

*Approved for tabling in the House.*



*2/6/2022*  
*SNA*

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – SIXTH SESSION 2022

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON THE CONSIDERATION OF THE MUNG BEANS BILL (SENATE BILL  
NO. 9 OF 2020)

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

MAY, 2022

THE NATIONAL ASSEMBLY	
P.	
DATE:	02 JUN 2022
	THURSDAY
TABLED BY:	MON SILAS TIRBY (CHAIRPERSON)
CLERK AT THE TABLE:	INZOU MWALE

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**APPENDIX**

1. ADOPTION LIST
2. MINUTES

## CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Mung Beans Bill (*Senate Bill No. 9 of 2020*). The Bill was read a First Time on Thursday, April 5, 2021 and subsequently referred to the Parliamentary Budget Office to advise the Hon Speaker whether or not the Bill was a money Bill as contemplated under Standing Order 143(2). The Bill was not a money Bill and was committed to the Departmental Committee on Agriculture for review and reporting to the House.

The principle object of the Bill is to provide for the development, regulation and promotion of the mung bean sector and a framework for the coordinated implementation of the national policies and strategies on development and regulation of the mung bean industry.

The Committee, pursuant to Article 118(1) (b) of the Constitution of Kenya and National Assembly Standing Order 127(3) called for public memoranda through the print media advertisement on Friday, 25<sup>th</sup> May, 2021. There was no response from the public.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it while considering the Bill and production of this report. I also wish to commend the Honourable Members of the Committee who dedicated their time and made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to Standing Order 199 (6), it is my pleasant privilege and honour to present to the House the Report of the Committee on its consideration of the Coffee Bill (*Senate Bill No. 22 of 2020*)

**The Hon. Silas Kipkoech Tiren, MP**  
**Chairperson, Departmental Committee on Agriculture and Livestock**

## PART 1

### 1.0 PREFACE

### 1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

1. The Departmental Committee on Agriculture and Livestock is one of the fifteen (15) Departmental Committees of the National Assembly established under Standing Order 216, which mandates Departmental Committees to:-
  - a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - b) *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
  - c) **To study and review all the legislation referred to it;**
  - d) *To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - e) *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - f) *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);*
  - g) *To examine treaties, agreements and conventions;*
  - h) *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - i) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - j) *To examine any questions raised by Members on a matter within its mandate.*

### 1.2 COMMITTEE'S SUBJECTS

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of; agriculture, livestock, irrigation, fisheries development, production and marketing.
3. In executing its mandate, the Committee directly oversees the following Government Departments;
  - a. State Department for Crop Development and Agricultural Research
  - b. State Department for Livestock
  - c. State Department for Fisheries, Aquaculture and the Blue Economy

### 1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Agriculture and Livestock was reconstituted by the House in July, 2020 and comprises the following Members:

**Hon. Silas Kipkoech Tiren, MP- Chairperson**  
Moiben Constituency  
**Jubilee Party**

Hon. Abdikhaim Osman M.P – **Vice - Chairperson**  
Fafi Constituency  
**KANU**

Hon. Ole Metito Katoo, MP  
Kajiado South  
**Jubilee Party**

Hon. Ferdinand Wanyonyi, M.P  
Kwanza Constituency  
**FORD Kenya Party**

Hon. Dr. Chrisantus Wamalwa, CBS, M.P  
Kiminini Constituency  
**FORD Kenya Party**

Hon. Simba Arati, M.P  
Dagoreti North Constituency  
**Orange Democratic Movement Party**

Hon. Cecily Mbarire, MGH, M.P  
Nominated Member  
**Jubilee Party**

Hon. Adan Haji Yusuf, M.P  
Mandera West Constituency  
**EFP Party**

Hon. Jude Njomo, M.P  
Kiambu Constituency  
**Jubilee Party**

Hon. Gabriel Kago Mukuha, M.P  
Githunguri Constituency  
**Jubilee Party**

Hon. Janet Jepkemboi Sitienei, M.P  
Turbo Constituency  
**Independent**

Hon. Julius Kibiwott Melly, M.P  
Tinderet Constituency  
**Jubilee Party**

Hon. (Dr.) John Mutunga, M.P  
Tigania West Constituency  
**Jubilee Party**

Hon. Geoffrey Odanga, M.P  
Matayos Constituency  
**Orange Democratic Movement Party**

Hon. Majimbo Kalasinga, MP  
Kabuchai Constituency  
**Ford Kenya Party**

Hon. Joyce Kamene, MP  
Machakos County  
**Wiper Democratic Movement Party**

Hon. Brighton Yegon, MP  
Konoin Constituency  
**Jubilee Party**

Hon. Martin Peters Owino, MP  
Ndhiwa Constituency  
**Orange Democratic Movement**

Hon. Maison Leshomo, M.P  
Samburu County  
**KANU**

#### 1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Members of the Secretariat:

Mr. George Gazemba  
**Principal Clerk Assistant – Head of Secretariat**

Mr. Nicodemus Maluki  
**Second Clerk Assistant**

Ms. Clara Kimeli  
**Senior Legal Counsel**

Ms. Faith Makena  
**Sergeant At Arms**

Mr. Moses Musembi  
**Office Assistant**

Mr. Eugene Luteshi  
**Audio Officer**

Mr. Robert Ngetich  
**Fiscal Analyst II**

Mr. David Ngeno  
**Research Officer II**

Mr. Ahmad Yakubu  
**Media Relations Officer**

## PART II

### 2.0 ANALYSIS OF THE BILL

#### 2.1 Introduction

6. The Mung Beans Bill, 2020 (*Senate Bills No. 9 of 2020*) sponsored by Sen. Enock Wambua, MP was passed by the Senate with amendments on 5th August, 2020 and transmitted to the National Assembly. The principle object of the Bill is to provide for the development, regulation and promotion of the mung beans sector and a framework for the coordinated implementation of the National policies and strategies on development and regulation of the mung bean industry.
7. Pursuant to Standing Order 41(4), the Speaker on 19<sup>th</sup> April, 2021 notified the House on the Message received from the Senate regarding the passage of the Mung Beans Bill (Senate Bill No. 9 of 2020). The Bill was published vide the Kenya Gazette Supplement No. 130 of 24<sup>th</sup> July, 2020 and seeks to among others; provide for development, regulation and promotion of the Mung Bean sector in Kenya.
8. Standing Order 143(1) (a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of the message from the Senate referring Bills to the National Assembly.
9. After the First Reading, the Speaker in accordance with Article 114 of the Constitution referred the Bill to the Parliamentary Budget Office for advice in order to guide the House and the Departmental Committee on Agriculture and Livestock on how to proceed with the consideration of the Bill.
10. The Parliamentary Budget Office was of the view that the Bill affects the functions of the County government and therefore will not require additional exchequer from the National Government and that the Bill is in line with article 114(4) of Constitution and does not qualify to be regarded as a money Bill.

#### 2.1 Money Bill Determination

11. The Parliamentary Budget Office advised that the Bill proposes that every grower shall register with the relevant County Executive Committee Member; and the County Executive Member shall maintain a register of all mung bean growers. The Bill also proposes that a person shall not market, process or carry out large scale trading in mung beans or mung bean products unless the person has obtained a license from the relevant County Government. The Bill further provides that each County Executive Committee shall for the effective performance establish a county public service board and appointed by the county executive committee member.



12. That these provisions affect the functions of the County Government and touch on Article 114(4) of the Constitution and is therefore not a money Bill.
13. That the Bill provides that the National and County Governments shall in implementing feeding programs within schools or areas falling within their respective mandate implement homegrown feeding programmes aimed at maximizing the benefits for growers by linking schools to local production, strengthening the capacities of growers and communities and promoting the efficient production of mung beans in each county in order to ensure adequate supply to schools, relevant institutions and food insecure areas. These functions are currently being undertaken and will therefore not require additional resources from the National Government.
14. That the Bill further provides that the Cabinet Secretary on behalf of the National Government shall develop and adopt a National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.
15. That the Bill affects the functions of the County government and therefore will not require additional exchequer from the National Government and that the Bill is therefore in line with article 114(4) of Constitution and does not qualify to be a money Bill.

## **2.0 CONSIDERATION OF THE BILL BY THE COMMITTEE**

### **2.2 Overview of the Bill**

16. **PART I** of the Bill provides for preliminaries and sets out the objects and purposes of the Bill which include to provide a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung bean industry; and to facilitate and develop a framework to regulate and promote the development of the mung bean industry in Kenya in order to make it competitive at the international level.
17. **PART II** of the Bill (**Clause 4-7**) provides for the responsibilities of the National and County Governments. The duties of the Agriculture and Food Authority in consultation with the Council of County Governors include to put in place measures to improve the overall production of mung beans in the country; establishing, coordinating and monitoring the implementation of national standards and policies relating to the mung bean industry; and to develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry
18. The responsibilities of a county executive committee member include to locally and internationally market mung beans produced by the respective county; to promote investment in the infrastructure necessary to facilitate access to markets and the transportation of mung beans and mung bean products within and outside the respective

county; and to put in place measures to improve the quality and quantity of the production of mung beans within the county.

19. **Clause 6** obligates the National and County Governments, where they implement feeding programmes within learning institutions, to implement a homegrown feeding program that is aimed at strengthening the capacities of growers and communities; promoting the efficient production of mung beans in each county in order to ensure adequate supply to the schools, relevant institutions and food insecure areas in the county; and maximizing the benefits for the growers by linking schools and other relevant institutions to local production. The Cabinet secretary is also obligated, within six months of the commencement of the Act to develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.
20. **PART III** of the Bill (**Clause 8-19**) provides for the regulatory provisions. Every grower is required to register with the relevant county executive committee member while each county executive committee member is obligated to maintain a register of all mung bean growers registered in the respective county.
21. Under **clause 10** of the Bill, each county executive committee member is required to establish a county licensing committee consisting of a chairperson, one person representing the growers of mung beans in the respective county and three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture. A person shall be qualified for appointment as a member of a county licensing committee if the person holds a degree from a university recognized in Kenya, has at least five years' experience in the agricultural sector and meets the requirements of Chapter Six of the Constitution of Kenya.
22. **Clause 13** of the Bill provides that mung beans and mung bean products shall not be marketed, processed or traded on large scale by any person unless the person has obtained a license from the county licensing committee. A county licensing committee may cancel a licence issued where the holder of such a licence is in breach of the provisions of the Act or any other relevant national or county legislation. A person who is aggrieved by the decision of a county licensing committee may, appeal to the county executive committee member for a review of the decision and thereafter the aggrieved person may proceed to seek recourse at the High Court.
23. **PART IV** of the Bill (**Clause 8-19**) contains the miscellaneous provisions. A person who commits an offence under the Act for which no penalty is provided is liable, on conviction, to a fine **not exceeding** five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both. The Cabinet Secretary may, in consultation with the Authority and county governments, make Regulations generally for the better carrying out of the provisions of the Act. A county government may enact legislation, not inconsistent with the Act, to make further provision for the performance of functions and exercise of powers of the county government under this Act.
24. Pursuant to **clause 23** of the Bill, the Crops Act shall not apply to the production, development and regulation of mung beans

### **2.3 PUBLIC PARTICIPATION ON THE BILL**

25. Pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), public participation advertisement was placed in the “Daily Nation” and the “Standard” newspapers of 25<sup>th</sup> May, 2021 inviting interested members of the public to submit memoranda they may have on the Bill. (Annex 1). However, there was no response from the public.

## PART III

### 3.0 COMMITTEE OBSERVATIONS

26. Upon reviewing the Bill, the Committee observed as follows:

- i. The scope of the Bill should be expanded to cover legumes and pulses like beans, pigeon peas, lentils and peas and not just mung beans as their growth and development is not currently regulated;
- ii. All the legumes and pulses have almost similar characteristics in terms of their growth patterns, the environmental requirements for their growth and development, nutritional value and the pests and diseases that affect them and as such should be anchored under one statute.
- iii. Legislation on legumes and pulses including mung beans should focus on mitigating post-harvesting losses in line with the Warehouse Receipts Act, 2019 so as to reduce post-harvesting losses experienced by growers.
- iv. There is need for a comprehensive National Policy on the promotion, regulation and development of all legumes and pulses so that it can inform legislation on the same and not vice-versa.
- v. All legumes and pulses should be scheduled crops under the Crops Act, No. 16 of 2013 so as to ensure that their development is regulated by the Agriculture and Food Authority and also to benefit from the incentives issued under the Act.
- vi. The growers should be effectively represented in any bodies established by law to regulate and promote the crop apart from government representation.
- vii. A bill on the promotion, regulation and development of legumes and pulses should be enacted into to law with regulations to provide for the promotion, regulation and development of legumes and pulses not only at the county level but nationally and internationally.

PART V


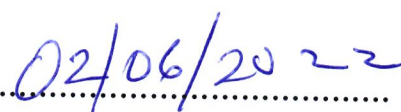
5.0 COMMITTEE RECOMMENDATION

27. Having considered the Bill the Committee recommends the following amendments:

That the Mung Beans Bill, 2020 (*Senate Bill No. 9 of 2020*) be amended by deleting the proposed clauses 1,2,3,4,5,6,7,8,9,10,11,12,13, 14,15,16,17 18,19,20,21,22,23 and 24

**Justification:**

The scope of the Bill should be expanded to cover all legumes and pulses like beans, pigeon peas, lentils and peas and not just mung beans as their growth and development is not currently regulated.

SIGNED.......... DATE..........

HON. SILAS TIREN, MP

(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK)

**MINUTES OF THE 27<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON FRIDAY 20<sup>TH</sup> MAY, 2022 AT 2.30PM IN PRIDEINN BEACH HOTEL, MOMBASA COUNTY**

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**PRESENT**

- |  |                         |
|--|-------------------------|
| 1. Hon. Silas Kipkoech Tiren, MP.        | <i>Chairperson</i>      |
| 2. Hon. Abdikhaim Osman, MP              | <i>Vice Chairperson</i> |
| 3. Hon. Geoffrey Odanga, MP              |                         |
| 4. Hon. Dr. John Kanyuithia Mutunga, MP. |                         |
| 5. Hon. Janet Jepkemboi Sitienei, MP     |                         |
| 6. Hon. Gabriel Kago Mukuha, MP.         |                         |
| 7. Hon. Jude Njomo, MP.                  |                         |
| 8. Hon. Joyce Kamene, MP.                |                         |
| 9. Hon. Majimbo Kalasinga, MP.           |                         |
| 10. Hon. Adan Haji Yussuf, MP.           |                         |
| 11. Hon. Yegon Brighton Leonard, MP.     |                         |
| 12. Hon. Martin Peters Owino, MP.        |                         |

**APOLOGIES**

1. Hon. Dr. Chrisantus Wamalwa, CBS. MP
2. Hon. Ferdinand Wanyonyi, MP
3. Hon. Julius Kibiwott Melly, MP
4. Hon. Ole Metito Katoo, MP
5. Hon. Maison Leshoomo, MP.
6. Hon. Cecily Mbarire, MGH, MP.
7. Hon. Simba Arati, MP

**COMMITTEE SECRETARIAT**

- |                            |   |                             |
|----------------------------|---|-----------------------------|
| 1. Mr. George Gazemba      | - | Principal Clerk Assistant I |
| 2. Mr. Nicodemus K. Maluki | - | Second Clerk Assistant      |
| 3. Mr. Robert Ngetich      | - | Fiscal Analyst              |
| 4. Mr. David Ngeno         | - | Research Officer            |
| 5. Mr. Ahmad Yakubu        | - | Media Relation Officer      |
| 6. Mr. Luteshi Eugene      | - | Audio Officer               |
| 7. Mr. Moses Musembi       | - | Office Assistant            |

**MIN NO. DDC/A&L/099/2022: PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past ten o'clock. The proceedings began with prayer followed by brief introductions.

**MIN NO. DDC/A&L/0100/2022: CONFIRMATION OF MINUTES**

This agenda item was deferred to the next meeting.

**MIN NO. DC/A&L/101/2022: CONSIDERATION AND ADOPTION OF THE REPORT ON THE MUNG BEANS BILL, 2020 (SENATE BILLS NO. 9 OF 2020)**

Having considered the Mung Beans Bill, 2020 the Committee adopted its report with the following observations and recommendations:

**Committee observations**

- i. The scope of the Bill should be expanded to cover legumes and pulses like beans, pigeon peas, lentils and peas and not just mung beans as their growth and development is not currently regulated;
- ii. All the legumes and pulses have almost similar characteristics in terms of their growth patterns, the environmental requirements for their growth and development, nutritional value and the pests and diseases that affect them and as such should be anchored under one statute.
- iii. Legislation on legumes and pulses including mung beans should focus on mitigating post-harvesting losses in line with the Warehouse Receipts Act, 2019 so as to reduce post-harvesting losses experienced by growers.
- iv. There is need for a comprehensive National Policy on the promotion, regulation and development of all legumes and pulses so that it can inform legislation on the same and not vice-versa.
- v. All legumes and pulses should be scheduled crops under the Crops Act, No. 16 of 2013 so as to ensure that their development is regulated by the Agriculture and Food Authority and also to benefit from the incentives issued under the Act.
- vi. The growers should be effectively represented in any bodies established by law to regulate and promote the crop apart from government representation.
- vii. A bill on the promotion, regulation and development of legumes and pulses should be enacted into law with regulations to provide for the promotion, regulation and development of legumes and pulses not only at the county level but nationally and internationally.

**COMMITTEE RECOMMENDATIONS**

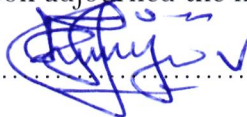
**That the Mung Beans Bill, 2020 (Senate Bill No. 9 of 2020) be amended by deleting the proposed clauses 1,2,3,4,5,6,7,8,9,10,11,12,13, 14,15,16,17 18,19,20,21,22,23 and 24**

**Justification:**

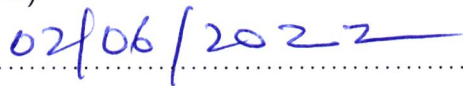
**The scope of the Bill should be expanded to cover all legumes and pulses like beans, pigeon peas, lentils and peas and not just mung beans as their growth and development is not currently regulated.**

**MIN NO. DC/A&L/ 102/2022: ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at forty five minutes past one o'clock.

Signed.....

**HON. SILAS KIPKOECH TIREN, MP  
(CHAIRPERSON)**

Date.....



THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK

MEMBERS ATTENDANCE SCHEDULE

DATE: 20/05/22 ..... START: 10:00AM ..... END: 1:30PM .....

VENUE: PRIDE INN BEACH HOTEL .....

AGENDA: ADOPTION OF THE REPORT ON MUNG BEANS  
BUDGETARY BILL NO 20 4 2020 .....

	NAME	TITLE	SIGNATURE
1.	Hon. Silas Kipkoech Tiren, MP.	CHAIRPERSON	
2.	Hon. Abdikhaim Osman, MP.	VICE-CHAIRPERSON	
3.	Hon. Maison Leshoomo, MP.	Member	
4.	Hon. Ferdinard Wanyonyi, MP.	Member	
5.	Hon. Dr. Chrisantus Wamalwa, CBS, MP.	Member	
6.	Hon. Simba Arati, MP.	Member	
7.	Hon. Cecily Mbarire, MGH, MP.	Member	
8.	Hon. Katoo Ole Metito, MP	Member	
9.	Hon. Jude Njomo, MP.	Member	
10.	Hon. Adan Haji Yussuf, MP.	Member	Virtual Attendance
11.	Hon. Janet Jepkemboi Sitienei, MP.	Member	
12.	Hon. Julius Kibiwott Melly, MP.	Member	
13.	Hon. Geoffrey Odanga, MP.	Member	
14.	Hon. Martin Peters Owino, MP.	Member	
15.	Hon. Joyce Kamene, MP.	Member	
16.	Hon. Yegon Brighton Leonard, MP.	Member	
17.	Hon. Dr. John Kanyuithia Mutunga, MP.	Member	
18.	Hon. Gabriel Kago Mukuha, MP.	Member	
19.	Hon. Majimbo Kalasinga, MP	Member	

COMMITTEE CLERK XUOSOMUS K. MAMUKI, 20/05/22 .....

DIRECTOR.....

**MINUTES OF THE 26<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON FRIDAY 20<sup>TH</sup> MAY, 2022 AT 10.00AM IN PRIDEINN BEACH HOTEL, MOMBASA COUNTY**

---

**PRESENT**

- |  |                         |
|--|-------------------------|
| 1. Hon. Silas Kipkoech Tiren, MP.        | <i>Chairperson</i>      |
| 2. Hon. Abdikhaim Osman, MP              | <i>Vice Chairperson</i> |
| 3. Hon. Geoffrey Odanga, MP              |                         |
| 4. Hon. Dr. John Kanyuithia Mutunga, MP. |                         |
| 5. Hon. Janet Jepkemboi Sitienei, MP     |                         |
| 6. Hon. Gabriel Kago Mukuha, MP.         |                         |
| 7. Hon. Jude Njomo, MP.                  |                         |
| 8. Hon. Joyce Kamene, MP.                |                         |
| 9. Hon. Majimbo Kalasinga, MP.           |                         |
| 10. Hon. Adan Haji Yussuf, MP.           |                         |
| 11. Hon. Yegon Brighton Leonard, MP.     |                         |
| 12. Hon. Martin Peters Owino, MP.        |                         |

**APOLOGIES**

1. Hon. Dr. Chrisantus Wamalwa, CBS. MP
2. Hon. Ferdinand Wanyonyi, MP
3. Hon. Julius Kibiwott Melly, MP
4. Hon. Ole Metito Katoo, MP
5. Hon. Maison Leshoomo, MP.
6. Hon. Cecily Mbarire, MGH, MP.
7. Hon. Simba Arati, MP

**COMMITTEE SECRETARIAT**

- |                            |   |                             |
|----------------------------|---|-----------------------------|
| 1. Mr. George Gazemba      | - | Principal Clerk Assistant I |
| 2. Mr. Nicodemus K. Maluki | - | Second Clerk Assistant      |
| 3. Mr. Robert Ngetich      | - | Fiscal Analyst              |
| 4. Mr. David Ngeno         | - | Research Officer            |
| 5. Mr. Ahmad Yakubu        | - | Media Relation Officer      |
| 6. Mr. Luteshi Eugene      | - | Audio Officer               |
| 7. Mr. Moses Musembi       | - | Office Assistant            |

**MIN NO. DDC/A&L/095/2022: PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past ten o'clock. The proceedings began with prayer followed by brief introductions.

**MIN NO. DDC/A&L/096/2022: CONFIRMATION OF MINUTES**

This agenda item was deferred to the next meeting.

**MIN NO. DC/A&L/097/2022: CONSIDERATION OF THE MUNG BEANS BILL, 2020 (SENATE BILLS NO. 9 OF 2020)**

The Committee was briefed by the Legal Counsel as follows

1. The Mung Beans Bill, 2020 (*Senate Bills No. 9 of 2020*) sponsored by Sen. Enock Wambua, MP was passed by the Senate with amendments on 5th August, 2020 and transmitted to the National Assembly. The principle object of the Bill is to provide for the development, regulation and promotion of the mung beans sector and a framework for the coordinated implementation of the National policies and strategies on development and regulation of the mung bean industry.
2. Pursuant to Standing Order 41(4), the Speaker on 19<sup>th</sup> April, 2021 notified the House on the Message received from the Senate regarding the passage of the Mung Beans Bill (Senate Bill No. 9 of 2020). The Bill was published vide the Kenya Gazette Supplement No. 130 of 24<sup>th</sup> July, 2020 and seeks to among others; provide for development, regulation and promotion of the Mung Bean sector in Kenya.
3. Standing Order 143(1) (a) requires the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of the message from the Senate referring Bills to the National Assembly.
4. After the First Reading, the Speaker in accordance with Article 114 of the Constitution referred the Bill to the Parliamentary Budget Office for advice in order to guide the House and the Departmental Committee on Agriculture and Livestock on how to proceed with the consideration of the Bill.
5. The Parliamentary Budget Office was of the view that the Bill affects the functions of the County government and therefore will not require additional exchequer from the National Government and that the Bill is in line with article 114(4) of Constitution and does not qualify to be regarded as a money Bill.

### **Money Bill Determination**

6. The Parliamentary Budget Office advised that the Bill proposes that every grower shall register with the relevant County Executive Committee Member; and the County Executive Member shall maintain a register of all mung bean growers. The Bill also proposes that a person shall not market, process or carry out large scale trading in mung beans or mung bean products unless the person has obtained a license from the relevant County Government. The Bill further provides that each County Executive Committee shall for the effective performance establish a county public service board and appointed by the county executive committee member.
7. That these provisions affect the functions of the County Government and touch on Article 114(4) of the Constitution and is therefore not a money Bill.
8. That the Bill provides that the National and County Governments shall in implementing feeding programs within schools or areas falling within their respective mandate implement homegrown feeding programmes aimed at maximizing the benefits for growers by linking schools to local production, strengthening the capacities of growers and communities and promoting the efficient production of mung beans in each county in order to ensure adequate supply to schools, relevant

institutions and food insecure areas. These functions are currently being undertaken and will therefore not require additional resources from the National Government.

9. That the Bill further provides that the Cabinet Secretary on behalf of the National Government shall develop and adopt a National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.
10. That the Bill affects the functions of the County government and therefore will not require additional exchequer from the National Government and that the Bill is therefore in line with article 114(4) of Constitution and does not qualify to be a money Bill.

### **Overview of the Bill**

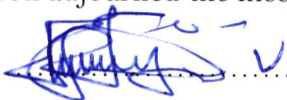
11. **PART I** of the Bill provides for preliminaries and sets out the objects and purposes of the Bill which include to provide a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung bean industry; and to facilitate and develop a framework to regulate and promote the development of the mung bean industry in Kenya in order to make it competitive at the international level.
12. **PART II** of the Bill (**Clause 4-7**) provides for the responsibilities of the National and County Governments. The duties of the Agriculture and Food Authority in consultation with the Council of County Governors include to put in place measures to improve the overall production of mung beans in the country; establishing, coordinating and monitoring the implementation of national standards and policies relating to the mung bean industry; and to develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry
13. The responsibilities of a county executive committee member include to locally and internationally market mung beans produced by the respective county; to promote investment in the infrastructure necessary to facilitate access to markets and the transportation of mung beans and mung bean products within and outside the respective county; and to put in place measures to improve the quality and quantity of the production of mung beans within the county.
14. **Clause 6** obligates the National and County Governments, where they implement feeding programmes within learning institutions, to implement a homegrown feeding program that is aimed at strengthening the capacities of growers and communities; promoting the efficient production of mung beans in each county in order to ensure adequate supply to the schools, relevant institutions and food insecure areas in the county; and maximizing the benefits for the growers by linking schools and other relevant institutions to local production. The Cabinet secretary is also obligated, within six months of the commencement of the Act to develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.
15. **PART III** of the Bill (**Clause 8-19**) provides for the regulatory provisions. Every grower is required to register with the relevant county executive committee member while each county executive

committee member is obligated to maintain a register of all mung bean growers registered in the respective county.

16. Under **clause 10** of the Bill, each county executive committee member is required to establish a county licensing committee consisting of a chairperson, one person representing the growers of mung beans in the respective county and three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture. A person shall be qualified for appointment as a member of a county licensing committee if the person holds a degree from a university recognized in Kenya, has at least five years' experience in the agricultural sector and meets the requirements of Chapter Six of the Constitution of Kenya.
17. **Clause 13** of the Bill provides that mung beans and mung bean products shall not be marketed, processed or traded on large scale by any person unless the person has obtained a license from the county licensing committee. A county licensing committee may cancel a licence issued when the holder of such a licence is in breach of the provisions of the Act or any other relevant national or county legislation. A person who is aggrieved by the decision of a county licensing committee may, appeal to the county executive committee member for a review of the decision and thereafter the aggrieved person may proceed to seek recourse at the High Court.
18. **PART IV** of the Bill (**Clause 8-19**) contains the miscellaneous provisions. A person who commits an offence under the Act for which no penalty is provided is liable, on conviction, to a fine **not exceeding** five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both. The Cabinet Secretary may, in consultation with the Authority and county governments, make Regulations generally for the better carrying out of the provisions of the Act. A county government may enact legislation, not inconsistent with the Act, to make further provision for the performance of functions and exercise of powers of the county government under this Act.
19. Pursuant to **clause 23** of the Bill, the Crops Act shall not apply to the production, development and regulation of mung beans.

MIN NO. DC/A&L/ 098/2022:      **ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at forty five minutes past one o'clock.

Signed.....

**HON. SILAS KIPKOECH TIREN, MP**  
**(CHAIRPERSON)**

Date.....