



THE SENATE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Tuesday, 21st November, 2017

1. The Senate met at 10:51 a.m. The Senate President read Prayers.

2. **Votes and Proceedings:**

The Senate examined the Votes and Proceedings of Thursday, 16th November, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Messages from Mr. President:**

The Senate President announced that he had received five (5) letters from Mr. President, Commander-in-Chief of the Armed Forces of the Federation, which he read as follows:

(i) ***Raw Materials Research and Development Council (Repeal and Re-enactment) Bill, 2017:***



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

31st October, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**THE RAW MATERIALS RESEARCH AND DEVELOPMENT
COUNCIL (REPEAL AND RE-ENACTMENT) BILL, 2017**

I forward herewith, for your kind consideration, the Raw Materials Research and Development Council (Repeal and Re-enactment) Bill, 2017.

It is my hope that the Senate will consider and pass the Bill in your usual expeditious manner.

Please accept, Mr. Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(ii) Nigeria Natural Medicine Development Agency (Establishment, etc.) Bill, 2017:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

31st October, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**NIGERIA NATURAL MEDICINE DEVELOPMENT
AGENCY (ESTABLISHMENT) BILL, 2017**

I forward herewith, for your kind consideration and passage into law, a Bill for an Act to provide for the Establishment of Nigeria Natural Medicine Development Agency Bill, 2017.

It is my hope that the Senate will consider and pass the Bill in your usual expeditious manner.

Please accept, Mr. Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(iii) Withholding of Assent to the Chartered Institute of Treasury Management (Establishment, Etc.) Bill, 2017:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th November, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**WITHHOLDING OF ASSENT TO THE CHARTERED INSTITUTE OF
TREASURY MANAGEMENT (ESTABLISHMENT, ETC.) BILL, 2017**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 25th October, 2017 to withhold Assent to the Chartered Institute of Treasury Management (Establishment, Etc.) Bill, 2017.

The rationale for withholding Assent are regarding the scope of, and phrases utilised in the Bill. For instance;

- a. The phrase "treasury management" is not defined in the Bill; and*
- b. Greater clarity may be required regarding the impact of the Bill on the Central Bank of Nigeria's regulation of treasury managers in banks, and the relationship between the proposed Institute and other existing professional institutes that regulate treasury managers in Nigeria.*

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(iv) Federal Institute for Industrial Research Bill, 2017:



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

31st October, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**FEDERAL INSTITUTE FOR INDUSTRIAL RESEARCH
BILL, 2017**

I forward herewith, for your kind consideration and passage into law, a Bill for an Act to provide for the Establishment of Federal Institute for Industrial Research.

It is my hope that the Senate will consider and pass the Bill in your usual expeditious manner.

Please accept, Mr. Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

(v) *Withholding of Assent to the Federal University of Wukari (Establishment, Etc.) Bill, 2017:*



**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th November, 2017

*Distinguished Senator Abubakar Bukola Saraki
President of the Senate,
Senate Chambers,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Distinguished Senate President,

**WITHHOLDING OF ASSENT TO THE FEDERAL UNIVERSITY
OF WUKARI (ESTABLISHMENT, ETC.) BILL, 2017**

Pursuant to Section 58(4) of Constitution of the Federal Republic of Nigeria 1999 (as amended), I hereby convey to the Senate, my decision, on 25th October, 2017 to withhold Assent to the Federal University of Wukari (Establishment, Etc.) Bill, 2017.

The rationale for withholding Assent are regarding certain words and phrases utilised in the Bill. For instance:

- a. The word "Statute" should replace "Regulation" through-out the Bill for consistency;*
- b. Paragraph 9(1) of the 1st Schedule should refer to "the President" and not "the Visitor", and*
- c. Paragraph 5 of the 3rd Schedule should refer to sub-paragraph (2) and not sub-paragraph (3).*

Please accept, Distinguished Senate President, the assurances of my highest consideration.

*Yours Sincerely,
(Signed)
Muhammadu Buhari*

4. Announcements:

(a) Postponement of 2018 Budget Debate Contribution:

The Senate President announced that the 2018 Budget Debate which is supposed to commence on Wednesday, 22nd November, 2017 has been postponed to Tuesday, 28th - Wednesday, 29th November, 2017. While Thursday, 30th November, 2017 would be dedicated to the revenue and expenditures of Agencies and Parastatals 2018 budget proposals. This is to enable the Senate consider the 2018-2020 Medium-Term Expenditure Framework and Fiscal Strategy Paper and the distribution of the 2018 Budget. A new register for Senators to indicate their dates of contribution has been opened at the Chamber entrance.

(b) **Appreciation:**

The Senate President read a letter from Senator Gilbert E. Nnaji (*Enugu East*) as follows:



FEDERAL REPUBLIC OF NIGERIA
Senator (Prince) Gilbert Emeka Nnaji
Chairman, Senate Committee on Communications
Enugu East Senatorial District

16th November, 2017

His Excellency, Dr. Abubakar Bukola Saraki, CON
President of the Senate

Your Excellency,

LETTER OF APPRECIATION

On behalf of my family and constituents I heartily thank Your Excellency and my Distinguished Colleagues for the exceptional support and cooperation we enjoyed from the Senate during the burial of my lovely wife Princess Anne Nnenna Nnaji.

In this regard also we deeply appreciate the wonderful understanding and encouragement of our dear spouses under the aegis of Senators' Wives Forum.

Your Excellency and my Distinguished Colleagues we are indeed grateful. And as such it is our fervent prayers that Almighty God in His wisdom and mercies kindly rewards you individually and collectively.

Meanwhile please accept as usual, the continued assurances of my highest esteem.

(Signed)

Senator (Prince) Gilbert Emeka Nnaji,
Enugu-East Senatorial District

(c) **Acknowledgment:**

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

- (i) Staff and Students of Parliament International Schools, Apo, Abuja;
- (ii) Staff and Students of Cedarwood Academy for Girls, Abuja; and
- (iii) Staff and Students of Hasmos Academy, Dakwa Village, Niger State.

5. Petitions:

- (i) Rising on Rule 41, Senator Tijjani Y. Kaura (*Zamfara North*) drew the attention of the Senate to a petition from his constituent, Abdullahi Abubakar, against the Nigeria Police, over his wrongful dismissal. 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 Albert B. Akpan (*Akwa Ibom North-East*) drew the attention of the Senate to two (2) petitions from:
 - (a) Cpl. Ime Sunday No. 64599, against the Nigeria Police, over his wrongful dismissal from the Police; and

- (b) Simon P. Archibong, against the Nigeria Export Processing Zones Authority (NEPZA), over his wrongful disengagement from the Service.

He urged the Senate to look into the matters.

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

- (iii) Rising on Rule 41, Senator Solomon O. Adeola (*Lagos West*) drew the attention of the Senate to a petition from A. O. Adeoye & Co on behalf of Mr. O. A. Ogutuga, against the Nigerian Railway Corporation (NRC), over his wrongful dismissal and non payment of entitlements. 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 Rules 42 and 52, Senator Ike Ekweremadu (*Enugu West*) drew the attention of the Senate to the demise of former Vice President, Dr. Alex Ifeanyichukwu Ekwueme, GCON on Sunday, 19th November, 2017 in London. He sought and obtained the leave of the Senate to present the matter forthwith:

This Senate:

notes with a deep sense of loss the passing on of the former Vice President of Nigeria, His Excellency, Dr. Alex Ifeanyichukwu Ekwueme, GCON (October 21, 1932 - November 19, 2017);

notes that the late elder statesman was an intellectual giant and consummate professional, who pioneered the business of architecture in modern Nigeria and paid his dues to the social, economic, and political development of Nigeria;

recalls that late Dr. Alex Ekwueme was a bridge builder, patriot, and pan-Nigerian, who played a major role in the post-war reconciliation process in Nigeria and the reintegration of Ndigbo into the nation's social, economic, and political life;

conscious of the fact that as Vice President of Nigeria, Chief Ekwueme led an exemplary life of unassailable probity and impeccable integrity, such that even the military tribunal that tried him during his 20-month detention after the 1984 coup, not only discharged and acquitted him, but also empathically stated that "Dr. Ekwueme left office poorer than he was when he entered it, and to ask more from him was to set a standard, which even angels could not meet";

aware that the legend was a fearless soldier of democracy, who, among other efforts, mobilised 34 eminent Nigerians from across the country on the platform of G34 to demand an end to military rule and put pressure on the military to enthrone democracy;

recalls that he was very central to several hallmarks in Nigeria's political development such as the six geopolitical zones and building one of Nigeria's major contemporary political parties, the Peoples Democratic Party (PDP), which eventually governed this country for 16 years;

aware that the death of Dr. Ekwueme is, therefore, a grave loss to Ndi Anambra, the South East, and the entire Nigeria; and

further aware that the life, times, and selfless service of such courageous, cerebral, and incorruptible leader and patriot should be appreciated and projected as a model for the political leaders, youth, the whole nation, and posterity.

Accordingly resolves to:

- (i) observe a minute silence in honour of late Dr. Alex Ifeanyichukwu Ekwueme, GCON;
- (ii) send a delegation of this distinguished Senate to condole with his family, the Government and people of Anambra State;
- (iii) urge the Federal Government of Nigeria to immortalise him by naming the Federal Polytechnic Oko and other key Federal Institutions and assets after him.

Debate:

Proposed Resolution (i):

Question: That the Senate do observe a minute silence in honour of late Dr. Alex Ifeanyichukwu Ekwueme, GCON — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do send a delegation of this distinguished Senate to condole with his family, the Government and people of Anambra State — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the Federal Government of Nigeria to immortalise him by naming the Federal Polytechnic Oko and other key Federal Institutions and assets after him — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe a minute silence in honour of late Dr. Alex Ifeanyichukwu Ekwueme, GCON;
- (ii) send a delegation of this distinguished Senate to condole with his family, the Government and people of Anambra State;
- (iii) urge the Federal Government of Nigeria to immortalise him by naming the Federal Polytechnic Oko and other key Federal Institutions and assets after him (*S/Res/120/03/17*).

One minute silence accordingly observed in honour of the deceased.

7. Matter of Urgent Public Importance:

Rising on Rule 42, Senator Tijjani Y. Kaura (*Zamfara North*) drew the attention of the Senate to the inhuman assault in Shinkafi Local Government Area of Zamfara State, where several people were killed and numerous villages burnt down. 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)].

8. Motions:

- (a) ***The plight of retired Judges of State High Courts and the need to harmonize the process of paying the retirement benefits of all Judges of Superior Courts of record in Nigeria:***

Motion made: That the Senate recall that sometime around December 2016, Hon. Justice Godwin Ononiba, retired Chief Judge of Anambra State leading 31 other retired Judges, sued the Governor of Anambra State, the National Industrial Court for non-payment of their severance gratuities, their pension and arrears of pension;

worried that the suit above is indicative and a reflection of the depressing plight of retired Judicial Officers, especially Judges of the State High Courts in Nigeria;

aware that the appointment of Judges of the State High Courts passes through the intermediary of the National Judicial Council, NJC whose recommendation the Governor of a State considers and forwards to the House of Assembly for confirmation;

aware that the Constitution deliberately placed the salaries of Federal and State Judicial Officers as a first line charge on the Consolidated Revenue Fund as a way to secure the independence of the Judiciary and such are paid by or transmitted through the NJC to the necessary sub-authorities;

aware that the retirement benefits of Federal Judicial Officers are paid by the NJC, except for a few hiccups, the Council has discharged this role quite promptly;

curious that while their salaries are routed through the NJC, the retirement benefits of States Judicial Officers of Superior Courts of Record as recognized by Section 6 of the Constitution were left to the States to be paid on their retirement;

disturbed that this state of affairs has created an anomalous situation where retired State High Court Judges have been left to their fate as State Governments hardly make these payments to the Judges as at when due;

further disturbed that this situation leaves much to be desired as these Honourable men and women, who have invested their youth and strength in the hallowed responsibility of judicial service, are left to eat crumbs at their retirement, and having lost the right to practice law, the result being that many of them are dying out of misery and hopelessness;

worried that the bleak life in retirement of Judicial Officers would tend to nudge serving Judges to make hay while the sun shines and prepare for the rainy day by using their active service period to corruptly secure their retirement as the States do not seem to care for them in retirement; and

convinced that with the emphasis on anti-corruption trending in the polity now, addressing the issue of non-payment of retirement benefits of retired Judicial Officers of States will profit the society and the polity more whereby the causal factors of corruption are identified and addressed than allowing a manageable situation get out of control before solutions are proffered.

Accordingly resolves to:

- (i) urge the National Judicial Council (NJC), to harmonize the payment, as it has done with salaries and emoluments, of retirement benefits of Judicial Officers listed in Section 6 of the Constitution of the Federal Republic of Nigeria in such a way that the Council shall take up the responsibility of effecting the payments;
- (ii) mandate the Committee on Judiciary, Human Rights and Legal Matters to conduct an Investigative Hearing on the issues surrounding the non-payment of severance gratuity, pensions and arrears of other entitlements to retired State Judicial Officers by State Governments in Nigeria and report to the Senate within four (4) weeks; and
- (iii) mandate the Committee on Judiciary, Human Rights and Legal Matters to review the laws impeding the harmonization of the processes and prompt payment of retirement benefits of all Judicial Officers in the country (*Senator Chukwuka G. Utazi — Enugu North*).

Debate:

Proposed Resolution(i):

Question: That the Senate do urge the National Judicial Council (NJC), to harmonize the payment, as it has done with salaries and emoluments, of retirement benefits of Judicial Officers listed in Section 6 of the Constitution of the Federal Republic of Nigeria in such a way that the Council shall take up the responsibility of effecting the payments — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate the Committee on Judiciary, Human Rights and Legal Matters to conduct an Investigative Hearing on the issues surrounding the non-payment of severance gratuity, pensions and arrears of other entitlements to retired State Judicial Officers by State Governments in Nigeria and report to the Senate within four (4) weeks — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do mandate the Committee on Judiciary, Human Rights and Legal Matters to review the laws impeding the harmonization of the processes and prompt payment of retirement benefits of all Judicial Officers in the country — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the National Judicial Council (NJC), to harmonize the payment, as it has done with salaries and emoluments, of retirement benefits of Judicial Officers listed in Section 6 of the Constitution of the Federal Republic of Nigeria in such a way that the Council shall take up the responsibility of effecting the payments;
- (ii) mandate the Committee on Judiciary, Human Rights and Legal Matters to conduct an Investigative Hearing on the issues surrounding the non-payment of severance gratuity, pensions and arrears of other entitlements to retired State Judicial Officers by State Governments in Nigeria and report to the Senate within four (4) weeks; and
- (iii) mandate the Committee on Judiciary, Human Rights and Legal Matters to review the laws impeding the harmonization of the processes and prompt payment of retirement benefits of all Judicial Officers in the country (*S/Res/121/03/17*).

(b) Funds accruing to the Hydroelectric Power Producing Areas Development Commission:

Motion made: That the Senate notes that section 1 of the Hydroelectric Power Producing Areas Development Commission (HYPPADEC) Act, 2010 established the Hydroelectric Power Producing Areas Commission to among other reasons conceive, plan and implement projects for the physical development of hydroelectric power producing areas; implement all measures approved by the Federal Government for development of hydroelectric power producing areas; and tackle ecological problems associated with operation of hydroelectric dams in the Member States of Niger, Kebbi, Kogi, Kwara, and Plateau;

aware that Section 14 of the Hydroelectric Power Producing Areas Development Commission Act, 2010 established the Fund of the Commission and also stipulates that a certain percentage of the total revenue generated by any company or authority from the operation of any hydroelectric dams in the Member States of Commission shall be remitted to the Fund of the Commission;

aware also that by virtue of Section 15 of the Hydroelectric Power Producing Areas Development Commission Act, 2010, the proceeds of the Fund is to be used to defray the expenses of the Commission including infrastructural development projects to be executed for the direct benefit of the people of hydroelectric power producing areas in Nigeria;

notes that the Nigerian Electricity Regulatory Commission (NERC), established under section 31 of the Electric Power Sector Reform Act 2005 is the regulator of the electricity industry including the licensing and regulation of Electricity Generation Companies (GENCOs), Electricity Distribution Companies (DISCOs), System Operators, transmission companies and other persons involved in electricity trading in Nigeria;

observes that due to the delayed take off of HYPPADEC, NERC in exercise of its function under section 32(2) (d) of Electric Power Sector Reform Act 2005 directed different government agencies including the Market Operator (MO), one of the two special entities created to ensure efficient and transparent electricity market in Nigeria; the Nigerian Bulk Electricity Trading Company Plc (NBET), etc., to deduct and retain in revenue yielding accounts, 30 percent of the total revenue of affected companies which was later reduced to 10 percent;

notes that from 2013 to 2017, the Market Operator, NBET Plc and the DISCOs in compliance with NERC directive reportedly assumed responsibility for the collection of revenue meant for HYPPADEC and these funds so collected has accumulated into huge sums running into billions of naira;

observes that since the commencement of remittances by GENCOs and DISCOs, dispute has arisen among electricity market participants as to who has custody of the accumulated funds and the total amount that has so far been remitted to these government agencies to keep on behalf the HYPPADEC;

recalls that the Senate on Tuesday, 11th August, 2015, adopted resolution S/Res/016/01/15 urging NERC to comply with the provisions of section 32(1)(g) of the Electric Power Sector Reform Act 2005 by submitting its accrued quarterly report to the National Assembly which resolution has not been complied with by NERC;

aware that funds were earmarked by the Federal Government in the 2016 and 2017 Appropriation Acts as takeoff grant for the final inauguration of HYPPADEC. Specifically, the sum of ₦150,000,000 Million Naira out of which ₦18,000,000 Million Naira has been released to the Ministry of Power, Works and Housing;

convinced that there is an urgent need for the Market Operator, the Nigerian Electricity Bulk Trading Company Plc; the Nigerian Electricity Regulatory Commission; relevant GENCOs, DISCOs; including the Ministry of Power, Works and Housing, to render account regarding the total collections so far received on behalf of the HYPPADEC and the actual custodians of these funds; and

notes that the accumulated funds now reportedly in the custody of different entities will be much needed by the Commission once it comes into operation hopefully after the constitution and inauguration of the Governing Council of HYPPADEC.

Accordingly resolves to:

- (i) mandate the Committees on Power, Steel Development and Metallurgy; and Public Accounts; to invite Nigerian Electricity Regulatory Commission (NERC), the Market Operator, Nigerian Bulk Electricity Trading Company Plc (NBET); relevant Electricity Generation Companies (GENCOs); and Electricity Distribution Companies (DISCOs) to render a detailed account of the total amount (including interest on the accrued amount) collected on behalf of HYPPADEC;

- (ii) mandate the Committees on Power Steel Development and Metallurgy; and Public Accounts; to investigate and consider summoning the Nigerian Electricity Regulatory Commission; the Electricity Market Operator; the relevant Electricity Generation Companies (GENCOs); Electricity Distribution Companies (DISCOs) and the Ministry of Power, Works and Housing to generally establish the status of the Commission's Fund, and report to the Senate within two (2) weeks;
- (iii) urge the Nigerian Electricity Regulatory Commission (NERC) to comply with the resolution of this Distinguished Senate- S/Res/016/01/15 of Tuesday, 11th August, 2015 wherein NERC was urged to comply with the provisions section 32(1)(g) of Electric Power Sector Reform Act 2005 regarding the submission of quarterly reports to the National Assembly;
- (iv) commend the Legislative and Executive arms of Government for the renewed effort towards the takeoff of the Hydroelectric Power Producing Areas Development Commission and urge the Mr. President, Commander-in-Chief of the Armed Forces of the Federation to approve the Constitution and inauguration of the Governing Council of the Commission; and
- (v) urge the Legislative and Executive arms of Government to sustain the present synergy aimed at ensuring the immediate takeoff of the Commission in the interest of affected communities (*Senator David Umaru — Niger East*).

Debate:

Proposed Resolution(i):

Question: That the Senate do mandate the Committees on Power, Steel Development and Metallurgy; and Public Accounts; to invite Nigerian Electricity Regulatory Commission (NERC), the Market Operator, Nigerian Bulk Electricity Trading Company Plc (NBET); relevant Electricity Generation Companies (GENCOs); and Electricity Distribution Companies (DISCOs) to render a detailed account of the total amount (including interest on the accrued amount) collected on behalf of HYPPADEC — *Agreed to.*

Proposed Resolution(ii):

Question: That the Senate do mandate the Committees on Power Steel Development and Metallurgy; and Public Accounts; to investigate and consider summoning the Nigerian Electricity Regulatory Commission; the Electricity Market Operator; the relevant Electricity Generation Companies (GENCOs); Electricity Distribution Companies (DISCOs) and the Ministry of Power, Works and Housing to generally establish the status of the Commission's Fund, and report to the Senate within two (2) weeks — *Agreed to.*

Proposed Resolution(iii):

Question: That the Senate do urge the Nigerian Electricity Regulatory Commission (NERC) to comply with the resolution of this Distinguished Senate- S/Res/016/01/15 of Tuesday, 11th August, 2015 wherein NERC was urged to comply with the provisions section 32(1)(g) of Electric Power Sector Reform Act 2005 regarding the submission of quarterly reports to the National Assembly — *Agreed to.*

Proposed Resolution(iv):

Question: That the Senate do commend the Legislative and Executive arms of Government for the renewed effort towards the takeoff of the Hydroelectric Power Producing Areas Development Commission and urge the Mr. President, Commander-in-Chief of the Armed Forces of the Federation to approve the Constitution and inauguration of the Governing Council of the Commission — *Agreed to.*

Proposed Resolution(v):

Question: That the Senate do urge the Legislative and Executive arms of Government to sustain the present synergy aimed at ensuring the immediate takeoff of the Commission in the interest of affected communities — *Agreed to.*

Resolved:

That the Senate do:

- (i) mandate the Committees on Power, Steel Development and Metallurgy; and Public Accounts; to invite Nigerian Electricity Regulatory Commission (NERC), the Market Operator, Nigerian Bulk Electricity Trading Company Plc (NBET); relevant Electricity Generation Companies (GENCOs); and Electricity Distribution Companies (DISCOs) to render a detailed account of the total amount (including interest on the accrued amount) collected on behalf of HYPPADEC;
- (ii) mandate the Committees on Power Steel Development and Metallurgy; and Public Accounts; to investigate and consider summoning the Nigerian Electricity Regulatory Commission; the Electricity Market Operator; the relevant Electricity Generation Companies (GENCOs); Electricity Distribution Companies (DISCOs) and the Ministry of Power, Works and Housing to generally establish the status of the Commission's Fund, and report to the Senate within two (2) weeks;
- (iii) urge the Nigerian Electricity Regulatory Commission (NERC) to comply with the resolution of this Distinguished Senate- S/Res/016/01/15 of Tuesday, 11th August, 2015 wherein NERC was urged to comply with the provisions section 32(1)(g) of Electric Power Sector Reform Act 2005 regarding the submission of quarterly reports to the National Assembly;
- (iv) commend the Legislative and Executive arms of Government for the renewed effort towards the takeoff of the Hydroelectric Power Producing Areas Development Commission and urge the Mr. President, Commander-in-Chief of the Armed Forces of the Federation to approve the Constitution and inauguration of the Governing Council of the Commission; and
- (v) urge the Legislative and Executive arms of Government to sustain the present synergy aimed at ensuring the immediate takeoff of the Commission in the interest of affected communities (*S/Res/122/03/17*).

9. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (a) Mr. Jolomi Arenyeka and two (2) others, against Petroleum Technology Development Fund (PTDF) for wrongful disengagement from the Service (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate is unable to support the claim of wrongful disengagement from the Service of Petroleum Technology Development Fund (PTDF) as projected by the petitioners as there was no moral justification for doing so having received and enjoyed their terminal benefits for same — *Agreed to.*

Proposed Resolution (ii):

Question: That though there is no prescribed punishment for lying on oath to the Committee, it was bad enough to note that some Nigerians could go any length, including lying on oath to a distinguished institution such as the Senate; consequently, the Senate hereby sustains the disengagement of Mr. Arenyeka Jolomi, Mr. Joseph Dogo and Hajiya Habiba Wakil — *Negated*.

Resolved:

That the Senate is unable to support the claim of wrongful disengagement from the Service of Petroleum Technology Development Fund (PTDF) as projected by the petitioners as there was no moral justification for doing so having received and enjoyed their terminal benefits for same (S/Res/123/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (b) Colonel Chidi Kalu Ukoha, against the Nigerian Army for his wrongful retirement from the Army (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Nigerian Army to immediately reinstate Colonel Chidi Kalu Ukoha and pay all his entitlements accordingly — *Agreed to*.

Proposed Resolution (ii):

Question: That the Senate do caution the Nigerian Army against arbitrary disengagement of its officers as such action would not only discourage serving officers and soldiers from giving their full commitment to the service of the Army and the Nation, but would also amount to colossal waste of national resources spent by the Federal Government on the training of such officers only to suddenly sack them — *Agreed to*.

Resolved:

- (i) That the Senate do urge the Nigerian Army to immediately reinstate Colonel Chidi Kalu Ukoha and pay all his entitlements accordingly; and
- (ii) That the Senate do caution the Nigerian Army against arbitrary disengagement of its officers as such action would not only discourage serving officers and soldiers from giving their full commitment to the service of the Army and the Nation, but would also amount to colossal waste of national resources spent by the Federal Government on the training of such officers only to suddenly sack them (S/Res/124/03/17).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (c) Dr. Isah Mohammed Ahmed, against Kano Electricity Distribution Company (KEDCO) for alleged victimization, intimidation and refusal to pay his retirement benefits (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution:

Question: That Dr. Isa Mohammed Ahmed be advised to redirect his case to the Nigerian Electricity Liability Management Company Limited (NELMCO) on whom the liabilities of PHCN and the previous KEDCO have been transferred via a Pre-completion Liabilities Transfer Agreement between the former KEDCO and NELMCO — *Agreed to.*

Resolved:

That Dr. Isa Mohammed Ahmed be advised to redirect his case to the Nigerian Electricity Liability Management Company Limited (NELMCO) on whom the liabilities of PHCN and the previous KEDCO have been transferred via a Pre-completion Liabilities Transfer Agreement between the former KEDCO and NELMCO (*S/Res/125/03/17*).

Motion made: That the Senate do consider the Report of the Committee on Ethics, Privileges and Public Petitions in respect of:

- (d) Njemanze & Njemanze & Co. on behalf of Senior Staff of National Health Insurance Scheme (NHIS), against the Scheme for cancellation of their 2016 Promotion Examination (*Senator Samuel N. Anyanwu — Imo East*).

Question put and agreed to.

Report presented.

Debate:

Proposed Resolution (i):

Question: That the National Health Insurance Scheme (NHIS) should immediately release the promotion letters of the 9 staff withheld — *Agreed to.*

Proposed Resolution (ii):

Question: That their promotion arrears and any other appropriate entitlement due be fully paid to them — *Agreed to.*

Proposed Resolution (iii):

Question: That the National Health Insurance Scheme (NHIS) must not victimise or do anything detrimental to the staff for bringing their grievance to the Senate — *Agreed to.*

Proposed Resolution (iv):

Question: That the Committee on Health be mandated to ensure compliance with the Senate Resolutions on the matter — *Agreed to.*

Resolved:

- (i) That the National Health Insurance Scheme (NHIS) should immediately release the promotion letters of the 9 staff withheld;
- (ii) That their promotion arrears and any other appropriate entitlement due be fully paid to them;
- (iii) That the National Health Insurance Scheme (NHIS) must not victimise or do anything detrimental to the staff for bringing their grievance to the Senate; and
- (iv) That the Committee on Health be mandated to ensure compliance with the Senate Resolutions on the matter (*S/Res/126/03/17*).

10. National Water Resources (Establishment, etc.) Bill, 2017 (SB.479):

Motion made: That a Bill for an Act to establish a regulatory framework for the Water Resources Sector in Nigeria, provide for the Equitable and Sustainable Development, Management, Use and Conservation of Nigeria's Surface Water and Ground Water Resources and for Related Matters, 2017 be read the Second Time (*Senate Leader*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Water Resources to report within Four (4) weeks.

11. Solid Minerals Producing Areas Development Commission (Establishment, etc.) Bill, 2017 (SB.61):

Motion made: That a Bill for an Act to establish the Solid Minerals Producing Areas Development Commission in the Federal Republic of Nigeria to address the Environmental Devastation and for Other Connected Matters, 2017 be read the Second Time (*Senator Tijjani Y. Kaura — Zamfara North*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Solid Minerals to report within Four (4) weeks.

12. National Institute of Sports Act CAP N52 LFN 2004 (Amendment) Bill, 2017 (SB. 75):

Consideration of Bill deferred to another Legislative Day.

13. Special Funds Accounts Commission (Establishment, etc.) Bill, 2017 (SB. 34):

Consideration of Bill deferred to another Legislative Day.

14. Prevention and Punishment of Torture Bill, 2017 (SB.47):

Motion made: That a Bill for an Act to give effect in accordance with section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria (As amended) to respect Human Dignity and Protection from inhuman treatment by prohibiting and preventing any form torture or cruel, inhuman or degrading treatment or punishment, to provide for the crime of torture, to give effect to obligations of Nigeria as a State Party to the United Nation's Convention against torture and other cruel inhuman degrading treatment or punishment and for Other Related Matters, 2017 be read the Second Time (*Senator Biodun C. Olujimi — Ekiti South*).

Debate:

Further Consideration of Bill deferred to another Legislative Day.

15. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 22nd November, 2017 at 10:00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:29 p.m.

Abubakar Olubukola Saraki, CON
President,
Senate of the Federal Republic of Nigeria.