

**Addendum to  
MEMORANDUM OF AGREEMENT  
BETWEEN THE  
MONTANA DEPARTMENT OF AGRICULTURE  
NEBRASKA DEPARTMENT OF AGRICULTURE  
NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
WYOMING DEPARTMENT OF AGRICULTURE  
COLORADO DEPARTMENT OF AGRICULTURE**

For the coordination of proper management of Invasive Plant Species.

Date: 5/3/2012

The Memorandum of Agreement (MOA) between the Montana Department of Agriculture, Nebraska Department of Agriculture, North Dakota Department of Agriculture, South Dakota Department of Agriculture, Wyoming Department of Agriculture, and the Colorado Department of Agriculture, signed by the head of each state department of agriculture and effective as of March 14, 2006, is hereby amended pursuant to MOA section (C.) (1.) by adding the following provisions:

Participants

The Kansas Department of Agriculture joins the other named Departments of Agriculture as a party to the MOA.

The Kansas Department of Agriculture agrees to join the efforts to coordinate and promote the proper management of Invasive Plant Species, by implementation of actions to prevent, eradicate, or control the spread of infestation through an integrated management system, as outlined in the MOA.

Approval

All parties agree to this MOA Amendment. This Amendment serves only to add the Kansas Department of Agriculture as a party to the MOA. The Amendment does not alter any other provisions within the MOA effective as of March 14, 2006.

We, the undersigned parties, do hereby approve this Amendment to the Memorandum of Agreement and execute it as of the last date signed below.

SIGNATURES

South Dakota Department of Agriculture

Walt Bones 5-14-12  
Secretary of Agriculture Date  
Walt Bones

Montana Department of Agriculture

Ron de Yong 5-8-12  
Director of Agriculture Date  
Ron de Yong

North Dakota Department of Agriculture

Doug Goehring 5/16/12  
Commissioner of Agriculture Date  
Doug Goehring

Wyoming Department of Agriculture

Jason Fearneyhough 7/10/12  
Director of Agriculture Date  
Jason Fearneyhough

Nebraska Department of Agriculture

Greg Ibach 7-5-2012  
Director of Agriculture Date  
Greg Ibach

Colorado Department of Agriculture

John T. Salazar 7/27/12  
Commissioner of Agriculture Date  
John T. Salazar

Kansas Department of Agriculture

Dale Rodman  
Secretary of Agriculture Date  
Dale Rodman

RECEIVED  
MAY 15 2012  
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
SIOUX FALLS, SD

## APPENDIX A

### Joint Power provisions

1. This Agreement does not establish a separate legal entity as contemplated by SDCL 1-24-5. The cooperative undertaking described herein will be financed and conducted under the provisions of this agreement by the Parties respectively. Each party has responsibilities under the terms of this Agreement and no joint board or joint administrator will be used. Purchase and maintenance of equipment used to fulfill the agreement will be undertaken by respective agencies as described herein. No real property will be purchased for this Agreement.
2. A copy of this Agreement will be filed by the South Dakota Department of Agriculture with the Attorney General and the Legislative Research Council not more than 14 days after execution as required by SDCL 1-24-6.1
3. This agreement will become effective on the 1st Day of July; 2012 and will terminate by mutual agreement of the parties involved.
4. Financing required by this agreement will come from regular department budgets and other appropriate funding. This Agreement depends upon the continued availability of appropriated funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal fund reductions, this Agreement will be terminated by the State of South Dakota. Termination for any of these reasons is not a default by the State nor does it give rise to a claim against the State.
5. This Agreement may be terminate by either party upon thirty (30) days written notice without cause.
6. All parties must comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 42 U.S.C. 2000d) and, in accordance with Title VI of that act, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in be denied the benefits of, or otherwise subjected to discrimination under any program or activity for which applicant receives Federal financial assistance and will immediately take measures necessary to effectuate this agreement.
7. This agreement represents the entire agreement of the parties and all prior negotiations and agreements on this subject are merged herein.