



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 18th May, 2017

1. The Senate met at 10:28 a.m. The Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 17th May, 2017.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

- (a) **Appreciation:**

The Senate President read a letter from Senator Abubakar Kyari (*Borno North*) as follows:



SENATOR ABUBAKAR KYARI
CHAIRMAN, SENATE COMMITTEE ON DEFENCE
BORNO NORTH SENATORIAL DISTRICT

17th May, 2017

Your Excellency
Sen. (Dr.) Abubakar Bukola Saraki CON
President of The Senate
National Assembly
Abuja

LETTER OF APPRECIATION

Distinguished Colleagues, I would like to sincerely express my profound appreciation for the immense support on the occasion of the marriage of our dear daughter Fatima, which held in Maiduguri on Saturday, 13th May, 2017.

Your esteemed presence made the event a very memorable one and will forever remain indelible in the memories of my entire family.

As we pray for the new couple for a successful married life, may the Almighty continue to guide and bless us all in the course of service to our dear country, Nigeria.

Accept the assurances of my highest consideration and esteem.

Yours Sincerely,
(Signed)
Senator Abubakar Kyari

(b) Appreciation:

The Senate President read a letter from Senator Binta Masi Garba (*Adamawa North*) as follows:



**SENATOR BINTA MASI GARBA
 ADAMAWA NORTH SENATORIAL DISTRICT**

18th May, 2017

His Excellency,
Senator (Dr.) Abubakar B. Saraki
President of the Senate,
National Assembly Complex,
Three Arms Zone,
Abuja.

Your Excellency Sir,

LETTER OF APPRECIATION

I write to express my profound gratitude to your Excellency sir, and my distinguished colleagues for honouring the invitation to my daughter's wedding on 29th April, 2017.

I also wish to register my deep appreciation for the overwhelming support and goodwill of the entire Senate towards the wedding.

On behalf of my family and the couple, we are obliged to say thank you for your immense contribution.

Thank you and God bless sir.

(Signed)
Sen. Binta Masi Garba

(c) Conference Committee:

The Senate President named the following Senators as Conferees on Secured Transactions in Movable Assets Bill, 2017:

(i)	Senator Rafiu I. Adebayo	—	Chairman
(ii)	Senator Samuel N. Anyanwu	—	Member
(iii)	Senator Umar I. Kurfi	—	Member
(iv)	Senator Rilwan A. Akanbi	—	Member
(v)	Senator Peter O. Nwaoboshi	—	Member
(vi)	Senator Stella A. Oduah	—	Member

(d) Acknowledgment:

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

- (i) Staff and Students of Sheikh Abubakar Gumi Academy, Asokoro, Abuja; and
- (ii) Staff and Students of Epitome Model Islamic Schools, Mararaba, Nasarawa State.

4. Personal Explanation:

Rising on Rule 43, Senator Tijjani Y. Kaura (*Zamfara North*) drew the attention of the Senate to the complaints by Nigerians in the media, over the recent recruitment exercise by the Directorate of State Services (DSS). He assured Nigerians that the Committee on Federal Character and Inter-Governmental Affairs will comprehensively look into the matter and all other exercises with similar complaints.

5. Personal Explanation:

Rising on Rule 43, Senator Ahmad I. Lawan (*Yobe North*) drew the attention of the Senate to the mandate given to him by the Senate on Wednesday, 17th May, 2017 to investigate the issues surrounding the nomination of the Director-General of the National Lottery Commission by the President, Commander-in-Chief of the Armed Forces of the Federation, and his alleged resumption of duty without confirmation by the Senate as required by Section 8(1) of the National Lottery Act. He informed the Senate that the nominee has actually resumed duty. The Senate was further informed that the Executive had acknowledged the breach of due process and asked the nominee to vacate office forthwith until he is confirmed or otherwise by the Senate, according to the aforementioned National lottery Act.

6. Motion:

Amendment of thirty-seven (37) items on the North-East Development Commission (Establishment, etc.) Bill, 2017:

Motion made: That the Senate notes that the North-East Development Commission (Establishment, etc.) Bill, 2017 was passed by the National Assembly and transmitted to the President Commander-in-Chief of the Federation on 12th January, 2017 for assent;

aware that the National Assembly withdrew the Bill on 7th of February, 2017 after some issues that border on constitutional prescriptions were observed;

aware that there is no defined procedure on the reconsideration of Bills passed by the National Assembly, transmitted to the President for assent and later withdrawn;

notes that Order 1(b) of the Senate Standing Orders 2015 as amended states that in all cases not provided for hereinafter or by session or Order practice of the Senate, the Senate shall by resolution regulate its procedure; and

desirous to effect the amendments in the explanatory memorandum, arrangement of Sections-Part iv (S.13 & S. 20), Long Title, Section 2,5,7,10,12,13,14,15,16,17,19,20,25 and 26 of the Bill.

Accordingly resolves to:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the amendments to the Committee of the Whole to effect the amendments; and
- (ii) resolve into the Committee of the Whole to consider the Amendment (*Senate Leader*).

Debate:

Proposed Resolution (i):

Question: That the Senate do invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do resolve into the Committee of the Whole to consider the Amendment — *Agreed to.*

Resolved:

That the Senate do:

- (i) invoke Order 1 (b) of the Senate Standing Orders 2015 as amended to refer the Bill to the Committee of the Whole to effect the amendments; and

(ii) resolve into the Committee of the Whole to consider the Amendment (S/Res/176/02/17).

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF AMENDMENT OF THIRTY-SEVEN (37) CLAUSES ON THE NORTH-EAST DEVELOPMENT COMMISSION (ESTABLISHMENT, ETC.) BILL, 2017.

Clause 1: Amendment of Item 1:
North-East Development Commission (Establishment, Etc.) Act, 2017.

Explanatory Memorandum

This Act establishes the North-East Development Commission charged with the responsibility of, among other things, receiving and managing funds allocated by the Federal Government and International donors for the settlement, rehabilitation and reconstruction of roads, houses and business premises of victims of insurgency as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East States.

Question that the amendment be made, put and agreed.

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

Clause 2: Amendment of Item 2:
North-East Development Commission (Establishment, etc.) Act, 2017

Arrangement of Sections

PART IV - STAFF OF THE COMMISSION

13. Pension Pensionable Service.

PART IV - MISCELLANEOUS PROVISIONS

20. Application of Public Officer Protection Act.

Question that the amendment be made, put and agreed.

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

Clause 3: Amendment of Item 3:
Long Title

A Bill for an Act to establish the North-East Development Commission charged with the responsibility of among other things receiving and managing funds allocated by the Federal Government and international donors for the resettlement, rehabilitation, integration and reconstruction of roads, houses and business premises of victims of insurgency and terrorism as well as tackling the menace of poverty, illiteracy, ecological problems and any other related environmental or developmental challenges in the North-East States; and or Related Matters

Question that the amendment be made, put and agreed.

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

Clause 4: Amendment of Item 4:
S.2 (1) There is established for the Commission a Governing Board (in this Act referred to as "the Board").

Question that the amendment be made, put and agreed.

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

Clause 5: Amendment of Item 5:

S.2 (2)(d) one person each to represent the six geo-political zones of the country-

(i) North-Central;

(ii) North-West;

(iii) North-East;

(iv) South-East;

(v) South-South;

(vi) South-West;

Question that the amendment be made, put and agreed.

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

Clause 6: Amendment of Item 6:

S. 2 (2) (e) one person to represent the-

(i) Federal Ministry responsible for Finance; and

(ii) Federal Ministry responsible for Budget and National Planning;

Question that the amendment be made, put and agreed.

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

Clause 7: Amendment of Item 7:

S.2 (2) (f) The Managing Director of the Commission

Leave out the provision in item 7.

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

Clause 8: Amendment of Item 8:

S. 2 (5) The Chairman and other Members of the Board shall be -

(a) appointed by the President, subject to confirmation by the Senate;
and

Question that the amendment be made, put and agreed.

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

Clause 9: Amendment of Item 9:

S. 5 (2) (c) is convicted of a felony or any offence involving dishonesty; or

Question that the amendment be made, put and agreed.

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

Clause 10: Amendment of Item 10:

S. 5 (4) Where a vacancy exists in the membership of the Board, the vacancy shall be filled by appointment of a person from the same State or Zone to complete the remainder of the term of office of the predecessor.

Question that the amendment be made, put and agreed.

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

Clause 11: Amendment of Item 11:

PART II - FUNCTIONS AND POWERS OF THE COMMISSION

S. 7 (1) The Commission shall-

(vi) requirements for the re-orientation of youths and out of school children including modernisation of schools and Almajiri education, and

Question that the amendment be made, put and agreed.

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

Clause 12: Amendment of Item 12:

S. 7 (1) (c) develop a master plan based on the needs assessment of the zone to be known as the North-East Stabilisation and Development Master Plan (in this Act referred to as "the Master Plan"), which shall contain -

Question that the amendment be made, put and agreed.

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

Clause 13: Amendment of Item 13:

S. 7 (1) (e) liaise with Federal Ministries, Departments and Agencies (MDAs), States and Development Partners on the implementation of all measures approved in the Master Plan for the stabilisation and development of the North-East Zone by the Federal Government;

Question that the amendment be made, put and agreed.

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

Clause 14: Amendment of Item 14:

S. 7 (1)(f) subject to appropriation by the National Assembly, implement programmes and schemes contained in the Master Plan but not captured by Federal MDAs, State Governments and Development Partners;

Question that the amendment be made, put and agreed.

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

Clause 15: Amendment of Item 15:

S. 7 (1) (h) assess and report on any project being funded or carried out in the North-East Zone by any Federal MDA or company that has an agreement with the Federal Government, and ensure that funds released for such projects are properly utilised;

Question that the amendment be made, put and agreed.

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

Clause 16: Amendment of Item 16:

S. 7 (1)(j) liaise with various MDAs, industries and companies within the zone on all matters of pollution prevention and control, and environmental disaster management;

Question that the amendment be made, put and agreed.

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

Clause 17: Amendment of Item 17:

S. 7 (1) (m) coordinate civil-military confidence building and stabilisation measures and also activities that lie within the civil-military interface especially before, during and after military and security operations; and

Question that the amendment be made, put and agreed.

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

Clause 18: Amendment of Item 18:

S. 7 (1) (n) act as the focal point to coordinate and harmonise all other intervention programmes and initiatives that the Federal Government is involved with in the North-East Zone.

Question that the amendment be made, put and agreed.

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

Clause 19: Amendment of Item 19:

S. 10 (1) There shall be for the Commission a Management Committee which shall consist of the -

(a) Managing Director, Executive Directors and Directors responsible for the Departments established under this Act; and

Question that the amendment be made, put and agreed.

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

Clause 20: Amendment of Item 20:

S. 12 (1) There shall be for the Commission, a Managing Director who shall -

(d) be appointed by the President subject to confirmation by the Senate; and

Retained the provision in item 20 (1) and leave out the provision in item 20(d).

Question that the amendment be made, put and agreed.

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

Clause 21: Amendment of Item 21:

PART IV - STAFF OF THE COMMISSION

Marginal note to S. 13 - Pensionable Service.

Question that the amendment be made, put and agreed.

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

Clause 22: Amendment of Item 22:

PART V - FINANCIAL PROVISIONS

Funds of the Commission

S. 14(2) There shall be paid and credited to the Fund established under subsection (1) of this section -

S.14(2)(a) in each financial year, a Federal Government Appropriation of not less than 10% of the total annual statutory allocations due to the Member States of the Commission from the Federation Account as the contribution of the Federal Government to the Commission;

Question that the amendment be made, put and agreed.

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

Clause 23: Amendment of Item 23:

S. 14 (2)(b) a sum of not less than 10 percent of the Ecological Fund annually for a period of 10 years;

Question that the amendment be made, put and agreed.

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

Clause 24: Amendment of Item 24:

S.14 (2)(c) A sum equivalent to 3 percent of the annual VAT collection, as first line charge, to accrue to the Commission for a period of 10 years, notwithstanding the provisions of any other law.

Question that the amendment be made, put and agreed.

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

Clause 25: Amendment of Item 25:

S.14 (2)(g) fees charged by the Commission

Question that the amendment be made, put and agreed.

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

Clause 26: Amendment of Item 26:

S. 14 (2)(h) budgetary allocation from the Federal Government made to the Commission;

Leave out the provision in item 26.

Question that Clause 26 as amended do stand part of the Bill, put and agreed to.

Clause 27: Amendment of Item 27:

S. 14 (2)(i) royalties on mining areas in the Member States;

Leave out the provision in item 27.

Question that Clause 27 as amended do stand part of the Bill, put and agreed to.

Clause 28: Amendment of Item 28:

S. 14 (2) (j) fees charged by the Commission; and

Leave out the provision in item 28.

Question that Clause 28 as amended do stand part of the Bill, put and agreed to.

Clause 29: Amendment of Item 29:

S. 14 (2) (k) 3% of Federal Government Value Added Tax (VAT) remittance for a period of 10 years to be given to the Commission.

Leave out the provision in item 29.

Question that Clause 29 as amended do stand part of the Bill, put and agreed to.

Clause 30: Amendment of Item 30:

S. 15 (4) The Commission may borrow money from financial organizations or other institutions for the purpose of executing its mandate under this Act, subject to the approval of the Board.

Question that the amendment be made, put and agreed.

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Amendment of Item 31:

S. 16 (1) The Board shall, not later than 31st August in each year, submit to the President an estimate of the expenditure and income of the Commission during the next succeeding year for approval and forwarding to the National Assembly for Appropriation.

Question that the amendment be made, put and agreed.

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Amendment of Item 32:

S. 17(3) The President, upon receipt of the Report referred to in subsection (1) of this section, shall cause a copy of the Report and the audited accounts of the Commission and the Auditor's Report thereon to be submitted to each House of the National Assembly.

Question that the amendment be made, put and agreed.

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Amendment of Item 33:

PART VI - MISCELLANEOUS PROVISIONS
S. 19 President's Directives

Question that the amendment be made, put and agreed.

Question that Clause 33 do stand part of the Bill, put and agreed to.

Clause 34: Amendment of Item 34:

PART VI - MISCELLANEOUS PROVISIONS
Marginal note to S. 20 - Application of Public Officer Protection Act.

Question that the amendment be made, put and agreed.

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Amendment of Item 35:

S.25

In this Act-

"Board" means the Governing Board established for the Commission under section 2(1) of this Act;"

"Chairman" means the Chairman of the Board appointed under section 2 (2)(a) of this Act;

"Commission" means the North-East Development Commission established under section 1 (1) of this Act;

"Geo Political Zones" means the a group of States in the Federal Republic of Nigeria, as follows:

- (i) 'North- Central' comprises Benue, Kogi, Kwara, Nasarawa, Niger, Plateau States and Federal Capital Territory;
- (ii) 'North-West' comprises Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto States;
- (iii) 'North-East' comprises Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States
- (iv) 'South-East' comprises Abia, Anambra, Ebonyi, Enugu and Imo States
- (v) 'South-South' comprises Akwa Ibom, Cross River, Bayelsa, Rivers, Delta and Edo States
- (vi) 'South-West' comprises Ekiti, Lagos,, Ogun, Ondo, Osun and Oyo States

"Management Committee" means the Management Committee established under section 10 of this Act;

"Member States" means Adamawa Bauchi, Borno, Gombe, Taraba, and Yobe States

"North-East Zone" means Member States;

"President" means the President of the Federal Republic of Nigeria;

"Stakeholders" includes all the Federal Government Ministries, Departments, and Agencies, Member States, Local Governments in the Member States, Development Partners, Non-Governmental Organisations, Civil Society Organisations, Communities and grassroots.

Question that the amendment be made, put and agreed.

Question that Clause 35 do stand part of the Bill, put and agreed to.

Clause 36: Amendment of Item 36:

S. 26 This Act may be cited as the North East Development Commission (Establishment) Act, 2017.

Question that the amendment be made, put and agreed.

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Amendment of Item 37:

FIRST SCHEDULE

Section 2 (7)

SUPPLEMENTARY PROVISIONS
RELATING TO THE BOARD ETC.

S. 2 (2) At any meeting of the Board the Chairman shall preside but in his absence, the members present at the meeting shall appoint one of them to preside at the meeting.

Question that the amendment be made, put and agreed.

Question that Clause 75 do stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Amendment of thirty-seven (37) clauses on the North-East Development Commission (Establishment, etc.) Bill, 2017 and approved as follows:

Clauses 1- 37 — As Recommended

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

(Deputy Senate President in Chair)

7. Conference Committee:

Report on the Electronic Transaction Bill, 2017 (SB. 15):

Motion made: That the Senate do adopt the Report of the Conference Committee on Electronic Transaction Bill, 2017 (*Senator Buhari Abdulfatai — Oyo North*).

Question put and agreed to.

Report presented.

Report accordingly adopted.

8. Committee on Customs and Excise:

Report on the Nigerian Customs Service Management Act (Repeal and Re-enactment) Bill, 2017 (SB. 247):

Consideration of Report deferred to another Legislative Day.

9. Committee on Industries:

Report on the Nigerian Independent Warehouse Regulators Agency (Establishment, etc.) Bill, 2017 (SB. 255):

Consideration of Report deferred to another Legislative Day.

10. **Committee on Sports:**
Report on the National Sports Commission (Establishment, etc.) Bill, 2017 (SB. 155):
Consideration of Report deferred to another Legislative Day.
11. **Animal Health and Husbandry Technologies (Registration, etc) Bill, 2017 (HB. 320) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
12. **Witness Protection Programme Bill, 2017 (HB. 132) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
13. **Nigerian Oil and Gas Industry Content Development Act 2010 (Amendment) Bill, 2017 (HB.99 & 118) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
14. **Compulsory Treatment and Care of Victims of Gunshots Bill, 2017 (HB. 119) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
15. **Corporate Manslaughter Bill, 2017 (HB. 273) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
16. **National Child Protection and Enforcement Agency Bill, 2017 (HB. 127) - Concurrence:**
Consideration of Bill deferred to another Legislative Day.
17. **Adjournment:**
Motion made: That the Senate do now adjourn till Tuesday, 23rd May, 2017 at 10:00 a.m. (Senate Leader).

Adjourned accordingly at 11:28 p.m.

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