



Center for Public Policy Priorities

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MEMORANDUM

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Recommendations and Comments on HHSC Proposed Rules for Estate Recovery

The Center for Public Policy Priorities (CPPP) appreciates the opportunity to comment on proposed rules for Estate Recovery as published At 29 TexReg 4038-4043, April 30, 2004. We commend HHSC staff for the good work that has gone into the HHSC proposal, and we offer additional suggestions we believe would enhance the policy.

GENERAL COMMENTS

CPPP would like for the regulations to be drafted to provide the maximum protection for Texas' low-income individuals and families, so that they can become self-sufficient and preserve a reasonable amount of assets toward that end. Of special concern is the need to preserve family homes of multi-generational families, a housing arrangement often necessitated by low income. Our recommendations are intended to provide HHSC with the maximum possible latitude to protect low-income families.

Only 1 in 10 Texans overall is on Medicaid, yet 7 of 10 Texans in a nursing home is on Medicaid. Clearly, Texas' Nursing Home programs (and to some extent other long-term care programs) serve many middle-income Texans. It is critical that Estate Recovery not result in loss of family homes by low-income multi-generational households that lack resources to hire estate planning experts, while middle-class families remain untouched because they had the sophistication, resources, and funds to purchase estate planning services and shield assets from recovery.

The Center supports many key provisions of the HHSC proposed rules. We highlight the provisions we support, those that we recommend modifying, as well as additional provisions we believe should be added to the proposed rules.

SUPPORT FOR KEY PROVISIONS OF HHSC PROPOSED RULES

The Center strongly supports HHSC for the addition of several changes to the Proposed Framework, which reflect public comments on the Framework received during the informal comment process that preceded the drafting of proposed rules.

We commend HHSC for seeking to apply estate recovery only to recipients aged 55 years or older and who apply for covered services on or after the effective date of the program (1 TAC §373.103). Most current nursing home clients are in no position to re-arrange their personal affairs in response to a new policy. Prospective application of the new policy to new nursing home consumers is a humane and fair way to apply the new policy, and will reduce undue hardship. Because most Medicaid recipients are subject to some form of annual re-certification of eligibility, we suggest this minor wording change, to clarify the proposed policy: at 1 TAC §373.103(a)(2) "*initially* applied for covered Medicaid long-term care services on or after the effective date of these rules."

Note: If for some reason this key provision of the proposed rules is changed, we assume HHSC will re-publish proposed rules, as such a change would be highly substantive. For example, if current nursing home residents are to become subject to recovery, a whole array of questions and concerns about the manner in which they would be notified, and what charges would be subject to recovery, would arise. How and when would current NH residents, who will be affected, be notified of estate recovery? Unless all nursing home residents are notified upon the effective date of implementation of the estate recovery program, will recoverable charges begin only when they are actually notified, perhaps during the annually required re-application process?

CPPP also supports the decision to pursue recovery of costs of nursing facility services (and related costs of hospital and prescription drug services), and not for costs of home and community based services or costs for services provided to recipients receiving services in an ICF/MR. Both provisions will streamline the application of the policy, allowing HHSC to minimize time spent pursuing claims of limited benefit. At the same time, this policy will support incentives to use community-based care that will reduce overall long term care costs for the state and federal government.

Other provisions we particularly support include:

- **Exemption from recovery where recovery would either cause heirs to become dependent on public or medical assistance, or make them unable to discontinue public or medical assistance** (1 TAC §373.207(c)(3) and (4)). A number of states spell out the "other compelling circumstances" of "undue hardship" in several ways. Several stipulate that if the normal beneficiary would become eligible for federal or state benefits without the inheritance, recovery should not occur. Arkansas in addition preserves the inheritance if with it recipients would be able to discontinue such eligibility. Ohio exempts heirs who might be deprived of necessary food, shelter or clothing without the inheritance as well as totally and permanently disabled heirs who are financially dependent on the inheritance (looks like this is not limited to the deceased's children).

Exemption of Estates Under \$10,000. CPPP supports this exemption, proposed at 1 TAC §373.215. Many states do not recover against estates below a certain size. South Carolina doesn't seek recovery if the estate is worth less than \$10,000. This clause protects families with very little, while saving the state administrative costs associated with pursuing low-value estates.

RECOMMENDED CHANGES AND ADDITIONS TO HHSC PROPOSED RULES

Undue Hardship Exemption Amount

Proposed exemption of \$50,000 of homestead value is about 50% of statewide average value. The proposed rule would limit the undue hardship exempted value to \$50,000 of the appraised value of a homestead, with provision for annual updates (1 TAC §373.209(c)). While CPPP supports this general approach, we believe that other states have adopted exemption thresholds that are more reasonably related to contemporary homestead values, and Texas should do the same.

The Texas statewide average homestead based on 2002 tax data (latest available data from the Comptroller)¹ was \$96,059, so the proposed \$50,000 exemption would be about half that value. Yet, in Travis county the average value was \$196,564 and in Collin County \$184,719 (compare to Bastrop County average of \$77,423, Hunt County \$45,624, and Lee County \$52,629). Thus, while in some rural counties the proposed \$50,000 exemption will cover nearly all of the value of the average home, in urban areas—where 85% of Texans live—the exemption would cover a much smaller fraction of the homestead's value.

States including Vermont and South Carolina have CMS-approved exemptions which are tied to 100% of the statewide average homestead appraised value. In Vermont, CMS approved an exemption of \$125,000 of homestead value for heirs below 300% of the poverty income level, and in South Carolina \$100,000 of the

¹ 2002 County Self Report, Texas Comptroller's Property Tax Division.

homestead value can be exempted for qualified heirs (more on both states below). CPPP strongly recommends adopting a hardship exemption threshold which is tied to the state average value, and not 50% of that amount.

Vermont Model: an exempted value for low-income families. CPPP Strongly urges HHSC to consider an arrangement like the one CMS has approved for Vermont, in which the state was allowed to exempt \$125,000 of the homestead value, an amount close to the statewide average homestead value (not 50% of the average) for the year in which the policy took effect (the state has since updated the exemption to \$250,000).

Vermont's exemption is limited to only **family heirs** (enumerated to include a broad range of relatives) who either: (1) **have an income less than 300% of poverty** or (2) who have provided significant services or financial support to the deceased person. This was because CMS conditioned approval of the state Medicaid plan amendment upon limiting the hardship exemption only to qualifying heirs.

The Vermont regulation states: "When there are two or more heirs, the full value of the homestead is exempt from Medicaid estate adjustment or recovery only if each heir meets the conditions....above. When one or more heirs do not meet conditions (1), (2), and (3), the percentage of the value of the homestead corresponding to their share is subject to Medicaid estate adjustment or recovery."

A Vermont-style provision would preserve the inheritance for heirs with low incomes. It would also preserve the inheritance for people who have provided substantial support to the deceased individual. Probably, in a lower-real-estate-value state like Texas, the cap on value would be lower than \$250,000 (Vermont's was initially \$125,000 and was then raised via state regulation). A Texas version of this approach might exempt up to \$96,000 (the statewide average homestead value for 2002) for heirs at or below 300% FPL. The HHSC proposal for the capped value to be revised upward annually to reflect the growth in Texas' average homestead value should be included.

The Comptroller's Property Tax Division maintains data that document the average residential homestead value statewide. We have provided a recent data file and the CPA staff contact information to HHSC staff.

South Carolina. In South Carolina, estate recovery may be waived for undue hardship by exempting the first \$100,000 of the home is fully from estate recovery for heirs including a child who is under age 21, blind or disabled, a wife or husband, a brother or sister who is a part owner and who lived in the house for a specified period of time, or for a son or daughter who lived in the house for a specified period of time and provided care to the deceased person.

Texas' Hardship Exemption should be the statewide average home value. The Center strongly recommends that HHSC adopt an undue hardship exemption value that tracks 100%, not 50%, of Texas' average homestead value (e.g., \$96,000 was the statewide average for 2002). We believe that this will best accommodate Texas' wide variation between urban and rural homestead values, which results in extremely divergent values for houses that appear to be virtually identical. The Vermont and South Carolina models demonstrate that such an approach can be approved by CMS. If necessary for CMS approval, the exemption could be limited to heirs with incomes less than 300% of poverty or who have provided significant services or financial support to the deceased person, as is done in Vermont.

Using Texas' statewide average (as opposed to 50% of that as proposed by HHSC) is critical to reducing the inevitable urban-rural inequity that results from the dramatic variation in homestead values across the state. In 44 counties, the average value is **less than \$25,000**, and in another 128 counties the average falls between \$25,000-\$50,000, while in 17 counties (which are home to 66% of Texas homesteads) the average value is **more than \$100,000.**² With this degree of variation, it is virtually impossible to devise a statewide standard that is truly fair to similarly-situated families. **Even with the undue hardship exemption raised to the \$96,000**

² Counties with 2002 average values above \$96,000 include: Burnet, Collin, Comal, Dallas, Denton, Fort Bend, Gillespie, Harris, Hays, Kendall, Llano, Montgomery, Randall, Rockwall, Tarrant, Travis, and Williamson.

statewide average, the exemption will still be set at less than 50% of the average homestead value in the highest-value county.

Process. Finally, depending on the final approach chosen for the undue hardship exemption, it will be important that the rules and all related summary materials, “Q & A’s” etc. make clear whether and how the heirs must request the exemption amount. Our reading of the proposed rules suggests that the heirs must make a formal request in order to receive the exemption; that is, the exemption (whether the proposed \$50,000 or the \$96,000 we recommend) will not be automatic. This question of process should be clarified.

Undue Hardship Exemption for Persons who Require Medicaid as the Result of Being a Crime Victim

Idaho specifies that Medicaid recovery will not occur if the need for Medicaid services resulted from the commission of a crime, saying, "Nothing in this section authorizes the recovery of the amount of any aid from the estate...to the extent that the need for aid resulted from a crime committed against the recipient." For example, under such an exemption, the estate of a person whose disability results from a violent crime of the actions of a drunk driver would not be subject to recovery. CPPP recommends the addition of a crime victims' exemption to the Texas rule.

Undue hardship exemption for family businesses should be equivalent to exemption for family farms

At proposed 1 TAC §373.209(c)(2), HHSC would exempt an estate property from recovery if it is the site of a family business that is the sole income-producing asset of heirs (and has been for at least 12 months prior to the death of the nursing home resident), and produces more than 50% of their livelihood. In other words, if the heirs have any additional income-producing assets—no matter how trivial the income—then no exemption would be available. In contrast, the proposed rule allows exemption of a family farm or ranch if recovery would simply result in the heirs' loss of their “primary” (undefined) source of income. We can see no justification for treating a family farm or ranch differently from a family shoe repair shop, landscaping service, restaurant, dry cleaners, or barber shop.

CPPP recommends that the proposed rule be revised to create parity for family-owned businesses, to read:

“(2) The estate property subject to recovery has been the site of the operation of a family business, a family farm or ranch at that location for at least 12 months prior to the death of the decedent, and recovery by the State would affect the property and result in the heir or legatee losing his or her primary source of income.”

Exemptions for Relatives Under Certain Circumstances

HHSC has properly proposed to exempt estates from recovery for all relatives (heirs) who are required to be exempted under federal law as well as the Texas law and constitution. However, it appears that the HHSC proposal stops short of exempting a number of other logically equivalent situations involving related heirs, despite the fact that a number of other states have CMS-approved estate recovery plans which include such exemptions. Moreover, these states with these broader exemptions are not limited to states which use pre-death liens (an approach which HHSC has wisely avoided). Examples of the broader exemptions recommended by CPPP are provided below.

Exempt married children living in the home. The proposed rules would exempt a homestead with an unmarried adult child who has been living in the home for a sufficient period. This is because of a requirement of Texas probate law regarding homestead protection. It would be desirable to also exempt married children living in the home. **This will help to preserve family homes of multi-generational families, a housing arrangement often necessitated by low income.**

If unmarried resident adult children are exempt but married resident adult children are not, a perverse incentive is created for adult children to divorce. This is not academic: a participant at the San Antonio estate recovery forum asked, "If a single child can keep the home, does that mean I can get a divorce and keep my mother's home?"

Also, an unwed mother who had been living with a parent could inherit a home where a similar married mother would lose the home. Moreover, as drafted the rules protect the unmarried adult child while disregarding the needs of the multi-generational family in which grandchildren and even great-grandchildren may be residing in the home. These consequences of drafting the rules narrowly to protect only the unmarried adult child, which is all that Texas probate homestead protection requires, are surely contrary to good public policy.

The Center recommends that the rules be drafted in such a way as to exempt the homestead from recovery if an adult child is resident, whether married or not. We recommend revising 1 TAC §373.207 (a)(4) to read, *“Medicaid Estate Recovery claims will be sought only after the death of the Medicaid recipient, and if there is... (4) no ~~unmarried~~ adult child residing continuously in the decedent's homestead for at least one year prior to the time of the Medicaid recipients' death.”*

If the state (or CMS) wishes to further restrict access to exemption for these and the other family situations described below, then the exemption for these additional heirs (i.e., those not already mandated for exemption under federal law or Texas law and constitution) could be limited as in Vermont to those who are either below 300% of the poverty income line or who have provided significant services or financial support to the deceased person.

Exemption from Recovery for Siblings and Children living in the home. A number of states which do not use pre-death liens nevertheless have regulations that say they do not recover after death while a sibling who has been continuously resident for at least a year prior to the decedent's nursing home admission is living in the home or while decedent's child who contributed care that helped the individual stay at home longer and who has been continuously resident for at least two years prior to the nursing home admission is living in the home. **Vermont, Virginia, Pennsylvania, South Carolina are four examples; we believe there are more and will be happy to research further if it would be useful to HHSC.**

Parents and Grandchildren Living in the Home. We would recommend that the rules also exempt decedent's parent on the same terms as decedent's siblings (as does Indiana) and decedent's grandchild on the same terms as the decedent's child (as does Minnesota). Again, this acknowledges the many family structures which low-income Texas families may have.

Exempt Claims for Medicaid Costs Below a Defined Threshold

While HHSC has prudently proposed to exempt estates worth less than \$10,000 from recovery (at 1 TAC §373.215), it may also not be cost-effective for the state to attempt to recover claims where the Medicaid costs incurred by the deceased were under a minimum value. This value should ideally be indexed annually to increases in medical or nursing home costs so as not to become meaningless. North Carolina does not make a claim against the estate if the recoverable amount is less than \$3,000. The Center recommends adding a similar provision to the Texas rule at §373.215.

Exempt Personal Effects of Deceased

CPPP recommends adding an explicit exemption for personal effects of the deceased be added to 1 TAC §373.207. Indiana exempts from recovery "Personal effects, ornaments, or keepsakes of the deceased." Wisconsin allows heirs and beneficiaries to keep up to a total of \$5,000 in value of wearing apparel and jewelry, household furniture, furnishings and appliances, and other tangible personal property (not cash assets). An explicit exemption would make it possible to reassure families that such personal effects would not be lost, and would promote consistent application of policy over time.

Extend Time Allowed to Submit Evidence of Expenses for Home Maintenance and Costs of Care

At proposed 1 TAC §373.213, documentation by heirs of deductions for expenses to maintain the deceased's home or for care provided which delayed institutionalization is due to HHSC 30 days after notice of the recovery claim process has been received. Because the rule only establishes an outside limit on HHSC's notice of the claim (within 30 days of HHSC's notice of the death), the possibility arises that a family could receive the

recovery claim notice almost immediately after the death of a family member. Considering the many disruptions that often surround a death in the family, CPPP recommends extending this deadline to 60 days, to ensure an more appropriate interval has passed after the death of the nursing home resident.

Flexibility in Pursuing and Settling Claims

CPPP supports explicitly granting HHSC flexibility in how it pursues and settles non-exempt claims. At 1 TAC §373.219, the proposed rule says, "*the claim can be paid according to a negotiated installment plan.*" CPPP supports this proposal, but would like to also see explicit authority for flexibility in recognizing "other compelling circumstances" and making fair arrangements for delayed or reduced repayment (as distinguished from complete exemption from recovery) as appropriate.

A number of states explicitly **allow negotiation or settlement for less than the full amount when that is desirable.**

- **Colorado:** "The state department may compromise, settle, or waive any recovery of medical assistance authorized pursuant to subsection (2) of this section upon good cause shown."
- **Maine:** "The commissioner may, at the commissioner's discretion, compromise, or otherwise settle and execute a release of, any claim or waive any claim, in whole or in part, if the commissioner determines the collection will not be cost-effective or that the best possible outcome requires compromise, release or settlement."
- **Massachusetts:** "[T]he division and the parties to the sale may by agreement enter into an alternative resolution of the division's lien."
- **Hawaii:** "The recipient, the recipient's heirs, personal representatives, or assigns may discharge the liens at any time by paying the amount thereof to the department which shall execute a satisfaction thereof. The department may at its discretion compromise the collection of any such liens, but such compromise shall be made only when the recipient, the recipient's heirs, personal representatives, or assigns prove that the collection of the full amount of the liens or claim would cause undue hardship or the liens or claim are otherwise uncollectible."
- **Kansas:** "The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue."

Notice to Nursing Home residents and affected parties

Federal rules require notification of estate recovery provisions at the time someone enters a nursing home. It would be good to ensure that this is done **both verbally and in writing**, as Washington state requires: "It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services that are subject to recovery of payments." While it would be unrealistic to expect HHSC to extend such verbal notification to every party to whom written notice is promised in the proposed at 1 TAC §373.303, verbal notification to the actual recipient can and should be required.

While this need not be spelled out in rules, **input from stakeholders** should be sought in developing materials for notification, as has been done by HHSC in other instances (e.g., Medicaid cost-sharing).

We would also like to request that notification materials include **detailed information about the home maintenance and care costs that may be exempt** from home recovery, including what kind of documentation needs to be kept for verification of these expenses, so people know about that in advance.

Right to Review of an Undue Hardship Denial

The Center recommends the addition of would appreciate more detail about the "review" process. How to request a review is clear at proposed 1 TAC §373.211, but not clear is who will decide this review? If reviewed by the same entity that made the initial determination, the review is of questionable value. The proposed rule states that the review is an informal process and is not a hearing. Does an heir or legatee have a right to attend

the review? Can the affected parties bring their attorney or other representative? We strongly recommend that such reviews be conducted by an independent entity, such as the State Office of Administrative Hearings, or preferably an Administrative Law Judge.

Thank you for your attention to these lengthy comments. The Center believes that the changes we recommend here are consistent with Legislative Intent to adopt a reasonable estate recovery policy, and one that will not disadvantage low-income families or undermine their ability to attain self-sufficiency and escape poverty. We also believe that HHSC's proposed rules provide a sound beginning for such a policy, and that the changes we recommend will improve on that foundation and the direction it provides.

The Center expresses its appreciation to volunteer Anne Peticolas, who provided the considerable research and analysis supporting these recommendations. Questions regarding these comments may be addressed to Anne Dunkelberg on our staff, (512) 320-0222 X102, dunkelberg@cphp.org.

Source: 2002 County Self Reports

<u>county #</u>	<u>county name</u>	<u>single-family/residential # of parcels</u>	<u>single-family/residential \$ mkt. value</u>	<u>single-family/residential avg. \$ mkt. value</u>
001	Anderson	11,531	525,401,973	45,564
002	Andrews	4,392	161,463,760	36,763
003	Angelina	21,501	1,155,562,690	53,745
004	Aransas	10,995	1,029,152,428	93,602
005	Archer	3,019	149,069,018	49,377
006	Armstrong	608	23,639,380	38,881
007	Atascosa	9,397	411,571,356	43,798
008	Austin	6,468	400,217,069	61,876
009	Bailey	1,790	51,410,071	28,721
010	Bandera	5,824	359,586,240	61,742
011	Bastrop	17,283	1,338,105,535	77,423
012	Baylor	2,192	45,211,637	20,626
013	Bee	6,625	255,965,840	38,636
014	Bell	58,504	4,199,792,816	71,786
015	Bexar	373,933	33,646,323,663	89,980
016	Blanco	1,378	90,980,345	66,023
017	Borden	88	1,068,460	12,142
018	Bosque	6,035	266,399,480	44,142
019	Bowie	24,436	1,440,779,456	58,961
020	Brazoria	71,094	6,216,834,550	87,445
021	Brazos	32,139	2,846,309,866	88,562
022	Brewster	3,361	171,208,280	50,940
023	Briscoe	685	12,119,475	17,693
024	Brooks	1,997	44,749,430	22,408
025	Brown	13,302	466,943,708	35,103
026	Burleson	4,203	130,169,573	30,971
027	Burnet	12,556	1,266,277,041	100,850
028	Caldwell	7,162	476,074,466	66,472
029	Calhoun	8,487	412,692,685	48,626
030	Callahan	3,076	102,721,560	33,395
031	Cameron	88,207	5,078,733,693	57,577
032	Camp	3,955	202,774,240	51,270
033	Carson	2,273	86,880,610	38,223
034	Cass	8,055	300,514,910	37,308
035	Castro	2,122	73,194,130	34,493
036	Chambers	9,260	623,111,680	67,291
037	Cherokee	11,080	471,056,710	42,514
038	Childress	2,172	67,030,550	30,861
039	Clay	3,885	150,379,812	38,708
040	Cochran	1,172	20,892,280	17,826
041	Coke	1,888	52,363,306	27,735
042	Coleman	3,347	65,057,655	19,438
043	Collin	154,302	28,502,458,829	184,719
044	Collingsworth	1,361	31,633,280	23,243
045	Colorado	5,564	272,276,803	48,935
046	Comal	29,219	3,410,336,340	116,716
047	Comanche	4,218	133,125,480	31,561

048	Concho	984	31,620,770	32,135
049	Cooke	10,566	740,605,931	70,093
050	Coryell	12,476	724,897,030	58,103
051	Cottle	755	16,003,280	21,196
052	Crane	1,380	34,926,700	25,309
053	Crockett	1,298	36,554,220	28,162
054	Crosby	2,391	68,651,520	28,712
055	Culberson	788	17,317,900	21,977
056	Dallam	2,167	46,021,178	21,237
057	Dallas	522,444	70,849,361,830	135,611
058	Dawson	4,242	127,854,340	30,140
059	Deaf Smith	4,887	193,942,940	39,685
060	Delta	1,645	49,326,532	29,986
061	Denton	122,454	19,456,851,731	158,891
062	Dewitt	4,764	160,359,380	33,661
063	Dickens	920	12,991,760	14,121
064	Dimmit	2,970	65,011,738	21,889
065	Donley	1,696	43,624,616	25,722
066	Duval	3,355	68,309,410	20,360
067	Eastland	5,895	138,082,000	23,424
068	Ector	35,883	1,560,002,576	43,475
069	Edwards	601	14,437,572	24,023
071	El Paso	165,333	11,002,504,245	66,548
070	Ellis	35,177	3,201,821,558	91,020
072	Erath	7,237	381,203,580	52,674
073	Falls	4,879	130,632,250	26,774
074	Fannin	8,020	295,217,768	36,810
075	Fayette	5,869	346,640,589	59,063
076	Fisher	1,184	18,664,019	15,764
077	Floyd	2,283	64,082,580	28,069
078	Foard	576	9,031,610	15,680
079	Fort Bend	114,475	15,262,450,980	133,326
080	Franklin	3,629	305,873,380	84,286
081	Freestone	4,951	228,618,130	46,176
082	Frio	3,392	96,997,740	28,596
083	Gaines	3,053	104,792,285	34,324
084	Galveston	88,239	7,989,669,582	90,546
085	Garza	1,360	32,090,410	23,596
086	Gillespie	5,759	582,790,922	101,197
087	Glasscock	76	1,721,440	22,651
088	Goliad	1,840	62,337,510	33,879
089	Gonzales	4,264	160,563,790	37,656
090	Gray	9,663	287,947,899	29,799
091	Grayson	38,869	2,032,162,453	52,282
092	Gregg	31,893	2,270,230,068	71,183
093	Grimes	4,941	215,936,903	43,703
094	Guadalupe	26,169	2,360,420,381	90,199
095	Hale	9,325	413,685,048	44,363
096	Hall	1,638	33,523,530	20,466
097	Hamilton	2,368	102,178,720	43,150
098	Hansford	1,820	70,617,771	38,801
099	Hardeman	1,762	33,795,890	19,180
100	Hardin	14,949	810,497,530	54,218

101	Harris	818,387	98,239,418,922	120,040
102	Harrison	19,561	1,061,479,223	54,265
103	Hartley	1,327	91,967,699	69,305
104	Haskell	2,590	54,941,968	21,213
105	Hays	28,749	3,510,882,977	122,122
106	Hemphill	1,042	47,721,950	45,798
107	Henderson	29,508	1,866,856,453	63,266
108	Hidalgo	147,450	7,070,985,995	47,955
109	Hill	10,000	451,918,680	45,192
110	Hockley	5,898	267,397,089	45,337
111	Hood	16,752	1,402,705,820	83,734
112	Hopkins	7,624	404,526,550	53,060
113	Houston	5,520	217,017,040	39,315
114	Howard	10,724	337,970,592	31,515
115	Hudspeth	1,004	16,884,636	16,817
116	Hunt	22,425	1,023,127,335	45,624
117	Hutchinson	9,663	368,273,450	38,112
118	Irion	608	20,211,730	33,243
119	Jack	2,147	70,330,260	32,757
120	Jackson	3,437	124,677,399	36,275
121	Jasper	10,800	418,768,086	38,775
122	Jeff Davis	1,077	53,848,989	49,999
123	Jefferson	77,834	4,221,297,690	54,235
124	Jim Hogg	1,871	48,926,730	26,150
125	Jim Wells	8,433	273,222,134	32,399
126	Johnson	34,584	2,664,774,083	77,052
127	Jones	5,496	123,350,969	22,444
128	Karnes	3,176	78,649,740	24,764
129	Kaufman	17,663	1,429,351,310	80,923
130	Kendall	7,482	999,914,459	133,643
131	Kenedy	92	2,289,680	24,888
132	Kent	291	5,103,690	17,538
133	Kerr	13,566	1,224,684,468	90,276
134	Kimble	1,165	35,095,585	30,125
135	King	51	1,011,030	19,824
136	Kinney	1,731	49,215,765	28,432
137	Kleberg	9,012	410,328,180	45,531
138	Knox	1,554	29,569,830	19,028
139	Lamar	14,699	640,157,405	43,551
140	Lamb	4,964	129,430,609	26,074
141	Lampasas	5,152	322,307,880	62,560
142	Lasalle	1,760	29,824,277	16,946
143	Lavaca	4,939	212,618,030	43,049
144	Lee	3,053	160,677,019	52,629
145	Leon	3,483	133,258,551	38,260
146	Liberty	24,800	981,849,105	39,591
147	Limestone	7,046	237,643,451	33,727
148	Lipscomb	1,032	29,153,803	28,250
149	Live Oak	3,803	112,879,690	29,682
150	Llano	9,835	1,251,368,408	127,236
151	Loving	35	278,580	7,959
152	Lubbock	69,581	5,041,137,010	72,450
153	Lynn	1,937	59,410,720	30,672

154	Madison	2,376	83,540,710	35,160
155	Marion	4,834	150,108,570	31,053
156	Martin	912	26,272,910	28,808
157	Mason	1,031	43,885,890	42,566
158	Matagorda	13,381	552,453,970	41,286
159	Maverick	11,803	523,502,302	44,353
160	McCulloch	2,761	77,217,770	27,967
161	McLennan	59,169	3,981,432,295	67,289
162	McMullen	215	4,639,372	21,578
163	Medina	9,881	507,197,280	51,331
164	Menard	809	18,600,720	22,992
165	Midland	34,542	2,470,885,780	71,533
166	Milam	6,599	274,124,040	41,540
167	Mills	1,210	44,291,925	36,605
168	Mitchell	2,931	65,239,700	22,259
169	Montague	6,287	261,249,540	41,554
170	Montgomery	102,221	10,982,354,166	107,437
171	Moore	5,061	277,366,500	54,805
172	Morris	3,900	148,622,765	38,108
173	Motley	626	9,632,621	15,388
174	Nacogdoches	13,618	818,933,210	60,136
175	Navarro	11,670	499,715,802	42,821
176	Newton	5,024	140,636,142	27,993
177	Nolan	5,309	165,432,841	31,161
178	Nueces	89,632	6,700,278,161	74,753
179	Ochiltree	2,738	121,084,235	44,224
180	Oldham	566	20,099,902	35,512
181	Orange	26,882	1,400,361,770	52,093
182	Palo Pinto	10,120	600,648,855	59,353
183	Panola	6,490	304,070,088	46,852
184	Parker	24,719	2,300,304,170	93,058
185	Parmer	2,281	74,853,423	32,816
186	Pecos	4,260	129,836,880	30,478
187	Polk	18,289	564,522,375	30,867
188	Potter	32,321	1,981,887,228	61,319
189	Presidio	2,459	62,165,349	25,281
190	Rains	3,246	139,048,879	42,837
191	Randall	33,337	3,401,228,777	102,026
192	Reagan	1,013	27,953,550	27,595
193	Real	1,734	62,913,522	36,282
194	Red River	4,066	103,738,480	25,514
195	Reeves	3,859	71,923,910	18,638
196	Refugio	2,862	70,464,120	24,621
197	Roberts	327	8,252,759	25,238
198	Robertson	4,487	148,256,690	33,041
199	Rockwall	15,781	2,477,028,298	156,963
200	Runnels	3,897	103,051,460	26,444
201	Rusk	13,708	610,622,990	44,545
202	Sabine	5,790	180,711,873	31,211
	San			
203	Augustine	3,844	71,366,982	18,566
204	San Jacinto	9,758	431,419,005	44,212
205	San Patricio	19,141	1,093,340,483	57,120

206	San Saba	1,551	43,733,070	28,197
207	Schleicher	852	16,918,990	19,858
208	Scurry	5,441	179,558,582	33,001
209	Shackelford	1,286	38,799,882	30,171
210	Shelby	5,604	170,277,843	30,385
211	Sherman	868	27,258,730	31,404
212	Smith	51,646	4,242,290,065	82,142
213	Somervell	1,641	107,546,044	65,537
214	Starr	14,293	357,607,830	25,020
215	Stephens	3,461	97,765,130	28,248
216	Sterling	405	12,309,470	30,394
217	Stonewall	638	10,862,034	17,025
218	Sutton	1,296	52,760,107	40,710
219	Swisher	2,283	70,821,210	31,021
220	Tarrant	396,661	45,151,706,599	113,829
221	Taylor	35,754	2,133,347,421	59,667
222	Terrell	557	9,416,281	16,905
223	Terry	3,632	120,544,286	33,190
224	Throckmorton	633	12,322,600	19,467
225	Titus	7,422	399,005,568	53,760
226	Tom Green	32,805	1,855,337,895	56,557
227	Travis	203,515	40,003,819,760	196,564
228	Trinity	6,199	164,340,041	26,511
229	Tyler	8,071	260,962,837	32,333
230	Upshur	9,201	399,007,405	43,366
231	Upton	1,346	23,788,555	17,674
232	Uvalde	7,510	345,836,550	46,050
233	Val Verde	12,573	604,538,439	48,082
234	Van Zandt	11,736	613,450,301	52,271
235	Victoria	23,769	1,471,431,165	61,905
236	Walker	11,831	579,522,832	48,983
237	Waller	7,891	486,856,635	61,698
238	Ward	4,025	102,491,000	25,464
239	Washington	7,519	547,418,840	72,805
240	Webb	42,192	2,874,990,786	68,141
241	Wharton	11,966	517,576,934	43,254
242	Wheeler	1,829	47,434,998	25,935
243	Wichita	39,075	2,360,245,834	60,403
244	Wilbarger	4,772	155,980,720	32,687
245	Willacy	5,372	139,421,037	25,953
246	Williamson	81,340	12,077,299,050	148,479
247	Wilson	10,488	662,329,900	63,151
248	Winkler	3,016	61,152,460	20,276
249	Wise	11,111	804,461,561	72,402
250	Wood	12,779	700,712,168	54,833
251	Yoakum	2,194	75,335,450	34,337
252	Young	6,295	237,577,010	37,741
253	Zapata	5,496	151,065,694	27,486
254	Zavala	3,055	55,894,756	18,296
	Statewide	5,680,780	545,689,673,788	96,059