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**DIVISION 1**

**PROCEDURAL RULES**

**642-001-0000**

**Procedure for Notice of Intended Rulemaking**

Before adopting, amending or repealing any permanent rule, the Oregon Mint Commission will give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 21 days before the effective date of the rule;

(2) By mailing a copy of the notice to persons on the Oregon Mint Commission's mailing list pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule;

(3) By mailing a copy of the notice to the legislators specified in ORS 183.335(14) at least 49 days before the effective date of the rule; and

(4) By mailing or furnishing a copy of the notice to:

(a) The Associated Press;

(b) Associations with an interest in a commission's rulemaking and publications whose readers have an interest in commission's activities; and

(c) Newspapers in primary production regions of the commodities represented by the commission.

Stat. Auth.: ORS 183.341(4) & 579.100

Stats. Implemented: ORS 183.341(4)

Hist.: OMC 2-1984, f. & ef. 7-26-84; MC 1-1995, f. & cert. ef. 6-29-95; OMC 1-2001, f. & cert. ef. 3-21-01

**DIVISION 10**

**REPORTING AND PAYMENT OF ASSESSMENT**

[ED. NOTE: Pursuant to authority vested in the Oregon Mint Commission by ORS 576.051 through 576.585, the following order and regulations relating to reporting and payment of assessments due the Commission are hereby promulgated.]

**642-010-0005**

**Definitions**

(1) "Person" means any individual, corporation, association, partnership or joint stock company.

(2) "Commission" means the Oregon Mint Commission.

(3) "First Purchaser" means any person who buys mint oil from the producer in the first instance, or handler who receives the mint oil in the first instance from the producer for resale or processing.

(4) "Producer" means a person or other legal entity producing mint oil in Oregon for market, whether as a landowner, landlord, tenant, sharecropper or otherwise.

(5) "Handler" means any producer, processor, distributor or other person engaged in handling or marketing of or dealing in mint oil, whether as owner, agent, employee, broker or otherwise.

(6) Mint oil consists of the oil of mint produced from but not limited to, *M. piperita*, (peppermint), *M. cardica* and *M. spicata* (spearmint). All peppermint and spearmint cultivars sold commercially are to be included.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576.325 - 576.365

Hist.: OMC 1-1984, f. & ef. 6-18-84

**642-010-0010**

**Assessments**

Any first purchaser shall deduct and withhold an assessment of six cents (\$.06) per pound for all oil purchased after June 30, 1993. All mint oil produced in the State of Oregon is to be included.

Stat. Auth.: ORS 576.325 - 576.365

Stats. Implemented: ORS 576.325 - 576.365

Hist.: OMC 1-1984, f. & ef. 6-18-84; MC 1-1989, f. 4-19-89, cert. ef. 7-1-89; MC 1-1993, f. 6-10-93, cert. ef. 7-1-93

**642-010-0015**

**Reports and Payments of Assessment Moneys**

First purchasers and handlers must submit completed and signed assessment reports on commission approved forms or formats. Assessment reports shall include all purchases by or deliveries to a first purchaser or handler of Mint. Monthly assessment reports and assessments are due in the commission office and must be postmarked by the last day of the month following the reporting month.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: OMC 1-1984, f. & ef. 6-18-84; OMC 1-2001, f. & cert. ef. 3-21-01

**642-010-0020**

**Penalties**

(1) Penalty for delaying transmittal of assessment moneys "In addition to the penalties prescribed in ORS 576.991, any person who delays transmittal of funds beyond the time set by a Commission shall pay a penalty of 10 percent of the amount due and shall also pay one and one-half percent interest per month on the unpaid balance of the assessment.

(2) A commission may waive the penalty and interest described in subsection (1) of this section upon showing of good cause."

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: OMC 1-1984, f. & ef. 6-18-84; OMC 1-2003, f. 12-10-03, cert. ef. 1-15-04

**642-010-0025**

**Effective Dates of Assessment**

(1) The assessment to be withheld and paid by a first purchaser or handler, as required by ORS Chapter 576 and OAR 642-010-0010, or the reports required under OAR 642-010-0015, applies to and covers any purchase by him or delivery on or after July 1, 1984, of mint oil grown in Oregon.

(2) This order shall be effective July 1, 1984, as postponement would result in serious prejudice to the public interest and particularly to the mint industry of this state. The Commission was only approved by referendum after a substantial number of the producers and all other segments of such industry agreed that cooperative programs were and are necessary to identify its needs with respect to research, education, and market development; studying legislation and regulation, state and federal, that affect the mint industry. It was a part of such opinion, and recently affirmed by a majority thinking of those in attendance at the public hearing, that such programs and the work of the Commission must start without delay.

Stat. Auth.: ORS 576

Stats. Implemented: ORS 576

Hist.: OMC 1-1984, f. & ef. 6-18-84

**DIVISION 20**

**RATES FOR COMMISSIONER PER DIEM  
AND REIMBURSEMENT**

**642-020-0010**

**Per Diem Compensation**

(1) Subject to the availability of funds in the budget of the commission, the Oregon Mint Commission may pay any member of the commission, other than a member who is employed in full-time public service, compensation for each day or portion thereof during which the member is actually engaged in the performance of the official commissioner duties.

(2) The rate of compensation is limited to \$30 per day, pursuant to ORS 292.495(1).

(3) In order to receive compensation, a member must submit to the Oregon Mint Commission a written claim for compensation by the 15th day of the calendar month following the month for which the member seeks compensation. The member must specify the amount of time the member spent on official commission duties as well as the nature of the duties performed for any day or portion thereof for which the member claims compensation.

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 292.495, 576.206, 576.416

Hist.: OMC 1-2008, f. 2-7-08, cert. ef. 3-22-08

**642-020-0020**

**Reimbursement of Travel and Other Expenses**

(1) Subject to sections (2)–(6) of this rule, a member of the Oregon Mint Commission, including a member employed in full-time public service, may receive actual and necessary travel and other expenses actually incurred in the performance of the member's official duties.

(2) In order to receive reimbursement of actual and necessary travel and other expenses, a member must submit to the Oregon Mint Commission a written itemized claim for reimbursement supported by receipts, invoices or other appropriate documentation for travel and other expenses by June 30 of the current fiscal year in which the member incurred the expense. The claim for reimbursement must include the following information for each expense:

- (a) Date on which the member incurred the expense; and
- (b) Nature of the expense; and
- (c) Amount of the expense.

(3) An expense that exceeds \$2,000 must be authorized by the Oregon Mint Commission before a member incurs the expense.

(4) For the purposes of this rule, "travel and other expenses" are limited to reasonable expenses. An expense is reasonable if:

(a) It is an actual expense incurred by a member in carrying out official commission business, which is within the member's scope of responsibilities; and

(b) The expense is necessary to enable the member to carry out official commission business.

(5) For the purposes of this rule, "travel and other expenses" includes:

- (a) Meals;
- (b) Overnight lodging;
- (c) Transportation;
- (d) Postage;
- (e) Cost of attending an event associated with promotion of a commodity, such as a festival, convention, trade show, etc.;
- (f) Long distance telephone charges when necessary;
- (g) Internet hookup;
- (h) Other expenses as requested or required by the Commission.

does not include:

- (a) In-room movie rental;
- (b) Snacks and beverages offered for sale by a place of lodging;

- (c) Use of a gym or health club;
- (d) Cost of a gift for a host, business associate, commission member or employee, or family member;
- (e) Alcoholic beverages.

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 292.495, 576.206, 576.265, 576.311, ORS 576.416, 576.440

Hist.: OMC 1-2008, f. 2-7-08, cert. ef. 3-22-08

**642-020-0030**

**Reimbursement for Hiring a Substitute**

(1) As used in OAR 642-020-0010, "other expenses" includes expenses incurred by a member of the Oregon Mint Commission in employing a substitute to perform duties, including personal duties, normally performed by the member, which the member is unable to perform because of the performance of official duties and which, by the nature of such duties, cannot be delayed without risk to health or safety.

(2) The amount that a member may be reimbursed for expenses incurred in employing a substitute must not exceed \$25 per day, pursuant to ORS 292.495(3).

Stat. Auth.: ORS 576.304

Stats. Implemented: ORS 292.495

Hist.: OMC 1-2008, f. 2-7-08, cert. ef. 3-22-08

**DIVISION 30**

**COMMISSION MAKE-UP, TERMS, QUALIFICATIONS,  
TERM LIMITS, REMOVAL FROM OFFICE**

**642-030-0010**

**Number of Commissioners, Terms**

The Oregon Mint Commission will consist of seven (7) commissioners appointed by the Director of the Oregon Department of Agriculture for a term of three years or, if for a term following a prior term for that person, ending three years from the date of expiration of any prior term. No commissioner will serve for more than two full consecutive terms of office.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: OMC 1-2003, f. 12-10-03, cert. ef. 1-15-04

**642-030-0020**

**Qualifications of Commissioners**

Members of the Mint Commission will have the following qualifications, which will continue during the term of office of the member:

(1) One (1) member of the commission will be a member of the public with an active interest in the positive economic development, production and/or marketing of the commodity, but who is not associated with the production or handling of mint oil;

(2) Five (5) of the members will be mint oil producers;

(3) One (1) member will be a mint oil handler.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: OMC 1-2003, f. 12-10-03, cert. ef. 1-15-04

**642-030-0030**

**Removal of Commissioners**

(1) The Director of the Department of Agriculture may remove a commissioner from office, and declare the position vacant for cause.

(2) The Commission may make a recommendation to the Director of the Department of Agriculture, or the Director may request a recommendation from the Commission on the removal of any commissioner.

Stat. Auth.: 2003 OL Ch. 604 & ORS 576

Stats. Implemented: 2003 OL Ch. 604 & ORS 576

Hist.: OMC 1-2003, f. 12-10-03, cert. ef. 1-15-04