


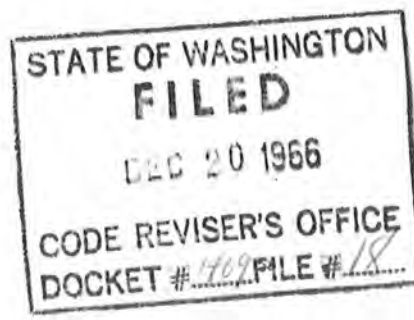
LEGAL NOTICE

Pursuant to the requirements of Chapter 15.65 RCW and Chapter 34.04 RCW, notice is hereby given that the Marketing Order to create a Washington Mint Commission has received the requisite assent by the affected producers of mint in the State of Washington; that a copy of the order has been duly filed with Richard White, Code Reviser for the State of Washington on December 20, 1966 and that it will become effective on February 1, 1967.

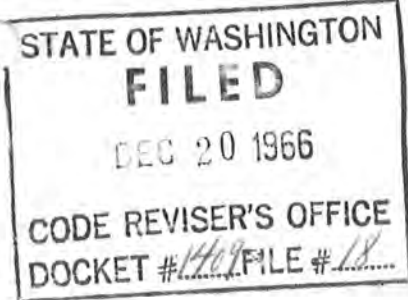
Copies of the order may be obtained from the Marketing Division, Washington State Department of Agriculture, Post Office Box 128, Olympia, Washington.

Dated this 20th day of December, 1966.


Donald W. Moos
Director of Agriculture



FINAL ORDER TO
CREATE A COMMISSION FOR MINT
PRODUCED IN
THE STATE OF WASHINGTON



ARTICLE I

Section A. DEFINITIONS OF TERMS. For the purpose of this marketing order:

1. "Director" means the Director of Agriculture of the State of Washington or his duly appointed representative.
2. "Department" means the Department of Agriculture of the State of Washington.
3. "Act" means the Washington State Agricultural Enabling Act of 1961 or Chapter 15.65 RCW.
4. "Person" means any person, firm, association or corporation.
5. "Affected Producer" means any person who produces, or causes to be produced in commercial quantities, in the State of Washington, any variety of mint plant from which the essential oil is distilled or extracted.
6. "Commercial Quantity" means all of the mint plants produced in any calendar year by any producer, from which the essential oil is distilled or extracted.
7. "Affected Handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing or distributing mint oils produced from mint plants not grown by him.
8. "Producer-handler" means any person who acts both as a producer and as a handler with respect to mint oil. A producer-handler shall be deemed to be a producer with respect to the mint plants and/or oil which he produces, and a handler with respect to the mint oil which he handles, including those produced by himself.
9. "Mint Oil" means the essential oil that is distilled from any variety of mint plant.

10. "Mint Commodity Board" hereinafter referred to as "Board" means the Commodity Board formed under the provisions of Article 11 of this Order.

11. "Marketing Season" or "Fiscal Year" means the 12 month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

12. "Affected Area" means that portion of the State of Washington located east of the summit of the Cascade Mountains.

13. "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

14. "Affected Unit" means one pound of mint oil as distilled from mint plants grown by an affected producer.

ARTICLE 11

THE MINT COMMODITY BOARD

Section A. ADMINISTRATION. The provisions of this Order and the applicable provisions of the Act shall be administered and enforced by the Board as the designee of the Director.

Section B. BOARD MEMBERSHIP

1. The Board shall consist of eight members. Seven members shall be affected producers elected as provided in this Article. The Director shall appoint one member of the Board who is neither an affected producer nor an affected handler to represent the Department and the public.

2. For the purpose of nomination and election of producer members of the Board, the affected area of the State of Washington shall be divided into two representative districts as follows:

a. District I shall have four Board members, being positions 1, 2, 3 and 4 and shall include the Counties of Kittitas, Yakima and Benton.

b. District II shall have three Board members, being positions 5, 6 and 7 and shall include all other counties east of the Cascade Mountains.

Section C. BOARD MEMBERSHIP QUALIFICATIONS.

1. The affected producer members of the Board shall be practical producers of mint plants in the district in and for which they are nominated and elected and shall be citizens and residents of the State of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing mint plants within the State of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

2. The qualifications of members of the Board must continue during their term of office.

Section D. TERM OF OFFICE

1. The term of office for members of the Board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

2. Membership positions on the Board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the Director position eight.

3. The term of office for the initial Board members shall be as follows:

Positions One and Two - one year

Positions Three, Four and Eight - two years

Positions Five, Six and Seven - three years

No elected member of the Board may serve more than two full consecutive three-year terms.

Section E. NOMINATION AND ELECTION OF BOARD MEMBERS

1. For the purpose of nominating candidates for election to Board membership the Director shall call separate meetings of affected producers.

2. Each year the Director shall call for nomination meetings in those districts whose Board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the Director for the election of Board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district according to the list maintained by the Director pursuant to RCW 15.65.200 of the Act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the Board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the Director signed by not less than five affected producers.

Section F. ELECTION OF BOARD MEMBERS. Members of the Board shall be elected by secret mail ballot within the month of June under the supervision of the Director. Affected producer members of the Board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote.

If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Notice of every election for Board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for Board membership, the Director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the Director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot

by application to the Director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer shall not invalidate the election of any Board member.

Section G. VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the Board, the remaining members shall select a qualified person to fill the unexpired term.

Section H. QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the Board.

Section I. BOARD COMPENSATION. No member of the Board shall receive any salary or other compensation, but each member shall receive not to exceed twenty dollars for each day in actual attendance on or traveling to and from meetings of the Board or on special assignment for the Board, together with subsistence and traveling expense at the rate allowed by law to state employees; PROVIDED, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the Board in advance of the incurrence of such expenses by any Board member.

Section J. POWERS AND DUTIES OF THE BOARD. The Board shall have the following powers and duties:

1. To administer, enforce and control the provisions of this order as the designee of the Director.
2. To elect a chairman and such other officers as the Board deems advisable.
3. To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the Attorney General, as the Board determines are necessary and proper to carry out the purpose of the Order and effectuate the declared policies of the Act.

4. To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the Order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the Board may prescribe.

5. To reimburse any applicant who has deposited money with the Director in order to defray the costs of formulating the Order.

6. To establish a "Mint Board Revolving Fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the Board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

7. To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this Order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the State Auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the State of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the Governor, the Director, the State Auditor and the Board.

8. To require a bond of all Board members and employees of the Board in a position of trust in the amount the Board shall deem necessary. The premium for such bond or bonds shall be paid by the Board from assessments collected. Such bond shall not be necessary if any such Board member or employee is covered by any blanket bond covering officials or employees of the State of Washington.

9. To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the Order during each fiscal year.

10. To establish by resolution, a headquarters which shall continue as such unless and until so changed by the Board. All records, books and minutes of Board meetings shall be kept at such headquarters.

11. To adopt rules and regulations of a technical or administrative nature, subject to the provisions of Chapter 34.04 RCW (Administrative Procedures Act.)

12. To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the Order and the Act, along with the necessary authority and procedure for obtaining such information.

13. To bring actions or proceedings upon joining the Director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the Act or Order.

14. To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

15. To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

Section K. PROCEDURES FOR BOARD

1. The Board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the Board.

2. The Board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the Board at least ten days prior to the meeting through regular wire news services and radio-television press.

3. The Board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the Board.

ARTICLE III

Section A. MARKETING ORDER PURPOSES. The Order is to promote the general welfare of the State, to enable producers of mint plants to help themselves develop improved production methods and/or programs for the control of disease, insects and weeds associated with mint plant culture and to provide for the dissemination of information to affected producers.

1. To carry out the purposes of the Order the Board shall provide for a program in one or more of the following areas:

a. Provide for aid in research in the production of mint plants and the distilling of mint oil by producers and to expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by Experiment Stations of Washington State University, but if in the judgment of the Board said Experiment Stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the Board.

b. Provide for collection and dissemination of information pertaining to mint.

ARTICLE IV

ASSESSMENTS AND COLLECTIONS

Section A. ASSESSMENTS.

1. The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be one cent per pound of oil as weighed by first purchaser.

2. First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the Board

In accordance with procedures adopted by the Board, Producers and producer-handlers who ship their oil direct to handlers outside of the State of Washington shall remit assessments to the Board at time of shipment.

Section B. COLLECTIONS. Any moneys collected or received by the Board pursuant to the provisions of the Order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the Board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the Board finds that the same will tend to effectuate such policies and purposes. However, if at the end of any fiscal year, the unexpended moneys on deposit with the Board shall exceed the total assessments received during that fiscal year, no assessment shall be levied during the next succeeding fiscal year.

Section C. PENALTIES. Any due and payable assessment herein levied in such specified amount as may be determined by the Board pursuant to the provisions of the Act and the Order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the Board when payment is called for by it. In the event any person fails to pay the Board the full amount of such assessment or such other sum on or before the date due, the Board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the Board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

ARTICLE V

Section A. OBLIGATIONS OF THE BOARD. Obligations incurred by the Board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted by them by the Act or this Order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the Order were a corporation. No liability for the debts or actions of the Board, employee or agent incurred in their official capacity under this Order shall exist either against the Board, officers, employees and/or agents in their individual capacity, nor against the State of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this Act or the assets thereof. The Board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other Board, member of the Board, or other person. The liability of the members of the Board shall be several and not joint and no member shall be liable for the default of any other member.

ARTICLE VI

Section A. TERMINATION OF THE ORDER. The order shall be terminated if the Director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The Director may ascertain without compliance with RCW 15.65.050 through RCW 15.65.130 of the Act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

ARTICLE VII

EFFECTIVE TIME

This marketing order for mint shall become effective after having been approved by at least 51% of the producers of mint having at least 65% of the volume of mint produced, or by at least 65% of the producers of mint having at least 51% of the volume of mint produced, and after having been filed with the Code Reviser for not less than thirty days.

ARTICLE VIII

Section A. SEPARABILITY. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

Signed this 29th day of June, 1966,


Donald W. Moos, Director of Agriculture

