

**PETITION TO FORM AN INDIANA MINT
MARKET DEVELOPMENT AND RESEARCH PROGRAM
(Amended - March 2008)**

In accordance with Sec. 15-4-3.5 of The Indiana Code, as amended, we the undersigned mint growers in the State of Indiana, do hereby petition the Director of the Indiana Agricultural Experiment Station (also known as Agricultural Research Programs) at Purdue University (hereafter referred to as the Director) for permission to establish a Mint Market Development and Research Council which will be created in accordance with the provisions of Sec. 15-4-3.5 of the Indiana Code.

FIRST: AREA OF PRODUCTION

We believe that the area of production included under this program should be the Indiana counties of: Starke, Newton, Jasper, Pulaski, Lake, Porter, White, Fulton, Marshall, LaPorte, St. Joseph, Kosciusko, Steuben, LaGrange, Whitley, Elkhart, Noble, Allen and DeKalb counties.

SECOND: GENERAL PURPOSE

We believe that the proposed Council should develop a program to provide for the establishment and expansion of market development and research programs related to mint and mint oil production.

These activities can include market development programs for mint and mint oil products for research in areas like weed control, insect control, disease control, improvement of fertilization, improved varieties and cultural practices; for research in the economics of mint production, marketing and utilization and for providing information on research and market developments to mint producers in Indiana.

The Indiana Mint Market Development and Research Council should have the right to contract with qualified organizations, agencies, or individuals for any of the activities listed above.

However, as provided by law, the Indiana Mint Market Development and Research Council could not attempt to establish or fix the price of mint oil or any other mint products or use the fees for political or legislative activities of any kind (IC 15-4-3.5-2).

THIRD: AMOUNT OF FEE TO BE COLLECTED

In order to finance this program, we proposed that a fee of five cents per pound on mint oil will be collected on all mint oil marketed by commercial producers.

FOURTH: METHOD FOR COLLECTION OF FEE

Collection of the fee should be made from the producer involved at the point of first sale. This fee is to be collected on all mint oil produced on land in the state of Indiana in the counties listed under Area of Production in the first paragraph. "Point of first sale" shall be the time when the final producer first places the mint oil in a commercial channel of trade. All fees collected at first point of sale, would be credited to a special "Mint Oil Council Development Fund" account with the Indiana Agricultural Experiment Station at Purdue University as provided by IC 15-4-3.5-7. The staff there should work in conjunction with the Indiana Mint Market Development and Research Council, Indiana Mint Growers Association and others in developing procedures for the collection of such fees. All fees, less the administrative expenses, would be expended by the Director upon authorization of the elected Mint Oil Research Council for the stated purposes of the program.

Any auditing of the collection points that may be necessary should be conducted under the auspices of the Director.

The fee should be forwarded to the Indiana Ag Experiment Station from the producers, handlers or processors at the point of first sale not less often than on a monthly basis.

In compliance with the statute, any producers may, by use of forms provided by the Director, have the fee paid by them refunded provided such request for refund is in the office of the Director within 180 days following the payment of such fee and that such request is accompanied by proof of sale. Forms for refund can be obtained at the first point of sale (IC 13-4-3.5-9).

FIFTH: MEMBERSHIP OF THE COUNCIL

"The Council which governs this program shall consist of 7 members who meet the qualifications of commercial producers under IC 15-4-3.5-1".

The seven council members shall be elected from the growing area as outlined in paragraph one - Area of Production. The initial election will allow for 3 members to be elected for a three year term and for no more than six consecutive years. Two additional members will be elected for a one year term and they can be then re-elected for 1 three year term. After the initial eight years of the operation of this Council, no member can be elected for more than six consecutive years without an absence from the Council for a three year period.

We believe nominations for the Council should be made by a nominating committee composed of five commercial producers appointed by the Director of the Ag Experiment Station. In addition, commercial producers could be nominated and have their names placed on the ballot provided they present the Director with a petition signed by at least 10 commercial producers from the growing areas at least 30 days prior to an election. Vacancies or unexpired terms of Council members would be filled by nomination of the Director and approved by a majority vote of the Council.

In addition to the 7 elected members of the Council, as provided by the statute, the Director of the Ag Experiment Station and the Director of the Indiana Department of Commerce (the Lieutenant Governor), or his designee, would serve as ex-officio member of the Council. Additional advisory members could be designated to serve in a non-voting advisory capacity at the discretion of the Council.

We propose the elected members of the Council shall receive no salary.

The duties of the Council would be to guide the development of programs in research and education as outlined in Sec. 15-4-3.5 of the Indiana Code and to advise the Director of the collection and expenditure of the funds collected in this program in the best interest of Indiana Mint Oil Producers. The Council would have the powers provided for it in Sec. 15-4-3.5 of the Indiana Code.

We believe the Council should meet at least quarterly and it may meet more frequently if necessary for the proper execution of its duties. The Council should be authorized to enact by-laws to govern its duties and the duties of its members. These by-laws will be available upon request, from the Indiana Ag Experiment Station at Purdue University.

"Provisions as to the election of members of the Council are contained in the Sixth section of this Petition, below".

SIXTH: METHOD OF CONDUCTING REFERENDUM

To vote in the referendum, or in the election of the Council members, commercial mint oil producers would be required to register with the Director of the Ag Experiment Station. We believe registration forms should be mailed to all known mint farmers and also should be available at the County Extension offices in the growing area and from members of the Indiana Mint Growers Association. Registration forms may be returned by the producers personally or by mail, either to the office of the County Agent in the producer's county of residence, or to the Office of the Director; any forms returned to the County Agents shall be promptly forwarded by them to the office of the Director. Registration shall be conducted during a period of not less than twenty-one (21) days, as determined and announced by the Director. Producers not registered by that time would be ineligible to vote in the referendum or election of Council members. After registration, the voting would take place by mail. Each producer would be required to vote prior to the announced deadline.

We propose the initial election of the Council members be carried out within 30 days after the referendum. The Director shall conduct further registrations and referendums each three years after the first referendum, in compliance with IC 15-4-3.5 (h), to allow producers to determine if the program shall be continued; and in conjunction with each such later referendum, nominations and elections of Council members to serve during the next three years shall be conducted, all in the same manner as provided above with regard to the first referendum and election.

SEVENTH: DEFINITION OF PRODUCER AND ELIGIBILITY TO VOTE

A commercial producer is an individual, firm, corporation, partnership or unincorporated association engaged within the growing area in the business of producing for market and receiving income from the sale of mint oil (IC 15-4-3.5-1 (g)). We believe rules governing the eligibility of a producer to vote in the referendum and for Council members should be as follows:

Any firm, corporation, partnership or unincorporated association engaged within the State growing area in the business of producing for market and receiving income from mint oil is entitled to one vote. For purposes of voting, a husband and wife and any other group owning a parcel of land as tenants in common or joint tenants, will be treated as a partnership.

Landlords and tenants are each entitled to cast one vote if each party holds legal title to mint oil produced and marketed. An individual producer would be entitled to one vote. A landlord receiving cash rent would not be eligible to register or vote. Farm managers would not be entitled to vote.