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Missouri State Auditor

Department of Public Safety

**State Emergency
Management Agency**

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CITIZENS SUMMARY

Findings in the audit of the Department of Public Safety, State Emergency Management Agency

Exercise Attendance	The Department of Public Safety (DPS), State Emergency Management Agency (SEMA) coordinates various exercises each year to train state and local officials in disaster mitigation, preparedness, response, and recovery, which are funded through the federal Emergency Management Performance Grant (EMPG). The SEMA strategic plan requires 95 percent of EMPG jurisdictions attend at least 3 of 5 exercises conducted, but SEMA did not review its lists of attendees to measure compliance. It was found only 56 percent of jurisdictions attended at least 3 exercises during fiscal year 2012, and 73 percent did so during fiscal year 2011. Starting in September 2013, the 95 percent attendance requirement will be a federal requirement of the EMPG program, and non-compliance could impact the program's funding.
Payment of Operating Costs of the Governor's Office	During the 2 years ended June 30, 2012, the SEMA paid approximately \$55,000 related to air travel costs of the Governor's office. These flights were for the Governor to view disaster sites, promote disaster recovery, and attend disaster recovery events, however, of the 42 flights paid for by SEMA, none included a SEMA representative and only 11 included a DPS, Office of the Director representative.
Sunshine Law	The SEMA is designated to provide the day-to-day operation and oversight of the Missouri Emergency Response Commission (MERC), a federally-mandated program to protect the public health and the environment by assisting communities with chemical incident prevention, preparedness, response, and recovery. The MERC did not properly document the specific reason for going into closed session in the open meeting minutes or the related agenda, as required by the Sunshine Law.

In the areas audited, the overall performance of this entity was **Good**.*

American Recovery and Reinvestment Act (Federal Stimulus)	The Department of Public Safety, State Emergency Management Agency, did not receive any federal stimulus monies during the audit period.
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*The rating(s) cover only audited areas and do not reflect an opinion on the overall operation of the entity. Within that context, the rating scale indicates the following:

- Excellent:** The audit results indicate this entity is very well managed. The report contains no findings. In addition, if applicable, prior recommendations have been implemented.
- Good:** The audit results indicate this entity is well managed. The report contains few findings, and the entity has indicated most or all recommendations have already been, or will be, implemented. In addition, if applicable, many of the prior recommendations have been implemented.
- Fair:** The audit results indicate this entity needs to improve operations in several areas. The report contains several findings, or one or more findings that require management's immediate attention, and/or the entity has indicated several recommendations will not be implemented. In addition, if applicable, several prior recommendations have not been implemented.
- Poor:** The audit results indicate this entity needs to significantly improve operations. The report contains numerous findings that require management's immediate attention, and/or the entity has indicated most recommendations will not be implemented. In addition, if applicable, most prior recommendations have not been implemented.

Department of Public Safety

State Emergency Management Agency

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THOMAS A. SCHWEICH

Missouri State Auditor

Honorable Jeremiah (Jay) Nixon, Governor
and
Jerry Lee, Director
Department of Public Safety
and
Ryan Nicholls, Director
State Emergency Management Agency
Jefferson City, Missouri

We have audited certain operations of the Department of Public Safety, State Emergency Management Agency in fulfillment of our duties under Section 29, RSMo. The scope of our audit included, but was not necessarily limited to, the years ended June 30, 2012 and 2011. The objectives of our audit were to:

1. Evaluate the agency's internal controls over significant management and financial functions.
2. Evaluate the agency's compliance with certain legal provisions.
3. Evaluate the economy and efficiency of certain management practices and operations, including certain financial transactions.

Our methodology included reviewing minutes of meetings, written policies and procedures, financial records, and other pertinent documents; interviewing various personnel of the agency, and testing selected transactions. We obtained an understanding of internal controls that are significant within the context of the audit objectives and assessed whether such controls have been properly designed and placed in operation. We tested certain of those controls to obtain evidence regarding the effectiveness of their design and operation. We also obtained an understanding of legal provisions that are significant within the context of the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis.

The accompanying Organization and Statistical Information is presented for informational purposes. This information was obtained from the agency's management and was not subjected to the procedures applied in our audit of the agency.

For the areas audited, we identified (1) deficiencies in internal controls, (2) noncompliance with legal provisions, and (3) a need for improvement in management practices and procedures.

The accompanying Management Advisory Report presents our findings arising from our audit of the Department of Public Safety, State Emergency Management Agency.



Thomas A. Schweich
State Auditor

The following auditors participated in the preparation of this report:

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State Emergency Management Agency Management Advisory Report State Auditor's Findings

1. Exercise Attendance

The State Emergency Management Agency (SEMA) does not have procedures to ensure compliance and did not comply with the exercise attendance requirement for the 2 years ended June 30, 2012.

The SEMA coordinates various exercises each year to train state and local officials in disaster mitigation, preparedness, response, and recovery, which are funded through the federal Emergency Management Performance Grant (EMPG) program. The SEMA prepares a strategic plan every 5 years to identify the goals, objectives, and performance measures of the EMPG and the desired outcomes of the SEMA. One objective outlined in the strategic plan is to test, evaluate, and maintain the ability of key officials from all levels of government, non-governmental, volunteer, and private sector organizations to respond to and recover from disasters and emergencies through systematic participation in exercises. The strategic plan requires 95 percent of EMPG jurisdictions attend at least three of five exercises conducted. Starting in September 2013, this performance measure will also be a federal requirement of the EMPG program and non-compliance with this requirement could impact the federal funding of the program.

Although the SEMA maintains a list of individuals and jurisdictions in attendance at each exercise, the information is not utilized to measure compliance with the attendance requirement. At our request, the SEMA analyzed the information and found only 56 percent and 73 percent of jurisdictions attended at least three exercises during fiscal years 2012 and 2011, respectively, both well below the 95 percent required. Without proper training and adequate attendance at coordinated exercises, state and local officials may not be adequately prepared for immediate and efficient response during times of crisis.

Recommendation

The SEMA implement adequate procedures to track exercise attendance and ensure compliance with exercise performance measures.

Auditee's Response

The SEMA has implemented stronger procedures to track exercise attendance to ensure compliance with the attendance requirement as outlined in the strategic plan for EMPG jurisdictions.

2. Payment of Operating Costs of the Governor's Office

During the 2 years ended June 30, 2012, the SEMA paid approximately \$55,500 related to air travel costs of the Governor's office. The flights paid were for the Governor to view disaster sites, promote disaster recovery, and attend disaster recovery events; however the majority of the flights only included members of the Governor's staff or immediate family.

Flight documentation showed that no SEMA personnel were on any of the flights although some flights did include a representative from the Department of Public Safety, Office of the Director (DPS-OD). We identified 24 of the 29 flights paid in fiscal year 2012 (83 percent) and 7 of



State Emergency Management Agency
Management Advisory Report - State Auditor's Finding

the 13 flights paid in fiscal year 2011 (54 percent) did not include a representative from the SEMA or the DPS-OD.

The Governor's office has an appropriation to which travel costs may be charged. The Governor's office also receives an appropriation for expenditures associated with calling up the Missouri National Guard in times of emergency. While costs relating to disaster assessment and recovery are appropriate for the SEMA, it does not appear appropriate for the SEMA to bear the cost of flights taken by the Governor's office for purposes that appear to be within the scope of the Governor's duties, especially when the flights do not include a representative from the SEMA or the DPS-OD. This practice distorts the actual costs of operating both the SEMA and the Governor's office.

Recommendation

The SEMA work with the Governor's office to discontinue the practice of using SEMA appropriations to pay operating costs of the Governor's office.

Auditee's Response

The SEMA will work with the Governor's office to ensure that all travel costs paid by the SEMA for the Governor's office are related to disaster assessment or recovery.

3. Sunshine Law

The Missouri Emergency Response Commission (MERC) did not always follow Sunshine Law requirements relating to closed meetings as required by Chapter 610, RSMo. Our audit noted the MERC did not properly document the specific reason for going into closed session in the open meeting minutes or the related agenda for either of the two closed meetings held during the 2 years ended June 30, 2012.

The SEMA has been designated to provide the day-to-day operation and oversight of the MERC. The MERC is a federally mandated program established under 11 CSR 10-11.210 to protect the public health and the environment by assisting communities with chemical incident prevention, preparedness, response, and recovery. The Commission meets quarterly.

Chapter 610, RSMo, requires a closed meeting, record, or vote to be held only for the specific exceptions (reasons) announced publicly at an open session. In addition, it requires the MERC to give notice at least 24 hours in advance of the time, date, and place of each meeting, and its tentative agenda, including the specific exception for any planned closed meeting, in a manner reasonably calculated to advise the public of the matters to be considered.

Recommendation

The MERC ensure open meeting minutes and related agendas state the specific reasons for going into closed meetings as required.



State Emergency Management Agency
Management Advisory Report - State Auditor's Finding

Auditee's Response

The MERC has ensured that meeting minutes and related agendas state the specific reasons for going into closed meetings, gives at least 24 hours advance notice of the time, date, and place of each meeting, and its tentative agenda to include the specific reason for any planned closed meetings.

State Emergency Management Agency

Organization and Statistical Information

The State Emergency Management Agency (SEMA) was created by statute in 1951 as a division of the executive branch of state government. The agency was transferred to the Office of the Adjutant General by executive order on October 1, 1966. The 74th General Assembly confirmed the transfer in 1967. The State Omnibus Reorganization Act of 1974 transferred the Office of the Adjutant General to the Department of Public Safety. Finally, the 94th General Assembly moved the SEMA to report directly to the Director of Public Safety in 2007. Chapter 44, RSMo, gives detailed provisions as to the organization and function of the SEMA.

The SEMA, in cooperation with local, state, and federal governments, is responsible for developing statewide hazard plans and hazard mitigation plans, and administering state and federal programs. In the event of a Presidential Disaster Declaration, and after the signing of a federal-state disaster agreement, the SEMA coordinates and serves as a liaison between the Federal Emergency Management Agency (FEMA) and victims of natural disasters for disaster assistance claims ranging from temporary housing to mitigation. When damages occur to publicly owned property, the SEMA in cooperation with the FEMA conducts damage assessments, writes project scope of work, administers federal funds to local communities, and conducts closeout project audits.

In the event of a major statewide natural or man-made disaster, the governor, state officials and support staff coordinate state agency response from the State Emergency Operations Center (SEOC). The SEOC is located 18-foot underground at the Adjutant General's Headquarters of the Missouri National Guard, Ike Skelton Training Site in Jefferson City. The SEOC is designed and built to provide protection from radioactive fallout and earthquakes. The SEOC has back-up generators, an independent water system, a communications center, and a computer system for continuity of government for disaster response. The SEOC is occupied and used on a daily basis as the regular offices of the SEMA to assure operational readiness in the event of an emergency.

The executive officials of local political subdivisions appoint the county and city directors of emergency management. About 90 percent of all local emergency management directors are volunteers or are paid on a part-time basis. The SEMA provides training, guidance, and assistance to the local organizations but does not command or control their activities.

The SEMA Director supervises the day-to-day operations of the agency. During normal working conditions, he reports to the Director of Public Safety and coordinates certain activities with the Director of Public Safety, the Director of Homeland Security, and the Governor's office.

During a disaster, the SEMA Director reports directly to the Governor's office. The Governor has the responsibility of carrying out all or any part of the emergency response functions within the state.



State Emergency Management Agency
Organization and Statistical Information

The SEMA is organized into five branches: Executive Branch; Administrative and Fiscal Branch; Logistics, Resources, Mitigation and Floodplain Management Branch; Operations, Training and Exercise Branch; and Planning and Disaster Recovery Branch. Each branch is headed by a branch chief who coordinates activities to meet the director's objectives.

Paul D. Parmenter served as Director from March 2009 to November 2012. Donald L. King served as Director from December 2012 to March 2013. Ryan Nicholls was appointed Director in March 2013. At June 30, 2012, the SEMA employed 87 employees.

American Recovery and
Reinvestment Act 2009
(Federal Stimulus)

The State Emergency Management Agency did not receive any federal stimulus monies during the years ended June 30, 2012 and 2011.

Appendix A-1

State Emergency Management Agency
 Combined Statement of Receipts, Disbursements, and Changes in Cash and Investments
 Year Ended June 30, 2012

	State Emergency Management Fund	Chemical Emergency Preparedness Fund	Missouri Disaster Fund	Total (Memorandum Only)
RECEIPTS				
Federal grants	\$ 5,982,009	1,410	71,031,580	77,014,999
Radiological Emergency Preparedness Program	383,224	0	0	383,224
Refunds	266,571	0	1,009,143	1,275,714
Community Right-to-Know Act fees	0	760,907	0	760,907
Miscellaneous receipts	3,480	6,105	177	9,762
Interagency receipts	2,878,700	16,650	3,439	2,898,789
Total Receipts	<u>9,513,984</u>	<u>785,072</u>	<u>72,044,339</u>	<u>82,343,395</u>
DISBURSEMENTS				
Personal service	1,369,563	143,113	676,494	2,189,170
Employee fringe benefits	518,998	62,383	53,904	635,285
Expense and equipment	2,565,291	25,818	614,061	3,205,170
Program distributions	7,260,953	537,790	70,611,557	78,410,300
Cost allocation	0	10,947	0	10,947
Total Disbursements	<u>11,714,805</u>	<u>780,051</u>	<u>71,956,016</u>	<u>84,450,872</u>
RECEIPTS OVER (UNDER) DISBURSEMENTS	<u>(2,200,821)</u>	<u>5,021</u>	<u>88,323</u>	<u>(2,107,477)</u>
OTHER FINANCING SOURCES (USES)				
Transfers from:				
Proceeds of Surplus Property Fund	1,287	0	0	1,287
Appropriations exercised by other agencies	(5,024)	(78,436)	0	(83,460)
Total Financing Sources (Uses)	<u>(3,737)</u>	<u>(78,436)</u>	<u>0</u>	<u>(82,173)</u>
RECEIPTS OVER (UNDER) DISBURSEMENTS AND OTHER FINANCING SOURCES (USES)	<u>(2,204,558)</u>	<u>(73,415)</u>	<u>88,323</u>	<u>(2,189,650)</u>
CASH AND INVESTMENTS, JULY 1, 2011	5,312,680	805,595	5,802	6,124,077
CASH AND INVESTMENTS, JUNE 30, 2012	<u>\$ 3,108,122</u>	<u>732,180</u>	<u>94,125</u>	<u>3,934,427</u>

Appendix A-2

State Emergency Management Agency
 Combined Statement of Receipts, Disbursements, and Changes in Cash and Investments
 Year Ended June 30, 2011

	State Emergency Management Fund	Chemical Emergency Preparedness Fund	Missouri Disaster Fund	Total (Memorandum Only)
RECEIPTS				
Federal grants	\$ 18,075,042	605	58,348,750	76,424,397
Radiological Emergency Preparedness Program	382,474	0	0	382,474
Refunds	43,016	0	409,104	452,120
Community Right-to-Know Act fees	0	785,717	0	785,717
Miscellaneous receipts	489	12	640	1,141
Interagency receipts	266,106	16,660	0	282,766
Total Receipts	<u>18,767,127</u>	<u>802,994</u>	<u>58,758,494</u>	<u>78,328,615</u>
DISBURSEMENTS				
Personal service	1,219,811	151,522	189,150	1,560,483
Employee fringe benefits	504,689	69,256	15,285	589,230
Expense and equipment	5,969,425	52,532	363,969	6,385,926
Program distributions	10,367,846	421,883	58,187,540	68,977,269
Cost allocation	0	10,596	0	10,596
Total Disbursements	<u>18,061,771</u>	<u>705,789</u>	<u>58,755,944</u>	<u>77,523,504</u>
RECEIPTS OVER (UNDER) DISBURSEMENTS	<u>705,356</u>	<u>97,205</u>	<u>2,550</u>	<u>805,111</u>
OTHER FINANCING SOURCES (USES)				
Transfers from:				
Proceeds of Surplus Property Fund	134	0	0	134
Appropriations exercised by other agencies	(5,385)	(77,640)	0	(83,025)
Total Financing Sources (Uses)	<u>(5,251)</u>	<u>(77,640)</u>	<u>0</u>	<u>(82,891)</u>
RECEIPTS OVER (UNDER) DISBURSEMENTS AND OTHER FINANCING SOURCES (USES)	700,105	19,565	2,550	722,220
CASH AND INVESTMENTS, JULY 1, 2010	4,612,575	786,030	3,252	5,401,857
CASH AND INVESTMENTS, JUNE 30, 2011	<u>\$ 5,312,680</u>	<u>805,595</u>	<u>5,802</u>	<u>6,124,077</u>

Appendix B

State Emergency Management Agency
Comparative Statement of Appropriations and Expenditures

	Year Ended June 30,					
	2012			2011		
	Appropriation Authority	Expenditures	Lapsed Balances	Appropriation Authority	Expenditures	Lapsed Balances
GENERAL REVENUE FUND						
Personal service	\$ 1,168,150	1,149,410	18,740	1,168,150	1,132,783	35,367
Expense and equipment	191,186	182,122	9,064	206,313	162,174	44,139
State match on federal program expenditures	11,220,128	11,209,132	10,996	5,691,999	5,688,067	3,932
To provide for expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief	4,256,501	3,956,639	299,862	1,918,460	1,469,108	449,352
Personal service for immediate aid and relief services	35,000	21,246	13,754	1,000	356	644
Total General Revenue Fund	16,870,965	16,518,549	352,416	8,985,922	8,452,488	533,434
STATE EMERGENCY MANAGEMENT FUND						
Personal service	1,198,255	1,156,837	41,418	1,198,255	1,113,357	84,898
Expense and equipment	849,376	179,975	669,401	849,376	213,085	636,291
The Community Right-to-Know Act	746,890	674,588	72,302	346,890	252,700	94,190
For all allotments, grants, and contributions from federal and other sources that are deposited in the state treasury for administrative and training expenses of the SEMA and for first responder training programs	12,446,000	9,179,424	3,266,576	17,946,000	15,972,003	1,973,997
Real property rentals and leases	5,316	5,023	293	5,492	5,385	107
Total State Emergency Management Fund	15,245,837	11,195,847	4,049,990	20,346,013	17,556,530	2,789,483
CHEMICAL EMERGENCY PREPAREDNESS FUND						
Personal service	155,790	143,113	12,677	155,790	151,523	4,267
Expense and equipment	86,892	23,350	63,542	86,892	42,349	44,543
DPS IT Consolidation	11,500	2,468	9,032	11,500	10,182	1,318
The Community Right-to-Know Act	650,000	537,790	112,210	650,000	421,883	228,117
Total Chemical Emergency Preparedness Fund	904,182	706,721	197,461	904,182	625,937	278,245
MISSOURI DISASTER FUND						
For all allotments, grants, and contributions from federal and other sources that are deposited in the state treasury for the use of the SEMA for alleviating distress from disasters	72,845,167	71,910,762	934,405	59,026,340	58,740,538	285,802
Total Missouri Disaster Fund	72,845,167	71,910,762	934,405	59,026,340	58,740,538	285,802
Total All Funds	\$ 105,866,151	100,331,879	5,534,272	89,262,457	85,375,493	3,886,964

Appendix C

State Emergency Management Agency
 Comparative Statement of Expenditures (From Appropriations)

	Year Ended June 30,				
	2012	2011	2010	2009	2008
Salaries and wages	\$ 3,355,140	2,693,623	3,503,909	3,383,456	3,201,689
Travel, in-state	415,165	314,325	317,294	377,533	391,429
Travel, out-of-state	23,194	9,208	71,243	58,457	87,003
Fuel and utilities	123,777	1,660	366	345	345
Supplies	1,975,866	138,445	179,346	258,193	165,796
Professional development	37,549	42,131	62,824	43,681	54,419
Communication services and supplies	134,960	135,436	205,584	149,813	142,164
Services:					
Professional	2,873,317 #	5,932,608	8,004,920	6,856,962	5,187,500
Housekeeping and janitorial	12,203	3,255	2,371	1,295	3,745
Maintenance and repair	83,513	52,837	83,660	57,260	54,775
Equipment:					
Computer	8,450	51,435	90,288	22,052	136,002
Motorized	17,200	0	6,000	0	17,199
Office	53,100	19,004	32,542	62,992	169,195
Other	49,683	14,404	188,598	1,022,983	790,749
Property and improvements	0	0	2,044,414	0	0
Building lease payments	546,030	92,582	31,609	10,690	21,692
Equipment rental and leases	522,563	1,121,144	4,111	1,069,179	92,566
Miscellaneous expenses	7,424	28,695	194,311	1,083,080	225,510
Agency provided food	29,899	9,095	42,443	50,007	59,034
Rebillable expenses	0	26,839	398,481	382,795	511,543
Refunds	650	100	0	0	0
Program distributions:					
Distributions to state agencies	1,063,645	105,000	970,693	1,188,757	2,303,570
Aid to local governments	4,917,801	3,335,361	26,793,288	27,784,347	29,972,422
Program reimbursements	521	0	4,000	0	0
Other assistance benefits	84,080,229	71,248,306	139,294,815	115,030,452	117,506,020
Total Expenditures	\$ <u>100,331,879</u>	<u>85,375,493</u>	<u>182,527,110</u>	<u>158,894,329</u>	<u>161,094,367</u>

Appendix D

State Emergency Management Agency
 Disaster Assistance Expenditures
 Two Years Ended June 30, 2012

	General Revenue Fund	Federal Missouri Disaster Fund	Total
<u>Declared in 2011:</u>			
Disaster 1980 - severe storms, tornados, and flooding; 41 counties affected statewide (includes Joplin tornado disaster):			
2012 expenditures	\$ 7,110,815	31,062,633	38,173,448
2011 expenditures	1,147,277	20,849	1,168,126
Total Disaster 1980 Expenditures	<u>8,258,092</u>	<u>31,083,482</u>	<u>39,341,574</u>
Disaster 4012 - severe storms, tornados, and flooding; 11 counties affected statewide:			
2012 expenditures	660,977	7,679,508	8,340,485
2011 expenditures	0	0	0
Total Disaster 4012 Expenditures	<u>660,977</u>	<u>7,679,508</u>	<u>8,340,485</u>
Disaster 1961 - severe winter storm and snow storm; 61 counties affected statewide:			
2012 expenditures	613,510	5,170,419	5,783,929
2011 expenditures	0	1,634,757	1,634,757
Total Disaster 1961 Expenditures	<u>613,510</u>	<u>6,805,176</u>	<u>7,418,686</u>
<u>Declared in 2010:</u>			
Disaster 1934 - severe storms, tornados, and flooding; 36 counties affected statewide:			
2012 expenditures	1,081,905	2,211,934	3,293,839
2011 expenditures	0	13,000,951	13,000,951
Total Disaster 1934 Expenditures	<u>1,081,905</u>	<u>15,212,885</u>	<u>16,294,790</u>
<u>Declared in 2009:</u>			
Disaster 1847 - severe storms, tornados, and flooding; 52 counties affected statewide:			
2012 expenditures	644,294	1,539,567	2,183,861
2011 expenditures	31,366	3,992,983	4,024,349
Total Disaster 1847 Expenditures	<u>675,660</u>	<u>5,532,550</u>	<u>6,208,210</u>
Disaster 1822 - severe winter storm; 21 counties affected statewide:			
2012 expenditures	196,379	8,436,854	8,633,233
2011 expenditures	1,172,325	21,907,008	23,079,333
Total Disaster 1822 Expenditures	<u>1,368,704</u>	<u>30,343,862</u>	<u>31,712,566</u>
<u>Declared Prior to 2009:</u>			
17 Disasters - severe storms, tornados, winter storms and flooding; various counties affected statewide:			
2012 expenditures	4,850,010	15,126,484	19,976,494
2011 expenditures	4,806,206	17,994,840	22,801,046
Total Expenditures for Disasters Prior to 2009	<u>9,656,216</u>	<u>33,121,324</u>	<u>42,777,540</u>
 Total Disaster Assistance Expenditures	 <u>\$ 22,315,064</u>	 <u>129,778,787</u>	 <u>152,093,851</u>