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THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DIRECTORATE OF DEPARTMENTAL COMMITTEES  
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	13 AUG 2024 <span style="border: 1px solid black; padding: 2px;">DAY Tuesday</span>
TABLED BY:	Hon. John Mutunga, MP Chairperson
CLERK-AT THE-TABLE:	A. Shituko

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AUGUST 2024

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  - a) The Council of Governors (CoG);
  - b) The Kenya Agricultural and Livestock Research Organisation (KALRO); and
  - c) The Ministry of Agriculture and Livestock Development/The Agriculture and Food Authority (AFA)

## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Agriculture and Livestock on its consideration of the Mung Beans Bill (*Senate Bill No. 13 of 2022*) which was published in the Kenya Gazette Supplement No. 206 of 30<sup>th</sup> December 2022 and passed by the Senate on Wednesday, 21<sup>st</sup> February 2024.

The Bill went through the First Reading on 28<sup>th</sup> February 2024 and was thereafter committed to the Departmental Committee on Agriculture and Livestock for consideration and reporting to the House pursuant to the provision of Standing Order 127 (1).

The Bill has twenty-five (25) clauses and seeks to provide for the development, regulation and promotion of the mung beans sector.

Following placement of advertisements in the print media on Tuesday, 8<sup>th</sup> March 2024 requesting for comments on the Bill from members of the public and relevant stakeholders pursuant to Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Committee received memoranda from three (3) stakeholders.

The Committee also invited stakeholders vide letter REF: NA/DDC/A&L/2024/033 dated 27<sup>th</sup> May 2024 for a stakeholders' engagement meeting on the Bill though none of the invited stakeholders attended the meeting.

In their memorandum, the Ministry of Agriculture and Livestock Development observed that the development and promotion of the mung beans value chain is aptly provided for in the Crops Act (No. 13 of 2013) and therefore no need for another legislation. They further observed that even though mung beans is not a scheduled crop, the Cabinet Secretary had embarked on the process of scheduling the crop so that it is regulated under the Crops Act among other food crops. The Ministry proposed amendments that would make the legislation better in case the Committee decided to proceed with consideration of the Bill.

The Kenya Agricultural and Livestock Research Organisation (KALRO) proposed amendments that would encourage consultation and collaboration between the Agriculture and Food Authority (AFA)/county governments and other regulatory agencies like KALRO, Kenya Plant Health Inspectorate Service (KePHIS) and the Kenya Bureau of Standards (KEBS). The Council of Governors (CoG) proposed amendments that would enhance the role of county governments in the management of the mung beans sector.

The Committee observed that the Bill was not creating a regulatory body but was putting in place legislation for the Agriculture and Food Authority to be in charge of the crop in conjunction with county governments. The Committee further observed that mung beans was not a scheduled crop and this legislation was therefore necessary before it is listed as a scheduled crop in the Crops Act. In considering the Bill, the Committee adopted most of the proposals that were submitted by the stakeholders and they form part of the Committee's proposed amendments.

On behalf of the Departmental Committee on Agriculture and Livestock and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Mung Beans Bill (*Senate Bill No. 13 of 2022*). 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 during its sittings. The Committee further wishes to thank all

stakeholders who submitted their comments on the Bill. Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made useful contributions towards the preparation and production of this report.

It is my pleasure to report that the Committee has considered the Mung Beans Bill (*Senate Bill No. 13 of 2022*) and has the honour to report back to the National Assembly with the recommendation that the Bill be approved with amendments.

**Hon. (Dr.) John Kanyuithia Mutunga, PhD, M.P.**  
**Chairperson, Departmental Committee on Agriculture and Livestock**



## CHAPTER ONE

### 1 PREFACE

#### 1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Agriculture and Livestock is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
  - i. *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;*
  - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
  - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. **To study and review all the legislation referred to it;**
  - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *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;*
  - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### 1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, agriculture, livestock, food production and marketing.
3. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

### 1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Agriculture and Livestock was constituted by the House on 27<sup>th</sup> October 2022 and comprises the following Members:

#### **Chairperson**

Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP  
Tigania West Constituency  
**UDA Party**

#### **Vice-Chairperson**

Hon. Brighton Leonard Yegon, MP  
Konoin Constituency  
**UDA Party**

Hon. Sabina Wanjiru Chege, CBS, MP  
Nominated Member  
**Jubilee Party**

Hon. Ferdinand Kevin Wanyonyi, MP  
Kwanza Constituency  
**Ford Kenya Party**

Hon. Geoffrey Makokha Odanga, MP  
Matayos Constituency  
**ODM Party**

Hon. Justice Kipsang Kemei, MP  
Sigowet/Soin Constituency  
**UDA Party**

Hon. Jared Odoyo Okelo, MP  
Nyando Constituency  
**ODM Party**

Hon. Lawrence Mpuru Aburi, MP  
Tigania East Constituency  
**NOPEU Party**

Hon. David Kiplagat, MP  
Soi Constituency  
**UDA Party**

Hon. Gabriel Gathuka Kagombe, MP  
Gatundu South Constituency  
**UDA Party**

Hon. Monicah Muthoni Marubu, MP  
Lamu County  
**Independent Member**

Hon. Pamela Njoki Njeru, MP  
Embu County  
**UDA Party**

Hon. Patrick Kibagendi Osero, MP  
Borabu Constituency  
**ODM Party**

Hon. Peter Kalerwa Salasya, MP  
Mumias East Constituency  
**DAP-K Party**

Hon. Yussuf Mohamed Farah, MP  
Wajir West Constituency  
**ODM Party**

#### 1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Secretariat:

Ms. Laureen Omusa Wesonga  
**Clerk Assistant I/Head of Secretariat**

Mr. Victor Kanda Kilimo  
**Clerk Assistant III**

Mr. David Ng'eno  
**Principal Research Officer II**

CPA. Robert Ng'etich  
**Fiscal Analyst II**

Mr. Gerald Kadede  
**Legal Counsel II**

Mr. Muhumed Shillow  
**Research Officer III**

Ms. Diana Chepkemoi  
**Audio Assistant**

Ms. Brigitta Mati  
**Legal Counsel I**

Ms. Zainabu Wario Sora  
**Serjeant-at-Arms II**

Mr. Erastus Lotuk  
**Public Relations Officer III**

Ms. Edith Chepngeno  
**Media Relations Officer III**



## CHAPTER TWO

### 2 BACKGROUND OF THE MUNG BEANS BILL, 2024

#### 2.1 INTRODUCTION

6. Mung bean (*Vigna Radiata*) is a plant species of *Fabaceae* and is also known as green gram and can grow in semi-arid areas with low rainfall. It is mainly grown in East Asia, South Asia, and East Africa; with a global production of 5.3 million tons. India and Myanmar are the leading producers, with about 30% of total production each.
7. Mung beans is a good source of healthy affordable protein, it is good for weight management, it is a good source of dietary fibre, a rich source of folate, a good source of iron and a good source of other minerals.
8. International research collaboration has improved mung bean production in Asia coordinated by the World Vegetable Centre (previously Asian Vegetable Research and Development Centre), which established the International Mung Bean Improvement Network in 2016, donor-funded by an Australian international agricultural research body.

#### 2.2 MUNG BEANS IN KENYA

9. Mung Beans, locally known as *ndengu* is widely grown in Kenya. The varieties alternate between local and improved varieties. The two major varieties are KS20 (Uncle) which matures in 80 to 90 days and N26 (Nylon) which matures in 60 to 65 days. The potential for production of mung beans in Kenya is high and thus farmer organizations for production and aggregation are important to maintain volumes of good-quality grain.
10. The major producing regions in Kenya are Kitui, Makueni, Tharaka Nithi, Machakos, Embu, Taita Taveta, Meru, Embu, and Kirinyaga.
11. While it is produced as dry grains in Kenya, other forms (sprouts, noodles, and paste) are produced in Asia. The plant can be used as livestock fodder or green manure after harvest.
12. Mung bean has however not been categorized as a scheduled crop under section 7 of the Crops Act and therefore does not enjoy the status or attention by both the National and county governments.
13. Lack of improved varieties has been associated with low productivity in Kenya. Poor access to markets and poor storage facilities that cause high post-harvest losses force farmers to sell their produce at very cheap prices.
14. KALRO has developed three early maturing and higher productivity varieties that need to be promoted and disseminated to farmers across the country while seeking markets for increased production.

15. A survey done on mung beans by the National Treasury in 2020 made the following recommendations:
- a) County governments should provide subsidized farm machinery and equipment (ploughs, harvesters, threshers, etc.) to maximize yields and bring down the cost of production;
  - b) The Government should consider increasing the amount of certified seeds per farmer and subsidizing the cost of other farm inputs such as fertilizer and agrochemicals;
  - c) The National and county governments should provide crop insurance schemes to cushion farmers against losses attributable to weather variability and pests;
  - d) The county governments should support the development of post-harvest management systems, technology, and aggregation infrastructure;
  - e) The National Government should develop and implement a green gram trading and blending policy for Kenya that would ensure that buying and selling is done through a legal entity e.g. cooperatives; creating market linkages, including export markets; consider green grams as part of food supplies for public institutions such as disciplined forces and educational institutions;
  - f) County governments should support farmers with the requisite financial knowledge and skills in the production of green grams by strengthening extension services and promoting sustainable agricultural practices;
  - g) Farmers should form groups and cooperatives that will help in marketing their farm produce. There is also need to promote contract farming to enhance the marketing of green grams and protect farmers against exploitation by the middlemen; and
  - h) Farmers' groups should undertake initiatives that will ensure value addition to their produce as well as branding. Counties should support and promote development of cottage industries for value addition.

### 2.3 COMPARATIVE ANALYSIS

16. **India** is a major producer of mung beans, contributing around 30% of the global production along with Myanmar. Mung bean is entirely consumed domestically in India and not exported. The national average yield of mung beans is lower than its potential. The production, marketing, export, and import of mung beans in India are governed by agricultural laws, such as the Essential Commodities Act, the Agricultural Produce Market Committee (APMC) Act, and the Indian Trade Classification (Harmonized System) [ITC (HS)] code system, which classifies agricultural products for import-export purposes.
17. **Myanmar** is one of the world's largest producers of mung beans, growing the crop during two seasons: the winter season (starting in October) and the rainy season (starting in August). Mung beans are cultivated in almost all regions of Myanmar, with some areas being more prominent producers. Less than 10% of the mung beans grown in the country are consumed domestically and the rest is exported to other countries, including India, China, Indonesia, Malaysia, and the United Arab Emirates. The government of Myanmar established agricultural laws, trade regulations, and export-import policies. These regulations include requirements for licensing, quality standards, taxation, and export quotas, among other provisions.

18. **Thailand's** mung beans production levels have been increasing in recent years. The main export markets for Thai mung beans are Japan, China, and the United States of America. Prices for mung beans have been relatively stable in recent years. The mung beans are governed by agricultural laws, trade regulations, and export-import policies established by the government.



## CHAPTER THREE

### 3 OVERVIEW OF THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022)

#### 3.1 INTRODUCTION

19. The Mung Beans Bill (*Senate Bill No. 13 of 2022*), is a Bill for an Act of Parliament to provide for the development, regulation, and promotion of mung beans.
20. The Bill seeks to promote the use of mung beans by the National and county governments in the implementation of feeding programs, and to provide a framework for the implementation of effective marketing strategies.
21. It also seeks to promote mung beans productivity and generate higher income for growers while at the same time, facilitating the introduction of modern mung bean farming techniques and general modernization of the mung bean industry for cost control and productivity improvement.

#### 3.2 CONTENTS OF THE BILL AND INSTITUTIONAL FRAMEWORKS PROPOSED

##### Objectives of the Bill

22. The objectives of the Mung Beans Bill (*Senate Bill No. 13 of 2022*) are to:
  - a) provide a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung bean industry;
  - b) facilitate and develop a framework to regulate and promote the development of the mung bean industry to make it competitive internationally;
  - c) promote the productivity of the mung bean industry and generate higher income for farmers;
  - d) promote the use of mung beans by the county and national governments in the implementation of feeding programs;
  - e) facilitate modern mung beans farming techniques and general modernization of the industry for cost control and productivity improvement; and
  - f) provide a framework for the implementation of marketing strategies for mung beans within and outside Kenya.

##### Institutional Frameworks Proposed in the Bill

23. The Bill does not propose a new institution. Instead, it proposes that responsibilities are shared between the national and county governments using existing structures:
  - a) the Agriculture and Food Authority is tasked with the development of policies and standards, monitoring of the implementation of policies, and collating data received from counties and capacity-building counties, among others;

- b) the county executive committee member for agriculture shall provide extension services, enforce regulations and standards, market mung beans, oversee data collection, among others;
- c) The county executive committee member for trade shall establish a county licensing committee with the following members: a chairperson and growers' representative competitively recruited by county public service boards, one officer from the agriculture department with experience in agriculture, and two officers from the trade department with experience in trade and finance.

### **3.3 CLAUSE BY CLAUSE PROVISIONS OF THE BILL**

#### **Part I: Preliminary**

- 24. **Clauses 1 to 3** are preliminary provisions, that is the short title, interpretation of terms as used in the Bill and objects of the Bill.

#### **Part II: The Responsibilities of the National and County Governments**

- 25. **Clauses 4 to 7** provide for the duties of AFA, towards the realization of the objectives of the Bill, duties of the county executive committee member responsible for matters relating to agriculture in the counties, prioritization of mung beans and mung beans products in the government school feeding programme and the mung beans policy to be developed within six months from the date of commencement of the Bill as an Act of Parliament.

#### **Part III: Regulatory Provisions**

- 26. **Clauses 8 to 12** provide requirements for registration of growers by the county, and the requirement for licensing of marketers, processors, and large-scale traders by the county. It also provides for the County Licensing Committee, its composition and the manner of recruitment of its members, qualification for appointment of the members of the Committee, and their terms of appointment.
- 27. **Clauses 9 to 17** provide the procedure for application of a license, refusal to grant a license, cancellation of a license, the appeal process where a person is aggrieved by a decision of the licensing committee, and the duration for renewal of a license.
- 28. **Clauses 18 and 19** provide for the dissemination of market information to growers and buyers and maintenance of a register of all growers, buyers, and entities licensed under the Act.

#### **Part IV: Miscellaneous Provisions**

- 29. **Clauses 20 to 25** provide for penalties, powers to make regulations, provisions on county legislation, safeguard measures, exclusion from application of the Crops Act (Cap. 318), and previous authorizations.



## CHAPTER FOUR

### 4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

30. Following the call for memoranda from the public through placement of advertisements in the print media on 21<sup>st</sup> March 2024 and vide a letter REF: NA/DDC/A&L/2024/041 dated 12<sup>th</sup> June 2024 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- i. The Council of Governors (CoG);
- ii. Kenya Agricultural and Livestock Research Organisation (KALRO); and
- iii. Ministry of Agriculture and Livestock Development/the Agriculture and Food Authority (AFA).

The stakeholders submitted as follows:

#### 4.1 THE COUNCIL OF GOVERNORS (CoG)

In their letters, Ref. No. COG/6/48Vol.61(65) dated 28<sup>th</sup> March 2024 and Ref. No. COG/6/48 Vol. 62 dated 3<sup>rd</sup> June 2024, the Council of Governors proposed the following amendments to the Mung Beans Bill, 2022:

##### Clause 2

31. Introduce definition of the word “*County Director*” to mean a county director responsible for matters relating to agriculture.

##### Committee Observation/Recommendation

**The Committee observed that the Bill is a national legislation and therefore its interaction with the devolved government stops at the county government level. All clauses that were touching on the workings of county governments were therefore deleted. The word county director has not been used in the amended version of the Bill.**

32. Define the term “*County Secretary*” which means a county secretary appointed under section 44 of the County Governments Act, 2012.

##### Committee Observation/Recommendation

**The Committee observed that the Bill is a national legislation and therefore its interaction with the devolved government stops at the county government level. All clauses that were touching on the workings of county governments were therefore deleted. The word county secretary has not been used in the amended version of the Bill.**

33. Define the term “*County Executive Committee*” to mean a county executive committee established in accordance with Article 179 (2) of the Constitution. This will streamline the licensing processes at the county level.



### **Committee Observation/Recommendation**

**The Committee observed that the Bill is a national legislation and therefore its interaction with the devolved government stops at the county government level. All clauses that were touching on the workings of county governments were therefore deleted. The word county executive committee has not been used in the amended version of the Bill.**

### **Clause 10**

34. Amend Clause 10 to read as follows: “10 (1) *Each county executive committee member shall, for the effective performance of section (9), establish a county licensing committee; (2) A county licensing committee shall consist of the: (a) County Director who shall be the chairperson; (b) one person representing growers of mung beans nominated by growers’ organization with the largest mung beans farmers in the respective county; and (c) Three public officers in the departments responsible for agriculture, trade and finance respectively; and (3) The county executive committee member shall appoint members of the county licensing committee in the Gazette*”. The Council recommended that regulation of mung beans is a responsibility of counties through the department for agriculture and hence should be the competent authority to appoint the licensing committee.

### **Committee’s Observation/Recommendation**

**The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county government.**

35. Amend the clause by deleting sub-clause 10 (3) to align to the proposed amendments to sub-clause 10 (1)

### **Committee’s Observation/Recommendation**

**The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county government.**

36. Amend sub-clause 10 (4) to read as follows, “*The county executive committee member shall appoint the persons in subsection 2 (b) by notice in the gazette*”. To align to the amendments in sub-clause 10 (1).

### **Committee’s Observation/Recommendation**

**The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county government.**

### **Clause 11**

37. Amend to read as follows, “*A person shall be qualified for appointment as a member of the county licensing committee under section 10 (2) (b), if that person-*”. To provide for the qualification of the members of the licensing Committee appointed under paragraph 10 (2) (b) of the Bill.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county government.

### **Clause 12**

38. Amend the clause to read as follows, "*A person appointed under section 10 (2) (b) shall serve for a term of three years renewable for a one further term*". To align to the amendments in section 10 (1)

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county government.

### **Clause 13**

39. Amend the clause by introducing the following new sub-clause, "*(2) The county licensing committee shall consider the application and recommend successful applications to the County Executive Committee Member for licensing*". To align to the provisions of Article 179 of the Constitution which bestows upon county executive committee with the executive authority of the county.

### **Committee's Observation/Recommendation**

This proposal was not adopted by the Committee because it can be contained in the legislation of respective county governments.

### **Clause 14**

40. Amend to read as follows, "*A county licencing committee may refuse to recommend for issuance of a licence under this Act where-*". To align to the proposal under clause 13 of the Bill.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

### **Clause 15**

41. Amend to read as follows, "*15. (1) A County Executive Committee Member upon recommendation by the county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant national or legislation. (2) A County Executive Committee Member shall not cancel a licence issued under this Act unless the County Executive Committee Member – (4) A County Executive Committee, upon request by a holder of a licence, extend the timeline for compliance under subsection (3) (c) for such period as the County Executive Committee on recommendation by the county licencing committee may consider necessary*". To align to the proposal under close 13 of the Bill.



### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

### **Clause 16**

42. Amend sub-clause (1) to read as follows, "*A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee*". To align to their recommendation that the CECM be assigned the licensing role thus the appeal should be to the County Executive Committee chaired by the Governor.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

43. Amend sub-clause (2) to read as follows, "*An appeal to the county executive committee shall be in such form as may be prescribed in the county legislation*". To align their proposal under clause 16 (1) of the Bill.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

44. Amend sub-clause (3) to read as follows, "*The county executive committee shall determine an application under sub-section (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county executive committee member*". To align their proposal under clause 16 (1) of the Bill.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

45. Amend sub-clause (4) to read as follows, "*A person who is aggrieved by the decision of the county executive committee may, within thirty days of the decision, appeal to the High Court*". To align their proposal under sub-clause 16 (1) of the Bill.

### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.



46. Amend sub-clause (2) to read as follows, "*A county executive committee member shall keep and maintain a register of all licenses issued under this Act*". To align their proposal under sub-clause 16 (1) of the Bill.

#### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

#### **4.2 KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION (KALRO)**

47. In a letter dated 17<sup>th</sup> June 2024, the Kenya Agricultural and Livestock Research Organization proposed the following amendments to the Mung Beans Bill, 2022:

#### **Title and body of the Bill**

48. Amend the title of the Bill to read, "*Mungbeans Bill, 2022*". This is because the word mungbean is spelt as one word.

#### **Committee's Observation/Recommendation**

This proposal was not adopted by the Committee because mung beans is written as two words.

#### **Clause 4**

49. Amend the clause by deleting paragraph 4 (b) and substituting as follows, "*establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry in collaboration with other regulatory agencies*". This is because monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.

#### **Committee's Observation/Recommendation**

This proposal was adopted by the Committee because it is important for the Authority to collaborate with other agencies in the establishment, co-ordination, monitoring and implementation of national standards and policies in the mung bean industry.

50. Amend the clause by deleting paragraph 4 (d) and substituting as follows, "*In collaboration with national and international research partners develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry*". This is because National and International research agencies like KALRO should be made part of the processes as they have ready technologies dissemination.

#### **Committee's Observation/Recommendation**

This proposal was adopted by the Committee because it is important for the Authority to collaborate with other agencies to develop, adapt and disseminate new technologies to enhance efficiency and productivity in the mung bean industry.

51. Amend the clause by amending paragraph 4 (e) to read as follows, “*Establish linkages with national and international research agencies for the adoption of best mung bean*”. To incorporate research national Agencies. Agencies such as KALRO also develop technologies ready for adoption.

#### **Committee’s Observation/Recommendation**

**This proposal was adopted by the Committee because it is important for the Authority to establish linkages with national and international research agencies for the adoption of best practices in the farming and processing of mung beans.**

52. Amend the clause by inserting the following new paragraphs, “*For the realization of the objectives set out under section 3, the Authority, in consultation with the County Governors, shall: (1) Develop a framework to enhance strategic linkages among mung bean researchers, farmers, extension agents, and traders/processors/aggregators; (m) Developing a framework for mung bean farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services; and (o) Establish a framework to support and enhance research for mung bean and mung bean seed production system that to promote improved production of the mung bean to meet market needs*”.

#### **Committee’s Observation/Recommendation**

**This proposal was adopted by the Committee because the new paragraphs enhance the functions of the Authority with regards to the mung beans sector.**

#### **Clause 5**

53. Amend the clause to read as follows, “*For the realization of the objectives set out under section 3, a county executive committee member shall in collaboration with Partners-*”. This is because the activities to be undertaken by the County Executive Members will require the support of other industry players so as to ensure success of the programs.

#### **Committee’s Observation/Recommendation**

**The Committee observed that it is important for county governments to consult with relevant partners in the execution of their mandate in the mung bean sector. This proposal was therefore adopted.**

54. Amend paragraph 5 (c) to read as follows, “*Enforce regulations and standards on quality control of inputs and production of mung beans at the county level in collaboration with other regulatory agencies*”. Monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.

#### **Committee’s Observation/Recommendation**

**The Committee observed that county governments need to collaborate with relevant regulatory agencies in the enforcement of regulations and standards on quality control of inputs and production of mung beans at the county level.**



### Clause 7

55. Amend paragraph 7 (4) (b) to read as follows, "*The Cabinet Secretary shall - b) review the policy at least once every ten years*". The policy review being done in 5 years is too short hence the proposal for it to be done at least every 10 years.

### Committee's Observation/Recommendation

**The Committee amended the clause to provide for formulation of regulations and not the policy. This proposal was therefore not adopted.**

### Clause 8

56. Amend sub-clause 8 (1) to read as follows, "*Every commercial mung bean grower shall register with the relevant county executive e committee member*". The use of the word "*every grower*" is ambiguous and may include certified seed growers and small-scale farmers producing for home consumption and subsistence.

### Committee's Observation/Recommendation

**This proposal was adopted by the Committee because the wording in the Bill would be subject to abuse as it does not specify the farmers to be registered.**

### Clause 9

57. Amend sub-clause 9 (1) by providing definition for the word "*large scale trading*" to mean for example 500 bags of 90 kgs per month (4.5 tones). "*Large scale trading*" needs to be defined in terms of quantities under the Interpretation Section.

### Committee's Observation/Recommendation

**This proposal was adopted by the Committee because there is need to define the word large scale trading.**

58. Amend sub-clause 9 (2) to read as follows, "*A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand or to imprisonment for a term not exceeding one year or to both*". The fine proposed in the Bill may be a hindrance, for the take-off of the mung bean industry and will scare away investors.

### Committee's Observation/Recommendation

**The Committee adopted the proposal because the fine and penalty were not in tandem with the offence.**



#### 4.3 MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT/THE AGRICULTURE AND FOOD AUTHORITY (AFA)

In a letter, Ref: MOALD/CS/ADM/13/6 (15) dated 6<sup>th</sup> June 2024, the Ministry was of the opinion that instead of having a standalone Bill to provide for the promotion and development of mung beans, it would make more sense to have the mung bean crop scheduled under the Crops Act. They proposed the following amendments to the Bill:

##### Clause 4

59. Amend the clause by deleting the word “*duties*” in the marginal note and replacing with the term “*responsibilities*”. To align the heading of Part II with the marginal note.

##### Committee’s Observation/Recommendation

**The proposal was adopted by the Committee for alignment with the heading of Part II.**

##### Clause 5

60. Amend clause 5 by deleting the marginal note and replacing it with “*responsibilities of the county government*”. To align the heading of Part II with the marginal note.

##### Committee’s Observation/Recommendation

**The proposal was adopted by the Committee for alignment with the heading of Part II.**

61. Amend the clause by deleting paragraph 5 (d) and replacing with the following paragraph, “*link traders and producers to local and internal market*”. Marketing is not the responsibility of county governments.

##### Committee’s Observation/Recommendation

**This proposal was adopted by the Committee because marketing is not a function of county governments.**

62. Amend the clause by deleting paragraph 5 (i) because it is not sustainable for county governments to fully provide all the required inputs to facilitate mung bean production.

##### Committee’s Observation/Recommendation

**This proposal was adopted by the Committee because county governments do not have the ability to provide all inputs for mung beans farming.**

63. Amend the clause by deleting paragraph 5 (l) because taxation is regulated through other laws and is a responsibility of the National Government.

#### **Committee's Observation/Recommendation**

**Taxation is a function of the national government and the proposal to delete the paragraph was therefore adopted by the Committee.**

#### **Clause 7**

64. Amend the Bill by deleting clause 7 because it is good practice for a policy to precede a law so that the law is informed by the policy.

#### **Committee's Observation/Recommendation**

**The Committee amended the clause by deleting the word policy and substituting with the word regulations. The proposal to delete the clause was therefore not adopted by the Committee.**

#### **Clause 8**

65. Amend the clause by deleting the term, "*County Executive Committee Member*" wherever it appears and replacing with "*County Government*" because this information is not a preserve of the county executive committee member but of the county government.

#### **Committee's Observation/Recommendation**

**This proposal was adopted by the Committee because the Bill is a national legislation and reference should therefore be to county government and not county executive committee member.**

66. Amend the clause by deleting paragraph 8 (2) (c) because it is not practical to specify the variety at registration because growers' plant different varieties each season.

#### **Committee's Observation/Recommendation**

**This proposal was not adopted by the Committee because the details for registration ought to be provided in county legislation.**

#### **Clause 10**

67. Amend the Bill by deleting clause 10 because clause 9 has given the mandate of licencing to county governments, this can be addressed either administratively or in regulations. It's a good practice to establish one licencing committee for all commodities in the county.

#### **Committee's Observation/Recommendation**

**The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.**



### Clause 11

68. Amend the Bill by deleting clause 11 because it relates to the licensing committee in clause 10 which they have proposed to delete.

#### **Committee's Observation/Recommendation**

**The proposal to delete the clause was adopted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.**

### Clause 12

69. Amend the Bill by deleting clause 12 because it relates to licensing committee in clause 10 which they have proposed to delete.

#### **Committee's Observation/Recommendation**

**The proposal to delete the clause was adopted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.**

### Clause 13

70. The clause should be amended to provide clarity on whether the county government is responsible for issuance of licences, or the National government and therefore determine whether national legislation or through a county legislation is needed or not both.

#### **Committee's Observation/Recommendation**

**The Committee did not adopt the proposal because the clause clearly refers to county governments hence no confusion.**

### Clause 14

71. Amend the clause by deleting the words "*county licencing committee*" and replacing with the words "*County Government*". To align with clause 10 as proposed in the amendments.

#### **Committee's Observation/Recommendation**

**The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.**

72. Amend the clause by deleting paragraph 14 (c). A licence will be denied where the applicant has not complied with regulations under this Act.



#### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

#### **Clause 15**

73. Amend the clause by deleting the words "*county licencing committee*" and replacing with the words "*county government*". To align with clause 10 as proposed in the amendments.

#### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

74. Amend the clause by deleting sub-clause 15 (5) because the clause is causing confusion as to which law is applicable whether it is the county or National legislation.

#### **Committee's Observation/Recommendation**

The subclause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

#### **Clause 16**

75. Amend subclause 16(1) by deleting the words "*county licencing committee*" and replacing with the words "*county government*". To align with clause 10 as proposed in the amendments.

#### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

#### **Clause 17**

76. Amend the clause to align it with government procedures for licences. Licences issued by the government expire on 30th June.

#### **Committee's Observation/Recommendation**

The clause was deleted by the Committee because the provisions are on the workings of county governments and should therefore be contained in county legislation of the respective county governments.

### **Clause 19**

77. Amend the clause by deleting subclauses 19 (1), (2), (3) and (4) and replacing with "*A county government shall maintain and furnish the authority with information on all licences issued under this act on the fifth day of every month*". To provide clarity on how the information will be shared between the County Governments and the Authority.

### **Committee's Observation/Recommendation**

**The proposal to delete the subclauses was not adopted by the Committee because the provisions are necessary.**

## CHAPTER FIVE

### 5 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee observed that enacting the Mung Beans Bill (*Senate Bill No. 13 of 2022*) into law will bring several potential benefits to the mung bean industry, including:

78. providing a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung beans industry;
79. facilitating and developing a framework to regulate and promote the development of the mung beans industry to make it competitive internationally;
80. promoting the productivity of the mung beans industry and generating higher income for farmers;
81. Facilitating modern mung beans farming techniques and general modernization of the industry for cost control and productivity improvement; and
82. Providing a framework for the implementation of marketing strategies for mung beans within and outside Kenya.



## CHAPTER SIX

### 6 COMMITTEE RECOMMENDATION

The Committee having reviewed the Mung Beans Bill (*Senate Bill No. 13 of 2022*) recommends that the House approves the Bill with amendments as proposed in the Schedule in Chapter Seven of this report.

## CHAPTER SEVEN

### 7 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House in the Committee Stage:

#### CLAUSE 2

83. THAT, Clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetical sequence—

*“commercial grower” means a grower who plants or cultivates mung beans for profit or with intention to make a profit;*

#### **Justification**

**This is to specify the farmers to be registered.**

*“large scale trader” means a person who cultivates mung beans for commercial purposes or buys and sells mung beans for commercial purposes;*

#### **Justification**

**To specify that the Bill targets those who plant or buy mung beans for commercial purposes.**

#### CLAUSE 3

84. THAT, Clause 3 of the Bill be amended by deleting paragraph 3 (d).

#### **Justification**

**The School Feeding Programme is the responsibility of the Ministry of Education. This Bill cannot dictate the food to be included in the Programme.**

#### CLAUSE 4

85. THAT, Clause 4 of the Bill be amended—

(a) by deleting the marginal note and substituting therefore the following new marginal note—  
*“Responsibilities of the Authority”*

#### **Justification**

**To align the marginal note to the heading of Part II.**

(b) by deleting the words “*Council of Governors*” and substituting with the words “*county governments*”.

**Justification**

**The consultation needs to be with respective county governments and not the Council of Governors.**

(c) by deleting paragraph (b) and substituting therefor the following new paragraph—  
“(b) *establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry in collaboration with other regulatory agencies;*”

**Justification**

**Monitoring of standards for export, certified seed, seed quality will require the services of KePHIS and KEBS.**

(d) by deleting paragraph (d) and substituting therefore the following new paragraph—  
“(d) *in collaboration with national and international research partners, develop adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;*”.

**Justification**

**National and international research agencies like KALRO should be made part of the processes as they have ready technologies for dissemination.**

(e) by deleting paragraph (e) and substituting therefor the following new paragraph—  
“(e) *establish linkages with national and international research agencies for the adoption of best mung bean farming and processing practices;*”.

**Justification**

**To incorporate research from national research agencies like KALRO.**

(f) by deleting paragraph (g);

**Justification**

**Resource allocation is only limited at the county level.**

(g) by deleting the words “*county executive committee member*” appearing in paragraph (i) and substituting therefor the words “*county government*”.

**Justification**

**The Bill being a national legislation, emphasis is on the county governments and not the county executive committee member.**



(h) in paragraph (j) by inserting the words “*develop and*” immediately before the word “*implement*”;

**Justification**

**Strategies are first developed before they are implemented.**

(i) by deleting paragraph (k) and substituting therefor the following new paragraph;  
“(k) *link the farmers with financing schemes to enable them access affordable funding;*”

**Justification**

**Financing scheme is a function of the Commodities Fund and the counties can only link farmers to such financing.**

(j) by inserting the following new paragraphs immediately after paragraph (k)—  
“(ka) *develop a framework to enhance strategic linkages among mung bean researchers, farmers, extension agents, and traders, processors or aggregators;*  
(kb) *developing a framework for mung bean farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services; and*  
(kc) *establish a framework to support and enhance research for mung bean and mung bean seed production system that promote improved production of the mung bean to meet market needs.*”

**Justification**

**To enrich the provisions of clause 4**

(k) by inserting the following new clause (2)—  
“(2) *For the realization of the objectives set out under section 3, the Authority, in consultation with County Governments shall- (a) develop a framework to enhance strategic linkages among researchers, mung bean farmers, extension agents, and traders/processors/aggregators; (b) developing a framework for mung bean farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services; and (c) establish a framework to support and enhance research for mung bean and mung bean seed production system that to promote improved production of the mung bean to meet market needs.*”

**Justification**

**The additional provisions are enhancing the responsibilities of the Authority.**

**CLAUSE 5**

86. **THAT**, Clause 5 of the Bill be amended—

(a) by deleting the marginal note and substituting therefor the following new marginal note—  
“*Responsibilities of the county government*”

**Justification**

**To align the marginal note to the heading of Part II.**

(b) by deleting the opening statement and substituting therefor the following new opening statement—

*“(5) For the realization of the objectives set out under section 3, a county government shall in consultation with relevant partners—”*

**Justification**

**To assign the functions to the county government and not the county executive committee member and ensuring that there is collaboration with relevant partners in the performance of these functions.**

(c) by deleting paragraph (c) and substituting therefor the following new paragraph—

*“(c) enforce regulations and standards on quality control of inputs and production of mung beans at the county level in collaboration with relevant regulatory agencies;”*

**Justification**

**Monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.**

(d) by deleting paragraph (d) and substituting therefor the following new paragraph—

*“(d) link traders and producers to the local and internal market;”*

**Justification**

**County governments can only link traders and producers to the market and not do the actual marketing on their behalf.**

(e) by deleting paragraph (i);

**Justification**

**It is not sustainable for county governments to fully provide all the required inputs to facilitate mung beans production. The provision makes it a legal duty and mandatory to provide such.**

(f) By deleting paragraph (l);

**Justification**

**Taxation is regulated through other laws and is a responsibility of the National Government.**

(g) by deleting paragraph (r);

**Justification**

**Unfair trade practice is a function of the Competition Authority of Kenya whereas investigation is a function of the Directorate of Criminal Investigations.**



## CLAUSE 6

87. **THAT**, the Bill be amended in Clause 6—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—  
*“Promotion of mung bean and mung bean products.”*
- (b) by deleting subclause (1) and substituting therefor the following new subclause—
  - (1) *“The national and county governments shall—*
    - (a) *maximize benefits for growers by linking them to local production;*
    - (b) *strengthen the capacity of growers and communities;*
    - (c) *promote the efficient production of mung beans to ensure adequate supply; and*
    - (d) *ensure the minimum standards on production, quality and safety of mung beans by growers are maintained.”*

### Justification

The School Feeding Programme is a function of the National Government under the Ministry of Education and the same cannot be legislated on to compel counties to conform since it is a policy of the Ministry.

The amendment limits the clause to enhancing promotion of the mung beans at the national and county level.

## CLAUSE 7

88. **THAT**, the Bill be amended in Clause 7—

- (a) by deleting the marginal note;
- (b) by deleting subclause (1) and substituting therefor the following new subclause—
  - (1) *“Within six months from the date of commencement of this Act, the Cabinet Secretary in consultation with the county governments shall develop regulations to promote the growth and development of the mung beans industry in Kenya.”*
- (c) by deleting subclause (2) and substituting therefor the following new subclause—
  - (2) *“In developing regulations, Cabinet Secretary shall have regard to—*
    - (a) *the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry;*
    - (b) *adequate capacity development and support for growers and other stakeholders in the mung bean industry;*
    - (c) *the participation of stakeholders and communities at the national and county levels of government;*
    - (d) *the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;*
    - (e) *the need to have in place a framework to monitor and evaluate the implementation of the regulations in the development and regulation of the mung bean sector;*
    - (f) *the resources required at the national and county levels of government for the effective implementation of the regulations;*



- (g) *the capacity building programmes and strategies needed to be carried out to ensure that growers are able to respond to the needs identified for the implementation of the regulations; and*
- (h) *the resources necessary for the implementation of the policy in each county.*

(d) by deleting subclause (3).

#### **Justification**

**Normally policy precedes legislations so where legislation is enacted, then regulations need to be developed to operationalize the legislation and not policy.**

#### **CLAUSE 8**

89. **THAT**, Clause 8 of the Bill be amended—

- (a) by deleting subclause (1) and substituting therefor the following new subclause—  
*“(1) Every commercial mung bean grower shall register with the respective county government”;*

#### **Justification**

**Use of the word “every grower” is ambiguous and may include certified seed growers and small-scale farmers producing for home consumption and subsistence.**

- (b) by deleting clause (3) and substituting therefor the following new subclause—  
*“(2) Each county government shall maintain a register of all mung bean growers registered in the respective county.”*

#### **Justification**

**The Bill being a national legislation, the emphasis is on the county government and not the county executive committee member.**

- (c) by deleting paragraphs 8 (2) (a), (b) and (c).

#### **Justification**

**These details should be provided in county legislation of the respective county governments.**

#### **CLAUSE 9**

90. **THAT**, the Bill be amended in Clause 9—

- (a) by deleting the marginal note and substituting therefor the following new marginal note—  
*“Licensing of marketers”*

## **Justification**

**To align the marginal note to the text of the Bill.**

(b) by deleting subclause (2) and substituting therefor the following new subclause—

*“(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand or to imprisonment for a term not exceeding one year or to both.”*

## **Justification**

**The offence is on failure to register, a fine of two million and two-year imprisonment as provided in the Bill is too high. The amendment intends to align the punishment to the offence.**

## **CLAUSE 10**

91. **THAT**, Clause 10 of the Bill be deleted.

## **Justification**

**The details on licensing by the respective county governments should be left to the county legislation and regulations.**

## **CLAUSE 11**

92. **THAT**, Clause 11 of the Bill be deleted.

## **Justification**

**The details on licensing by the respective county governments should be left to the county legislation and regulations.**

## **CLAUSE 12**

93. **THAT**, Clause 12 of the Bill be deleted.

## **Justification**

**The details on licensing by the respective county governments and be left for the county legislation and regulations.**

## **CLAUSE 13**

94. **THAT**, Clause 13 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefor the following new subclause—

*“(1) A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for licence to the county government.”*

(b) by deleting subclause (2);

**Justification**

**The details on licensing by the respective county governments should be left for the county legislation and regulations.**

**CLAUSE 14**

95. **THAT**, Clause 14 of the Bill be deleted.

**Justification**

**The details on licensing by the respective county governments should be left for the county legislation and regulations.**

**CLAUSE 15**

96. **THAT**, Clause 15 of the Bill be deleted.

**Justification**

**The details on licensing by the respective county governments should be left for the county legislation and regulations.**

**CLAUSE 16**

97. **THAT**, Clause 16 of the Bill be deleted.

**Justification**

**The details on licensing by the respective county governments should be left for the county legislation and regulations.**

**CLAUSE 17**

98. **THAT**, Clause 17 of the Bill be deleted.

**Justification**

**The details on licensing by the respective county governments should be left for the county legislation and regulations.**



## CLAUSE 19

99. **THAT**, Clause 19 of the Bill be amended—

- (a) by deleting subclause (2) and substituting therefor the following new subclause—  
*“A county government shall maintain a register of all licenses issued under this Act;”*

### **Justification**

**The Bill being a national legislation, the emphasis is on the county government and not the county executive committee member.**

- (b) by deleting subclause (3) and substituting therefor the following new subclause—  
*“A county government shall furnish the Authority with information on all growers registered in the county annually”;*

### **Justification**

**The Bill being a national legislation, the emphasis is on the county government and not the county executive committee member.**

**It is unrealistic to provide information on growers registered in the county on a monthly basis hence the amendment to annually.**

- (c) by deleting subclause (4) and substituting therefor the following new subclause—  
*“A county government shall furnish the Authority with information on licenses issued, cancelled or renewed in the county annually”.*

### **Justification**

**The Bill being a national legislation, the emphasis is on the county government and not the county executive committee member.**

**It is unrealistic to provide information on licenses issued, cancelled or renewed in the county on a monthly basis hence the amendment to annually.**

## CLAUSE 21

100. **THAT**, Clause 21 of the Bill be amended—

- (a) in subclause (1) by deleting the words “*may upon*” and substitute with the words “*may in*”.

### **Justification**

**For proper grammar.**

(b) in subclause (1) by deleting paragraph (a).

**Justification**

The Bill being a national legislation, the emphasis is on the county government and not the county executive committee member.

(c) by deleting paragraph (2) (a) and substituting the following new paragraph—  
“(a) the regulation of the production, processing, promotion, importation and exportation of mung bean and mung bean products;”

**Justification**

Production and promotion go hand in hand with processing hence the addition.

**CLAUSE 22**

101. THAT, Clause 22 of the Bill be deleted

**Justification**

The provisions in the clause add no value to the Bill.

**CLAUSE 23**

102. THAT, Clause 23 of the Bill be amended by deleting subclause (2).

**Justification**

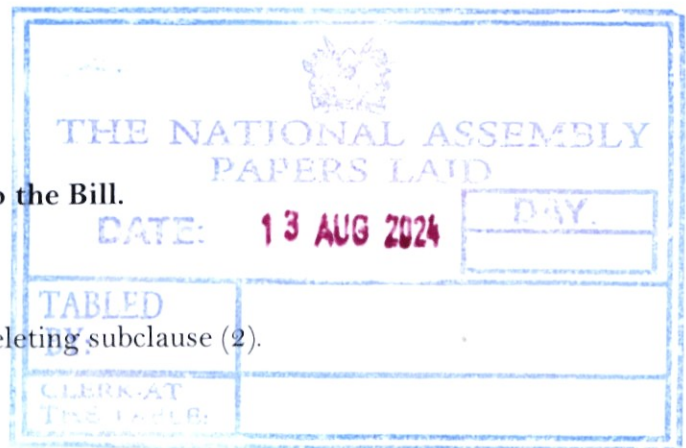
To limit the scope and power delegated to the legislation making authority.

**CLAUSE 24**

103. THAT, Clause 24 of the Bill be deleted

**Justification**

The Authority which is mandated to oversight the mung bean sector is established under the Crops Act, it is therefore not practical to exclude the Act from the regulation of the sector.



13/08/2024

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

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP  
CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

## REFERENCES

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ANNEX ONE:  
ADOPTION  
SCHEDULE



THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Monday, 5<sup>th</sup> August 2024 do hereby affix our signatures to this **Report on the Consideration of the Mung Beans Bill (Senate Bill No. 13 of 2022)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP - <b>CHAIRPERSON</b>	
2.	HON. BRIGHTON LEONARD YEGON, MP - <b>VICE-CHAIRPERSON</b>	
3.	HON. SABINA WANJIRU CHEGE, CBS, MP	
4.	HON. FERDINAND KEVIN WANYONYI, MP	
5.	HON. GEOFFREY MAKOKHA ODANGA, MP	
6.	HON. JUSTICE KIPSANG KEMEI, MP	
7.	HON. JARED ODOYO OKELO, MP	
8.	HON. LAWRENCE MPURU ABURI, MP	
9.	HON. DAVID KIPLAGAT, MP	
10.	HON. GABRIEL GATHUKA KAGOMBE, MP	
11.	HON. MONICAH MUTHONI MARUBU, MP	
12.	HON. PAMELA NJOKI NJERU, MP	
13.	HON. PATRICK KIBAGENDI OSERO, MP	
14.	HON. PETER KALERWA SALASYA, MP	
15.	HON. YUSSUF MOHAMED FARAH, MP	

ANNEX TWO:  
MINUTES OF THE  
COMMITTEE'S  
SITTINGS





**THIRTEENTH PARLIAMENT - THIRD SESSION - 2024**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**

**MINUTES OF THE 38<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN THE COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS ON TUESDAY, 6<sup>TH</sup> AUGUST 2024 AT 10.00 AM**

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**PRESENT**

- |  |   |                         |
|--|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP | - | <b>Chairperson</b>      |
| 2. Hon. Brighton Leonard Yegon, MP             | - | <b>Vice-Chairperson</b> |
| 3. Hon. Justice Kipsang Kemei, MP              |   |                         |
| 4. Hon. David Kiplagat, MP                     |   |                         |
| 5. Hon. Gabriel Gathuka Kagombe, MP            |   |                         |
| 6. Hon. Monicah Muthoni Marubu, MP             |   |                         |
| 7. Hon. Patrick Kibagendi Osero, MP            |   |                         |
| 8. Hon. Yussuf Mohamed Farah, MP               |   |                         |

**ABSENT WITH APOLOGY**

1. Hon. Sabina Wanjiru Chege, CBS, MP
2. Hon. Ferdinand Kevin Wanyonyi, MP
3. Hon. Geoffrey Makokha Odanga, MP
4. Hon. Jared Odoyo Okelo, MP
5. Hon. Lawrence Mpuru Aburi, MP
6. Hon. Pamela Njoki Njeru, MP
7. Hon. Peter Kalerwa Salasya, MP

**IN ATTENDANCE**

**COMMITTEE SECRETARIAT**

- |                          |   |                      |
|--------------------------|---|----------------------|
| 1. Ms. Lauren O. Wesonga | - | Clerk Assistant I    |
| 2. Mr. Victor K. Kilimo  | - | Clerk Assistant III  |
| 3. Mr. Gerald Kadede     | - | Legal Counsel II     |
| 4. Mr. Muhumed Shillow   | - | Research Officer III |
| 5. Ms. Diana Chepkemoi   | - | Audio Assistant      |

**AGENDA**

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes

4. Matters Arising
5. **Clause by Clause Consideration of the Mung Beans Bill (Senate Bill No. 13 of 2022)**
6. **Adoption of the Report on the Mung Beans Bill (Senate Bill No. 13 of 2022)**
7. Any other Business
8. Adjournment/Date of the Next Sitting

**MIN. NO. NA/A&L/2024/172: PRELIMINARIES/ADOPTION OF THE AGENDA**

The meeting was called to order at half past ten O'clock with prayer by the Chairperson.

The Committee adopted the Agenda of the meeting having been proposed by Hon. Justice Kemei, MP and seconded by Hon. Patrick Osero, MP.

**MIN. NO. NA/A&L/2024/173: CONFIRMATION OF MINUTES**

Minutes of the 37<sup>th</sup> Sitting were adopted having been proposed by Hon. Yussuf Farah, MP and seconded by Hon. Brighton Yegon, MP as a true reflection of the proceedings.

**MIN. NO. NA/A&L/2024/174: CLAUSE BY CLAUSE CONSIDERATION OF THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022)**

The Committee deliberated and resolved as follows on the Bill:

**1. Clause 3**

Amend by deleting paragraph 3(d).

**Justification**

The School Feeding Programme is a function of the Ministry of Education. This Bill cannot dictate the food to be included in the Programme.

**2. Clause 4**

Amend the clause as follows:

- i. Amend the marginal note to read "*Responsibilities of the Authority*"

**Justification**

To align the heading of Part II with the marginal note.

- ii. Amend the clause by deleting the words, "*Council of Governors*" and substituting with the words "*county governments*".

**Justification**

The consultation should be with the respective county governments and not the Council of Governors.

- iii. Amend paragraph 4 (b) to read "*establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry in collaboration with other regulatory agencies;*"

### **Justification**

Monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.

- iv. Amend paragraph 4 (d) to read *"In collaboration with national and international research partners develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;"*

### **Justification**

National and international research agencies like KALRO should be made part of the process as they have ready technology for dissemination.

- v. Amend paragraph 4 (e) to read as follows, *"(e) establish linkages with national and international research agencies for the adoption of best mung bean farming Practices"*

### **Justification**

To incorporate research from national agencies like KALRO.

- vi. Inserting the following new sub-clause:

*"(2) For the realization of the objectives set out under section 3, the Authority, in consultation with County Governments shall- (a) develop a framework to enhance strategic linkages among researchers, mung bean farmers, extension agents, and traders/processors/aggregators; (b) developing a framework for mung bean farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services; and (c) establish a framework to support and enhance research for mung bean and mung bean seed production system that to promote improved production of the mung bean to meet market needs."*

### **Justification**

The additional provisions are enhancing the responsibilities of the Authority.

### **3. Clause 5**

Amend the clause as follows:

- i. Amend the marginal note to read *"Responsibilities of the County Government"*.

### **Justification**

To align the marginal note with the heading of Part II.

- ii. Delete clause 5 to and substitute as follows: *"(5) for the realization of the objectives set out under section 3, a county government shall in consultation with relevant partners."*

### **Justification**

The activities to be undertaken by county governments require the support of other industry players.



- iii. delete paragraph 5 (c) and substitute as follows "*(c) Enforce regulations and standards on quality control of inputs and production of mung beans at the county level in collaboration with relevant regulatory agencies;*"

**Justification**

Monitoring of Standards for export, certified seed and seed quality will require services of KePHIS and KEBS.

- iv. delete paragraph 5 (d) and substitute as follows, "*(d) link traders and producers to the local and internal market*"

**Justification**

Marketing is not the responsibility of county governments.

- v. delete paragraphs 5 (i), (l) and (r).

**Justification**

The above are not functions of county governments.

**4. Clause 6**

Amend the clause as follows:

- i. amend the marginal note to read "*Promotion of Mung Bean Production and Productivity*".
- ii. delete paragraph 6 (1) (a) and substitute as follows, "maximizing the benefits to growers by linking them to the market.
- iii. delete paragraph 6 (1) (c)
- iv. delete paragraph 6 (2) (b)
- v. delete paragraph 6 (2) (c) and substitute as follows, "*ensure price stability of mung beans and mung beans products through various forms of aggregation*".
- vi. delete paragraph 6 (2) (d)
- vii. delete paragraph 6 (2) (e)

**Justification**

The School Feeding Programme is under the Ministry of Education. It is a policy issue that can be handled at the Ministry level and not necessarily in a legislation.

**5. Clause 7**

Amend the clause as follows:

- i. delete sub-clause 7 (1) and substitute as follows, "*(1) Within six months of the commencement of this Act, the Cabinet Secretary, in consultation with county governments shall develop regulations to operationalise this Act*".
- ii. delete the word "*policy*" under paragraph 7 (g) and substitute with the word "*regulation*".
- iii. delete paragraph 7(h)
- iv. delete sub-clause 7 (3)

**Justification**

Policies are enacted before a law is put in place hence the amendment to regulations which are enacted after an Act is put in place.

## 6. Clause 8

Amend the clause as follows:

- i. delete paragraph 8 (1) and substitute as follows, "*Every commercial mung bean grower shall register with the relevant county government*".

### **Justification**

Use of the word "every grower" is ambiguous and may include certified seed growers and small-scale farmers producing for home consumption and subsistence.

- ii. delete sub-clause 8 (2) and substitute as follows, "*Each county government shall maintain a register of all mung bean growers registered in the respective county*".
- iii. delete paragraphs 8 (2) (a), (b) and (c)

## 7. Clause 9

Amend the clause as follows:

- i. amend sub-clause 9 (1) by providing definition for the word "*large scale trading*" to mean for example 500 bags of 90 Kgs per month (4.5 tones).
- ii. delete sub-clause 9(2) and substitute as follows "*(2)A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand or to imprisonment for a term not exceeding one year or to both;*"

### **Justification**

The fine proposed in the Bill may be a hindrance, for the take-off of the mung bean industry and will scare away investors.

8. **Clause 10:** Delete

9. **Clause 11:** Delete

10. **Clause 12:** Delete

11. **Clause 13:** Agreed to

12. **Clause 14:** Delete

13. **Clause 15:** Delete

14. **Clause 16:** Delete

15. **Clause 17:** Delete

16. **Clause 18:** Agreed to

## 17. Clause 19

Amend the clause as follows:

- i. delete the words "*county executive committee member*" and substituting with the words "*county governments*" in sub-clauses 19 (2), (3) and (4).
- ii. delete the words "*on the fifth day of every month*" and substituting with the word "*annually*" in sub-clauses 19 (3) and (4).

18. **Clause 20:** Agreed to

19. **Clause 21**

Amend the clause as follows:

- i. delete the words "*may upon*" and substitute with the words "*may in*".

- ii. delete paragraph (1) (a)
- iii. delete paragraph 2 (a) and substitute as follows, "*the regulation of the production, processing, promotion and exportation of mung bean and mung bean products;*"

- 20. **Clause 22:** Delete
- 21. **Clause 23:** Agreed to
- 22. **Clause 24:** Delete
- 23. **Clause 25:** Agreed to

**MIN. NO. NA/A&L/2023/175:**

**ADOPTION OF THE REPORT ON THE MUNG BEEN BILL (SENATE BILL NO. 13 OF 2022)**

The Report on the Mung Beans Bill (Senate Bill No. 13 of 2022) was adopted having been proposed by Hon. Yussuf Mohamed Farah, MP and seconded by Hon. Gabriel Gathuka Kagombe, MP.

**MIN. NO. NA/A&L/2023/176:**

**ADJOURNMENT/DATE OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at three minutes past noon. The next meeting will be held on Tuesday, 13<sup>th</sup> August 2024 at ten O'clock.

SIGNED:  DATE: 13/08/2024

**HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, MP  
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON AGRICULTURE &  
LIVESTOCK**



**ANNEX THREE:  
COPY OF THE MUNG  
BEANS BILL (SENATE  
BILL NO. 13 OF 2022)**

05 MAR 2024

**SENATE BILLS**

(Bill No. 13 of 2022)

**THE MUNG BEANS BILL, 2022**

(A Bill published in the Kenya *Gazette* Supplement No. 206 of 30<sup>th</sup> December, 2022 and passed by the Senate, with amendments, on Wednesday, 21<sup>st</sup> February, 2024.)



**THE MUNG BEANS BILL, 2022**

**ARRANGEMENT OF CLAUSES**

*Clause*

**PART I – PRELIMINARY**

- 1— Short title.
- 2— Interpretation.
- 3— Objects of the Act.

**PART II – RESPONSIBILITIES OF THE NATIONAL AND COUNTY GOVERNMENTS**

- 4— Duties of the Agriculture and Food Authority.
- 5— Duties of county executive committee members.
- 6— Prioritisation of mung beans and mung bean products in government programs.
- 7— Mung bean policy.

**PART III - REGULATORY PROVISIONS**

- 8— Requirement for registration by growers.
- 9— Requirement for licensing of marketers, processors and large scale traders.
- 10— County licensing committee
- 11— Qualifications for appointment
- 12— Term of appointment
- 13— Application for a licence.
- 14— Refusal to issue a licence.
- 15— Cancellation of a licence.
- 16— Appeal.
- 17— Licences to be renewed annually.
- 18— Dissemination of market information.
- 19— Maintenance of registers.

**PART IV- MISCELLANEOUS PROVISIONS**

- 20— Penalties.



*The Mung Beans Bill, 2022*

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- 21— Regulations
  - 22— County legislation.
  - 23— Safeguard measures
  - 24— Exclusion from application of Cap 318.
  - 25— Previous authorizations.
-

**THE MUNG BEANS BILL, 2022**

**A Bill for**

**AN ACT of Parliament to provide for the development, regulation and promotion of the mung beans sector, and for connected purposes.**

ENACTED by the Parliament of Kenya, as follows—

**PART 1 – PRELIMINARY**

1. This Act may be cited as the Mung Beans Act, 2022. Short title
2. In this Act— Interpretation.
  - “Authority” means the Agriculture and Food Authority established under Section 3 of the Agriculture and Food Authority Act; Cap 317
  - “buyer” means a legal person engaged in acquiring mung beans for re-sale in the local or export market;
  - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to agriculture;
  - “county executive committee member” means the county executive committee member responsible for matters relating to agriculture in a county where mung bean is grown;
  - “licence” means a licence granted under section 10;
  - “mung bean” means the plant or part of the plant of the species known botanically as *vigna radiata* or of any inter-specific hybrid involving this species or of any progeny of such hybrid;
  - “grower” means a person who grows or cultivates mung bean in Kenya, or a person who manages, controls or cultivates land in Kenya on which mung bean is grown; and
  - “mung bean product” means any product, extract or substance obtained or derived from mung bean by any treatment or process.
3. The object of this Act is to— Objects of the Act

- (a) provide a framework for the coordinated implementation of the national policies and strategies on the development and regulation of the mung bean industry;
- (b) 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;
- (c) promote the productivity of the mung bean industry and generate higher income for growers;
- (d) to promote the use of mung beans by the national and county governments in the implementation of feeding programs;
- (e) facilitate the introduction of modern mung bean farming techniques and general modernization of the mung bean industry for cost control and productivity improvement; and
- (f) provide a framework for implementation of effective marketing strategies for mung bean in Kenya and at the international level.

**PART II – RESPONSIBILITIES OF THE NATIONAL AND COUNTY GOVERNMENTS**

4. For the realization of the objectives set out under section 3, the Authority, in consultation with the Council of County Governors, shall—

Duties of the Authority.

- (a) put in place measures to improve the overall production of mung beans in the country;
  - (b) establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry;
  - (c) provide technical assistance and capacity building to county governments on its own initiative or upon request by a county government;
  - (d) develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;
  - (e) establish linkages with international research agencies for the adoption of best mung bean
-



- farming and processing practices;
- (f) develop a framework to increase accessibility of affordable agricultural inputs by growers;
  - (g) ensure allocation of adequate resources for the development of the mung bean industry;
  - (h) collate, manage and disseminate information on the mung bean industry;
  - (i) promote access to international mung bean markets and for this purpose, collaborate with the respective county executive committee members in determining appropriate areas for the establishment of local, regional and international markets;
  - (j) implement strategies in order to safeguard the interests of the growers in the mung bean industry;
  - (k) initiate financing schemes for growers to enable access to affordable funding for farmers; and
  - (l) perform any other function necessary for the implementation of this Act.
5. For the realization of the objectives set out under section 3, a county executive committee member shall—
- (a) put in place measures to improve the quality and quantity of the production of mung beans within the county;
  - (b) provide agricultural extension services to the growers in the respective county;
  - (c) enforce regulations and standards on quality control of inputs and production of mung beans at the county level;
  - (d) market mung beans produced in the respective county both locally and at the international level;
  - (e) initiate, undertake and participate in the collection, preparation, production and dissemination of data and information on mung bean production, processing and marketing in the county;
  - (f) promote the circulation and access to timely

Duties of county executive committee members.

- market information by growers;
- (g) 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;
  - (h) identify challenges affecting the mung bean industry in the county and implement appropriate remedial measures;
  - (i) avail farm inputs and implements including seeds, fertilizers and other planting materials in order to facilitate mung bean production;
  - (j) develop programs to intervene on soil conservation and improvement;
  - (k) provide assistance to growers on post-harvesting management of mung beans and mung bean products;
  - (l) promote the carrying out of mung bean trade through conducive taxation regimes;
  - (m) establish inter-county frameworks, institutions and agencies that they may consider necessary for the promotion of the mung bean industry;
  - (n) formulate and implement county specific policies on the development and regulation of the mung bean industry within the respective county;
  - (o) develop and enact a county regulatory framework for the development, management and regulation of the mung bean industry;
  - (p) put in place measures for the control of plant diseases or noxious weeds that affect mung bean production;
  - (q) put in place strategies for access to affordable credit and insurance packages for growers;
  - (r) investigate complaints relating to unfair trade practices within the county; and
  - (s) perform any other function necessary for the implementation of this Act.
6. (1) The National and county governments shall, Prioritisation of
-

where they implement feeding programmes within schools or other institutions or areas falling within their respective mandate, implement a homegrown feeding programme aimed at—

mung beans and mung bean products in government feeding programmes.

- (a) maximizing the benefits for growers by linking schools and other relevant institutions to local production;
- (b) strengthening the capacities of growers and communities; and
- (c) 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 country.

(2) In implementing a feeding programme under subsection (1), the cabinet secretary or county executive committee member responsible for the feeding program shall—

- (a) ensure the minimum standards on production, quality and safety of mung beans by growers are maintained;
- (b) ensure minimum nutritional standards are maintained in the affected schools, institutions and areas;
- (c) ensure the price stability of mung beans and mung bean products;
- (d) put in place mechanisms that ensure accessibility and ease of transport of mung beans to schools, relevant institutions and areas implementing the feeding programmes; and
- (e) put in place strategies that ensure that the growers' own food stock is protected.

7. (1) Within six months of the commencement of this Act, the Cabinet Secretary, in consultation with the Council of County Governors, shall develop and adopt a comprehensive National Mung Bean Policy to promote growth and development of the mung bean industry in Kenya.

Mung bean policy.

(2) In developing the National Mung Bean Policy, the



Cabinet Secretary shall have regard to—

- (a) the need for an effective management and implementation structure at the national and county levels of government in order to ensure the effective development of the mung bean industry;
  - (b) adequate capacity development and support for growers and other stakeholders in the mung bean industry;
  - (c) the participation of stakeholders and communities at the national and county levels of government;
  - (d) the development of appropriate strategies and mechanisms at the national and county levels of government necessary to support the development of the mung bean industry;
  - (e) the need to have in place a framework to monitor and evaluate the implementation of the policy in the development and regulation of the mung bean sector;
  - (f) the resources required at the national and county levels of government for the effective implementation of the policy;
  - (g) the capacity building programmes and strategies needed to be carried out to ensure that growers are able to respond to the needs identified for the implementation of the policy; and
  - (h) the resources necessary for the implementation of the policy in each county.
- (3) County governments shall incorporate the Mung Bean Policy in the respective County Integrated Development Plan and agriculture industry policies.
- (4) The Cabinet Secretary shall—
- (a) publish National Mung Bean Policy in the *Gazette*;
  - (b) review the policy at least once every five years;
- and
- (c) facilitate public participation and involvement in the development and review of the policy.

### PART III – REGULATORY PROVISIONS

8. (1) Every grower shall register with the relevant

Requirement for  
registration by

county executive committee member.

growers.

(2) Each county executive committee member shall maintain a register of all mung bean growers registered in the respective county under subsection (1) specifying—

- (a) the name of the grower;
- (b) the location, size and parcel number of the land on which the mung bean is grown; and
- (c) the variety of mung bean grown.

(3) A county government may enact county legislation setting out—

- (a) the criteria for the registration of a grower within the respective county;
- (b) further information required to be submitted by an applicant for registration; and
- (c) such other matters as the county government may consider necessary for the registration of growers in the respective county.

9. (1) A person shall not market, process or carry out large scale trading in mung beans or mung beans products unless the person has obtained a licence from the relevant county government.

Requirement for licensing of marketers, processors and large scale traders.

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.

10. (1) Each county executive committee member responsible for matters relating to trade shall, for the effective performance of section 9, establish a county licensing committee.

County licensing committee.

(2) A county licensing committee shall consist of —

- (a) a chairperson;
- (b) one person representing growers of mung beans in the respective county;
- (c) one public officer in the department responsible for agriculture with relevant

experience in matters relating to agriculture; and

- (d) two public officers in the department responsible for trade with relevant experience in matters relating to trade and finance.

(3) The chairperson and the member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.

(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the gazette.

11. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(a) and (b), if that person—

Qualification for appointment

- (a) holds a degree in agriculture, trade or finance from a university recognised in Kenya;
- (b) has at least five years' experience in the agricultural sector; and
- (c) meets the requirements of Chapter Six of the Constitution.

12. A person appointed under section 10 (2) (a) and (b) shall serve for a term of three years' renewable for a one further term.

Terms of appointment.

13. (1) A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a licence to the county licensing committee in the form prescribed by the county executive committee member responsible for matters relating to trade.

Application for a licence.

(2) The county licensing committee shall notify an applicant of the decision on an application for a licence within twenty-one days.



- (3) A county government may enact county legislation setting out—
- (a) the criteria for the issuance of a licence within the respective county;
  - (b) information required to be submitted by an applicant for a licence under this Act;
  - (c) the process of determination of an application for a licence under this Act;
  - (d) the process of application for the renewal of licences under this Act; and
  - (e) such other matters as the county government may consider necessary for licensing in the respective county.
- (4) In enacting legislation under subsection (3), a county government shall take into account the need to ensure that—
- (a) the licensing procedures are simple, accessible and do not impose an undue burden on an applicant;
  - (b) information regarding the application requirements and procedure is readily available and accessible to an applicant;
  - (c) the application process is cost effective; and
  - (d) the licensing process is efficient and transparent and that feedback is submitted to an applicant in a timely manner.

14. A county licencing committee may refuse to issue a licence under this Act where—

Refusal to issue a licence

- (a) the applicant has submitted false or misleading information in the application;
- (b) the application does not comply with the provisions of this Act;
- (c) or the application does not comply with the requirements of a relevant county legislation.

15. (1) A county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any

Cancellation of a licence.

other relevant national or county legislation.

(2) A county licencing committee shall not cancel a licence issued under this Act unless the county licencing committee —

- (a) issues the holder of the licence a notice, of at least fourteen days, of the intention to cancel the licence; and
- (b) grants the holder of the licence an opportunity to be heard on the intended cancellation.

(3) The notice specified under subsection (2)(a) shall—

- (a) be in writing;
- (b) notify the holder of the licence of the breach and the steps required to be taken to ensure compliance with the relevant law and avoid cancellation;
- (c) inform the holder of the licence of the timelines within which compliance is required; and
- (d) contain such other information as the county executive committee member responsible for matters relating to trade may prescribe.

(4) A county licencing committee may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the county licencing committee may consider necessary.

(5) A county government may enact county legislation, not inconsistent with this Act, prescribing further grounds for, and the process of, cancellation of a licence issued under this Act.

(6) A county licencing committee shall inform the holder of a licence issued under this Act of the cancellation of such a licence in writing.

**16.** (1) A person who is aggrieved by the decision of a county licensing committee under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member responsible for matters relating to trade. Appeal.

(2) An appeal to the county executive committee member responsible for matters relating to trade shall be in

such form as may be prescribe in the county legislation.

(3) The county executive committee member responsible for matters relating to trade shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county licensing committee.

(4) A person who is aggrieved by the decision of the county executive committee member responsible for matters relating to trade may, within thirty days of the decision, appeal to the High Court.

17. A licence issued under this Act is renewable annually.

Licences to be renewed annually.

18. The Authority shall carry out market research and disseminate such information to growers and buyers.

Dissemination of market information.

19. (1) The Authority shall keep and maintain a register of all growers, buyers and other entities registered or licensed to undertake actions regulated by this Act.

Maintenance of registers.

(2) A county executive committee member responsible for matters relating to trade shall keep and maintain a register of all licenses issued under this Act.

(3) A county executive committee member shall furnish the Authority with information on all growers registered in the county, on the fifth day of every month.

(4) A county executive committee member responsible for matters relating to trade shall furnish the Authority with information on licences issued, cancelled or renewed in the county, on the fifth day of every month.

#### **PART IV- MISCELLANEOUS PROVISIONS**

20. (1) A person who commits an offence under this 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.

Penalties.

(2) Where an offence under this Act is committed by a partnership, company, association or co-operative society, every person who at the time when the offence was



committed—

- (a) was director, partner or officer;
- (b) had knowledge or should have had knowledge of the commission of the offence; and
- (c) did not exercise due diligence to ensure compliance with this Act, commits an offence and is liable for the offence as if that person had themselves committed the offence, unless the person proves that the act or omission constituting the offence took place without their knowledge, consent or connivance and that they exercised diligence to prevent the commission of the offence as they ought to have exercised having regard to the nature of their functions as director, partner or officer concerned as aforesaid and to all the circumstances.

21. (1) The Cabinet Secretary may, upon consultation with the Authority and county governments, make Regulations—

Regulations.

- (a) prescribing anything that may be prescribed under this Act; and
- (b) generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary may make Regulations to provide for—

- (a) the regulation of the processing, importation and exportation of mung bean and mung bean products;
- (b) the forms to be used in the application for registration, licensing, contracts and related activities;
- (c) the process of application for registration, licensing and related activities; and
- (d) any fee which may be charged for anything done under this Act.

22. A county government may enact legislation, not inconsistent with this Act, to make further provision for the

County  
legislation.

*The Mung Beans Bill, 2022*

performance of functions and exercise of powers of the county government under this Act.

23. (1) Subject to the regional and international trade agreements to which Kenya is a party, all mung beans imports into the country shall be subject to the prevailing import duties, taxes and other tariffs and such imports shall be controlled by the Authority.

Safeguard  
measures

(2) The Cabinet Secretary shall implement such safeguard measures as may be necessary to protect the industry from unfair trade practices.

24. The Crops Act shall not apply to the production, development and regulation of mung beans.

Exclusion from  
application of Cap  
318

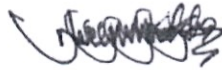
25. All directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Authority in relation to mung bean, and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made under this Act.

Previous  
authorizations

*The Mung Beans Bill, 2022*

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I certify that this printed impression is a true copy of the Bill as passed by the Senate on Wednesday, 21<sup>st</sup> February, 2024.



*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.



*Speaker of the Senate*

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**ANNEX FOUR:  
LETTER  
INVITING  
STAKEHOLDERS  
FOR THE  
MEETING TO  
DISCUSS THE BILL**



**THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK**

P. O. Box 41842-00100  
Nairobi, Kenya  
Main Parliament Buildings

Telephone: +254202848000 ext. 3300  
Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)  
[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

Ref: NA/DDC/A&L/2024/033

27<sup>th</sup> May 2024

✓ **Dr. Kipronoh Ronoh, PhD**  
Principal Secretary  
State Department for Agriculture  
Ministry of Agriculture &  
Livestock Development  
Kilimo House, Cathedral Road  
**NAIROBI**

**Ms. Grace Kyallo**  
Director General  
Agriculture and Food Authority  
Tea House, Naivasha Road  
Off Ngong Road  
**NAIROBI**

**Ms. Mary Mwiti**  
Chief Executive Officer  
Council of Governors  
2nd Floor, Delta House  
Waiyaki Way  
**NAIROBI**

Dear **PS,**

**REF: STAKEHOLDER ENGAGEMENT ON THE MUNG BEANS BILL (SENATE  
BILL NO. 13 OF 2022) BY THE DEPARTMENTAL COMMITTEE ON  
AGRICULTURE AND LIVESTOCK**

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 and is mandated *inter alia* 'to study and review all legislation referred to it.'

Pursuant to the cited mandate, the Committee is in the process of considering the Mung Beans Bill (Senate Bill No. 13 of 2022) (*copy attached*).

The Bill seeks to provide for the development, regulation and promotion of the mung beans sector in Kenya.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on **Thursday, 6<sup>th</sup> June 2024** in **Committee Room 26, Fifth Floor, Bunge Tower, Parliament Buildings** at **10.00 a.m.**

You are requested to submit electronic copies of your submissions to the Committee through the Office of the Clerk via email address [cna@parliament.go.ke](mailto:cna@parliament.go.ke) by **Tuesday, 4<sup>th</sup> June 2024** and provide twenty (20) hard copies of the submissions during the meeting.



The liaison officers for this activity are Ms. Lauren Omusa Wesonga who may be contacted on Tel. No. 0710820442 or email: [laureen.wesonga@parliament.go.ke](mailto:laureen.wesonga@parliament.go.ke) and Mr. Victor Kilimo on Tel. No. 0724587091 or email: [kilimo.simon@parliament.go.ke](mailto:kilimo.simon@parliament.go.ke).

Yours

*Sincerely,*



**SAMUEL NJOROGE, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**

Copy to:

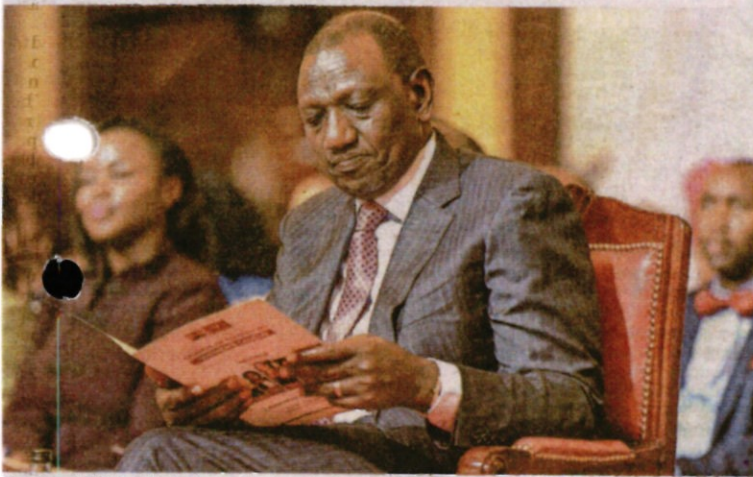
Hon. Mithika Linturi, EGH  
Cabinet Secretary,  
Ministry of Agriculture &  
Livestock Development  
Kilimo House, Cathedral Road  
**NAIROBI**

ANNEX FIVE:  
COPY OF THE  
NEWSPAPER  
ADVERTISEMENT  
ON PUBLIC  
PARTICIPATION



**Noble** Women governors caucus to focus on mentorship

# Ruto: Let's make two-thirds gender principle a reality



President William Ruto during the launch of the G7 strategy at Safari Park Hotel in Nairobi yesterday. PHOTO: IPCS

He says women should be effectively represented in leadership positions across the board

BY NYAMOTURI

President William Ruto has said his administration is committed to achieving the two-thirds gender principle. He said he is doing this through constitutional amendments to ensure women are effectively represented in leadership positions in various arms of government. Dr Ruto, who joined the seven elected women governors at the launch of the G7 strategy in Nairobi, urged MPs to support the proposals aimed at making the principle a reality. "In the Bill that will be tabled in Parliament, we will ensure that more women are elected to Parliament for representation. This will be the official position of the Kenya Kwanza coalition and all MPs are expected to support the Bill. We have spoken to many leaders, including men, and for the first time they are committed to this," he said. The Head of State has also called 11 political parties to support women leaders, revealing that the United Democratic Alliance (UDA) is planning to introduce new rules in its constitution to allocate gender when fielding candidates for governorship and the presidency in the upcoming elec-

tions. "We have to lead from the front as a party and we have to make rules that when Deputy President Rigathi Gachagua and I have decided on our line-up, we must also agree that if a man is the presidential candidate in our party, a woman must be the deputy and if a woman is the candidate, the running mate must be a man. And we have to cascade it down to the governors. We must be conscious and deliberate about it, otherwise it will not happen," Dr Ruto said. The seven women governors, led by Council of Governors Chairperson Anne Waiguru, said the caucus will focus on mentorship programmes. The caucus is currently focusing on increasing the number of women governors to at least 16 in the 2027 polls. Ms Waiguru also called on the Head of State to support women in various capacities, especially in winning the presidential seat. "We fully support the President to achieve his 10-year development vision and immediately after his two terms, there is no other

We must also agree that if a man is the presidential candidate in our party, a woman must be the deputy...

President William Ruto



promise to support anyone else. We urge him to hold the hand of a woman so that she can also clinch the top seat in this country because as women we are ready," said Ms Waiguru. Previous legislative attempts to implement the two-thirds gender principle have stalled due to lack of support from MPs. In 2020, former Chief Justice David Maraga recommended that Parliament repeal the law because it did not meet the two-thirds requirement. The National Dialogue Committee report adopted by Parliament has recommended the implementation of the two-thirds rule as a way of ensuring gender parity in electoral processes. A multi-sectoral working group on the two-thirds gender principle, led by Gender Cabinet Secretary Aisha Jumwa, last week submitted a report, which is currently before Parliament, with a number of recommendations on how to achieve gender parity. The report recommends a constitutional amendment to appoint 53 more women to the National Assembly and two more to the Senate to meet the constitutional threshold. It also proposes the amendment of the Political Parties Act 2011 to establish the Women's Inclusion and Political Participation Fund to finance the training, mentoring and empowerment of women seeking elective positions. The team also recommended that the Electoral Act 2011 be amended to provide for the submission of party lists that meet the gender rule.



REPUBLIC OF KENYA  
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)  
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION AND IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF-

1. THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2023);
2. THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2024);
3. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024);
4. THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022);
5. THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022);
6. THE START-UP BILL (SENATE BILL NO. 14 OF 2022);
7. THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4 OF 2023);
8. THE PERSONS WITH DISABILITIES BILL (SENATE BILL NO. 7 OF 2023); AND
9. THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023);

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023); the Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024); the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022); the Mung Beans Bill (Senate Bill No. 13 of 2022); the Start-up Bill (Senate Bill No. 14 of 2022); the Learners with Disabilities Bill (Senate Bill No. 4 of 2023); the Persons with Disabilities Bill (Senate Bill No. 7 of 2023); and the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

1. The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) is a Bill sponsored by Hon. Benjamin Gatiriu, MP, that seeks to amend the Universities Act, 2012 to limit universities from offering certificate and diploma courses;
2. The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024) is a Bill sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP, the purpose of the Bill is to amend the Public Audit Act (National Assembly Bill No. 10 of 2024); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022); the Mung Beans Bill (Senate Bill No. 13 of 2022); the Start-up Bill (Senate Bill No. 14 of 2022); the Learners with Disabilities Bill (Senate Bill No. 4 of 2023); the Persons with Disabilities Bill (Senate Bill No. 7 of 2023); and the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;
3. The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) is a Bill co-sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP, and the Leader of the Minority Party, Hon. Opiyo Wandayi, EGH, MP, that seeks to give effect to some of the recommendations and views of the public that were submitted during the recent national dialogue discourse facilitated by the National Dialogue Committee (NADCO). The Bill seeks to—
  - (a) amend the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 to increase the membership of the selection panel from seven to nine to accommodate a wide spectrum of stakeholders and interest groups;
  - (b) amend section 6 of the Act to include additional professional qualifications for appointment as a member of the Independent Electoral and Boundaries Commission;
  - (c) amend section 10 of the Act to provide that the secretary of the IEBC shall hold office for a term of three years that is renewable once;
  - (d) replace the current Fifth Schedule to the Act to provide for the procedure for delimitation of boundaries in an updated schedule; and
  - (e) delete obsolete provisions and make consequential amendments intended to align the Act to the decision of the court in *Katiba Institute & 3 Others v Attorney-General & 2 Others* (2018) eKLR.
4. The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022) is a Bill sponsored by Sen. Margaret Tabitha Mutinda, MP that seeks to provide for agricultural and livestock extension services; and to establish the Agricultural and Livestock Extension Service.
5. The Mung Beans Bill (Senate Bill No. 13 of 2022) is a Bill sponsored by Sen. Enoch Kilo Wambua, MP that seeks to provide for the development, regulation and promotion of the mung beans sector.
6. The Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish a framework to encourage growth and sustainable technological development, entrepreneurship, employment; create a favourable environment for innovation; and attract Kenyan talent and capital.
7. The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is a Bill co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP that seeks to provide a legal framework for the actualization of the right to education for learners with disabilities at all levels of education.
8. The Persons with Disabilities Bill (Senate Bill No. 7 of 2023) is a Bill sponsored by Sen. Crystal Asige, MP that seeks to provide the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities and to provide incentives and reliefs that give effect to Article 54 of the Constitution.
9. The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) is a Bill sponsored by Sen. Crystal Asige, MP that seeks to give effect to Article 7 (3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign Language. The Bill provides for the inclusion of sign language in the education curriculum and the use of sign language in legal proceedings.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below—

NO.	BILL	COMMITTEE
1.	The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023)	Education
2.	The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024)	Finance and National Planning
3.	The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)	Justice and Legal Affairs
4.	The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)	Agriculture and Livestock
5.	The Mung Beans Bill (Senate Bill No. 13 of 2022)	Agriculture and Livestock
6.	The Start-up Bill (Senate Bill No. 14 of 2022)	Trade, Industry and Co-operatives
7.	The Learners with Disabilities Bill (Senate Bill No. 4 of 2023)	Education
8.	The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)	Social Protection
9.	The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)	Sports and Culture

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [cna@parliament.go.ke](mailto:cna@parliament.go.ke) to be received on or before Thursday, 21<sup>st</sup> March 2024 at 5.00 p.m.

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on: [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills)

S. NJOROGE, CBS  
CLERK OF THE NATIONAL ASSEMBLY  
8<sup>th</sup> March 2024

"For the Welfare of Society and the just Government of the People"



ANNEX SIX:  
COPY OF THE  
MATRIX



**THE PROPOSED MUNG BEANS BILL, 2022**  
**(SENATE BILL NO. 13 OF 2022)**

<b>CLAUSE</b>	<b>PROPOSING ENTITY</b>	<b>PROVISION IN THE BILL</b>	<b>PROPOSED AMENDMENT</b>	<b>RATIONALE</b>
<b>SHORT TITLE</b>	<b>KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION (KALRO)</b>	“Mung Beans Bill, 2022”	Amend the title of the Bill to read as follows—  “Mungbeans Bill, 2022”	This is because the word mungbean is spelt as one word.
<b>2</b>	<b>COUNCIL OF GOVERNORS (COG)</b>	NEW DEFINITIONS	"County Director" means a County Director responsible for matters relating to agriculture;  "County Secretary" means a county secretary appointed under section 44 of the County Governments Act, 2012;  "County Executive Committee" means a county executive committee established in accordance with Article 179(2) of the Constitution;	To align to our proposed amendments hereafter which seeks to streamline the licensing processes at the county level.
<b>4 (MARGINAL NOTES)</b>	<b>MINISTRY OF AGRICULTURE AND LIVESTOCK (MOALD)</b>	Duties of the Authority	Amend the marginal notes by deleting the word “duties” and substitute therefor the word “responsibilities” to read as follow—  "Responsibilities of Authority.”	To align the heading of Part II with the marginal note.

4(b)	KALRO		<p>Amend clause 4(b) to read as follows—</p> <p>“(b)establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry in collaboration with other regulatory agencies;”</p>	<p>This is because monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.</p>
4(d)	KALRO		<p>Delete clause 4(d) and substitute therefor the following new clause—</p> <p>“(d)In collaboration with national and international research partners develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;”.</p>	<p>National and International research agencies like KALRO should be made part of the processes as they have ready technologies dissemination.</p>
4(e)	KALRO		<p>Amend clause 4(e) to read as follows—</p> <p>(e)establish linkages with national and international research agencies for the adoption of best mung bean;”.</p>	<p>To incorporate research national Agencies. Agencies such as KALRO also develop technologies ready for adoption.</p>
4	KALRO		<p>Amend clause (4) by inserting the following new clauses—</p> <p>“(2)For the realization of the objectives set out under section 3, the Authority, in consultation</p>	

			<p>with the County Governors, shall—</p> <p>(a) develop a framework to enhance strategic linkages among mung bean researchers, farmers, extension agents, and traders/processors/ aggregators;</p> <p>(b) developing a framework for mung bean farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services; and</p> <p>(c) establish a framework to support and enhance research for mung bean and mung bean seed production system that to promote improved production of the mung bean to meet market needs.”</p>	
<b>5 (MARGINAL NOTES)</b>	<b>MOALD</b>	Duties of the County Executive Committee Member.	<p>Amend clause 5 by deleting the marginal note and substituting there the following new marginal notes—</p> <p>"Responsibilities of the county government."</p>	To align the heading of Part II with the marginal note.
<b>5</b>	<b>KALRO</b>		Amend the opening statement in clause (5) to read as follows—	The activities to be undertaken by the County Executive Members will



			“(5)For the realization of the objectives set out under section 3, a county executive committee member shall in collaboration with partners—	require the support of other industry players so as to ensure success of the programs.
<b>5(c)</b>	<b>KALRO</b>		Amend clause 5(c) to read as follows—  “(c)Enforce regulations and standards on quality control of inputs and production of mung beans at the county level in collaboration with other regulatory agencies;”	Monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.
<b>5(d)</b>	<b>MOALD</b>	(d)Market mug beans produced in the respective County both locally and international level;	Delete clause 5(d) and substitute therefore the following new subclause—  “(d)link traders and producers to local and internal market”	Marketing is not the responsibility of the County Governments.  Marketing mug beans produced in the respective County both locally and international level.
<b>5(i)</b>	<b>MOALD</b>	(i)Avail farm inputs and implements including seeds, fertilizers and other planting materials in order to facilitate mung bean production;	Delete clause 5(i)	It is not sustainable for the County Governments to fully provide all the required inputs to facilitate Mug Bean production.  The provision makes it a legal duty and mandatory to provide such.
<b>5(l)</b>	<b>MOALD</b>	(l)Promote the carrying out of the Mug Bean trade through conducive taxation regime.	Delete clause (5)(l)	Taxation is regulated through other laws and is a responsibility of the National Government.

				The provision is giving County Governments a role in regulation of taxation regimes.
7	<b>MOALD</b>		Delete the entire clause (7)	Its good practice for policy to precede a policy to precede law and is a responsibility of the National Government.  The clause appears to guide on the formulation of a Mug Bean policy.
7(4)(b)			Amend clause 7(4)(b) to read as follows—  “The Cabinet Secretary shall – b)review the policy at least once every ten years”	The policy review being done in 5 years is too short hence the proposal for it to be done at least every 10 years.
8(1)	<b>MOALD</b>		Amend clause (8) by deleting words “County Executive Committee Member” wherever it appears and replace with” and substitute therefore the words “County Government”	The clause is assigning roles to County Executive Committee member instead of the county government.  This information is not a preserve of the County Executive Committee member but of the County Government
	<b>KALRO</b>		Amend clause 8(1) to read as follows—  (1)Every commercial mung bean grower shall register with the relevant county executive e committee member”.	The use of the word "every grower" is ambiguous and may include certified seed growers and small-scale farmers producing for home consumption and subsistence.

8(2)(c)	MOALD	(c)the variety of mung beans grown.	Delete clause 8(2)(c)	It's not practical to specify the variety at registration because growers plant different varieties each season.
9(1)	KALRO		Amend clause 9(1) by providing definition for the word " <i>large scale trading</i> " to mean for example 500 bags of 90 kgs per month (4.5 tones); and <i>"Large scale trading"</i> needs to be defined in terms of quantities under the Interpretation Section	
9(2)	KALRO		Amend clause 9(2) to read as follows—  “(2)A person who contravenes the provisions of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand or to imprisonment for a term not exceeding one year or to both;”	The fine proposed in the Bill may be a hindrance, for the take-off of the mung bean industry and will scare away investors.
10	CoG	10(1)Each county executive committee member responsible for matters relating to trade shall, for the effective performance of section (9), establish a county licensing committee.	Amend Clause 10 to read as follows—  “10(1) Each county executive <u>committee</u> member shall, for the effective performance of section (9), establish a county licensing committee (2)A county licensing committee shall consist of the— (a) <u>the County Director who shall be the chairperson;</u>	The Council recommends that the regulation of mung beans is responsibility of the County Department for agriculture and hence should be the competent authority to appoint the licensing committee.  We opine that the departments of finance, trade and agriculture should be represented. We also recommend that the County Director in charge of



		<p>(2)A county licensing committee shall consist of the—</p> <p>(a) a chairperson;</p> <p>(b) one person representing growers of mung beans in the respective county;</p> <p>(c) one public officer in the department responsible for agriculture with relevant experience in matters relating to agriculture; and</p> <p>(d) two public officers in the department responsible for agriculture with relevant experience in matters relating to trade and finance.</p> <p>(3)The chairperson and member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county</p>	<p>(b) one person representing growers of mung beans nominated by growers <u>organization with the largest mung beans farmers in the</u> respective county; and</p> <p>(a) <u>Three public officers in the departments responsible</u> for agriculture, trade and finance respectively.</p> <p>(3) The county executive committee member shall appoint members of the county licensing committee in the Gazette.</p>	<p>agriculture be designated the Chairperson of the Committee.</p>
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		<p>executive committee member.</p> <p>(4)The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice is the county gazette.</p>		
	<b>MOALD</b>		Delete clause 10	<p>Since clause 9 has given the mandate of licencing to County Government, the how this should be done can be addressed either administratively or in regulations.</p> <p>It's a good practice to establish one Licencing committee for all commodities in the County.</p> <p>The clause is making it mandatory to County Government to form licencing committee.</p>
<b>10(3)</b>	<b>CoG</b>	<p>(3)The chairperson and member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.</p>	Delete this provision	To align to the proposed amendments in section 10(1)

<b>10(4)</b>	<b>CoG</b>	(4)The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the county gazette.	Amend to read as follows— “(4)The county executive committee member shall appoint the persons in subsection 2(b)by notice in the gazette.”	To align to the amendments in section 10(1)
<b>11</b>	<b>CoG</b>	11. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(a) and (b), if that person—	Amend to read as follows— 11.A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(b), if that person—	To provide for the qualification of the members of the licensing Committee appointed under section 10(2)(b) of the Bill.
<b>11</b>	<b>MOALD</b>		Delete clause 11	This relates to the licencing committee in clause 10 which we proposed deletion.
<b>12</b>	<b>CoG</b>	12. A person appointed under section 10 (2) (a) and (b) shall serve for a term of three years' renewable for a one further term.	Amend to read as follows— “12.A person appointed under section 10 (2) (b) shall serve for a term of three years' renewable for a one further term.	To align to the amendments in section 10(1).
	<b>MOALD</b>		Delete clause 12	This relates to the licencing committee in clause 10 which we proposed deletion.
<b>13</b>	<b>MOALD</b>	Application for licence	Amend by redrafting to provide clarity.	Since the County Government is responsible for issuance of licences, the said licence should be issued under the National legislation or through a County legislation and not both.



				The County assemblies have powers under the Constitution to enact County legislation and the National legislation should not prescribe the content of the County legislation.
<b>13(1)&amp;(2)</b>	<b>CoG</b>	<p>13.(1)A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a licence to the county licensing committee in the Form prescribed by the county executive committee member responsible for matters relating to trade.</p> <p>(2) The county licensing committee shall notify an applicant of the decision on an application for a licence within twenty-one days.</p>	<p>Amend by inserting the following new subclause immediately after subclause (1)—</p> <p>“(2)The county licensing committee shall consider the application and recommend successful applications to the County Executive Committee Member for licensing.”</p>	To align to the provisions of Article 179 of the Constitution which bestows upon county executive committee with the executive authority of the county. We therefore recommend that the licensing committee only recommends to the CECM in charge of agriculture successful applicants for licensing.
<b>14</b>	<b>CoG</b>	14.A county licensing committee may refuse to issue a	<p>Amend to read as follows—</p> <p>“14. A county licensing committee may refuse to for recommend</p>	To align to our proposal under Clause 13 of the Bill.

		licence under this Act where—	issuance of a licence under this Act where—	
	<b>MOALD</b>	Refusal to issue a licence.	Amend clause 14 by deleting the words “county licencing committee” and replace therefor the word “county government.”	To align with clause 10 as proposed in the amendments.  The clause recognizes the licencing committee which was proposed for deletion under clause 10.
<b>14(c)</b>	<b>MOALD</b>	A County licencing committee may refuse to issue a licence under this Act where— (c)or the application does not comply with the requirement of a relevant county legislation	Delete clause 14(c).	The clause suggests that the County legislation is being implemented under this Act  A licence will be denied where the applicant has not complied with regulations under this Act.
<b>15</b>	<b>MOALD</b>		Amend clause 15 by deleting the words “county licencing committee” and replace therefore the words “county government.”	To align with clause 10 as proposed in the amendments.  The clause is recognizing the licencing committee which was proposed for deletion under clause 10.
<b>15(1),(2),(3),(4),</b>	<b>CoG</b>	15.(1) A county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant	Amend to read as follows—  15(1)A County Executive Committee Member upon recommendation by the county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this	To align to our proposal clause 13 of the Bill.

		<p>national or county legislation.</p> <p>(2) A county licencing committee shall not cancel a licence issued under this Act unless the county licencing committee—</p> <p>(4) A county licencing committee may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)© for such period as the county licencing committee may consider necessary.</p>	<p>Act or any other relevant national or county legislation.</p> <p>(2) A County Executive Committee Member shall not cancel a licence issued under this Act unless the County Executive Committee Member—</p> <p>(4)A County Executive Committee, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)© for such period as the County Executive Committee on recommendation by the county licencing committee may consider necessary.</p>	
<b>15(5)</b>	<b>MOALD</b>		Delete clause 15 (5).	<p>The clause is bringing confusion as to which law is applicable whether it is the County or National legislation.</p> <p>The clause suggests that the County Government can enact legislation prescribing further grounds and the process of cancellation of a licence issued under this Act.</p>
<b>16(1)</b>	<b>CoG</b>	(1)A person who is aggrieved by the decision of a county licensing committee	<p>Amend to read as follows—</p> <p>(1)A person who is aggrieved by the decision of county executive</p>	To align to our recommendation that the CECM be assigned the licensing role thus the appeal should be to the



		under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member for matter relating to trade.	committee member under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee.	County Executive Committee chaired by the Governor.
	<b>MOALD</b>		Amend clause 16(1) by deleting the words “county licencing committee” and substitute therefor the words “county government.”	The clause is recognizing the licencing committee which was proposed for deletion under clause 10.  To align with clause 10 as proposed in the amendments.
<b>16(2)</b>	<b>CoG</b>	(2)An appeal to the county executive committee member responsible for matters relating to trade shall be in such form as may be prescribe in the county legislation.	Amend to read as follows—  “(2)An appeal to the county executive committee shall be in such form as may be prescribe in the county legislation.”	To align to our proposal under clause 16(1) of the Bill.
<b>16(3)</b>	<b>CoG</b>	(3) The county executive committee member responsible for matters relating to trade shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or	Amend to read as follows—  “(3) The county executive committee shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county executive committee member.”	To align to our proposal under clause 16(1) of the Bill.

		reverse the decision of the county licensing committee.		
<b>16(4)</b>	<b>CoG</b>	(4)A person who is aggrieved by the decision of the county executive committee member responsible for matters relating to trade may, within thirty days of the decision, appeal to the High Court.	Amend to read as follows—  “(4) A person who is aggrieved by the decision of the county executive committee may, within thirty days of the decision, appeal to the High Court.”	To align to our proposal under clause 16(1) of the Bill.
<b>17</b>	<b>MOALD</b>	17A licence issued under this Act is renewable annually.	Amend clause 17 to align with government procedures for licences.	Licences issued by the government expire on 30th June.  It's not clear whether annually means calendar or financial year.
<b>19(2)</b>	<b>CoG</b>	(2)A county executive committee member responsible for matters relating to trade shall keep and maintain a register of all licenses issued under this Act.	Amend to read as follows—  “(2) A county executive committee member shall keep and maintain a register of all licenses issued under this Act.”	To align to our proposal under clause 16(1) of the Bill.
<b>19</b>	<b>MOALD</b>		Amend clause 19 by deleting subclauses (1),(2),(3) &(4) and substituting therefor the following new sub clause—  “19.A county government shall maintain and furnish the	To provide clarify on how the information will be shared between the County Governments and the Authority.

			authority with information on all licences issued under this act on the fifth day of every month"	
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**ANNEX SEVEN:  
STAKEHOLDER  
SUBMISSIONS**



**COUNCIL OF GOVERNORS**

**LEGISLATIVE MEMORANDUM ON THE MUNG BEANS BILL, 2022 (SENATE  
BILL NO. 13 OF 2022)**

**TO**

**THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON  
AGRICULTURE AND LIVESTOCK**

**FROM**

**THE COUNCIL OF GOVERNORS  
AGRICULTURE, LIVESTOCK AND COOPERATIVES COMMITTEE**

**Introduction**

**THE COUNCIL OF GOVERNORS,**

In recognition of the fact that sovereign power of the state is exercised at two levels of government, that is, the National Government and the County Governments, whose distinctness is recognized by Article 6 (2);

In further recognition of the need to ensure that all legislation are cognizant of the fact that agriculture is a fully devolved function under the Part 2 of the Fourth Schedule to the Constitution and;

Aware of the need for coordinated action and approach in the development and regulation of agricultural sector between the National, County Governments and other stakeholders for the benefit of the all farmers including mung beans.

Having reviewed the **Mung Beans Bill, 2022 (Senate Bill No. 13 of 2022)** in its entirety, the Council of Governors welcomes the enactment of the Bill into law. However, we recommend the following amendments for better implementation of the proposed Act by the County Governments:

CLAUSE	PROVISION OF THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
Clause 2: Interpretation		Amend by introducing the following new definitions:  <b>“County Director”</b> means a County Director responsible for matters relating to agriculture;  <b>“County Secretary”</b> means a county secretary appointed under section 44 of the County Governments Act, 2012;  <b>“County Executive Committee”</b> means a county executive committee established in accordance with Article 179(2) of the Constitution;	To align to our proposed amendments hereafter which seeks to streamline the licensing processes at the county level.
Clause 10: County	10(1) Each county executive committee member responsible for	Amend <b>Clause 10</b> to read as follows:	The Council recommends that the regulation of mung beans is responsibility of the County



<p><b>Licensing Committee</b></p>	<p>matters relating to trade shall, for the effective performance of section (9), establish a county licensing committee</p> <p>(2) A county licensing committee shall consist of the—  (a) a chairperson;  (b) one person representing growers of mung beans in the respective county; and  (c) three public officers in the department responsible for agriculture with relevant experience in matters relating to agriculture.  (3) The chairperson and member under subsection (2) (a) and (b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.  (4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the county gazette</p>	<p><b>10(1) Each county executive committee member shall, for the effective performance of section (9), establish a county licensing committee</b></p> <p><b>(2) A county licensing committee shall consist of the—</b>  <b>(a) the County Director who shall be the chairperson;</b>  <b>(b) one person representing growers of mung beans nominated by growers organization with the largest mung beans farmers in the respective county; and</b>  <b>(c) Three public officers in the departments responsible for agriculture, trade and finance respectively.</b></p> <p><b>(3) The county executive committee member shall appoint members of the county licensing committee in the Gazette.</b></p>	<p>Department for agriculture and hence should be the competent authority to appoint the licensing committee.</p> <p>We opine that the departments of finance, trade and agriculture should be represented. We also recommend that the County Director in charge of agriculture be designated the Chairperson of the Committee.</p>
	<p>10(3) The chairperson and the member under subsection (2)(b) shall be competitively recruited by the county public service board and appointed by the county executive committee member.</p>	<p>Delete</p>	<p>To align to the proposed amendments in section 10(1)</p>

	10(4) The county executive committee member shall appoint the persons in subsection (2) (a) and (b) by notice in the gazette.	10(4) The county executive committee member shall appoint the persons in subsection 2(b) by notice in the gazette.	To align to the amendments in section 10(1)
<b>Clause 11. Qualification for appointment</b>	11. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(a) and (b), if that person—	Amend to read as follows:  <b>11. A person shall be qualified for appointment as a member of the county licensing committee under section 10(2)(b), if that person—</b>	To provide for the qualification of the members of the licensing Committee appointed under section 10(2)(b) of the Bill.
<b>Clause 12 Term of appointment</b>	12. A person appointed under section 10 (2) (a) and (b) shall serve for a term of three years' renewable for a one further term.	12. A person appointed under section 10 (2) (b) shall serve for a term of three years' renewable for a one further term.	To align to the amendments in section 10(1)
<b>Clause 13. Application for a licence</b>	13. (1) A person who intends to market, process or carry out large scale trading in mung beans or mung beans products shall make an application for a licence to the county licensing committee in the Form prescribed by the county executive committee member.  (2) The county licensing committee shall notify an applicant of the decision on an application for a licence within twenty-one days.	Amend by introducing the following new sub-section (2) and renumber the subsections accordingly:  <b>(2) The county licensing committee shall consider the application and recommend successful applications to the County Executive Committee Member for licensing.</b>	To align to the provisions of Article 179 of the Constitution which bestows upon county executive committee with the executive authority of the county. We therefore recommend that the licensing committee only recommends to the CECM in charge of agriculture successful applicants for licensing.
<b>14. Refusal to issue a licence</b>	14. A county licencing committee may refuse to issue a licence under this Act where—	Amend to read as follows:  <b>14. A county licencing committee may refuse to recommend for issuance a licence under this Act where—</b>	To align to our proposal under clause 13 of the Bill.



<p>15. Cancellation of a licence</p>	<p>15. (1) A county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant national or county legislation.</p> <p>(2) A county licensing committee shall not cancel a licence issued under this Act unless the county licensing committee –</p> <p>(4) A county licensing committee may, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the county licensing committee may consider necessary.</p>	<p>Amend to read as follows:</p> <p>15. (1) A County Executive Committee Member upon recommendation by the county licensing committee may cancel a licence issued under this Act where the holder of such a licence is in breach of the provisions of this Act or any other relevant national or county legislation.</p> <p>(2) A County Executive Committee Member shall not cancel a licence issued under this Act unless the County Executive Committee Member –</p> <p>(4) A County Executive Committee, upon request by a holder of a licence, extend the timeline for compliance under subsection (3)(c) for such period as the County Executive Committee on recommendation by the county licensing committee may consider necessary.</p>	<p>To align to our proposal under clause 13 of the Bill.</p>
<p>Clause 16: Appeal</p>	<p>16(1). A person who is aggrieved by the decision of a county licensing committee under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee member.</p> <p>(2) An appeal to the county executive committee member responsible for matters relating to trade</p>	<p>Amend to read as follows:</p> <p>16. A person who is aggrieved by the decision of a county executive committee member under this Act may, within thirty days of being notified of the decision, appeal to the county executive committee.</p> <p>2) An appeal to the county executive committee shall be in such form as may be prescribe in the county legislation.</p>	<p>To align to our recommendation that the CECM be assigned the licensing role thus the appeal should be to the County Executive Committee chaired by the Governor.</p> <p>To align to our proposal under clause 16(1) of the Bill.</p>



	shall be in such form as may be prescribe in the county legislation.		
	(3) The county executive committee member responsible for matters relating to trade shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county licensing committee.	(3) The county executive committee shall determine an application under subsection (1) within sixty days of receipt of the application and may confirm, vary or reverse the decision of the county executive committee member	To align to our proposal under clause 16(1) of the Bill.
	(4) A person who is aggrieved by the decision of the county executive committee member responsible for matters relating to trade may, within thirty days of the decision, appeal to the High Court.	(4) A person who is aggrieved by the decision of the county executive committee may, within thirty days of the decision, appeal to the High Court.	To align to our proposal under clause 16(1) of the Bill.
<b>Clause 19 Maintenance of registers.</b>	19(2) A county executive committee member responsible for matters relating to trade shall keep and maintain a register of all licenses issued under this Act.	19(2) A county executive committee member shall keep and maintain a register of all licenses issued under this Act.	To align to our proposal under clause 16(1) of the Bill.

**Conclusion**

The Council supports the enactment of the Bill into law to provide for the regulation of the production and sale of mung bean products by county governments. We opine that this will encourage the production and productivity of the mung beans in the country and assist in the attainment of food and nutrition security.

② Lauren Wanyaga

Beel  
19/6/24



② DDC  
18/06

KENYA AGRICULTURAL & LIVESTOCK RESEARCH ORGANIZATION

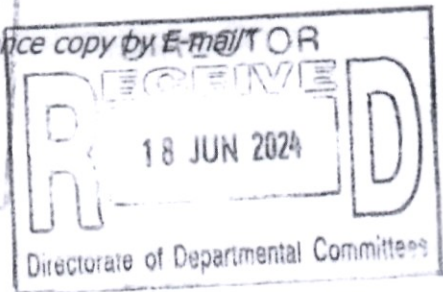
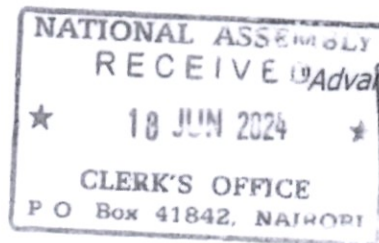
When replying please quote:

**Your Ref:** NA/DDC/A&L/2024/04

**Date:** 17<sup>th</sup> June, 2024

Clerk of the National Assembly,  
Clerk's Chambers,  
Parliament Buildings,  
P.O Box 41842-00100,  
**NAIROBI.**

Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)



**RE: SUBMISSIONS ON THE MUNGBEANS BILL, 2022**

The above subject matter and your letter dated 12<sup>th</sup> June, 2024 refers.

Kenya Agricultural and Livestock Research Organization (KALRO) is a body corporate created under the Kenya Agricultural and Livestock Research Act No. 17 of 2013. KALRO is the country's premier research institution mandated to promote, streamline, coordinate and regulate in Kenya research in crops, livestock, genetic resources, and biotechnology and to expedite equitable access to research information, resources, and technology and promote the application of the research findings and technology in the field of agriculture.

Mungbean (*Vigna radiata* (L.) R Wilczek var. *radiata*) is an important pulse in the climatically marginal areas of Kenya. Economically, it is a central income generating agro-enterprise in semi-arid Kenya ranking second after indigenous chicken and therefore plays a major role in mitigating rural poverty. Dependable statistics for national mungbean production are scanty with FAO grouping it with other minor legumes. With more than 362,000 Ha mungbean, the country produces over 212,000 tonnes annually which is far below the domestic demand. Over the last five years the nation has reported an upward trend in green gram acreage and production of 45% and 51%, respectively.

Mungbean (also known as green gram) yields in Kenya are generally lower (570kg/ha or 6 bags per ha) compared to the global average yield of 730 kg/ha or 8 bags per ha) due to production constraints. These constraints include: lack of climate smart varieties, inadequate availability of certified seed, pests and diseases, adverse climatic conditions, low soil fertility, post-harvest losses, low awareness of good agronomic practices, lack of mechanization and lack of market and poor market linkages.

KALRO HEADQUARTERS,

P.O. Box 57811-00200, Nairobi, KENYA. Tel: 254-020 4183301-20/ 254-020 4183720 Fax: 254-020 4183344

Website: [www.kalro.org](http://www.kalro.org)



To address such of these constraints KALRO has released five varieties; Kat. 22, Kat 26, Ndengu Biashara, Ndengu Tosha and Karemba with potential to produce 1.3, 1.5, 2.1, 2.3, 2.1. tha-1 respectively. These varieties mature in three (3) months and can be grown in areas ranging from 10-1700 metres above sea level. Therefore, addressing the above constraints adequately will lead to improved production of mung bean in Kenya

Having reviewed the Mungbeans Bill, 2024, we wish to make the following recommendations for your considerations.

NO	SECTION	PROVISIONS IN THE BILL	AMENDMENT	JUSTIFICATION
1	Title and body of the Bill	The Mung Beans Bill, 2022	The MUNGBEAN Bill, 2022.	The Word MUNGBEAN is spelt as one word.
<b>PART II – DUTIES OF NATIONAL AND COUNTY GOVERNMENTS</b>				
	Section 4 (b)	For the realization of the objectives set out under section 3, the Authority, in consultation with the County Governors, shall—  (b) establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry;	(b) establish, coordinate and monitor the implementation of national standards and policies relating to the mung bean industry in collaboration with other regulatory agencies;	monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.
	Section 4	(d) develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;	(d) In collaboration with national and international research partners develop, adapt and disseminate new technologies for enhancing efficiency and productivity in the mung bean industry;	National and International research agencies like KALRO should be made part of the processes as they have ready technologies for dissemination.
	Section 4	(e) establish linkages with international research agencies for the	(e) Establish linkages with national and international research agencies for the adoption of best mung bean	Incorporate national research agencies. Agencies such as KALRO also develop technologies ready for adoption.



		adoption of best mung bean		
	Section 4		<p>For the realization of the objectives set out under section 3, the Authority, in consultation with the County Governors, shall—</p> <p>(l) Develop a framework to enhance strategic linkages among Mungbean researchers, farmers, extension agents, and traders/processors/aggregators.</p> <p>(m) Developing a framework for mung bean Farmers to form cooperatives to help them to access quality inputs and protect them from exploitation and provide farmers with other services.</p> <p>(o) Establish a framework to support and enhance research for mungbean and mungbean seed production system that to promote improved production of the mungbean to meet market needs.</p>	Incorporate the following additional sub-sections
	Section 5	For the realization of the objectives set out under section 3, a county executive committee member shall—	For the realization of the objectives set out under section 3, a county executive committee member shall in collaboration with Partners—	The activities to be undertaken by the County Executive Members will require the support of other industry player so as to ensure success of the programs.
	Section 5 (c)	<p>For the realization of the objectives set out under section 3, a county executive committee member shall—</p> <p>(C) enforce regulations and standards on quality control of inputs and</p>	(C) enforce regulations and standards on quality control of inputs and production of mung beans at the county level in collaboration with other regulatory agencies;	Monitoring of standards for export, certified seed, seed quality will require services of KePHIS and KEBS.

		production of mung beans at the county level;		
Section 7 (4) (b)	The Cabinet Secretary shall - (b) review the policy at least once every five years;	The Cabinet Secretary shall - (b) review the policy at least once every ten years;		The policy review being done in 5 years is too short, we propose at least every 10 years - since is a process that requires resources and public participation
<b>PART III - REGULATORY PROVISIONS</b>				
Section 8 (1)	Every grower shall register with the relevant county executive committee member.	Every commercial mungbean grower shall register with the relevant county executive committee member.		The use of the word "Every grower" is ambiguous and may include certified seed growers and small scale farmer producing for home consumption and subsistence. We propose that "every grower" should only be applicable to commercial mungbean growers. Further, all farmers in Kenya have been registered or are being registered by the national government.
Section 9 (1)	A person shall not market, process or carry out large scale trading in mung beans or mung beans products unless the person has obtained a licence from the relevant county government.	"large scale trading" shall mean ..... For example- 500 bags of 90 kgs per month (4.5 tones)		"large scale trading" needs to be defined in terms of quantities under the Interpretation Section. Traders pay market fees(cess) and trading licenses to the counties. Mostly these traders are aggregators of food stuffs and thus the bill should not single out a license specific to mungbeans. If this is adopted then Sections 10 (1) (2) and the subsequent Sections on mungbean licensing committee may be revised

				to conform.
	Section 9(2)	A person who contravenes the provisions of subsection (l) commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding two years or to both.	A person who contravenes the provisions of subsection (l) commits an offence and is liable, on conviction, to a fine not exceeding Five Hundred Thousand or to imprisonment for a term not exceeding one year or to both.	9. (2) Since Mungbean industry regularization is being initiated by this bill, the fine being proposed is an hindrance, for the takeoff of the mung bean industry and will scare away investors. The penalty may then be upgrade as the Mung bean industry grows informed by the challenges observed which may require severe punitive actions arise.



**Eliud Kireger, (OGW, PhD)**  
**DIRECTOR GENERAL**



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② Lawrence Wazongu  
Seal  
03/07/2024



② DDC  
8  
2/7/24

**MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT**  
**OFFICE OF THE CABINET SECRETARY**

Telephone: 2718870/9  
Website: [www.kilimo.go.ke](http://www.kilimo.go.ke)  
Email: [cabinetsecretary@kilimo.go.ke](mailto:cabinetsecretary@kilimo.go.ke)  
When replying please quote;

KILIMO HOUSE  
CATHEDRAL ROAD  
P. O. Box 30028  
**NAIROBI**

REF: MOALD/CS/ADM/13/6 (15)

6<sup>th</sup> June 2024

**Samuel Njoroge**  
Clerk of the National Assembly  
Parliament Buildings  
P.O. Box 41842-00100  
**NAIROBI**

Dear Clerk,

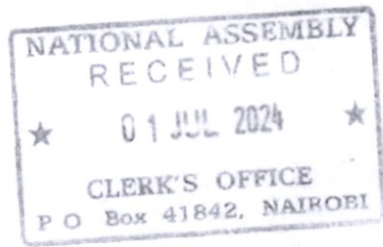
**STAKEHOLDER ENGAGEMENT ON THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2023) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK**

Reference is made to your letter Ref: NA/DDC/A&L/2024/033 dated 27<sup>th</sup> May, 2024 regarding the above subject.

Attached herewith are the Ministry of Agriculture and Livestock Development submission on the proposed bill.

Yours Sincerely,

**Hon. Mithika Linturi, EGH**  
CABINET SECRETARY



Encl.









**MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT**  
**OFFICE OF THE CABINET SECRETARY**

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**MEMORANDUM BY THE MINISTRY OF AGRICULTURE AND LIVESTOCK  
DEVELOPMENT ON THE PROPOSED MUNG BEAN BILL, (SENATE BILLS NO.13  
OF 2022)**

**BY**

**HON. MITHIKA LINTURI, EGH**  
**CABINET SECRETARY**

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**JUNE 2024**

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## **Introduction**

Mung Beans (*Vigna radiata* (L.) also known as Green grams or Ndengu in Swahili, is an annual leguminous crop of species belonging to the Fabaceae family. It's a native to the Indian sub-continent but also cultivated in hot and dry regions of Southern Europe, Southern United States and Eastern Africa.

In Kenya, green grams production has continued to gain popularity among small scale farmers mainly in Kitui, Makueni, Tharaka Nithi, Meru and Machakos Counties as a cash crop and drought tolerant crop.

The crop is mainly grown under rainfed conditions with minimal inputs. The successes realized from this crop in these Counties has stimulated interest in other counties due to its demand and good prices.

The crop is climate smart and its production can be promoted in more ASAL counties to mitigate against the unreliable rainfall and as income source. The grain is grown for sale but some is retained in the households for domestic consumption.

The area under production OF Mung beans has increased from 229,820 ha in 2022 to 296,283ha in 2023. Production has increased from 149,577 tons in 2022 to 168,397 tons in 2023.

The value of locally produced green grams in 2023 was Ksh 12.7 billion compared to 13.3 billion in 2022. The decrease in value is attributed to decline in the farm gate price due to increased supply of the produce.

**Table 1: Green Grams Production and Market Performance 2017-2023**

Year	2017	2018	2019	2020	2021	2022	2023
<b>Area (Ha)</b>	302,292	362,939	305,323.10	285,071	272,401	229,820	296,283
<b>Production</b>							
<b>90 kg bag</b>	1,654,278	2,295,767	2,065,793	2,356,133	1,533,308	1,661,967	1,871,077
<b>MT</b>	148,885	206,619	185,921	212,052	138,056	149,577	168,397
<b>Yield (90 kg/Ha)</b>	5.5	6.3	6.8	8.3	5.6	7.2	6.3
<b>Price (KES)</b>							
<b>Average Farm gate price (90 kg bag)</b>	5,838	4,246	9,160	7,010	6,512	9,063	6,786
<b>Average Wholesale price (90kg bag)</b>	9,103	7,716	102,42	8,672	9,925	11,223	
<b>Total Value of Locally Produced Green grams (KES billion)</b>	9.7	9.7	18.9	16.5	10.1	13.3	12.70
<b>Imports (MT)</b>	8,966	660	14,470	2,160	304	1,852	5,440
<b>Exports (MT)</b>	2,164	24,466	586	8,756	19,230	4,656	8,730



**Table 2. Production and value of Green grams, 2022-2023**

County	2022			2023		
	Area (Ha)	Production (Tons)	Value (Kshs)	Area (Ha)	Prod'n (Tons)	Value (Kshs)
Kitui	80,836	72,617	6,232,852,600	94,036	43,272	2,758,520,000
Makueni	50,202	17,766	1,342,648,000	76,212	39,903	2,807,415,000
Machakos	16,571	3,936	304,035,500	24,280	17,997	1,399,570,000
Lamu	21,360	28,896	2,890,800,000	14,300	13,594	1,359,400,000
Tharaka Nithi	13,630	3,271	423,249,000	28,340	11,336	799,506,000
Meru	5,138	3,428	284,679,100	13,561	7,256	727,445,000
Embu	11,667	4,710	407,065,900	8,425	6,680	427,860,000
Kilifi	8,046	2,378	250,898,750	9,260	6,394	593,752,750
Kwale	6,777	2,396	148,891,200	9,537	5,957	329,160,000
Tana River	3,263	3,961	268,568,500	3,119	4,210	320,416,000
Taita Taveta	3,706	1,652	124,495,000	5,012	3,477	273,545,000
Baringo	845	606	72,260,000	1,624	2,459	252,763,500
Kisumu	4,155	2,129	345,267,000	3,121	2,106	263,272,500
Homa Bay	612	574	60,565,600	936	885	100,808,600
West Pokot	81	91	10,896,000	1,259	638	81,952,799
Elgeyo Marakwet	581	196	19,075,000	453	413	51,111,000
Siaya	665	194	18,607,500	659	315	16,914,000
Migori	168	130	14,255,000	221	213	2,375,680

Turkana	190	47	4,550,000	292	204	18,300,000
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<b>National</b>	<b>229,820</b>	<b>149,577</b>	<b>13,283,139,581</b>	<b>296,283</b>	<b>168,397</b>	<b>12,697,713,429</b>

### **Current regulatory and institutional framework**

The Mug Beans Bill, 2022 seeks to provide for the development, promotion and regulation of the Mug Bean sector and for connected purpose.

The existing legal framework for growth and development of agricultural crops in Kenya is the Crops Act No. 13 of 2013 is applicable for development and promotion of Mung bean value chain.

The Crops Act is an Act of parliament to consolidate and repeal various statutes relating to crops; to provide for growth and development of agricultural crops and for connected purposes.

This Act applies to scheduled crops as listed under the first schedule of the Act and includes such other crops as the cabinet secretary on the advice of the AFA may declare as scheduled crops under section seven hereof.

Section seven requires the Cabinet Secretary to by a notice in the gazette declare any other crop to be a scheduled crop for purposes of the Act. The notice shall prescribe development and regulations measures with respect to each scheduled crop.

Mug bean is a food crop which is supposed to be regulated by the Food Crops Directorate of the Agriculture and Food Authority. The Crops Act has scheduled 24 Food Crops.

Having observed that Mug Beans is not among the Food Crops listed in the first schedule the Cabinet Secretary has embarked on the process of scheduling the crop in order to have it regulated under the Crops Act among the other Food Crops



## Conclusion

In view of the above, the Ministry is of the considered opinion that instead of having a stand-alone Bill to provide for the promotion and development of Mug Beans, it would be expedient to have the Mug Bean crop scheduled under the Crops Act.

The specific comments on the Bill are contained in the attached matrix

Clause No.	provision	Observation	Proposed amendments	Justification
4	Duties of the authority	The title of part II is not aligned to the marginal note.	<ul style="list-style-type: none"> <li>Delete the word "duties" at the marginal note and replace with the term "responsibilities"</li> </ul>	To align the heading of Part II with the marginal note
5	Duties of the County Executive Committee Member	The title of Part II is not aligned to the marginal note.	<ul style="list-style-type: none"> <li>Amend clause five by deleting the marginal note and replacing it with "responsibilities of the county government"</li> </ul>	To align the heading of Part II with the marginal note
5 (d)	Market mug beans produced in the respective County both locally and international level	The bill proposes counties to directly market Mug Beans	<ul style="list-style-type: none"> <li>Delete 5(d) and replace with "link traders and producers to local and internal market"</li> </ul>	Marketing is not the responsibility of the County Governments.
5 (i)	Avail farm inputs and implements	<ul style="list-style-type: none"> <li>The provision makes it a</li> </ul>	<ul style="list-style-type: none"> <li>Delete the clause</li> </ul>	It is not sustainable for the County

Clause No.	provision	Observation	Proposed amendments	Justification
	including seeds fertilizers and other planting materials in order to facilitate mug bean production	legal duty and mandatory to provide such.		Governments to fully provide all the required inputs to facilitate Mug Bean production
5 (l)	Promote the carrying out of the Mug Bean trade through conducive taxation regime	<ul style="list-style-type: none"> <li>The provision is giving County Governments a role in regulation of taxation regimes</li> </ul>	<ul style="list-style-type: none"> <li>Delete the provision</li> </ul>	Taxation is regulated through other laws and is a responsibility of the National Government
7	Entire clause 7	The clause appears to guide on the formulation of a Mug Bean policy	Delete clause 7	It's a good practice for a policy to precede a law so that the law is informed by the policy
8	Entire clause 8	The clause is assigning roles to County Executive Committee member instead of the county government	Delete the term "County Executive Committee Member" wherever it appears and replace with "County Government"	This information is not a preserve of the County Executive Committee member but of the County Government
8 (2) (c)	Each County Executive Committee Member shall	During registration the growers is required to specify the variety	Delete the entire (2)(c)	It's not practical to specify the variety at registration because

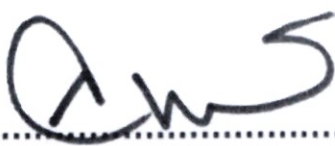
Clause No.	provision	Observation	Proposed amendments	Justification
	maintain a register of Mug Bean growers registered in the respective county under subsection (1) specifying the variety of Mug Bean grown	of Mug Bean grown		growers plant different varieties each season
10	County licencing committee	The clause is making it mandatory to County Government to form licencing committee	Delete the clause 11	Since clause 9 has given the mandate of licencing to County Government, the how this should be done can be addressed either administratively or in regulations  It's a good practice to establish one Licencing committee for all commodities in the County.
11	Qualification for appointment	This relates to the licencing committee in	Delete clause 11	Delete clause 11



Clause No.	provision	Observation	Proposed amendments	Justification
	nt as a member of the County licencing committee	clause 10 which we proposed deletion		
12	Terms of appointment as a member of the county licencing committee	This relates to the licencing committee in clause 10 which we proposed deletion	Delete clause 12	Delete clause 12
13	Application for licence	The clause suggests that Mug Bean will be regulated through a national legislation and also a County legislation.	The clause to be redrafted to provide clarity	<p>Since the County Government is responsible for issuance of licences, the said licence should be issued under the National legislation or through a County legislation and not both.</p> <p>The County assemblies have powers under the Constitution to enact County legislation and the National legislation should not prescribe the content of the County legislation.</p>

<b>Clause No.</b>	<b>provision</b>	<b>Observation</b>	<b>Proposed amendments</b>	<b>Justification</b>
14	Refusal to issue a licence	The clause is recognizing the licencing committee which was proposed for deletion under clause 10	Delete "county licencing committee" and replace with "County Government"	To align with clause 10 as proposed in the amendments.
14 (c)	A County licencing committee may refuse to issue a licence under this Act where the application does not comply with the requirement of a relevant County legislation	The clause suggests that the County legislation is being implemented under this Act	Delete clause 14 (c)	A licence will be denied where the applicant has not complied with regulations under this Act.
15	Cancellation of a licence by a County licencing committee	The clause is recognizing the licencing committee which was proposed for deletion under clause 10	Delete County licencing committee and replace with county government	To align with clause 10 as proposed in the amendments
15 (5)	County legislation on cancellation of licences	The clause suggests that the County Government can enact legislation prescribing further grounds and the process of cancellation of	Delete clause 15 (5)	The clause is bringing confusion as to which law is applicable whether it is the County or National legislation

Clause No.	provision	Observation	Proposed amendments	Justification
		a licence issued under this Act		
16 (1)	Appeal to the County licencing committee	The clause is recognizing the licencing committee which was proposed for deletion under clause 10	Delete County licencing committee and replace with county government	To align with clause 10 as proposed in the amendments
17	A licence issued under this Act is renewable yearly	It's not clear whether annually means calendar or financial year	amend to align with government procedures for licences	Licences issued by the government expire on 30 <sup>th</sup> June
19	Maintenanc e of registers	It's not clear how the information will be shared between the county governments and the authority	Delete Clause 19 (1), (2), (3) and (4) and replace with "A county government shall maintain and furnish the authority with information on all licences issued under this act on the fifth day of every month"	To provide clarify on how the information will be shared between the County Governments and the Authority

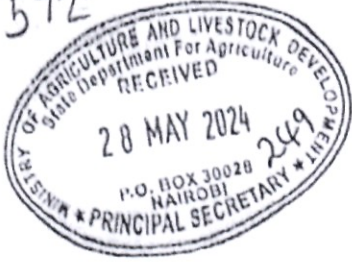


.....  
**Hon. Mithika Linturi, EGH**

Date.....*7/6/2024*



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OFFICE OF THE CLERK**

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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

Ref: NA/DDC/A&L/2024/033

27<sup>th</sup> May 2024

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Principal Secretary  
State Department for Agriculture  
Ministry of Agriculture &  
Livestock Development  
Kilimo House, Cathedral Road  
NAIROBI~~

Ms. Grace Kyallo  
Director General  
Agriculture and Food Authority  
Tea House, Naivasha Road  
Off Ngong Road  
NAIROBI

Ms. Mary Mwiti  
Chief Executive Officer  
Council of Governors  
2nd Floor, Delta House  
Waiyaki Way  
NAIROBI

*Parliament Liaison Person*  
*TINA*  
*28 5 2024*

Dear PS,

**REF: STAKEHOLDER ENGAGEMENT ON THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022) BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK**

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 and is mandated *inter alia* 'to study and review all legislation referred to it'.

Pursuant to the cited mandate, the Committee is in the process of considering the Mung Beans Bill (Senate Bill No. 13 of 2022) (copy attached).

The Bill seeks to provide for the development, regulation and promotion of the mung beans sector in Kenya.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you for a meeting to discuss the said Bill. The meeting will be held on Thursday, 6<sup>th</sup> June 2024 in Committee Room 26, Fifth Floor, Bunge Tower, Parliament Buildings at 10.00 a.m.

You are requested to submit electronic copies of your submissions to the Committee through the Office of the Clerk via email address [ena@parliament.go.ke](mailto:ena@parliament.go.ke) by Tuesday, 4<sup>th</sup> June 2024 and provide twenty (20) hard copies of the submissions during the meeting.

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② Lauren Wabonga  
Beef  
12/6/24

DDC  
① 2/8/06

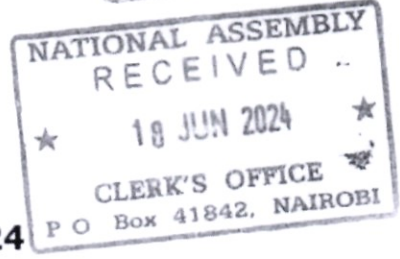
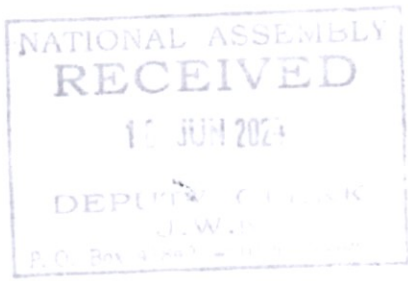
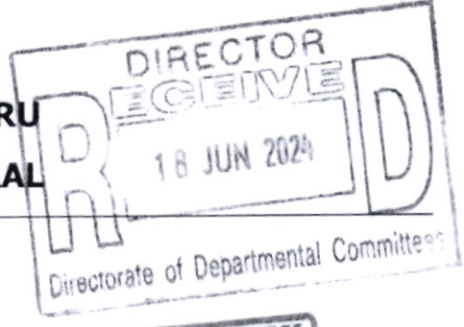


**AGRICULTURE AND FOOD AUTHORITY**

**MEMORANDUM BY THE AGRICULTURE AND FOOD AUTHORITY ON  
THE PROPOSED MUNG BEAN BILL, (SENATE BILLS NO.13 OF 2022)**

BY

**Dr. BRUNO LINYIRU  
DIRECTOR GENERAL**



JUNE 2024



## **Introduction**

Mr. CHAIRMAN AND HONOURABLE MEMBERS, Mung bean production has gained popularity from the Eastern counties of Makueni, Kitui, Machakos, Embu, Tharaka Nithi and Meru as well as the Coastal counties of Lamu and Kilifi to more than 34 counties (Table 1). The strong attributes of low input requirement, low water demand (making it climate smart) and high nutritional value have made Mung bean both cash crop and food and nutrition security crop as envisaged in the SDG2, MTPIV and BETA.

HONOURABLE MEMBERS, the area under production for Mung bean increased from 229,820 ha in 2022 to 296,283 ha in 2023 with an increased production from 149,577 tons to 168,397 tons, respectively. However, the value decreased from KES 13.3 billion to KES 12.7 billion in the same period attributed to increased supply (Table 2).

## **Current regulatory and institutional framework**

HONOURABLE MEMBERS, the Mung Bean Bill, 2022 seeks to provide for the development, promotion and regulation of the Mung bean sub-sector and for connected purpose. Conversely, the existing legal framework for the development, promotion and regulation of agricultural crops in Kenya is the Crops Act No. 16 of 2013 which is applicable for development and promotion of Mung bean value chain. The Act applies to scheduled crops as listed under the first schedule of the Act and includes such other crops as the Cabinet Secretary on the advice of the Agriculture and Food Authority (AFA) may declare as scheduled crops under section 7 thereof. Section 7(2) requires the Cabinet Secretary to by a notice in the gazette, declare any other crop to be a scheduled crop for purposes of the Act. The notice shall prescribe development and regulations measures with respect to each scheduled crop.

Scheduling of a crop provides a legal and regulatory framework for adequate allocation of resources for the development, promotion and regulations.

HONOURABLE MEMBERS, Mung bean is a food crop categorised under pulses regulated by the Food Crops Directorate of the Agriculture and Food Authority. The Crops Act has 24 Food Crops listed in the first schedule. Having observed that Mung bean is not among the Food Crops listed in the first schedule, the Cabinet Secretary has embarked on the process of scheduling the crop in order to have it regulated under the Crops Act among the other Food Crops. The board paper for scheduling has been passed by the Technical Operations and Compliance Committee awaiting the full Board approval and recommendation to the Cabinet Secretary for scheduling.

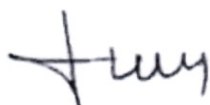
HONOURABLE MEMBERS, upon successful scheduling of the Mung bean, AFA shall prescribe development, promotion and regulation measures with respect to the crop as it does for other Food Crops under the first schedule of this Act and the Crops (Food Crops) Regulations, 2019.

### **Conclusion**

In view of the above HONOURABLE MEMBERS, there is no obvious legislative gap on 'MUNG BEAN' as a crop currently. Secondly, the crop is only valued at Kshs 13 billion, too little to stand on its own. Therefore, scheduling it will guarantee sufficient regulatory framework and resources from other crops to adequately allocate for its research, development, promotion and regulation resulting to the desired transformation of Mung bean value chain instead of having an Act of Parliament on 'MUNG BEAN'.

In conclusion HONOURABLE MEMBERS, the Authority is of the considered opinion that instead of having a stand-alone Bill to provide for the promotion and development of Mung bean, it would be expedient to have the Mung bean crop scheduled under the Crops Act and regulated under the existing Crops (Food Crops) Regulations, 2019.

The specific comments on the Bill are contained in the attached matrix (Table 3).



**Dr. Bruno Linyiru, PhD**

**14/06/24**

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**Table 1: Green Grams Production and Market Performance 2017-2023**

Year	2017	2018	2019	2020	2021	2022	2023
<b>Area (Ha)</b>	302,292	362,939	305,323.10	285,071	272,401	229,820	296,283
<b>Production</b>							
<b>90 kg bag</b>	1,654,278	2,295,767	2,065,793	2,356,133	1,533,308	1,661,967	1,871,077
<b>MT</b>	148,885	206,619	185,921	212,052	138,056	149,577	168,397
<b>Yield (90 kg/Ha)</b>	5.5	6.3	6.8	8.3	5.6	7.2	6.3
<b>Price (KES)</b>							
<b>Average Farm gate price (90 kg bag)</b>	5,838	4,246	9,160	7,010	6,512	9,063	6,786
<b>Average Wholesale price (90kg bag)</b>	9,103	7,716	102,42	8,672	9,925	11,223	
<b>Total Value of Locally Produced Green grams (KES billion)</b>	9.7	9.7	18.9	16.5	10.1	13.3	12.70
<b>Imports (MT)</b>	8,966	660	14,470	2,160	304	1,852	5,440
<b>Exports (MT)</b>	2,164	24,466	586	8,756	19,230	4,656	8,730

**Table 2: Production and value of Mung Beans (Green grams) 2022-2023**

County	2022			2023		
	Area (Ha)	Production (Tons)	Value (Kshs)	Area (Ha)	Production (Tons)	Value (Kshs)
Kitui	80,836	72,617	6,232,852,600	94,036	43,272	2,758,520,000
Makueni	50,202	17,766	1,342,648,000	76,212	39,903	2,807,415,000
Machakos	16,571	3,936	304,035,500	24,280	17,997	1,399,570,000
Lamu	21,360	28,896	2,890,800,000	14,300	13,594	1,359,400,000
Tharaka Nithi	13,630	3,271	423,249,000	28,340	11,336	799,506,000
Meru	5,138	3,428	284,679,100	13,561	7,256	727,445,000
Embu	11,667	4,710	407,065,900	8,425	6,680	427,860,000
Kilifi	8,046	2,378	250,898,750	9,260	6,394	593,752,750
Kwale	6,777	2,396	148,891,200	9,537	5,957	329,160,000
Tana River	3,263	3,961	268,568,500	3,119	4,210	320,416,000
Taita Taveta	3,706	1,652	124,495,000	5,012	3,477	273,545,000
Baringo	845	606	72,260,000	1,624	2,459	252,763,500
Kisumu	4,155	2,129	345,267,000	3,121	2,106	263,272,500

Homa Bay	612	574	60,565,600	936	885	100,808,600
West Pokot	81	91	10,896,000	1,259	638	81,952,799
Elgeyo Marakwet	581	196	19,075,000	453	413	51,111,000
Siaya	665	194	18,607,500	659	315	16,914,000
Migori	168	130	14,255,000	221	213	2,375,680
Turkana	190	47	4,550,000	292	204	18,300,000
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**Table 3: Comments on the Proposed Mung Bean Bill 2022**

Clause No.	provision	Observation	Proposed amendments	Justification
4	Duties of the authority	The title of part II is not aligned to the marginal note.	Delete the word "duties" at the marginal note and replace with the term "responsibilities"	To align the heading of Part II with the marginal note
5	Duties of the County Executive Committee Member	The title of Part II is not aligned to the marginal note.	Amend clause five by deleting the marginal note and replacing it with "responsibilities of the county government"	To align the heading of Part II with the marginal note
5 (d)	Market mung beans produced in the respective County both locally and international level	The bill proposes counties to directly market Mung Beans	Delete 5(d) and replace with "link traders and producers to local and internal market"	Marketing is not the responsibility of the County Governments.
5 (i)	Avail farm inputs and implements including seeds fertilizers and other planting materials in order to facilitate mung bean production	The provision makes it a legal duty and mandatory to provide such.	Delete the clause	It is not sustainable for the County Governments to fully provide all the required inputs to facilitate Mung Bean production
5 (l)	Promote the carrying out of the Mung Bean trade through conducive taxation regime	The provision is giving County Governments a role in regulation of taxation regimes	Delete the provision	Taxation is regulated through other laws and is a responsibility of the National Government
7	Entire clause 7	The clause appears to guide on the formulation of a Mung Bean policy	Delete clause 7	It's a good practice for a policy to precede a law so that the law is informed by the policy

8	Entire clause 8	The clause is assigning roles to County Executive Committee Member instead of the county government	Delete the term "County Executive Committee Member" wherever it appears and replace with "County Government"	This information is not a preserve of the County Executive Committee Member but of the County Government
8 (2) (c)	Each County Executive Committee Member shall maintain a register of Mung Bean growers registered in the respective county under subsection (1) specifying the variety of Mung Bean grown	During registration the growers is required to specify the variety of Mung Bean grown	Delete the entire (2)(c)	It's not practical to specify the variety at registration because growers plant different varieties each season
10	County licencing committee	The clause is making it mandatory for County Government to form licencing committee	Delete the clause 11	Since clause 9 has given the mandate of licencing to County Government, the how this should be done can be addressed either administratively or in regulations  It's a good practice to establish one Licencing committee for all commodities in the County.
11	Qualification for appointment as a member of the County licencing committee	This relates to the licencing committee in clause 10 which we proposed deletion	Delete clause 11	Delete clause 11
12	Terms of appointment as a member of the county licencing committee	This relates to the licencing committee in clause 10 which we proposed deletion	Delete clause 12	Delete clause 12



13	Application for licence	The clause suggests that Mung Bean will be regulated through a national legislation and also a County legislation.	The clause to be redrafted to provide clarity	<p>Since the County Government is responsible for issuance of licences, the said licence should be issued under the National legislation or through a County legislation and not both.</p> <p>The County assemblies have powers under the Constitution to enact County legislation and the National legislation should not prescribe the content of the County legislation.</p>
14	Refusal to issue a licence	The clause is recognizing the licencing committee which was proposed for deletion under clause 10	Delete "county licencing committee" and replace with "County Government"	To align with clause 10 as proposed in the amendments.
14 (c)	A County licencing committee may refuse to issue a licence under this Act where the application does not comply with the requirement of a relevant County legislation	The clause suggests that the County legislation is being implemented under this Act	Delete clause 14 (c)	A licence will be denied where the applicant has not complied with regulations under this Act.
15	Cancellation of a licence by a County licencing committee	The clause is recognizing the licencing committee which was proposed for deletion under clause 10	Delete County licencing committee and replace with county government	To align with clause 10 as proposed in the amendments

15 (5)	County legislation on cancellation of licences	The clause suggests that the County Government can enact legislation prescribing further grounds and the process of cancellation of a licence issued under this Act	Delete clause 15 (5)	The clause is bringing confusion as to which law is applicable whether it is the County or National legislation
16 (1)	Appeal to the County licencing committee	The clause is recognizing the licencing committee proposed for deletion under clause 10	Delete County licencing committee and replace with county government	To align with clause 10 as proposed in the amendments
17	A licence issued under this Act is renewable yearly	It's not clear whether annually means calendar or financial year	amend to align with government procedures for licences	Licences issued by the government expire on 30 <sup>th</sup> June
19	Maintenance of registers	It's not clear how the information will be shared between the county governments and the Authority	Delete Clause 19 (1), (2), (3) and (4) and replace with "A county government shall maintain and furnish the Authority with information on all licences issued under this Act on the fifth day of every month"	To provide clarity on how the information will be shared between the County Governments and the Authority

*Jun*

**Dr. Bruno Linyiru, PhD 14/06/2024**