



#MondayMeme

BILLS

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Last week we shared knowledge on the **STANDING ORDERS** of the legislature and told you they are ground rules by which lawmakers conduct themselves and undertake the business of law-making.

In previous editions, this series has brought you tips on the **ORDER PAPER, VOTES** and **PROCEEDINGS, PRIVILEGES** and other legislative memes. Today's edition dwells on another very vital ingredient of law-making - **BILLS**

Bills are draft documents from which laws eventually emerge. They are specially and specifically crafted in legal parlance according to parliamentary tradition.

For the understanding of the lay mind we can say **Bills** are like the architectural design of a house which provides builders the needed guide/framework to realize the plan.

Bills from the Executive arm of government are known as **EXECUTIVE BILLS** and are endorsed by the President.

HOUSE (OR SENATE) bills are those sponsored by members of the House or Senate.

When a bill emanates from the Judiciary arm of government it is signed by the Chief Justice of Nigeria and like all others is submitted to the senate president or speaker as it applies.

Presentation of a Bill is the beginning of the various processes which must be followed in the law-making venture before a law can be said to have been made.

Note that law-making does not end in parliament. (It doesn't always begin there as noted in earlier tweets). A bill cannot become law UNTIL ASSENTED TO by the President of the country or Governor of a state as the case may be.

A law (appropriately called an **ACT**) is therefore the culmination of a long cumbersome process involving especially the Legislative & Executive arms of Government. (In some cases as we shall also see during this series, even the Judiciary is involved especially when issues of interpretation arise).

Within the legislature especially the bicameral model practiced at the federal level in Nigeria, processing a bill for assent takes months if not years. It is rigorous and painstaking.

This is why many Nigerians were shocked at the event of the 7th senate passing 46 bills within 10 minutes at the tail end of its lifespan. But the shocking news notwithstanding, that world record passage of 46 bills in 10mins by David Mark's senate was covered by the rules. (We shall return to this at some point)

It is important to note that a bill is deemed to have been passed by the national assembly of Nigeria if it has been processed separately in both the senate and the House of Reps and then a concurrence on its provisions is secured.

With these preliminaries taken let us now go into the process of bill passage in the legislature.

The normal procedure for law making stipulates that a bill must pass through three phases in plenary of the legislature – **first reading, second reading and third reading** – before it could be passed into law. Each of these phases involves some procedures.

A bill passes **FIRST READING** when the Clerk of the House or Senate reads the short title only. It is the first mention of the bill by way of announcement after which it is scheduled by the Rules and Business Committee for further action.

The bill appears next in plenary for **SECOND READING** by which it is meant that a debate is taken on its general provisions. Promoter(s) of the bill are given ample time to convince their colleagues who then debate the general principles, merits and/demerits of the proposed law (amendment bill as the case may be).

For an Executive bill the Majority Leader of parliament assumes the role of its chief promoter and is expected to galvanize support for its passage. But when a bill is caught up in politics the Majority Leader has the political burden of defeating the opposition often spearheaded by the Minority Leader. In the 7th assembly, Hon. Mulikat Akande as Majority Leader of the House of Reps had a handful in Hon. Femi Gbajabiamila as Minority Leader who often mobilized against bills from the Executive. Incidentally Gbajabiamila is now Majority Leader and will be squaring up with Hon. Leo Ogor as Minority Leader.

If a bill scales scrutiny of the whole it is deemed to have passed second reading and is subsequently referred to an appropriate committee(s) for detailed legislative treatment.

This includes committal to public hearings to receive inputs from relevant stakeholders; and making of relevant amendments germane to the original proposal either in title or substance.

When the Committee returns a report on the bill it is brought before the

Committee of the Whole for consideration and it is required that quorum be formed for this very important exercise of law-making.

The report is considered on a clause-by-clause basis to allow for detailed understanding and to allow consequential amendments by members. Consideration of Reports is a very rigorous process and from experience many of our lawmakers unfortunately keep away from it.

After the report is fully taken the bill is then referred to the House in plenary which would accept the report of the Committee of the Whole. It is only then that the bill goes for **THIRD READING** and passed by the senate or House as applies.

At the National Assembly a **CONFERENCE COMMITTEE** of both the senate and House of Reps is put together to harmonize positions from both chambers before a final copy of the bill is deemed to be ready. It is this final copy that is forwarded to Mr. President for assent for the Bill to make the necessary transition to an **ACT**.

Now on those 46 bills in 10 minutes at the senate the unprecedented speed was because they had earlier been passed by the House of Representatives. They only required concurrence of the senate although this did not stop the upper chamber from undertaking its own due process as required.

But David Mark, the ex-General & tested hand in legislative politics was bent on clearing his desk (& invariably that of the 7th senate) even though some of those bills were in the senate for up to 2years. He therefore brushed aside opposition from senators & the loud voice of public opinion in passing the bills.

Recall that the controversial bills were introduced by then Chairman, Committee on Rules and Business, Sen. Ita Enang who is now President Buhari's special adviser to the senate.

He moved for the suspension of Order 79 (1) of Senate Standing Orders stipulating bills must go through first, second and third readings.

Enang had earlier sought the leave of senate to invoke order 1(b) of the Standing Rules to allow for the relevant provision above to be suspended. By a voice vote Enang's prayers were carried & senators dissenting further were asked to come with motions at next legislative day. The bills were passed in senate to concur with the House quite alright but alas suffered lack of assent by the president.

Some of the bills involved were the Tertiary Education Trust Fund Establishment Act Amendment Bill; Office of the Nigerian Financial Ombudsman Bill; Institute of Chattered Trustees of Nigeria Bill; National Convict and Criminal Records (Registry) Bill; as well as Community Service Bill.

Others were the National Commission for Rehabilitation Act (Repeal) Bill, Whistle-blower Protection Bill; Family Economic Advancement Programme (Establishment, etc) Act (repeal) Bill; Family Support Trust Fund Act (Repeal) Bill and the Anti-Torture Bill and Lobbyist (Registration and Regulation) Bill.

These bills will have to be reintroduced in the extant assembly although by the rules of the House may not go the whole hog like in the last dispensation. (A Standing Order of the House provides that bills carried over from the last assembly are taken as if they had passed through first and second reading and are therefore directly committed to the Committee of the Whole)

Fresh bills have however been read for the first time in both the senate and the House in this current 8th assembly. It is in the interest of **#OpenNass** that public disclosures on them are provided by lawmakers

So, this is where we end today's series of **#MondayMeme**. Till next week please keep your feedbacks coming. Thank you.

This edition of #MondayMeme was broadcast live on our Twitter Handle @orderpaper on Oct. 12, 2015. To read and download other editions of the programme please visit www.orderpaper.ng/downloads