Clause 4:**Amendment of Section 4:****Funds of the Commission.**

Section 14 of the Principal Act is amended, by inserting, after:

- (a) subsection (2) (f), a new paragraph "(g)":

"(g) monies realized from Value Added Tax (VAT) deducted from payments for contracts awarded by the Commission, to be used to execute specific projects";

- (b) subsection (3), new subsections "(4)" - "(7)":

"(4) The monies due to the Commission under subsection (2) (a) and (c) shall be paid directly to the Commission from the Federation Account in the same manner as member States of the Commission.

- (5) Notwithstanding any provision contained in any other law or enactment, no oil producing company or gas processing company operating onshore and offshore in the Niger Delta community shall be exempted from making statutory contributions to the Fund of the Commission under this section.
- (6) All companies provided in subsection (2) (b) of this section shall disclose their total annual budget to the Commission before 31st March of every year.
- (7) Where there is delay or default in payment of statutory contributions without any reasonable cause, a penalty of 10% per annum on the amount due as statutory contribution shall be payable in addition to the sum due."

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

**Clause 5: Amendment of Section 5:
Annual Estimates and Expenditure.**

Section 18(1) of the Principal Act is amended by substituting for the words, "not later than 30th September", in line 1, the words, "within three months of signing into law the budget of the Federation".

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

**Clause 6: Amendment of Section 6:
Limitation of Suits Against the Commission.**

Section 24 (2) of the Principal Act is amended by inserting after the word, "against", in line 2, the words, "the Commission".

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

**Clause 7: Amendment of Section 7:
Citation.**

This Bill may be cited as the Niger Delta Development Commission (Establishment) (Amendment) Bill, 2017.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Peter O. Nwaoboshi — Delta North*) — *Agreed to.*

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

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Niger Delta on the Niger Delta Development Commission (NDDC) Act 2000 (Amendment) Bill, 2017 and approved as follows:

Clauses 1- 7 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

10. Joint Committee on Judiciary, Human Rights and Legal Matters; and Anti-Corruption and Financial Crimes:

Report on the Proceeds of Crimes Bill, 2017 (SB. 376):

Consideration of Report deferred to another Legislative Day.

11. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 15th November, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 12:43 p.m.

Ike Ekweremadu, CFR
Deputy Senate President,
Senate of the Federal Republic of Nigeria.