



EDO STATE

**EDO STATE HOUSE OF ASSEMBLY
FEDERAL REPUBLIC OF NIGERIA
FIFTH ASSEMBLY
FIRST SESSION
SECOND QUARTER**

NO. 47

VOTES AND PROCEEDINGS

Monday, 21st November, 2011

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1. The House met at 12.00 noon. Mr. Speaker took his seat and prayers were said.
 2. **Roll Call of Honourable Members:** The Roll Call of Honourable Members was taken as follows:

PRESENT

<u>S/NO.</u>	<u>NAME</u>	<u>CONSTITUENCY</u>
1.	Hon. (Alhaji) ADJOTO, Kabiru	<i>Akoko-Edo 1</i>
2.	Hon. AGHEDO, Sunday	<i>Ovia South-West</i>
3.	Hon. (Barr.) ALIU, Peter	<i>Etsako East</i>
4.	Hon. (Mrs.) ATIVIE, U. Elizabeth	<i>Uhunmwode</i>
5.	Hon. EBEA, Festus	<i>Esan South-East</i>
6.	Hon. EDOROR, Victor S.	<i>Esan Central</i>
7.	Hon. EHIGHALUA, Monday E.	<i>Esan West</i>
8.	Hon. EHIGIAMUSOR, Kingsley	<i>Igueben</i>
9.	Hon. IGBE, Uyigue	<i>Oredo West</i>
10.	Hon. ILUOBE, Patrick E.	<i>Esan North-East I</i>
11.	Hon. ISE-IDEHEN, Jude	<i>Ikpoba-Okha</i>
12.	Hon. MOMOH, Abdulrazak Awu	<i>Etsako West I</i>
13.	Hon. OGEDENGBE, Foly Joseph	<i>Owan East</i>
14.	Hon. OGIERHIAKHI, Friday	<i>Orhionmwon II</i>
15.	Hon. OGHUMA, Johnson Egwakhide	<i>Etsako Central</i>
16.	Hon. OHIO-EZOMO, Michael	<i>Owan West</i>
17.	Hon. OKODUWA, Emmanuel	<i>Esan North-East II</i>
18.	Hon. (Barr.) OHONBAMU, Paul	<i>Egor</i>
19.	Hon. OLORUNTOBA, Simon Bamidele	<i>Akoko-Edo II</i>
20.	Hon. OSAYANDE, Noghayin Bright	<i>Ovia North-East II</i>
21.	Hon. SHAIBU, Philip	<i>Etsako West II</i>

ABSENT WITH APOLOGY

1.	Hon. OSAYIMWEN, Patrick	<i>Oredo East</i>
2.	Hon. OSAZEMWINDE, Sunday	<i>Ovia North-East I</i>

ABSENT

1.	Hon. AISOWIEREN, Patrick	<i>Orhionmwon I</i>
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SUMMARY

i.	Hon. Members Present	=	21
ii.	Hon. Members on Official Assignment	=	Nil
iii.	Hon. Members Absent With Apology	=	2
iv.	Hon. Members Absent	=	<u>1</u>
	Total	=	<u>24</u>

3. Approval of Votes and Proceedings of Wednesday, 16th November, 2011.

Mr. Speaker announced that he had read through, and was satisfied with the Votes and Proceedings of Wednesday, 16th November, 2011, which was thereafter approved by unanimous consent, subject to the following amendments.

To *delete* the names **Hon. Iluobe, Patrick** (*Esan North-East I*), **Hon. Osayande Noghayin Bright** (*Ovia North-East II*) **Hon. Osazemwinde, Sunday** (*Ovia North East I*) from “**Absent Column**” and *insert* the names under “**Official Assignment Column**” *instead* thereof.

4. A Bill for a Law to Make Provisions for the Establishment of the Edo State Public Procurement Agency.

Motion made and Question Proposed; That the Bill be given its 2nd Reading.
Hon. Uyigue, Igbe (*Oredo East*)

Debate Arising

Question put and ***agreed to Resolved in the Affirmative***

The Bill was accordingly given its 2nd Reading.

Mr. Speaker thereafter referred the Bill to the House Standing Committee on Finance and Economic Development with a directive to fine-tune it for Consideration within two weeks.

5. Consideration of the Bill for A Law to make Provision for the Establishment of a Body to be Known as Edo State Rural Water and Hygiene Agency. HA. 41, 2011

Motion made and Question Proposed; That the House do now resolved into a Committee of the Whole to consider the Bill.
Hon. Shaibu, Philip (*Etsako West II*)

Question put and ***agreed to Resolved in the Affirmative***

Mr. Speaker leaves his Seat and resumed as Mr. Chairman.

(In the Committee)

Be it Enacted as follows:

Motion made and Question Proposed; That the enactment Clause forms part of the Bill.

Hon. Uyigue Igbe (*Oredo East*)

Debate Arising:

Amendment Proposed; To recast the enactment Clause thus: “**Be it Enacted by the Edo State House of Assembly and the authority of same as follows**”.

Hon. Kingsley Ehigiamusor (*Igueben*)

Question put and **agreed to Resolved in the affirmative**

Main Motion made and Question Proposed; That the enactment Clause as amended forms part of the Bill.

Hon. Uyigue, Igbe (*Oredo East*)

Question put and **agreed to Resolved in the affirmative**

PART 1 - PRELIMINARY

Clause 1

Citation and Commencement

This Law may be cited as Edo State Rural Water Supply and Hygiene Agency Law (Edruwaha) and shall come into effect on ... day of 2011.

Motion made and Question Proposed; That Clause 1 forms part of the Bill.

Hon. Uyigue, Igbe (*Oredo East*)

Debate arising

Amendment Proposed; That “2011” be deleted and “**20....**” be inserted instead thereof.

Hon. Monday Ehigialua (*Esan West*)

Question put and **agreed to Resolved in the affirmative**

Main Motion made and Question Proposed; That Clause 1 as amended forms part of the Bill.

Hon. Uyigue, Igbe (*Oredo East*)

Question put and **agreed to Resolved in the affirmative**

Clause 2

Interpretation

In this Law, unless the context otherwise requires:

“**Agency**” means Edo State Rural Water Supply and Hygiene Agency.

“**Appropriate Authority**” means the Ministry in charge of Energy and

Water Resources.

“Commissioner” means the Commissioner charged with Energy and Water Resources matters.

“Government” means the Government of Edo State.

“Governor” means the Governor of Edo State.

“House of Assembly” means Edo State House of Assembly.

“Misconduct” means violation of any financial regulations of the State; a conduct of such nature as amount in the opinion of the Executive Council or the House of Assembly to misconduct or any act/acts which constitute misconduct by the operations of this Law.

Motion made and Question Proposed; That Clause 2 forms part of the Bill
Hon. Uyigue, Igbe (Oredo East)

Amendment Proposed; That in line 19, the word **“would”** should be inserted between the words **“as”** and **“amount”**.

Hon. Ogedengbe, Foly Joseph (owan East)

Question put and ***agreed to***
Resolved in the affirmative

Main Motion made and Question Proposed; That; Clause 2 as amended forms part of the Bill

Hon. Uyigue, Igbe (Oredo East)

Question put and ***agreed to***
Resolved in the affirmative

PART II ESTABLISHMENT

Clause 3

Membership/Powers and unctions of the Agency

(a) There is hereby established a body to be known as the Edo State Rural Water Supply and Hygiene Agency, (hereinafter referred to as “the Agency”)

(b) The Agency shall be a corporate body with perpetual succession and a common seal and with power to sue and be sued in its corporate name.

(c) The Agency shall have power to own, hold and dispose off movable and immovable properties anywhere in Nigeria.

Motion made and Question Proposed; That Clause 3 forms part of the Bill
Hon. Uyigue, Igbe (Oredo East)

Debate Arising;

Amendment Proposed; That the alphabet (a-c) be changed to numeral (1- 3).

Hon. Ehigiamusor, Kingsley (Igueben)

Question put and **agreed to**
Resolved in the affirmative

Main Motion Made and Question Proposed; That Clause 3 as amended forms part of the Bill.

Hon. Uyigue, Igbe (Oredo East)

Question put and **agreed to**
Resolved in the affirmative

Clause 4

Composition of the Agency/Members

- (1) The Members of the Agency shall consist of not more than seven (7) Members, one of whom shall be the Managing Director.
- (2) Membership of the Agency shall be on full time basis.
- (3) Membership of the Agency shall be by deployment from Ministry of Energy and Water Resources, Health, Environment and other related Ministries.
- (4) To have better coverage, all the Local Government Areas of the State shall establish similar Departments that will liaise with the Agency in the areas of Rural Water Supply and Hygiene.

Motion Made and Question Proposed; That Clause 4 forms part of the Bill.

Hon. Uyigue, Igbe (Oredo East)

Debate Arising:

Amendment Proposed; To recast Clause 4 sub (1) thus: “**The Members of the Agency shall consist of not more than Seven (7) Members, one of whom shall be the Managing Director with at least two (2) Members from each Senatorial Zone.**”

Hon. Oghuma, Johnson (Etsako Central)

Question put and **agreed to**
Resolved in the affirmative

Debate Arising:

Amendment Proposed; To recast Clause 4 sub (3) thus: “**Membership of the Agency shall be by deployment of Professionals from the Edo State Public Service or direct employment of such professionals where necessary**”

Hon. Ehigiamusor, Kingsley (Igueben)

Question put and ***agreed to***
Resolved in the affirmative

Debate Arising

Main Motion Made and Question Proposed; That Clause 4 as amended forms part of the Bill.

Hon. Uyigue, Igbe (*Oredo East*)

Question put and ***agreed to***
Resolved in the affirmative.

Clause 5

Tenure of Office Members of the Agency shall hold office for a maximum of two (2) tenures. Tenure shall be for four (4) years.

Motion Made and Question Proposed; That Clause 5 forms part of the Bill

Hon. Uyigue, Igbe (*Oredo East*)

Question put and ***agreed to***
Resolved in the affirmative

Clause 6

Qualification and Disqualification

1. (a) The Managing Director shall be a Water Resource professional who shall have been so qualified in not less than five years.

(b) The Managing Director shall be the Chief Executive of the Agency with a responsibility of carrying out the policies and decision of the Agency

2. No person shall be qualified to be a Member of the Agency if he or she:

(a) has been adjudged or otherwise declared bankrupt under any law in force in Nigeria and has not been discharged.

(b) is of unsound mind; or

(c) has under any law for the time being in force in Nigeria; been convicted;

(i) of an offence involving security of the State, fraud or dishonesty or;

(ii) any other offence and has not been granted State pardon; or

(d) has been found by the report of a Commission of Enquiry to:

(i) be incompetent to hold public office; or;

- (ii) have while in such office, abused same or;
- (e) has willfully acted in a manner prejudicial to the interest of the State, and such findings have not been set aside on appeal or by judicial review; or
- (f) is under sentence imposed on him or her by any court of competent jurisdiction.

Motion Made and Question Proposed; That Clause 6 forms part of the Bill
Hon. Uyigue, Igbe (Oredo East)

Debate arising

Amendment Proposed; That in sub 1(a) line 4, to delete the phrase “**five (5) years**” and insert the phrase “**ten (10) years**” instead thereof.
Hon. Aliu, Peter (Etsako East)

Question put and **agreed to**
Resolved in the affirmative

Main Motion Made and Question Proposed: That Clause 6 as amended forms part of the Bill.
Hon. Uyigue, Igbe (Oredo East)

Question put and **agreed to**
Resolved in the affirmative

Clause 7
**Appointment/
 Power/Removal
 of Managing
 Director**

1. (i) Subject to the provision S.6 (1) of this Law, the Governor shall appoint the Managing Director subject to the House of Assembly screening and approval.

(ii) The Managing Director shall be the Chief Executive of the Agency with a responsibility of carrying out the policies and decisions of the Agency.

2. The Managing Director may be removed from office by the appropriate Authority with the prior approval of the Executive Council for inability to discharge the function of the office (whether arising from infirmity of mind, body or any other cause) or for misconduct or on the dissolution of the Agency by the Executive Governor.

Motion Made and Question Proposed; That Clause 7 forms part of the Bill
Hon. Uyigue, Igbe (Oredo East)

Question put and **agreed to**
Resolved in the affirmative

**Clause 8
Appointment/
Removal of
Secretary**

(i) The appropriate Authority may, subject to the prior approval of the Executive Council, appoint a qualified Secretary for the agency with a responsibility of carrying out the normal duties as a Secretary and such other duties as the Managing Director may assign from time to time.

(ii) The Secretary may be removed from office by the appropriate Authority with the prior approval of the Executive Council for inability to discharge the functions of the office (whether arising from infirmity of mind, body or any other cause) or for misconduct or on the dissolution of the Agency by the Executive Governor.

Motion Made and Question Proposed; That Clause 8 forms part of the Bill
Hon. Uyigwe, Igbe (Oredo East)

Question put and ***agreed to
Resolved in the affirmative***

**Clause 9
Vacation
of Office**

A member of the Agency shall cease to hold office on the occurrence of any of the following events:

- (a) Death
- (b) Incapacity resulting from any cause
- (c) Conviction for a criminal offence
- (d) Resignation
- (e) Dissolution of the Agency or removal for misconduct by the Executive Governor or the House of Assembly.

Motion Made and Question Proposed; That Clause 9 forms part of the Bill
Hon. Uyigwe, Igbe (Oredo East)

Question put and ***agreed to
Resolved in the affirmative***

**Clause 10
Staff of
the Agency
of the Agency.**

(1) The Agency may, from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business

(2) The Agency may also engage the services of consultants and advisers as the Board may determine.

(3) The Managing Director or his delegate shall be responsible for the appointment, promotion and discipline of officers and employees of the Agency.

(4) Where it is required, public officers may be transferred or seconded

to the Agency from the State Public Service for the proper execution of the functions of the Agency.

Motion Made and Question Proposed; That Clause 10 forms part of the Bill

Hon. Uyigue, Igbe (*Oredo East*)

Debate Arising:

Amendment Proposed; To recast sub (2) thus: “**The Agency may also engage the services of consultants and advisers as may be determined**”.

Hon. Ogedengbe, Foly Johnson (*Owan East*).

Question put and ***agreed to Resolved in the affirmative***

Amendment Proposed; To recast sub (3) thus: “**The Agency or his designate shall be responsible for the appointment, employment, promotion and discipline of Officers and employees of the Agency**”

Hon. Okoduwa, Emma (*Esan North-East II*)

Question put and ***agreed to Resolved in the affirmative***

Main Motion made and Question Proposed; That Clause 10 as amended forms part of the Bill.

Hon. Uyigue, Igbe (*Oredo East*)

Question put and ***agreed to Resolved in the affirmative***

Motion made and Question Proposed; That Mr. Chairman do now resume as Mr. Speaker to report Progress.

Hon. Shaibu, Philip (*Etsako West II*)

Question put and ***agreed to Resolved in the affirmative***

Mr. Chairman leaves his Chair

Mr. Speaker resumed his Seat and reported Progress.

He thereafter directed the Committee on Rules, Business and Government House to slate further consideration of the Bill for Tuesday, 22nd November, 2011.

6. Adjournment:

Motion made and Question Proposed; That this Honourable House do now adjourn sitting till Tuesday, 22nd November, 2011 at 10.00 a.m. prompt.

Hon. Ogedengbe, Foly Joseph (*Owan East*).

Question put and ***agreed to***
Resolved in the affirmative

Sitting Accordingly Adjourned At Ten Minutes Past Two O'Clock In The Afternoon.

RT. HON. UYIGUE IGBE
(SPEAKER)