



*Effective October 20, 1997*

# **TEXAS STATE LIBRARY AND ARCHIVES COMMISSION**

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## **LOCAL SCHEDULE CC (2nd Edition)**

### **RETENTION SCHEDULE FOR RECORDS OF COUNTY CLERKS**

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

### **INTRODUCTION**

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule CC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) maintained by county clerks. It also sets retention periods for the records of county surveyors, maintained by law by county clerks in those counties in which the office has been abolished, and for the records of defunct offices of county superintendents of schools, which are customarily maintained by county clerks. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is *less than permanent* may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is *permanent* on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

#### AMENDMENT NOTICE

An item number that is preceded by an asterisk (\*) indicates either that the retention period or the description of the record series has been changed from that which appeared in the edition of Local Schedule CC, effective November 1, 1994, or the records series is new to this schedule. An asterisk is also used before a retention note that has been amended or added at the beginning of the schedule or any of its parts or sections. Changes to legal citations or non-substantive editorial changes are not noted.

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#### **ABBREVIATIONS USED IN THIS SCHEDULE**

AR - After release, replacement, termination, or cancellation of  
the instrument; or if recorded, of all instruments in volume

AV - As long as administratively valuable

FE - Fiscal year end

US - Until superseded

## RECORDS OF COUNTY CLERKS

**Retention Notes:** a) *TEXAS COUNTY RECORDS MANUAL RENDERED WITHOUT EFFECT* - The adoption and issuance of the first edition of this schedule by the Texas State Library and Archives Commission rendered without effect Volume I of the Texas County Records Manual as amended through February 15, 1993. County clerks should not use any part of the Texas County Records Manual to determine minimum retention periods or the requirements of local government records laws.

b) *USE OF LOCAL SCHEDULE GR (Records Common to All Governments) - Class 1000 (General Records)*, which was part of Volume I of the Texas County Records Manual, is not included in this schedule. County clerks should use Local Schedule GR for determining minimum retention periods for administrative, personnel, financial, and support service records not included in this schedule.

c) *DESTROY AT OPTION* - The term "destroy at option" as used throughout this schedule indicates that the record is an obsolete record no longer required by law to be maintained by county clerks. We recommend that county clerks who wish to retain these records rather than destroy them assign definite retention periods for the records on their records control schedules.

### PART 1: COUNTY CLERK AS CLERK TO COMMISSIONERS COURT

#### SECTION 1-1: RECORDS OF PROCEEDINGS

1100-01 **BOARD OF EQUALIZATION MINUTES** - Proceedings of commissioners court sitting as a board of equalization. RETENTION: PERMANENT.

1100-01a **COMMISSIONERS COURT AGENDAS AND OPEN MEETING NOTICES.** RETENTION: 2 years. [By law - Government Code, Section 551.104(a) for agendas of closed meetings.]

1100-02 **COMMISSIONERS COURT DOCKET** - Register of petitions, applications, and claims filed.

a) If information *is* duplicated in Commissioners Court Minutes [1100-03]. RETENTION: 5 years after last entry.

b) If information *is not* duplicated in Commissioners Court Minutes [1100-03]. RETENTION: PERMANENT.

1100-03 **COMMISSIONERS COURT MINUTES.** RETENTION: PERMANENT.

1100-04 **COMMISSIONERS COURT MINUTES (AUDIO AND VIDEOTAPES)**

a) Audio or videotapes of proceedings in open meetings:

1) Audiotapes from which written minutes *are* prepared. RETENTION: 90 days after approval of the minutes by the commissioners court. (Exempt from destruction request to the Texas State Library)

2) Audiotapes from which written minutes *are not* prepared. RETENTION: PERMANENT.

b) Audiotapes of closed meetings. RETENTION: 2 years. [By law - Government Code, Section 551.104(a).]

c) Audiotapes of workshop sessions in which votes are not made and written minutes are not required by law to be taken. RETENTION: 2 years.

1100-05 **COMMISSIONERS COURT MINUTES (NOTES)** - Notes taken during meetings to aid in the preparation of minutes. RETENTION: 90 days after approval of the minutes by the commissioners court. (Exempt from destruction request to the Texas State Library)

**1100-06 COMMISSIONERS COURT ORDERS AND RESOLUTIONS**

a) If recorded in Commissioners Court Minutes or in a separate volume of proceedings [1100-03]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) If *not* recorded in Commissioners Court Minutes or in a separate volume of proceedings [1100-03]. RETENTION: PERMANENT.

**1100-07 COMMISSIONERS COURT, PETITIONS TO.** RETENTION: 2 years after consideration by the court. (Review before disposal; some petitions relating to significant events in a county may have historical value. This schedule recommends, but does not require, that such original petitions that have not been recorded in one of the permanent records listed in this section be retained PERMANENTLY.)

**1100-08 HOSPITAL DISTRICT BOARD MINUTES** - Proceedings of commissioners court sitting as a board of managers of a county hospital district. RETENTION: PERMANENT.

**1100-09 TEMPORARY BOARD AND COMMISSION MINUTES** - Proceedings of temporary boards or commissions appointed by commissioners court. RETENTION: PERMANENT.

**1100-10 COMMISSIONERS COURT SUPPORTING DOCUMENTATION** - One copy of each document *of any type* submitted to a meeting of commissioners court for consideration, approval, or other action, *if* such action is reflected in the minutes of a meeting. RETENTION: 2 years. (Review before disposal; some supporting documentation, not already required to be maintained permanently elsewhere in this or other commission schedules, may merit permanent retention for historical reasons.)

***Retention Note:** The retention periods for many of the documents submitted to commissioners court for action are established elsewhere in this or other commission schedules and are often longer than the 2-year retention period for supporting documentation set here. The 2-year retention requirement does not override a longer retention requirement set elsewhere, but rather is meant to ensure that **all** documents presented for action by commissioners court are retained at least two years. This schedule does not require that supporting documentation be maintained together, but the retention by a county clerk of one set of the documents submitted at each meeting for two years would ensure satisfaction of the minimum retention requirement. County clerks should exercise caution in disposing of supporting documentation to avoid destruction of the record copy of a document for which they are custodian before the expiration of its retention period.*

**SECTION 1-2: FINANCIAL RECORDS**

**1125-01 ACCOUNT OF OCCUPATION TAX RECEIPTS** - Statements of account from the State Comptroller to commissioners court showing amount of occupation taxes collected by the county. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1125-02 ANNUAL FEE REPORTS** - Annual statements of fees, costs, and commissions earned, collected, and owed by district, county, and precinct officers. RETENTION: FE + 3 years.

**1125-03 ANNUAL REPORTS OF SINKING FUNDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library.)

**1125-04 APPLICATIONS FOR DEPUTIES** - Applications by officials for the appointment of deputies and assistants. RETENTION: 1 year after appointment or denial of application. (Exempt from destruction request to the Texas State Library)

**1125-05 AUDITOR'S REPORTS**

a) Monthly or other partial year reports. RETENTION: FE + 3 years.

b) Annual reports. RETENTION: PERMANENT.

\* 1125-06 **BANKING RECORDS** - Bank statements, canceled or digitized images of checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc. of a county clerk. RETENTION: FE + 5 years.

1125-07 **BIDS AND BID DOCUMENTATION** - Original bid documentation maintained by county clerks in counties without county auditors or county purchasing agents.

a) Requests for proposals and successful bids, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation. RETENTION: FE + 3 years.

*\* Retention Note: If a formal written contract is the result of a request for proposal or successful bid, the request for proposal or successful bid and its supporting documentation must be retained for the same period as the contract. See item number 1125-12.*

b) Unsuccessful bids. RETENTION: 2 years.

c) Informal bid records, such as requests for quotations or estimates, for the procurement of goods or services for which state law or local policy does not require the formal letting of bids. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

#### 1125-08 **BOND REGISTERS**

a) If bond registers are duplicates of those maintained by the county treasurer or the county auditor. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

\* b) If bond registers are not duplicates of those maintained by the county treasurer or the county auditor. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond registers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond registers from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These registers usually merit permanent retention for historical reasons.*

1125-09 **BONDS AND COUPONS** - Canceled or unsold bonds, bond interest paying coupons, and similar instruments of paid bonded indebtedness, including lists of bonds and coupons to be destroyed.

a) Any unsold and undelivered bonds that have been printed, but the authority to issue which has been revoked by an election. RETENTION: See retention note. [By law - Revised Civil Statutes, art. 717g(2).] (Exempt from destruction request to the Texas State Library)

*Retention Note: Must be canceled and burned after canvass of election returns indicates revocation of the bond issue has been approved by the electorate.*

b) Canceled bonds or coupons in the possession of the county depository or another entity acting as paying agent for the bond issue. RETENTION: See retention note. [By law - Revised Civil Statutes, art. 717l-1.] (Exempt from destruction request to the Texas State Library)

*Retention Note: Commissioners courts may enter into contract with a depository or other entity for destruction of bonds or coupons provided that a) 1 year has elapsed since the bond or coupon was paid; and b) 90 days have elapsed since the depository or other agent has filed with the commissioners court or the county treasurer a list identifying the certificate, bond, interest coupon, or other evidence of indebtedness to be destroyed. The list submitted by the depository or other agency must be retained for 1 year after the destruction of the bonds or coupons and is exempt from destruction request to the Texas State Library.*

c) Canceled bonds or coupons in the possession of a county clerk. RETENTION: 1 year after payment. (Exempt from destruction request to the Texas State Library)

1125-10 **CLAIMS** - Bills, invoices, and other claims requesting payment for goods or services rendered.

a) In counties without an auditor or in counties with an auditor in which the county clerk retains the original claims as clerk to the commissioners court. RETENTION: FE + 3 years.

b) In counties with an auditor in which the county clerk retains copies and the county auditor the original claims. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1125-11 **CONTRACT RECORD** - Recorded contracts, leases, or agreements entered into by the county. RETENTION: PERMANENT.

\* 1125-12 **CONTRACTS, LEASES, AND AGREEMENTS** - Contracts, leases, and agreements entered into by the county, including reports, correspondence, performance bonds, and similar records relating to their negotiation, administration, renewal, or termination, *except* construction contracts. For construction contracts, see item number 1075-16 in Local Schedule GR (Records Common to All Local Governments). RETENTION: 4 years after the expiration or termination of the instrument according to its terms.

1125-13 **COUNTY BUDGETS** - Annual, supplemental, and special budgets, including amendments. RETENTION: PERMANENT.

1125-14 **COUNTY DEPOSITORY PLEDGE CONTRACTS** - Pledge contracts with banks acting as depositories for county or court trust funds, including any lists and amounts of securities pledged, notices of additional pledges, reconciliation papers, and similar documents relating to the contract. RETENTION: 4 years after the expiration or termination of the contract according to its terms.

1125-15 **DEPOSIT WARRANTS** - Copies or stub books of deposit warrants issued by the county clerk for monies deposited in county funds or accounts. RETENTION: FE + 3 years.

1125-16 **FINANCE LEDGER** - Record of credits to and debits from the various accounts and funds administered by county officials, maintained by county clerks in counties without county auditors.

\* 1) Fiscal years for which an annual audit report (see item numbers 1125-05 and 1125-17) exists. RETENTION: FE + 5 years.

*Retention Note: Prior to disposal, finance ledgers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently.*

2) Fiscal years for which an annual audit report (see item numbers 1125-05 and 1125-17) *does not* exist. RETENTION: PERMANENT.

1125-17 **INDEPENDENT AUDIT REPORTS** - Audit reports by an auditor other than the county auditor. RETENTION: PERMANENT.

1125-18 **MINUTES OF ACCOUNTS ALLOWED (CLAIM MINUTES)**. RETENTION: PERMANENT.

1125-19 **MINUTES OF TREASURERS REPORT**. RETENTION: PERMANENT.

1125-20 **MONTHLY EXPENSE REPORTS** - Monthly statements by district, county, and precinct officers of expenses incurred. RETENTION: FE + 3 years.

1125-21 **PRISONER EXPENSE REPORTS** - Reports concerning expenses incurred for the safekeeping or maintenance of county prisoners. RETENTION: FE + 3 years.

\* 1125-22 **PUBLIC HOSPITAL BOND RECORD** - Record of bonds issued by a public hospital district if, by law, the county clerk maintains the record. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

1125-23 **REPORTS OF COLLECTIONS** - Reports of collections submitted by district, county, and precinct officers. RETENTION: FE + 3 years.

1125-24 **TREASURER'S MONTHLY REPORTS.** RETENTION: FE + 3 years.

1125-25 **TREASURER'S QUARTERLY REPORTS.** RETENTION: FE + 3 years.

1125-26 **VITAL STATISTICS REPORTS** - Reports from the State Registrar certifying the number of birth, death, and fetal death certificates filed by each local registrar. RETENTION: FE + 3 years.

### **SECTION 1-3: ROAD RECORDS**

1175-01 **DRAINAGE CONSTRUCTION REPORTS** - Reports on the construction of ditches and canals by private corporations. RETENTION: 5 years.

1175-02 **HIGHWAY FUND ANNUAL REPORTS** - Annual reports to the State Treasurer detailing how monies from county road funds were spent. RETENTION: PERMANENT.

1175-04 **JURY OF VIEW REPORTS** - Reports of juries of view appointed to oversee the laying out or alteration of county roads and ditches.

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-05 **ORDERS FOR APPOINTMENT OF JURIES OF VIEW.** RETENTION: Destroy at option after submission of report of jury of view. (Exempt from destruction request to the Texas State Library)

1175-06 **ROAD COMMISSIONERS REPORTS**

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-07 **ROAD CONSTRUCTION SURETY BONDS** - Surety bonds filed by owners of real estate subdivisions for the construction of streets and roads. RETENTION: Effective life of bond + 5 years.

\* 1175-08 **ROAD DISTRICT BOND RECORD.** RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

1175-09 **ROAD MINUTES** - Proceedings of commissioners court relating to county roads and ditches.

a) Any volume containing minutes of proceedings and actions concerning road matters. RETENTION: PERMANENT.

b) Any volume containing recorded copies of road petitions; orders for juries of view; or reports of juries of view or road overseers, supervisors, or commissioners. RETENTION: PERMANENT.

c) Any volume containing only a record of appointments of or commissions issued to road overseers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1175-10 **ROAD OVERSEERS ANNUAL REPORTS**

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-11 **ROAD OVERSEERS COMMISSIONS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1175-12 **ROAD SUPERINTENDENTS REPORTS**

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-13 **ROAD SUPERVISORS REPORTS**

a) Originals of reports that *have been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports that *have not been* recorded in Commissioners Court Minutes [1100-03] or Road Minutes [1175-09]. RETENTION: PERMANENT.

1175-14 **STATE HIGHWAY BIDS** - Copies of bids submitted to the Texas Department of Transportation or its predecessors for construction or improvement of state highways. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1175-15 **SURVEY REPORTS** - Reports, including surveys, specifications, and cost estimates, submitted by surveyors or the county engineer to commissioners court on the construction or repair of county roads and bridges and county-owned drainage ditches.

a) Originals of reports and associated papers that have been recorded in Commissioners Court Minutes [1100-03], Road Minutes [1175-09], or Plat Record [1275-17]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

b) Originals of reports and associated papers that have *not* been recorded in Commissioners Court Minutes [1100-03], Road Minutes [1175-09], or Plat Record [1275-17]. RETENTION: PERMANENT.

#### **SECTION 1-4: RECORDS OF WATER DISTRICTS**

1200-01 **COMMISSIONERS COURT PROCEEDINGS CONCERNING WATER DISTRICTS** - Proceedings, findings, orders, and declarations of commissioners court or a joint board concerning drainage, fresh water supply, irrigation, levee improvement, navigation, self liquidating navigation, stormwater control, water control and improvement, water control and preservation, and water improvement districts. RETENTION: PERMANENT.

*Retention Note: Originals of any of these documents that have been recorded in Commissioners Court Minutes [1100-03] or in a separate volume of proceedings need only be kept as long as administratively valuable and are exempt from destruction request to the Texas State Library.*

1200-02 **DRAINAGE DISTRICT ANNUAL MAINTENANCE REPORTS.** RETENTION: PERMANENT.

1200-03 **DRAINAGE DISTRICT BOND AGREEMENTS** - Agreements between commissioners court and district bondholders for retirement of bonds of dissolved districts. RETENTION: Retirement of all bonds of district + 7 years.

1200-04 **DRAINAGE DISTRICT CIVIL ENGINEER REPORTS.** RETENTION: PERMANENT.

1200-05 **FRESH WATER SUPPLY DISTRICT BOARD RESOLUTIONS** - Copies of resolutions of district boards adding or excluding land from districts, redefining boundaries, or discharging liability of taxpayers in excluded territory.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1200-06 **IRRIGATION DISTRICT CREATION AND DISSOLUTION ORDERS** - Filed and recorded copies of the orders of district boards creating or dissolving districts.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1200-07 **IRRIGATION DISTRICTS, RECORDS OF DISSOLVED** - Records of dissolved irrigation districts. RETENTION: *See retention note.* [By law - Water Code, Section 58.828.]

*Retention Note: State law requires that a county clerk, after obtaining custody of the records of a dissolved irrigation district, contact the director and librarian of the Texas State Library to arrange for the transfer of the records to the custody of the Texas State Library and Archives Commission.*

1200-08 **LEVEE IMPROVEMENT DISTRICT RECLAMATION PLANS.** RETENTION: 3 years.

1200-09 **PRIVATE WATER COMPANY ANNUAL REPORTS** - Annual operations and financial reports of private water companies in counties over 1,500,000. RETENTION: PERMANENT.

1200-10 **STORMWATER CONTROL DISTRICT STORMWATER PLANS.** RETENTION: 3 years.

1200-11 **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ORDERS CONCERNING WATER DISTRICTS** - Copies of orders, findings, reports, and decisions from the Texas Natural Resource Conservation Commission or its predecessors relating to the creation and formation of irrigation, levee improvement, stormwater control, underground water conservation, water control and improvement, and water improvement districts. RETENTION: PERMANENT.

1200-12 **WATER ADJUDICATION CASE PAPERS** - Documentation received from the Texas Natural Resource Conservation Commission or its predecessors; and copies of documents and correspondence submitted to the Commission involving water rights adjudications to which the county is a party or in which the county has an interest. RETENTION: PERMANENT.

1200-13 **WATER CONTROL AND IMPROVEMENT DISTRICTS, RECORDS OF DISSOLVED** - Records of dissolved water control and improvement districts. RETENTION: *See retention note.* [By law - Water Code, Section 51.828.]

*Retention Note: State law requires that a county clerk, after obtaining custody of the records of a dissolved water control and improvement district, contact the director and librarian of the Texas State Library to arrange for the transfer of the records to the custody of the Texas State Library and Archives Commission.*

1200-14 **WATER CONTROL AND PRESERVATION DISTRICT BOND RESOLUTIONS.** RETENTION: PERMANENT.

1200-15 **WATER DISTRICT ANNUAL AUDIT REPORTS.** RETENTION: 3 years.

1200-16 **WATER DISTRICT ANNUAL FINANCIAL DORMANCY AFFIDAVITS.** RETENTION: 3 years.

1200-17 **WATER DISTRICT ANNUAL FINANCIAL REPORTS.** RETENTION: 3 years.

1200-18 **WATER DISTRICT PROCEEDINGS RECORD** - Recorded proceedings of irrigation, underground water conservation, and water control and improvement district boards and of all orders or decrees of any court affecting the creation, boundaries, or validity of the districts. RETENTION: PERMANENT.

\* 1200-19 **WATER DISTRICT BOND RECORD** - Bond record of drainage and water control and preservation districts. RETENTION: FE of cancellation of last bond under issue + 5 years.

*Retention Note: Prior to disposal, bond records shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond records from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These bond records usually merit permanent retention for historical reasons.*

1200-20 **WATER DISTRICT COMMISSIONERS OF APPRAISEMENT REPORTS** - Final reports of commissioners of appraisal for taxation on benefit basis in irrigation, levee improvement, water control and improvement, and water improvement districts. RETENTION: PERMANENT.

1200-21 **WATER DISTRICT CONDEMNATION DECREES** - Certified final decrees of condemnation rendered by levee improvement, navigation, and water control and improvement district tribunals in eminent domain proceedings. RETENTION: PERMANENT.

1200-22 **WATER DISTRICT CONSTRUCTION CONTRACTS** - Construction contracts of drainage, irrigation, navigation, self-liquidating navigation, water control and improvement, water control and preservation, and water improvement districts.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1200-23 **WATER DISTRICT CREATION REVIEW REPORTS.** RETENTION: PERMANENT.

1200-24 **WATER DISTRICT DISSOLUTION TAX RECEIPTS** - Dissolution tax receipts of drainage, irrigation, water control and improvement, and water improvement districts. RETENTION: FE + 3 years.

1200-25 **WATER DISTRICT FINANCIAL STATUS REPORTS** - Reports on financial status of drainage and navigation districts made by the county treasurer by order of commissioners court. RETENTION: PERMANENT.

1200-26 **WATER DISTRICT INFORMATION FORMS** - Information forms and boundary maps of each water district in a county whose principal function is to provide water and sewer services, including any statements of amendment or dissolution. RETENTION: PERMANENT.

1200-27 **WATER DISTRICT JUDGMENTS** - Certified judgments from district or higher courts on appeal from decisions of commissioners court relating to the creation of irrigation, levee improvement, and water control and improvement districts. RETENTION: PERMANENT.

1200-28 **WATER DISTRICT PETITIONS AND ORDERS TO ADD LAND** - Filed and recorded petitions to add land to drainage, irrigation, municipal utility, regional water, special utility, and water control and improvement districts granted by district boards.

a) Recorded copies. RETENTION: PERMANENT.

b) Filed copies. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1200-29 **WATER DISTRICT RATE STATEMENTS** - Rate statements of municipal utility and regional utility districts under contract with cities concerning water and sewer rates with accompanying maps or plats of the districts. RETENTION: PERMANENT.

1200-30 **WATER DISTRICT SEMI-ANNUAL REPORTS** - Semi-annual reports of drainage and water improvement districts. RETENTION: 3 years.

1200-31 **WATER DISTRICT TENTATIVE DISSOLUTION TAX ROLLS** - Tentative dissolution tax rolls of irrigation and water control and improvement districts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1200-32 **WATER DISTRICT TRUSTEE'S REPORTS** - Final accounts and reports to commissioners court by the county treasurer as trustee of dissolved drainage and water improvement districts or by the trustees of dissolved levee improvement districts. RETENTION: PERMANENT.

## SECTION 1-5: MISCELLANEOUS RECORDS

1225-01 **BOARD OF EQUALIZATION NOTICES** - Copies of notices sent to property owners notifying them of impending changes in land valuation. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-02 **CHARGES AGAINST COUNTY HEALTH OFFICERS** - Charges or complaints against county health officers filed with commissioners court by the state. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-03 **COUNTY AUDITORIUM ANNUAL BUDGETS AND FINANCIAL STATEMENTS.** RETENTION: PERMANENT.

1225-04 **COUNTY BUILDING AUTHORITY ANNUAL BUDGETS.** RETENTION: PERMANENT.

1225-05 **COUNTY BUILDING AUTHORITY QUARTERLY REPORTS.** RETENTION: FE + 3 years.

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\* 1225-06 **COUNTY HEALTH OFFICER REPORTS.** RETENTION: 1 year, *but see retention note.* (Exempt from destruction request to the Texas State Library)

***Retention Note:** Prior to disposal, county health officers reports shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Some reports from county health officers, especially from the period 1909 to about 1930, dealing with the control and quarantine of epidemic diseases such as yellow fever may have historical value.*

1225-07 **COUNTY HISTORICAL COMMISSION REPORTS AND SURVEYS.** RETENTION: PERMANENT.

1225-07a **COUNTY AND REGIONAL HOUSING AUTHORITY ANNUAL REPORTS.** RETENTION: PERMANENT.

1225-08 **COUNTY MUSEUM ANNUAL BUDGETS AND FINANCIAL STATEMENTS.** RETENTION: PERMANENT.

1225-09 **COUNTY NURSE MONTHLY REPORTS.** RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1225-09a **COUNTY PARK BOARD ANNUAL FINANCIAL REPORTS.** RETENTION: PERMANENT.

1225-10 **EXTENSION AND DEMONSTRATION AGENTS' REPORTS** - Monthly and annual reports of county agricultural extension agents and county home demonstration agents. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1225-11 **ENCLOSED SCHOOL LAND REPORTS** - Annual reports to commissioners court by county surveyor on number of sections of school land sold and enclosed during the year. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-12 **FERRY LICENSE APPLICATIONS** - Original applications and/or copies of licenses issued to ferrymen, launch pilots, or branch pilots.

a) Those dated 1910 and before. RETENTION: PERMANENT.

b) Those dated 1911 and later. RETENTION: Termination, expiration, or denial of license + 4 years.

1225-13 **GLANDERS APPRAISEMENT REPORTS** - Reports of appraisement of horses, mules, and asses affected with glanders submitted by committees of appraisement. RETENTION: 2 years.

1225-14 **HOSPITAL BOARD OR DISTRICT REPORTS**

a) Quarterly and other partial year reports. RETENTION: FE + 3 years.

b) Annual reports. RETENTION: PERMANENT.

1225-15 **INSURANCE POLICIES ON COUNTY PROPERTY.** RETENTION: 4 years after the expiration or termination of the policy according to its terms.

1225-16 **INVENTORIES OF COUNTY PROPERTY**

(a) Capital asset equipment or property inventories (including sequential number property logs). RETENTION: US + 3 years.

(b) Inventory records (parts and supplies). RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* 1225-17 **LEGAL OPINIONS** - Copies of legal opinions rendered to commissioners court, the county judge, or the county clerk by a county or district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

*Retention Note: For the record copies of the opinions maintained permanently by county and district attorneys, see item number 1000-30 in Local Schedule GR (Records Common to All Local Governments).*

1225-18 **LIVESTOCK AUCTION COMMISSION MERCHANTS, QUARTERLY REPORTS OF.** RETENTION: 2 years.

1225-19 **MOSQUITO CONTROL DISTRICT BIENNIAL REPORTS.** RETENTION: PERMANENT.

1225-20 **ODOMETER READINGS** - Monthly reports of odometer readings of county-owned vehicles used by the county sheriff or deputies. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-21 **PAUPER APPLICATIONS** - Applications and petitions by persons requesting to be declared paupers and eligible for county aid, and similar applications by needy mothers. RETENTION: PERMANENT.

1225-22 **PAUPER RECORD (INDIGENT RECORD)** - Record of payments or allowances made to paupers or needy mothers by the commissioners court. RETENTION: PERMANENT.

\* 1225-23 **PUBLIC WORKS PROJECT RECORDS** - Records series item number withdrawn. See item number 1075-16 in Local Schedule GR (Records Common to All Local Governments)

1225-24 **RECORD OF INMATES** - Register of inmates of county poorhouses or asylums. RETENTION: PERMANENT.

1225-25 **REPORTS OF ANIMALS SLAUGHTERED (BUTCHERS REPORTS)**

1) Originals of reports that *have been* recorded in Record of Animals Slaughtered [1475-14]. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2) Originals of reports that *have not been* recorded in Record of Animals Slaughtered [1475-14]. RETENTION: PERMANENT.

1225-26 **RURAL FIRE PREVENTION DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1225-27 **SCALP BOUNTY RECORDS** - All documents relating to the payment of scalp bounties by commissioners court. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1225-28 **SOLID WASTE DISPOSAL PERMIT RECORDS** - Applications, copies of permits, and other documentation related to the issuance of permits by the county for the operation of facilities for the processing, storage, or disposal of solid waste. RETENTION: Expiration, cancellation, or denial of permit + 3 years.

1225-29 **SOLID WASTE DISPOSAL PLANS AND REGULATIONS** - Plans and regulations concerning the handling, transport, processing, storage, or disposal of solid waste in the county. RETENTION: PERMANENT.

1225-29a **SURPLUS AND SALVAGE PROPERTY REPORTS** - Reports on county surplus or salvaged property sold by competitive bid or at auction or destroyed. RETENTION: 1 year. [By law - Local Government Code, Section 263-155(b).] (Exempt from destruction request to the Texas State Library)

1225-30 **TICK ERADICATION INSPECTION REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1225-31 **TUBERCULOSIS CONTROL BOARD QUARTERLY REPORTS.** RETENTION: FE + 3 years.

1225-32 **WRECK-MASTER SALVAGE REPORTS**

- a) Reports dated 1910 and earlier. RETENTION: PERMANENT.
- b) Reports dated 1911 and later. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**SECTION 1-6: RECORDS OF THE COUNTY JUDGE**

1250-01 **ACKNOWLEDGMENT RECORD** - Record of acknowledgments or proofs of instruments taken by the county judge as ex-officio notary public. RETENTION: 10 years.

1250-02 **ANNUAL FEE REPORTS**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1250-03 **CASH RECEIPTS**. RETENTION: FE + 3 years.

1250-04 **CONVICT LABOR RECORD** - Register of convicts doing work for the county or hired out to individuals and firms for private work. RETENTION: PERMANENT.

1250-05 **DAILY CASH BOOK OR REPORTS**. RETENTION: FE + 3 years.

1250-06 **DEPOSIT WARRANTS** - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the county judge. RETENTION: FE + 3 years.

1250-07 **FEE BOOK**. RETENTION: FE + 5 years.

1250-08 **MONTHLY EXPENSE REPORTS**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

\* 1250-09 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county judge, including correspondence and other documentation relating to the requests.

- a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]
- b) Denied requests. RETENTION: Denial of request + 2 years.

1250-10 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS)**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**PART 2: COUNTY CLERK AS RECORDER**

**SECTION 2-1: PROPERTY RECORDS**

1275-01 **ALIEN OWNED LAND RECORD**. RETENTION: PERMANENT.

1275-02 **APPLICATION RECORD - ACTUAL SETTLER**. RETENTION: PERMANENT.

1275-03 **APPLICATION RECORD - ADDITIONAL LANDS**. RETENTION: PERMANENT.

1275-04 **BILL OF SALE RECORD (PERSONAL PROPERTY RECORD)**. RETENTION: PERMANENT.

1275-05 **BOARD OF LAND COMMISSIONERS, MINUTES OF (REGISTER OF HEADRIGHT CERTIFICATES).** RETENTION: PERMANENT.

1275-06 **BURNED DEED RECORD.** RETENTION: PERMANENT.

1275-07 **CEMETERY RECORDS** - Deeds, plats, and all other records relating to cemeteries situated in county, including any lists of persons buried. RETENTION: PERMANENT.

1275-08 **CLASSIFICATION RECORD (RECORD OF UNSOLD PUBLIC LANDS, SCHOOL LAND SALE RECORD).** RETENTION: PERMANENT.

1275-09 **CONDOMINIUM RECORD.** RETENTION: PERMANENT.

1275-10 **COUNTY DEEDS, EASEMENTS, AND RIGHTS OF WAY** - Originals and recorded copies of deeds to county-owned land and instruments relating to easements and rights of way granted to the county. RETENTION: PERMANENT.

1275-11 **DEED RECORD.** RETENTION: PERMANENT.

1275-12 **DELINQUENT TAX DEED RECORD (SHERIFF'S DEED RECORD).** RETENTION: PERMANENT.

1275-13 **LAND OFFICE NOTICES** - Notices of forfeiture of title to or lease of public school lands due to non-payment of interest or failure to drill offset wells.

a) Notices of forfeiture due to non-payment. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Notices of forfeiture due to failure to drill offset wells. RETENTION: 90 days after notation made in Oil and Gas Lease Record [1275-14] or Deed Record [1275-11]. (Exempt from destruction request to the Texas State Library)

1275-14 **OIL AND GAS LEASE RECORD.** RETENTION: PERMANENT.

1275-15 **OYSTER BED CLAIMS RECORD.** RETENTION: PERMANENT.

1275-16 **PATENT RECORD.** RETENTION: PERMANENT.

1275-17 **PLAT RECORD.** RETENTION: PERMANENT.

1275-18 **PUBLIC LAND LEASE RECORD (ABSTRACT OF LEASES OF PUBLIC LAND).** RETENTION: PERMANENT.

1275-19 **SLAVE RECORDS** - Records involving the sale, purchase, capture, or liberation of slaves. RETENTION: PERMANENT.

1275-20 **TRANSCRIBED DEED RECORD.** RETENTION: PERMANENT.

1275-21 **TRANSCRIBED SPANISH DEED RECORD.** RETENTION: PERMANENT.

1275-22 **TRANSFER OF PROPERTY REGISTER** - Record or register of property transfers, by sale or other means, showing names of grantor and grantee, type of instrument, description of property, date filed, and the page and volume number of the Deed Record [1275-11] in which the instrument is recorded. RETENTION: Destroy at option, *but see retention note.*

**Retention Note:** *A Transfer of Property register must be retained until a new index is compiled if an index to the Deed Record [1275-11] for the corresponding year or years is missing.*

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1275-23 **VETERANS LAND BOARD NOTICES** - Notices of forfeiture of land purchase contracts due to non-payment. RETENTION: 90 days after notation made in the Deed Record [1275-11]. (Exempt from destruction request to the Texas State Library)

## SECTION 2-2: MORTGAGE AND LIEN RECORDS

1300-01 **ABSTRACT OF JUDGMENT RECORD.** RETENTION: PERMANENT.

1300-02 **ASSIGNMENTS OF ACCOUNT NOTICES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-03 **ASSIGNMENT OF ACCOUNTS REGISTER.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-04 **ATTACHMENT LIEN RECORD.** RETENTION: PERMANENT.

1300-05 **CHATTEL MORTGAGE ATTACHED TO REALTY REGISTER (MACHINERY MORTGAGE REGISTER).** RETENTION: PERMANENT.

1300-06 **CHATTEL MORTGAGE REGISTER (CHATTEL MORTGAGE RECORD).** RETENTION: Destroy at option, *but see retention note.*

*Retention Note: It is an exception to the retention period given, that any chattel mortgage register containing recorded copies of chattel mortgages dated 1846-1930, 1935, 1940, 1945, and 1950, with corresponding indexes must be retained PERMANENTLY for historical reasons.*

1300-07 **CHATTEL MORTGAGE RELEASES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-08 **CHATTEL MORTGAGES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-09 **CHATTEL MORTGAGES ATTACHED TO REALTY (MACHINERY MORTGAGES).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-10 **DEED OF TRUST RECORD (MORTGAGE RECORD).** RETENTION: PERMANENT.

1300-11 **FACTORS LIENS AND LIEN RELEASES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-12 **FACTORS LIEN REGISTER.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-13 **FEDERAL LAND BANK DEED OF TRUST RECORD (AMORTIZATION RECORD).** RETENTION: PERMANENT.

1300-14 **FEDERAL TAX LIEN NOTICES AND RELEASES.** RETENTION: AR + 1 year.

1300-15 **FEDERAL TAX LIEN RECORD.** RETENTION: AR + 1 year.

1300-16 **FINANCING STATEMENT FILE REGISTER** - Register of financing statements and associated statements received for filing.

a) If the register *does not* contain a record of filing fees collected. RETENTION: AV.

b) If the register *does* contain a record of filing fees collected, but the information is duplicated in a Fee Book [1525-06]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

c) If the register *does* contain a record of filing fees collected and the information is not duplicated in a Fee Book [1525-06]. RETENTION: FE + 3 years after last entry.

1300-17 **FINANCING STATEMENTS**. RETENTION: Lapse or termination + 1 year, *but see retention note*. [By law - Business and Commerce Code, Sections 9.403(a) and 9.404(b).]

*Retention Note: In those counties that retain the hard copy of the financing statement in an alphabetical or other form of file in addition to the principal copy of the financing statement, both copies may be disposed of at the expiration of the retention period.*

1300-18 **HOSPITAL LIEN RECORD**. RETENTION: AR + 1 year.

1300-19 **HOSPITAL LIENS AND LIEN RELEASES**. RETENTION: AR + 1 year.

1300-20 **LABORERS LIEN RECORD (EMPLOYEES LIEN RECORD)**. RETENTION: AR + 1 year.

1300-21 **LANDLORDS LIEN RECORD (RENTAL LIEN RECORD)**. RETENTION: AR + 1 year.

1300-22 **LIS PENDENS RECORD**. RETENTION: AR + 1 year.

1300-23 **MECHANICS AND MATERIALMEN LIEN RECORD**. RETENTION: PERMANENT.

1300-23a **MENTAL HEALTH LIENS AND LIEN RELEASES**. RETENTION: AR + 1 year.

1300-24 **PROGENY LIEN RECORD** - Recorded agreements establishing liens on progeny of livestock. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1300-25 **RELEASE RECORD** - Recorded releases of mortgages, deeds of trust, liens, and other instruments affecting real property. RETENTION: PERMANENT.

1300-26 **FINANCING STATEMENTS, REQUESTS FOR INFORMATION FROM** - Forms requesting information from, or copies of, financing statements or statements of assignment. RETENTION: 30 days. (Exempt from destruction request to the Texas State Library.)

1300-27 **SALE OF REAL PROPERTY UNDER CONTRACT LIEN, NOTICES OF** - Notices of sale of real property under a power of sale conferred by a deed of trust or other contract lien. RETENTION: Day after date of sale. [By law - Property Code, Section 51.002(f).] (Exempt from destruction request to the Texas State Library)

1300-28 **SECURITY INTEREST IN FIXTURES, INDEX TO** - Index to financing statements related to fixtures.

a) If *only* an index to financing statements related to fixtures filed from 1967 through 1973. RETENTION: AR + 1 year.

b) If an index to financing statements related to fixtures filed after 1 January 1974 and recorded in the Deed of Trust Record [1300-10]. RETENTION: PERMANENT.

1300-29 **STATE TAX LIEN RECORD**. RETENTION: AR + 1 year.

1300-30 **STATE TAX LIENS AND LIEN RELEASES**. RETENTION: AR + 1 year.

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1300-31 **UTILITY SECURITY RECORDS (AFTER ACQUIRED PROPERTY RECORDS)** - Filed and recorded security mortgages, deeds of trust, indentures, supplemental mortgages, and similar instruments, including those containing after acquired property provisions, of public utilities and railroads.

a) Original utility security instruments filed with Chattel Mortgages Attached to Realty [1300-09], Chattel Mortgages [1300-08], Financing Statements [1300-17], or separately, and *recorded*. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Original utility security instruments filed with Chattel Mortgages Attached to Realty [1300-09], Chattel Mortgages [1300-08], Financing Statements [1300-17], or separately and *not recorded*. RETENTION: PERMANENT.

c) Abstracts or recorded copies of utility security instruments abstracted or recorded in the Chattel Mortgages Attached to Realty Register [1300-05], Deed of Trust Record [1300-10], or in separate volumes. RETENTION: PERMANENT.

d) Index. RETENTION: PERMANENT.

1300-32 **VENDORS LIEN RECORD**. RETENTION: PERMANENT.

### SECTION 2-3: BIRTH RECORDS

\* **Retention Note:** Section 191.026, Health and Safety Code was amended by the 75th Legislature in 1997 by adding subsection (e) to provide the following:

(e) *The local registrar may, after the first anniversary of the date of registration of a birth, death, or fetal death, destroy the permanent record of the birth, death, or fetal death maintained by the local registrar if:*

(1) *the local registrar has access to electronic records of births, death and fetal deaths maintained by the bureau of vital statistics; and*

(2) *before destroying the records, the local registrar certifies to the state registrar that each record maintained by the local office that is to be destroyed has been verified against the records contained in the bureau's database and that each record is included in the database or otherwise accounted for.*

*The permanent retention period established in this schedule and by law for item numbers 1325-03, 1325-04(b), 1325-04(d), 1325-05, 1325-06, 1325-08, 1325-11(a), 1325-11(d), 1325-13, 1325-14, and 1325-17 is not required for those county clerks who choose to follow the option permitted by Section 191.026(e), provided they do so in accordance with procedures developed by the Bureau of Vital Statistics of the Texas Department of Health to implement the section.*

1325-01 *[Withdrawn, see 1325-04]*

1325-02 **BAPTISMAL AND PHYSICIANS REGISTERS** - Baptismal registers, account books of physicians, or any similar record that provides a listing of baptisms and births that have taken place in the county. RETENTION: PERMANENT.

\* 1325-03 **BIRTH AND DEATH RECORD** (combination form of the Birth Record and the Death Record). RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-04 **BIRTH CERTIFICATES** - Copies of birth certificates, supplementary birth certificates, delayed birth certificates and supporting documentation, and amendments to birth certificates received by the county clerk as a local registrar or from local registrars or the Texas Department of Health.

a) Notices of birth (1873-1876; 1903-1911) or copies of birth certificates (1911-1927) that *have been* recorded or entered in the Birth Record [1325-08]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* b) Notices of birth (1873-1876; 1903-1911) or copies of birth certificates (1911-1927) that *have not been* recorded or entered in the Birth Record [1325-08]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

c) Copies of birth certificates (1927-current), supplementary birth certificates (1935-current), delayed birth certificates (1939-current), or amendments to birth certificates (1927-current) that *have been* recorded in full in the Birth Record [1325-05], the Delayed Birth Record [1325-06], or a Supplementary Birth Record [1325-08]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* d) Copies of birth certificates (1927-current), supplementary birth certificates (1935-current), delayed birth certificates (1939-current), or amendments to birth certificates (1927-current) that *have not been* recorded in full in the Birth Record [1325-05], the Delayed Birth Record [1325-06], or a Supplementary Birth Record [1325-08]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-05 **BIRTH RECORD (BIRTH REGISTER before 1912)**. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-06 **DELAYED BIRTH RECORD (PROBATE BIRTH RECORD)**. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-07 **ORDERS FOR CERTIFIED COPIES OF ILLEGITIMATE BIRTH CERTIFICATES** - Applications for the issuance of and court orders or judge's letters authorizing the issuance of illegitimate birth certificates. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1325-08 **SUPPLEMENTARY BIRTH RECORD** - Recorded or duplicate copies of supplementary birth certificates issued as the result of adoption, legitimation, or judicial determination of paternity. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-08a **RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF BIRTH RECORDS** - Record of the issuance of certified copies or abstracts of birth records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant. RETENTION: 3 years. [By regulation - 25 TAC 181.28(e).]

*Retention Note: The administrative rule of the Texas Department of Health setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.*

## SECTION 2-4: DEATH RECORDS

1325-09 [Withdrawn, see 1325-11]

1325-10 **BURIAL TRANSIT PERMIT RECORDS (BURIAL PERMIT RECORDS)** - Stubs, copies, or lists of burial transit permits issued. RETENTION: 2 years.

1325-11 **DEATH CERTIFICATES** - Copies of death certificates, fetal death certificates, and amendments to death certificates received by the county clerk as a local registrar or from local registrars or the Texas Department of Health.

a) Notices of death (1903-1911) or copies of death certificates (1911-1927) that *have been* recorded or entered in the Death Record [1325-13]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* b) Notices of death (1903-1911) or copies of death certificates (1911-1927) that *have not been* recorded or entered in the Death Record [1325-13]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

c) Copies of death certificates (1927-current), fetal death certificates (1951-current), delayed death certificates (1939-current), or amendments to death certificates (1927-current) that *have been* recorded in full in the Death Record [1325-13], the Delayed Death Record [1325-14], or a Fetal Death Record [1325-17]. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

\* d) Copies of death certificates (1927-current), fetal death certificates (1951-current), delayed death certificates (1939-current), or amendments to death certificates (1927-current) that *have not been* recorded in full in the Death Record [1325-13], the Delayed Death Record [1325-14], or a Fetal Death Record [1325-17]. RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-12 **NOTIFICATIONS OF DEATH OF PERSONS UNDER 55** - Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987) whose birth certificates were recorded by the county clerk. RETENTION: Until notation made in Birth Record. (Exempt from destruction request to the Texas State Library)

\* 1325-13 **DEATH RECORD.** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

\* 1325-14 **DELAYED DEATH RECORD (PROBATE DEATH RECORD).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-15 **DISINTERMENT PERMITS** - Copies of disinterment permits issued by the county clerk. RETENTION: PERMANENT.

1325-16 **DISINTERMENT PERMITS, APPLICATIONS FOR.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1325-17 **FETAL DEATH RECORD (STILLBORN RECORD).** RETENTION: PERMANENT, *but see retention note at the beginning of Section 2-3.* [By law - Health and Safety Code. Section 191.026.]

1325-18 **REPORTS OF DEATH** - Reports of death filed by funeral directors or persons acting as such with the county clerk. RETENTION: Until receipt of death certificate. (Exempt from destruction request to the Texas State Library)

\* 1325-18a **RECORD OF ISSUANCE OF CERTIFIED COPIES OR ABSTRACTS OF DEATH RECORDS** - Record of the issuance of certified copies or abstracts of death records showing date issued, document number, name and address of person to whom issued, and form of identification presented by applicant. RETENTION: 3 years. [By regulation - 25 TAC 181.28(e).]

*Retention Note: The administrative rule of the Texas Department of Health setting the 3 year minimum retention period states that the application form, with the document number inserted, may serve to document the issuance of the copies or abstracts. For those clerks who document the issuance of the copies or abstracts by other means, the applications need be retained only AV after the required information from the application is entered in the alternative record of issuance.*

## SECTION 2-5: MARRIAGE RECORDS

1325-19 **DECLARATION OF INFORMAL MARRIAGE RECORD.** RETENTION: PERMANENT.

1325-20 **MARRIAGE AFFIDAVITS** - Affidavits by couples or by third parties that the couples are of age to marry without parental consent. RETENTION: AV, *but see retention note.* (Exempt from destruction request to the Texas State Library)

*Retention Note: Marriage affidavits vary considerably in the quality and quantity of the information they contain. Some, especially those filed or recorded separately, may have sufficient genealogical information to merit retention for historical purposes. In such cases this schedule recommends, but does not require, that the marriage affidavits be retained PERMANENTLY.*

1325-21 **MARRIAGE BONDS** - Marriage bonds or similar documents evidencing marriage prior to 5 June 1837. RETENTION: PERMANENT.

1325-22 **MARRIAGE CONTRACT RECORD** - Recorded pre-nuptial or spousal agreements and associated documentation. RETENTION: PERMANENT.

1325-23 **MARRIAGE LICENSE APPLICATIONS.** RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

1325-24 **MARRIAGE LICENSE CORRECTIONS** - Affidavits or notices of correction of information on marriage licenses due to clerical or other error, including any attached incorrect versions of the marriage license.

a) If corrected information *is* recorded or noted in the Marriage Record [1325-26]. RETENTION: AV after correction made. (Exempt from destruction request to the Texas State Library)

b) If corrected information *is not* recorded or noted in the Marriage Record [1325-26]. RETENTION: PERMANENT.

1325-25 **MARRIAGE LICENSE STUB BOOKS (MARRIAGE LICENSE RECEIPTS)**

a) In those counties that no longer use stub books. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) In those counties that still use license stub books. RETENTION: AV after all licenses in the volume have been issued. (Exempt from destruction request to the Texas State Library)

1325-26 **MARRIAGE RECORD.** RETENTION: PERMANENT.

1325-27 **MARRIAGE RECORD (NEGRO).** RETENTION: PERMANENT.

1325-28 **MARRIAGES, LISTS OF** - Lists of persons married in county.

a) If the list contains the names of couples all of whose marriage licenses *are* recorded in an existing volume of the Marriage Record [1325-26]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) If the list contains the names of couples all of whose marriage licenses *are not* recorded in an existing volume of the Marriage Record [1325-26]. RETENTION: PERMANENT.

1325-29 **MEDICAL EXAMINATION CERTIFICATES AND WAIVERS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1325-30 **NOTICE OF INTENTION TO MARRY RECORD.** RETENTION: PERMANENT.

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**1325-31 PARENTAL CONSENT (OR OBJECTION) FORMS**

a) Parental consents or objections dated 1850 or earlier. RETENTION: PERMANENT.

b) All others. RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

\* 1325-32 **CHILD SUPPORT AFFIDAVITS** - Statements filed by applicants for marriage licenses indicating that delinquent court-ordered child support is not owed. RETENTION: AV (Exempt from destruction request to the Texas State Library)

**SECTION 2-6: ELECTION RECORDS**

*Note: All Class 1350 records were withdrawn effective February 1, 1992. County clerks should use Local Schedule EL (Records of Elections and Voter Registration) to determine retention periods for election records.*

**SECTION 2-7: TAX RECORDS**

1375-01 **CERTIFICATES OF CANCELLATION/CORRECTION RECORD** - Recorded cancellation or correction certificates issued by tax assessor-collector and approved by commissioners court acknowledging that property was erroneously reported as delinquent. RETENTION: 20 years.

1375-02 **DELINQUENT AND INSOLVENT TAXPAYERS, LISTS OF** - Copies of annual lists of delinquent and insolvent taxpayers sent by the tax assessor-collector to commissioners court (1838-1876).

a) All lists, whether bound, recorded, or separate dated 1884 or earlier. RETENTION: PERMANENT.

b) All reports dated 1885 or later. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-03 **DELINQUENT TAX RECORD.** RETENTION: Destroy at option.

1375-04 **DELINQUENT TAX ROLLS.** RETENTION: Destroy at option.

1375-05 **DRUMMERS LICENSE RECORD** - Recorded special \$50 occupation tax receipts issued to drummers (traveling salesmen) by the State Comptroller. RETENTION: PERMANENT.

1375-06 **ERRORS IN ASSESSMENT, LISTS OF.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-07 **OCCUPATION TAX REGISTER.** RETENTION: PERMANENT.

1375-08 **RECORD OF LAND OR TOWN LOTS SOLD FOR TAXES** - Record or register of land or town lots in the county sold for taxes. RETENTION: PERMANENT.

1375-09 **REDEMPTION RECORD.** RETENTION: PERMANENT.

1375-10 **REPORTS OF LAND SOLD UNDER JUDGMENT.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-11 **REPORTS OF LAND SOLD UNDER JUDGMENT AND REDEEMED.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-12 **REPORTS OF COUNTY TAXES COLLECTED** - Monthly, quarterly, and annual reports of county taxes collected, submitted by the tax assessor-collector .

- a) Monthly reports. RETENTION: FE + 3 years.
- b) Quarterly reports. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)
- c) Annual reports. RETENTION: PERMANENT.

1375-13 **REPORTS OF STATE AND COUNTY TAXES COLLECTED** - Annual, quarterly, and monthly reports of state and county taxes collected, submitted by tax assessor-collector to commissioners court. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-14 **REPORTS ON TAXES AND INDEBTEDNESS OF LOCAL UNITS OF GOVERNMENT.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-15 **TAX RECEIPT RECORD** - Recorded tax receipts submitted by taxpayers. RETENTION: 20 years.

1375-16 **TAX RECEIPTS** - Receipt stubs or copies of receipts issued by the tax assessor-collector. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1375-17 **TAX ROLLS** - Copies of county tax rolls or assessment lists. RETENTION: Destroy at option.

## SECTION 2-8: BOND AND DEPUTATION RECORDS

1400-01 **ANATOMICAL BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-02 **BONDS AND CONTRACTS TO PAY LIENS AND CLAIMS** - Filed statutory payment bonds (Hardeman Act) with accompanying construction contracts or agreements between contractor and owner.

- a) If recorded. RETENTION: AR.
- b) If *not* recorded. RETENTION: AR + 5 years.

1400-03 **BONDS AND CONTRACTS TO PAY LIENS AND CLAIMS RECORD** - Recorded statutory payment bonds (Hardeman Act) and construction contracts or agreements between contractor and owner. RETENTION: AR + 5 years.

1400-04 **BUTCHERS BONDS**

- a) Recorded copies and filed copies that *have not been* recorded. RETENTION: AR + 5 years.
- b) Filed copies that *have been* recorded. RETENTION: AR.

1400-05 **COMMISSION MERCHANTS BOND RECORD.** RETENTION: AR + 5 years.

1400-06 **COMMISSION MERCHANTS BONDS**

- a) If recorded. RETENTION: AR.
- b) If *not* recorded. RETENTION: AR + 5 years.

1400-07 **CONTRACTING STEVEDORES BOND RECORD.** RETENTION: AR + 5 years.

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1400-08 **CONTRACTORS BONDS** - Filed or recorded performance bonds of contractors under contract with county. RETENTION: AR + 5 years.

1400-09 **COUNTY DEPOSITORY BONDS** - Bonds of banks acting as depositories for county funds and statements describing unencumbered and non-exempt lands owned by sureties. RETENTION: AR + 5 years.

1400-10 **DEPUTATION RECORD** - Recorded notices of appointment of persons to perform duties of county officials as deputies. RETENTION: PERMANENT.

1400-11 **DEPUTATIONS** - Filed notices of appointment of persons to perform duties of county officials as deputies. RETENTION: AR + 5 years or termination of employment + 5 years, whichever sooner.

1400-12 **FERRY BONDS** - Filed or recorded bonds of ferrymen, launch pilots, or branch pilots licensed by commissioners court.

a) Bonds dated 1910 and earlier. RETENTION: PERMANENT.

b) Bonds dated 1911 and later. RETENTION: AR + 5 years.

1400-13 **LIQUOR AND MALT LIQUOR DEALERS BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-14 **LIQUOR AND MALT LIQUOR DEALERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-15 **LIVESTOCK AUCTION COMMISSION MERCHANTS BOND RECORD.** RETENTION: AR + 5 years.

1400-16 **LIVESTOCK AUCTION COMMISSION MERCHANTS BONDS**

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-17 **LIVESTOCK COMMISSION MERCHANTS BOND RECORD.** RETENTION: AR + 5 years.

1400-18 **LIVESTOCK COMMISSION MERCHANTS BONDS**

a) If recorded. RETENTION: AR.

b) If *not* recorded. RETENTION: AR + 5 years.

1400-19 **LOAN BROKERS BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-20 **LOAN BROKERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-21 **NOTARY PUBLIC BOND RECORD.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-22 **NOTARY PUBLIC BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-23 **OATH OF OFFICE RECORD** - Recorded oaths of office of county officials and deputies, including those of the directors and officers of special districts and that are or were required by law to have their oaths.

a) If recorded in the Official Bond Record [1400-26], the Official Bond and Deputation Record [1400-25], or the Deputation Record [1400-10]. RETENTION: Follow the retention for the records indicated.

b) If recorded separately. RETENTION: 1 year after the oaths of all officials or deputies in volume have left office.

1400-24 **OATHS OF OFFICE** - Filed oaths of office of county officials and deputies, including those of the directors and officers of special districts that are or were required by law to take the oath of office and file it with the county clerk.

a) If filed with Official Bonds [1400-27] or Deputations [1400-11]. RETENTION: Follow the retention for the records indicated.

b) If filed separately. RETENTION: 1 year after the official or deputy leaves office.

1400-25 **OFFICIAL BOND AND DEPUTATION RECORD.** RETENTION: PERMANENT.

1400-26 **OFFICIAL BOND RECORD.** RETENTION: PERMANENT.

1400-27 **OFFICIAL BONDS** - Filed bonds and qualifying oaths of county officials and deputies, including those of the directors and officials of special districts that are or were required by law to be filed with the county clerk. RETENTION: AR + 5 years or termination of employment + 5 years, whichever sooner.

1400-28 **PAWNBROKERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1400-29 **PUBLIC WAREHOUSEMEN BONDS AND APPLICATIONS**

a) Recorded copies and filed copies that *have not been* recorded. RETENTION: AR + 5 years.

b) Filed copies that *have been* recorded. RETENTION: AR.

1400-30 **PUBLIC WEIGHERS BOND RECORD.** RETENTION: AR + 5 years.

1400-31 **PUBLIC WEIGHERS BONDS.** RETENTION: AR + 5 years.

1400-32 **WRECK-MASTERS BONDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

## SECTION 2-9: BUSINESS AND PROFESSIONAL RECORDS

1425-01 **ACCOUNT BOOKS OF PRIVATE BUSINESSES AND ORGANIZATIONS** - Account books, ledgers, registers, and similar financial or administrative records of private businesses or organizations filed for record with the county clerk. RETENTION: AV. (Exempt from destruction request to the Texas State Library, but use discretion. Some of these records may merit permanent preservation for historical reasons.)

*Retention Note: Private businesses and organizations, especially insurance companies, benevolent associations, and agriculture-related businesses, occasionally filed account books and other financial records with the county clerk; some of which may have come into the possession of the county clerk as clerk to the county court and the keeper of trust funds.*

1425-02 **ANATOMICAL AFFIDAVITS** - Affidavits of agents in charge of unclaimed human remains that relatives of the deceased cannot be found. RETENTION: 4 years.

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**1425-03 ASSUMED NAME CERTIFICATES**

a) Certificates filed 28 August 1977 and earlier. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Certificates filed 29 August 1977 and later. RETENTION: AR + 2 years.

**1425-04 ASSUMED NAME REGISTER** - Register of certificates filed by individuals, owners of businesses, or by corporations conducting business or under an assumed name. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**1425-05 BANKS, RECORDS RELATING TO THE CREATION, OPERATION, AND DISSOLUTION OF.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1425-06 BUTCHERS REGISTER** - Register of slaughterers or butchers who slaughter less than 300 head of cattle a day for profit. RETENTION: PERMANENT.

**1425-07 COTTON GINNERS RECORD** - Affidavits of cotton ginner pledging to report the number of bales ginned to the state and stub books or registers of certificates issued for receipt of affidavits. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1425-08 DENTAL RECORD** - Recorded licenses of dentists issued by local boards or by the state. RETENTION: PERMANENT.

**1425-09 DISCHARGE RECORD** - Recorded copies of military discharge papers. RETENTION: PERMANENT.

**1425-10 EMBALMERS RECORD** - Recorded licenses of embalmers, morticians, or funeral directors issued by the state. RETENTION: PERMANENT.

**1425-11 FARMERS COOPERATIVE SOCIETIES - CHARTERS** - Charters and by-laws, and any amendments, of farmers' cooperative societies. RETENTION: PERMANENT.

**1425-12 FIREMEN, LISTS OF** - Lists of volunteer firemen. RETENTION: PERMANENT.

**1425-13 GOING OUT OF BUSINESS SALE RECORDS.** RETENTION: Date of filing of post-sale inventory + 2 years.

**1425-14 LIMITED PARTNERSHIP RECORD** - Recorded limited partnership documents. RETENTION: PERMANENT.

**1425-15 MIDWIFE IDENTIFICATION FORMS** - Identification forms of midwives licensed by the state. RETENTION: 13 months or when replaced by new form, whichever sooner. (Exempt from destruction request to the Texas State Library)

**1425-16 MINISTRY REGISTER** - Recorded ordination certificates of pastors. RETENTION: PERMANENT.

**1425-17 MUSTER ROLLS.** RETENTION: PERMANENT.

**1425-18 NATUROPATHIC RECORD** - Recorded licenses of naturopaths issued by the state. RETENTION: PERMANENT.

**1425-19 NOTARY PUBLIC APPOINTMENT RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

**1425-20 NURSES RECORD** - Recorded certificates of nurses issued by the state. RETENTION: PERMANENT.

**1425-21 OPTOMETRY RECORD** - Recorded licenses of optometrists issued by the state. RETENTION: PERMANENT.

1425-22 **PAWNBROKER SALE REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-23 **PHARMACY REGISTER** - Register of pharmacists or recorded permits of pharmacists issued by local boards. RETENTION: PERMANENT.

1425-24 **POLYGRAPH EXAMINERS RECORD** - Recorded licenses of polygraph examiners issued by the state. RETENTION: PERMANENT.

1425-25 **POWER OF ATTORNEY RECORD** - Recorded instruments conveying or revoking power of attorney. RETENTION: PERMANENT.

1425-26 *[Withdrawn]*

1425-27 **PUBLIC UTILITY CORPORATION RECORD** - Recorded annual financial reports of public utility corporations operating in the county.

a) Recorded reports and original reports that *have not been* recorded. RETENTION: PERMANENT.

b) Originals of reports that *have been* recorded. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-28 **RAILROADS - ARTICLES OF INCORPORATION** - Filed articles of incorporation and by-laws of railroads. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1425-29 **STATEMENTS OF ABANDONMENT OF USE OF ASSUMED NAME.** RETENTION: 2 years.

1425-30 **TRADEMARK REGISTER.** RETENTION: PERMANENT.

1425-31 **TUBERCULOSIS NURSES RECORD** - Recorded certificates of tuberculosis nurses issued by the state. RETENTION: PERMANENT.

1425-32 **WORKMEN'S COMPENSATION LIABILITY RECORD** - Recorded notices from businesses indicating compliance with the Workmen's Compensation Act (1917) and the Employer's Liability Act (1923). RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

## SECTION 2-10: SCHOOL RECORDS

1450-01 **ABSTRACTS OF SCHOOL CENSUSES** - Abstracts of school censuses compiled by the tax assessor-collector (1854-1885) or district trustees (1885-1905). RETENTION: PERMANENT.

1450-02 **ANNUAL AUDIT REPORTS OF COMMON SCHOOL DISTRICTS.** RETENTION: PERMANENT.

1450-03 **ANNUAL STATEMENTS OF SCHOOL FUNDS (ANNUAL REPORTS OF COUNTY SCHOOL ACCOUNTS).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1450-04 **CONSOLIDATED SCHOLASTIC CENSUS ROLLS.** RETENTION: PERMANENT.

1450-05 **RECORD OF SCHOOL DISTRICTS** - Proceedings of county board of school trustees or commissioners court establishing school district boundaries. RETENTION: PERMANENT.

1450-06 **SCHOOL DISTRICT BUDGETS**

a) Independent school districts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

b) Common school districts. RETENTION: PERMANENT.

## SECTION 2-11: LIVESTOCK RECORDS

1475-01 **ANIMALS KILLED ON RAILROAD RIGHT-OF-WAY RECORD.** RETENTION: Last entry + 3 years.

1475-02 **ANIMALS KILLED ON RAILROAD RIGHT-OF-WAY REPORTS.** RETENTION: 3 years.

1475-03 **BILL OF SALE RECORD (LIVESTOCK).** RETENTION: PERMANENT.

1475-04 **BRAND REFERENCE BOOK** - Record used as a guide to the symbols used as marks and brands and serving as a form of index to the Marks and Brands Record [1475-13]. RETENTION: PERMANENT.

1475-05 **BRAND TRANSFER RECORD** - Record of the transfer or sale of marks and brands. RETENTION: PERMANENT.

1475-06 **CATTLE RECORDS** - Bills of sale and shipment records of cattle, including lists of marks and brands; names of purchasers, sellers, and shippers; and inspection reports. RETENTION: PERMANENT.

1475-07 *[Withdrawn, see 1475-09]*

1475-08 **ESTRAY RECORD** - Recorded affidavits and bonds of takers-up of estrayed animals, affidavits of appraisal of the animals, and any reports of the death of estrays or affidavits of ownership of estrays. RETENTION: PERMANENT.

1475-09 **ESTRAY RECORDS** - Filed documents relating to the taking-up, recovery, or sale of estrays filed by the sheriff or other takers-up of estrays. RETENTION: 3 years.

1475-10 *[Withdrawn, see 1475-09]*

1475-11 **LIVESTOCK QUARANTINE RECORDS** - Reports, notices, orders, and similar records relating to the quarantine of livestock. RETENTION: Lifting of quarantine + 3 years.

1475-12 **MARKS AND BRANDS APPLICATIONS.** RETENTION: 2 years.

1475-13 **MARKS AND BRANDS RECORD.** RETENTION: PERMANENT.

1475-14 **RECORD OF ANIMALS SLAUGHTERED (BUTCHERS' RECORD)** - Recorded reports of animals slaughtered. RETENTION: PERMANENT.

1475-15 **RECORD OF INSPECTION (RECORD OF HIDES AND ANIMALS)** - Certified copy of the records of inspection by the inspector of hides and animals. RETENTION: PERMANENT.

1475-16 **TATTOO REGISTRATIONS** - Certificates of registration for tattoo marks of hogs, dogs, sheep, or goats filed by the Texas Department of Public Safety. RETENTION: PERMANENT.

## SECTION 2-12: WATER RECORDS

1500-01 **CAUSEWAY RECORD** - Recorded statements and maps detailing the location, ownership, size, etc. of bridges, dams, dikes, causeways, and roadways constructed across any arm, inlet, or saltwater bay of the Gulf of Mexico. RETENTION: PERMANENT.

1500-02 **CERTIFICATES OF ADJUDICATION RECORD** - Recorded certificates of adjudication issued by the Texas Natural Resource Conservation Commission or its predecessors authorizing the appropriation, storage, or diversion of state water as determined by court action. RETENTION: PERMANENT.

1500-03 **WATER PERMIT RECORD (IRRIGATION RECORD)** - Recorded permits and associated documentation issued by the Texas Natural Resource Conservation Commission or its predecessors authorizing the appropriation, storage, or diversion of state water. RETENTION: PERMANENT.

1500-04 **WATER RIGHTS AGREEMENT RECORD** - Recorded agreements between the Texas Natural Resource Conservation Commission and claimants for the administration of unadjudicated water rights. RETENTION: PERMANENT.

1500-05 **WATER RIGHTS RECORD (IRRIGATION RECORD)** - Recorded statements of water rights appropriations or declarations of intent to appropriate state water, including maps and plats denoting the routes of canals and ditches. RETENTION: PERMANENT.

### SECTION 2-13: ADMINISTRATIVE AND FINANCIAL RECORDS

1525-01 **ACKNOWLEDGMENT RECORD (COUNTY CLERK)** - Record of acknowledgments or proofs of instruments taken by the county clerk as ex-officio notary public. RETENTION: 10 years.

1525-02 **ACKNOWLEDGMENT RECORD (NOTARY PUBLIC)** - Record of acknowledgments or proofs of instruments taken by notaries public. RETENTION: 10 years.

1525-03 **ANNUAL FEE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1525-04 **CASH RECEIPTS.** RETENTION: FE + 3 years.

1525-05 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

1525-06 **FEE BOOK.** RETENTION: FE + 5 years.

1525-07 **FEE STATEMENTS** - Copies of statements of filing fees due sent out by county clerk to companies or individuals. RETENTION: FE + 3 years.

1525-08 **INSTRUMENTS LEFT FOR RECORD** - The following instruments that *have been* recorded as required or permitted by law, but are unclaimed by their owners or are unreturnable. The instruments may be disposed of at the expiration of the retention period given for each record below, with the retention period dating from the date of recording.

a) Deeds, deeds of trust and mortgages, liens, oil and gas leases, powers of attorney, military discharge papers, and marriage licenses. RETENTION: 5 years.

b) Bills of sale [1275-04 and 1475-03] and tax receipts. RETENTION: 2 years.

1525-09 **INSTRUMENTS SENT, RECORD OF** - Record or register of recorded instruments returned by mail to those who filed them. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1525-10 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1525-11 [*Withdrawn February 1, 1992*]

1525-12 **OPEN MEETING NOTICES** - Notices of open meetings of the governing bodies of water districts and all other special districts required by law to file notices. RETENTION: 2 years.

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\* 1525-13 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county clerk, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

*Caution: This records series does not include applications for the issuance of certified copies or abstracts of birth or death records. See items numbers 1325-08a and 1325-18a.*

\* 1525-14 **RECORDS DESTRUCTION NOTICES** - Records destruction notices filed with the county clerk by other county officials and offices. RETENTION: PERMANENT.

#### 1525-15 **RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.

c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

1525-16 **REGISTER OF INSTRUMENTS FILED FOR RECORD (CLERK'S FILE DOCKET, FILE REGISTER, RECEPTION RECORD)**. RETENTION: PERMANENT.

1525-17 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS)**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

### **SECTION 2-14: MISCELLANEOUS RECORDS**

1550-01 **ADOPTION STATEMENTS (AFFIDAVITS OF HEIRSHIP)** - Statements by persons that they have adopted other persons as their legal heirs.

a) Recorded statements and originals of statements that *have not been* recorded. RETENTION: PERMANENT.

b) Originals of statements that *have been* recorded. RETENTION: AV after recording. (Exempt from destruction request to the Texas State Library)

1550-02 **AUTOMOBILE REGISTER** - Register of automobiles licensed in county from 1907 to 1917. RETENTION: PERMANENT.

1550-03 **CENSUS RECORDS** - Lists of persons enumerated, mortality schedules, or other documents relating to the federal decennial censuses or any special state or county census. RETENTION: PERMANENT.

\* 1550-04 **CERTIFICATES OF DEPOSIT (RECEIPTS) FOR WILLS FILED FOR SAFEKEEPING**. RETENTION: Return of will + 5 years. (Exempt from destruction request to the Texas State Library)

1550-05 **CITY BUDGETS.** RETENTION: 3 years.

1550-06 **CONFEDERATE WIDOWS' AFFIDAVITS** - Affidavits by widows of Confederate veterans attesting to their inability to obtain information on regiments or companies in which their husbands served. RETENTION: PERMANENT.

1550-07 **CROSSTIES AND STAVES PURCHASE STATEMENTS** - Purchase statements by buyers of crossties and staves for which a bill of sale was not provided by the seller. RETENTION: 2 years.

1550-07a **EMERGENCY SERVICES DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1550-08 **EXPLOSIVE LICENSES, RECORDS OF** - Register or license stubs of licenses issued by authority of the U. S. Bureau of Mines for the sale, purchase, or use of explosives pursuant to provisions of the Federal Explosives Act. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-09 **FISH AND GAME LICENSING RECORDS** - Registers, stub books, duplicate licenses, duplicate receipts, affidavits of loss of license, and reports relating to the issuance of fish and game licenses.

a) Records in counties in which the county clerk is no longer an issuing agent. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Records in counties in which the county clerk is an issuing agent:

1) All records dated 1985 and earlier. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2) All records dated 1986 or later. RETENTION: FE + 3 years.

1550-10 **FOOD STAMP PROGRAM RECORDS** - Documentation relating to the distribution of food stamps. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-11 **HEADLIGHT TESTING STATION RECORDS** - Documentation relating to headlight testing stations established by commissioners court pursuant to the Texas Headlight Act (1925). RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-11a **INJECTION WELLS, APPLICATIONS TO DRILL.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1550-12 **LOG BRAND RECORD.** RETENTION: PERMANENT.

1550-13 **MUNICIPAL RESOLUTIONS ADOPTING HOME RULE** - Resolutions or ordinances by municipalities accepting municipal status under Title 28 of the Texas Civil Statutes. RETENTION: PERMANENT.

1550-14 **NOXIOUS WEED CONTROL DISTRICT ANNUAL REPORTS.** RETENTION: PERMANENT.

1550-15 **OLD AGE PENSION LISTS OR REGISTERS** - Monthly lists of persons in the county receiving old age pensions from the state. RETENTION: PERMANENT.

1550-16 **PROTEST RECORD** - Record of protest notices issued by notaries public evidencing non-payment of monies owed or non-performance of services promised. RETENTION: 10 years.

1550-17 **RECORD OF TIMBER CUT** - Recorded quarterly reports of persons who float or raft timber on rivers or creeks. RETENTION: PERMANENT.

1550-18 **REPORTS OF LIQUOR SEIZED** - Reports of liquor and associated property seized, and copies of receipts issued by the sheriff for goods if liquor or property was seized by officers other than the sheriff.

a) Receipts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

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b) Reports. RETENTION: PERMANENT.

1550-19 **REQUESTS FOR FREE COPIES BY VETERANS** - Requests by veterans for free copies of records. RETENTION: 90 days. (Exempt from destruction request to the Texas State Library)

1550-20 **SELECTIVE SERVICE RECORDS** - All records relating to the registration of men for military service under the Selective Service and Training Act of 1940. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-21 **TEXAS RELIEF COMMISSION RECORDS** - Records relating to the welfare and relief activities of the Texas Relief Commission. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1550-22 **WILLS FILED FOR SAFEKEEPING**. RETENTION: Until retrieved or disposed of. [In accordance with Probate Code, Section 71.]

1550-23 **WIND EROSION DISTRICT ANNUAL AUDIT REPORTS**. RETENTION: PERMANENT.

\* 1550-24 **AXLE OVERWEIGHT RECORDS** - Notifications and other documents submitted by operators of vehicles granted axle overweight permits by the Texas Department of Transportation. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

### **PART 3: COUNTY CLERK AS CLERK OF COUNTY COURT**

*Retention Notes: a) SCOPE OF THIS PART - The term "county court" as used in the descriptions of records in this part includes not only the constitutional county courts, but also county courts at law; county civil courts at law; county criminal courts; county criminal courts at law; county courts for criminal cases; county criminal courts of appeal; probate courts; and any other county courts that may hereafter be created by statute.*

*In some counties, the district clerk serves either as the exclusive clerk to one or more statutory county courts in the county, as clerk in those cases concerning family law only, or as clerk in those cases concerning both family law and those in civil and/or criminal law in which the court has concurrent jurisdiction with district courts. The district clerk must follow the minimum retention periods in this section for the records of any county court to which he or she is clerk. If the court also has concurrent jurisdiction with district courts in family law matters, the clerk must use the retention periods set down in the Local Schedule DC (Records of District Clerks) for those records relating to family law.*

*In some counties, the county clerk serves as exclusive clerk to a statutory county court that has been granted concurrent jurisdiction with district courts in family law matters. The county clerk should follow the retention periods in this section for civil, criminal, and probate records and those in Local Schedule DC for records concerning family law matters (e.g., Divorce Minutes).*

*b) MEANING OF FINAL JUDGMENT - For retention dating purposes, the use of the term "final judgment" in retention periods, unless otherwise qualified, means:*

*1) Civil Cases - From the date judgment rendered and signed in a county court; or if new trial or further proceedings granted on motion or mandated on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed, modified, or rendered as it should have been rendered, or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

*2) Criminal Cases - From the date judgment rendered and signed in a county court; or if new trial or further proceedings granted on motion or mandated by reversal on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed or judgment of acquittal issued or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.*

3) *Juvenile, Mental Illness, Mental Retardation, Alcoholism, or Narcotics Addiction Cases* - State laws provide that appeals from decisions in these types of hearings shall be governed by the Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure, and the dating of final judgment should follow the guidelines set out in (b)(1) above.

c) **PRE-1876 RECORDS AND RETENTION RECOMMENDATIONS** - Notwithstanding the retention periods set down in this schedule, the following records must be retained permanently:

- 1) all case papers dated 1876 or earlier and trial dockets containing entries dated 1876 or earlier; and
- 2) case papers and trial dockets from any period if the minutes of the case have been lost or destroyed.

In addition, with regard only to case papers in which final judgment has been rendered, this manual recommends, but does not require that consideration be given to retaining:

- 1) all case papers dated from 1877 to 1920 **PERMANENTLY**; and
- 2) papers in a case from any period that, because of its notoriety or significance, might possess enduring value.

\* d) **FINGERPRINTS** - Texas Code of Criminal Procedure, art. 38.33, requires that the fingerprint of a person convicted of a Class A misdemeanor or a felony be placed on the judgment or docket sheet. This requirement applies only to convictions had on or after 1 September 1987.

If the fingerprint appears on a judgment sheet or an order for probation that is incorporated directly into the Criminal Minutes [1600-07] or the County Court Minutes [1650-06] none of the retention periods listed in Part 3 of this schedule is affected, but if the only copy of the fingerprint appears on a document in either of the following two categories, then the document must be retained 20 years after final judgment or after last entry, as applicable.

*Category 1* - On a docket sheet in the Criminal Docket [1600-05] or the Criminal File Docket, Type IV [1600-06], or on a separate docket sheet filed with the Criminal Case Papers [1600-04].

*Category 2* - On a judgment or an order for probation filed with the Criminal Case Papers [1600-04] and not directly incorporated into the Criminal Minutes [1600-07] or the County Court Minutes [1650-06].

The 20 year retention required for documents in Categories 1 and 2 apply only to those documents or portions of a docket, judgment, or order created on or after 1 September 1987 and containing the only copy of the fingerprints of convicted persons. It does not apply to any documents in the same categories created on or before 31 August 1987.

e) **RETENTION OF CIVIL EXHIBITS AND DEPOSITIONS** - Exhibits and depositions in civil cases must be retained and disposed of in accordance with the following orders of the Texas Supreme Court, unless a county has obtained a modified order from the Supreme Court amending the procedure for that county.

1) *Exhibits*: In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.

*If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.*

*2) Deposition Transcripts and Depositions Upon Written Questions: In compliance with the provisions of Rule 209, the Supreme Court hereby directs that deposition transcripts and depositions upon written questions be retained and disposed of by the clerk of the court in which the same are filed upon the following basis.*

*This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.*

*After first giving all attorneys of record written notice that they have an opportunity to claim and withdraw the same, the clerk, unless otherwise directed by the court, may dispose of them thirty days after giving such notice. If any such document is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the document.*

*\* f) RETENTION OF CRIMINAL EXHIBITS - Exhibits in criminal cases in which a person was convicted must be retained and disposed of in accordance with the following provisions of the Texas Code of Criminal Procedure, art. 2.21:*

*1) To be eligible for disposal the exhibit must not be contraband or a firearm, must not have been ordered by the court to be returned to its owner, and is not an exhibit in another pending criminal action.*

*2) An eligible exhibit may be disposed of on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less; or on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a non-capital felony for which the sentence imposed by the court is greater than 5 years.*

*3) Prior to disposal, county and district clerks in a county with a population of less than 1.7 million must provide written notice by mail to the attorney representing the state and the attorney representing the defendant of the intent to dispose. If a request for return is not received from either attorney before the 31st day after the date of notice, the clerk may dispose of the exhibit.*

*4) County and district clerks in a county with a population of 1.7 million or more may dispose of an eligible exhibit on the date provided in (2) if on that date the clerk has not received a request for the exhibit from either the attorney representing the state or the attorney representing the defendant.*

### **SECTION 3-1: CIVIL CASE RECORDS**

**1575-01 APPEARANCE DOCKET (CALL DOCKET)** - Docket books or sheets of civil suits filed in a county court used to call cases on appearance day. RETENTION: 3 years.

**1575-02 CIVIL BAR DOCKET** - Docket books or sheets of civil suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**1575-03 CIVIL CASE PAPERS** - Documents relating to civil suits (including pre-trial, preliminary, or interlocutory proceedings or hearings) and of scire facias and ancillary civil proceedings, *except condemnation suits* (see 1575-07).

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

\* b) All other cases. *See retention note.*

**Retention Notes:** a) Final judgment + 12 years or, if applicable to the case, 12 years from date judgment revived, whichever longer, provided that at the time of disposal (1) no discovery proceedings are underway in the case and (2) the judgment and mandate (if applicable) have been entered of record in a permanent minute book of the court.

b) Prior to disposal, civil case papers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Some civil case papers may merit permanent retention because they provide significant documentation of the history of the local community.

c) Exhibits and depositions. RETENTION: See retention note (e) on page 35. (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library).

\* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

1575-04 **CIVIL DOCKET.** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1575-05 **CIVIL FILE DOCKET (CIVIL DOCKET-PENDING)** - Original entry docket books or sheets of civil cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a docket of disposed cases after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* those relating to fees, are *transcribed* into a docket of disposed cases after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of a file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a docket of disposed cases as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *may or may not contain* an account of fees due, whose contents are not transcribed or whose sheets are not transferred, but which serves as a combination pending and disposed docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1575-06 **CIVIL MINUTES.** RETENTION: PERMANENT.

1575-07 **CONDEMNATION CASE PAPERS (EMINENT DOMAIN CASE PAPERS)**

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

\* b) All other cases. See retention note.

**Retention Note:** Condemnation case papers must be retained for 12 years after entry of judgment approving award on the court minutes in the absence of objection or after final judgment rendered or proceedings otherwise terminated in court in trial of the cause, whichever applicable, except if suit is dismissed on motion of condemnor, the award of the special commissioners must be retained PERMANENTLY or, if it is entered of record in any subsequent suit, until the expiration of the retention period applicable to the records of that suit, whichever sooner.

c) Exhibits and depositions. RETENTION: *See retention note (e) on page 35.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library).

\* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

1575-08 **JURY DOCKET (JURY TRIAL DOCKET)** - Docket books or sheets of civil suits in which juries have been requested. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1575-09 **SUBPOENAS** - Stub books, copies, or recorded copies of civil subpoenas issued. RETENTION: 2 years.

### SECTION 3-2: CRIMINAL CASE RECORDS

1600-01 **BAIL BOND RECORD** - Record of bail or recognizance bonds set or taken. RETENTION: 3 years.

1600-02 **CAPIASES** - Stub books or copies of capiases and summonses issued. RETENTION: 2 years.

1600-03 **CRIMINAL BAR DOCKET (STATE BAR DOCKET)** - Docket books or sheets of criminal cases filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1600-04 **CRIMINAL CASE PAPERS** - Documents relating to criminal cases.

a) DWI and DUID cases.

1) Dismissed cases or cases in which defendant acquitted. RETENTION: Date of dismissal or acquittal + 5 years, as applicable.

2) Cases in which defendant convicted. RETENTION: Final judgment + 10 years, *but see retention note (d) on page 34.*

b) All other cases. RETENTION: Date of dismissal or final judgment + 5 years, as applicable, *but see retention note (d) on page 34.*

c) Exhibits. RETENTION: *See retention note (f) on page 35.* (Exempt from destruction request to the Texas State Library)

\* d) Bills of cost. RETENTION: FE of final payment + 5 years.

\* e) Transcripts and statements of fact from the county court on appeal. RETENTION: Receipt of mandate + 3 years.

\* f) Pre-sentence investigation reports. RETENTION: Final judgment + 2 years.

\* g) Warrants, capiases, summonses, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

\* h) Bail, personal, appeal, peace, cost, and other surety bonds, or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

1600-05 **CRIMINAL DOCKET.** RETENTION: 5 years, *but see retention note (d) on page 34.*

1600-06 **CRIMINAL FILE DOCKET (CRIMINAL DOCKET-PENDING)** - Original entry docket books or sheets of criminal cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a Criminal Docket [1600-05] after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* that relating to fees, are *transcribed* into a Criminal Docket [1600-05] after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a Criminal Docket [1600-05] as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *does contain* an account of fees due, whose contents *are not transcribed* or whose sheets *are not transferred*, but which serves as a combination file docket, criminal docket, and fee book. RETENTION: FE + 5 years, but see retention note (d) on page 34.

1600-07 **CRIMINAL MINUTES.** RETENTION: PERMANENT.

1600-08 **PROBATION MINUTES.** RETENTION: PERMANENT.

1600-09 **SUBPOENAS (CRIMINAL)** - Stubs books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

1600-10 **WITNESS ATTACHMENTS** - Stub books, copies, or recorded copies of attachment writs issued. RETENTION: 2 years.

1600-11 **WITNESS RECORD (WITNESS DOCKET)** - Register of witnesses subpoenaed, attached, or recognized in criminal cases. RETENTION: 3 years.

### SECTION 3-3: PROBATE RECORDS

1625-01 **ANNUAL ACCOUNT RECORD (PROBATE ACCOUNT RECORD)** - Recorded annual or final reports or exhibits of account of executors, administrators, and guardians. RETENTION: PERMANENT.

1625-02 **APPRENTICESHIP RECORD** - Record of the apprenticeship of minors. RETENTION: PERMANENT.

1625-03 **COMMUNITY PROPERTY DOCKET** - Docket books or sheets of probate cases involving the administration of community property due to the death or incompetence of a spouse. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26]

1625-04 **COMMUNITY PROPERTY MINUTES** - Record of the proceedings of the county court in cases involving the administration of community property due to the death or incompetence of a spouse. RETENTION: PERMANENT.

1625-05 **GUARDIANS' CLAIM DOCKET** - Register of claims on estates of persons under guardianship. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-06 **GUARDIANS' DOCKET** - Docket books or sheets of cases involving the appointment of guardians. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-07 **GUARDIANSHIP MINUTES (GUARDIANSHIP RECORD).** RETENTION: PERMANENT.

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1625-08 **INVENTORY RECORD (PROBATE INVENTORY RECORD)** - Recorded inventories and appraisements of property in probate cases. RETENTION: PERMANENT.

1625-09 **PROBATE BOND RECORD (PROBATE BOND DOCKET)** - Recorded bonds and qualifying oaths of executors, administrators, and guardians. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

\* 1625-10 **PROBATE CASE PAPERS** - Original case papers, including wills, of matters within the jurisdiction of a county court as probate court. RETENTION: PERMANENT.

1625-11 **PROBATE CLAIM DOCKET** - Register of claims against estates of decedents or of those under guardianship. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-12 **PROBATE DOCKET.** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-13 **PROBATE FILE DOCKET (PROBATE DOCKET-PENDING)** - Original entry docket books or sheets of probate cases. RETENTION: *Follow retention periods for Civil File Docket [1575-05].*

1625-14 **PROBATE MINUTES.** RETENTION: PERMANENT.

1625-15 **PROBATE RECORD (FINAL PROBATE RECORD)** - Recorded documents filed in probate cases. RETENTION: PERMANENT.

1625-16 **REPORTS OF SALE RECORD** - Recorded reports of sale of property from estates submitted by executors, administrators, or guardians. RETENTION: PERMANENT.

1625-17 **SMALL ESTATES AFFIDAVITS** - Affidavits filed by the distributees of small estates.

a) Originals of affidavits that have been recorded in the Small Estates Record [1625-19]. RETENTION: 1 year after estate settled and closed.

b) Originals of affidavits that have *not* been recorded in the Small Estates Record [1625-19]. RETENTION: PERMANENT.

1625-18 **SMALL ESTATES DOCKET** - Docket books or sheets of hearings to approve small estates affidavits. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-19 **SMALL ESTATES RECORD** - Recorded affidavits filed by the distributees of small estates. RETENTION: PERMANENT.

1625-20 **VITAL STATISTICS DOCKET OR MINUTES (PROBATE BIRTH DOCKET OR MINUTES; DELAYED BIRTH DOCKET OR MINUTES)** - Docket books or sheets or minutes of hearings on applications for the issuance of delayed birth or death certificates or for the issuance of certified copies of illegitimate birth certificates heard. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1625-21 **VITAL STATISTICS CASE PAPERS (PROBATE BIRTH CASE PAPERS; DELAYED BIRTH CASE PAPERS)** - Documents relating to hearings on the issuance of delayed birth or death certificates or certified copies of illegitimate birth certificates. RETENTION: 2 years from date application denied or order for registration issued.

1625-22 **WILL RECORD** - Recorded copies of wills. RETENTION: PERMANENT.

### **SECTION 3-4: MULTI-CASE/MULTI-COURT RECORDS**

1650-01 **APPEAL RECORD (TRANSCRIPT DOCKET)** - Record or register of civil, criminal, or probate cases appealed to a higher court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

- 1650-02 **ATTORNEYS' ORDER BOOK (CITATION RECORD)** - Record of attorneys' requests for the issuance of legal papers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 1650-03 **ATTORNEYS' RECEIPT BOOK** - Attorneys' receipts for documents temporarily withdrawn from custody of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 1650-04 **COUNTY COURT DOCKET** - Combined form of the Civil Docket [1575-04] and the Criminal Docket [1600-05]. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
- 1650-05 **COUNTY COURT FILE DOCKET (COUNTY COURT DOCKET-PENDING)** - Original entry docket books or sheets of civil, criminal, and probate cases. RETENTION: *Follow retention periods for Civil File Docket [1575-05].*
- 1650-06 **COUNTY COURT MINUTES (CIVIL AND CRIMINAL MINUTES)**. RETENTION: PERMANENT.
- 1650-07 **DEPOSITION RECORD** - Record or register of depositions filed. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 1650-08 **EXECUTION DOCKET** - Record of executions issued to enforce judgments. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
- 1650-09 **MOTION DOCKET** - Docket books or sheets recording motions filed by attorneys.
- a) Combined civil/criminal motion docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
  - b) Separate civil motion docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
  - c) Separate criminal motion docket. RETENTION: 5 years.
- 1650-10 **SCIRE FACIAS DOCKET (BOND FORFEITURE DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
- 1650-11 **SCIRE FACIAS MINUTES (BOND FORFEITURE MINUTES)**. RETENTION: PERMANENT.
- 1650-12 **SHORTHAND NOTES OF OFFICIAL COURT REPORTERS** - Shorthand notes of official court reporters. RETENTION: Date notes taken + 3 years. [By law - Government Code, Section 52.046(a)(4).]
- Retention Note: Court reporters must, by law, retain their notes in all manner of cases for three years from the date on which they were taken. While the responsibility for preserving the notes lies with the court reporter, in many counties reporters have left office and left their notes with the county clerk or in storage in county buildings. These notes may be disposed of after the expiration of the retention period.*

### SECTION 3-5: JURY RECORDS

- 1675-01 **JURY LISTS** - Lists of persons chosen for service in district, county, or justice courts, including lists of persons whose service has been postponed and defendants' and plaintiffs' lists. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)
- 1675-02 **JURY TIME BOOK (JURY RECORD)** - Record of persons serving on county or justice court juries. RETENTION: FE + 3 years.
- 1675-03 **STATEMENTS OF EXEMPTION FROM JURY DUTY** - Statements by persons claiming temporary or permanent exemption from jury duty on statutory grounds, including any statements of rescission of such claims.
- a) Statements requesting permanent exemption. RETENTION: AV after notification sent to tax assessor-collector. (Exempt from destruction requirement)

b) Statements requesting temporary exemption. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

\* 1675-04 **JUROR QUESTIONNAIRES** - Forms completed by jurors reporting for jury duty. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

### \* SECTION 3-6: JUVENILE RECORDS

**\* SPECIAL NOTE: This section remains in effect until the effective date of adoption of Local Schedule JR (Juvenile Records) by the Texas State Library and Archives Commission by an amendment to 13 TAC 7.125.**

*Prefatory Note: Juvenile court records are subject to sealing pursuant to Texas Family Code, Section 51.16. While sealing restricts access to the records, it does not affect the minimum retention periods set down in this section nor the destruction of such records following the expiration of those periods.*

1700-01 **DEPENDENT JUVENILE RECORD** - Proceedings of a county court in hearings from 1907 to 1918 involving dependent or neglected children. RETENTION: PERMANENT.

1700-02 **JUVENILE CASE PAPERS** - Documents relating to juvenile detention, transfer, adjudication, or disposition proceedings, including all records transferred to the court by law enforcement or other agencies under sealing order issued by the court.

*Retention Note: The retention periods set out below are divided into two groups - those dealing with records arising from a juvenile delinquency or offense committed on or before 31 August 1987 and those dealing with records arising from a juvenile delinquency or offense committed on or after 1 September 1987. The Texas Legislature has determined that an offense occurs on or after 1 September 1987 if all the elements of the offense occur on or after that date.*

a) Records concerning delinquent conduct or offenses committed on or before 31 August 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is *no* record that he or she committed a criminal offense after reaching the age of 17. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e) before 1987 amendment. (Exempt from destruction request to the Texas State Library)]

B) If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: Follow the retention period for (a)(2)(A) or (B), as applicable.

2) All other case papers:

A) If the person has reached the age of 23 and has *not* been convicted of a felony as an adult. RETENTION: *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

*Retention Note: State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. County clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition*

*Effective October 20, 1997*

*the court for an order directing that the records be destroyed. County clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (a)(2)(B).*

B) If the person has reached the age of 23 and he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

b) Records concerning delinquent conduct or offenses committed on or after 1 September 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is *no* record that he or she committed a criminal offense after reaching the age of 17; or the person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e).] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than a felony, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: *Follow the retention periods in (b)(2)(A) or (B), as applicable.*

C) If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony. RETENTION: *Follow the retention period in (b)(2)(C).*

2) All other case papers:

A) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, and has *not* been convicted of a felony as an adult. RETENTION: *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

***Retention Note:*** *State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. County clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. County clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (2)(B) or (C).*

B) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, but he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. RETENTION: Until the individual is 33.

C) If the case papers concern an adjudication of delinquency based on the violation of a penal law of the grade of felony. RETENTION: Date of judgment in disposition hearing + 25 years.

3) Audio or videotapes of release hearings. RETENTION: Date of final judgment in release hearing + 2 years. [By law - Family Code, Section 54.11(g).]

1700-03 JUVENILE COURT DOCKET. RETENTION: 5 years.

1700-04 **JUVENILE RECORD (JUVENILE COURT MINUTES)**. RETENTION: PERMANENT.

**SECTION 3-7: RECORDS OF COMMITMENT AND ADMISSION  
TO STATE CARE**

1725-01 **ALCOHOLISM CASE PAPERS** - Documents relating to alcoholic commitment cases. RETENTION: 5 years after final judgment on grant or denial of petition for commitment.

1725-02 **ALCOHOLISM DOCKET**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-03 **ALCOHOLISM MINUTES**. RETENTION: PERMANENT.

1725-04 **CANCER AND PELLAGRA APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to state hospitals for the treatment of cancer or pellagra. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-05 **CRIPPLED CHILDREN APPLICATIONS** - Documents filed with the county judge seeking hospitalization and medical care for crippled children. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-06 **CRIPPLED CHILDREN DOCKET**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-07 **CRIPPLED CHILDREN MINUTES**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-08 **EPILEPTIC APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to the Abilene State Hospital. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-09 **EPILEPTIC DOCKET**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-10 **EPILEPTIC MINUTES**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-11 **MENTAL ILLNESS CASE PAPERS (LUNACY CASE PAPERS)** - Documents relating to the temporary or extended commitment under civil or criminal law of mentally ill persons (including juveniles) heard in county court.

a) Cases in which application for commitment denied or judgment against commitment issued by court. RETENTION: Final judgment + 5 years.

b) Cases in which application for commitment granted or judgment for commitment rendered and the date of death or discharge from hospitalization or outpatient services *is* known. RETENTION: Date of death or discharge + 10 years.

c) Cases in which application for commitment granted or judgment for commitment rendered and date of death or discharge from hospitalization or outpatient services *is not* known. RETENTION: Date of commitment + 50 years.

1725-12 **MENTAL ILLNESS DOCKET (LUNACY DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-13 **MENTAL ILLNESS MINUTES (LUNACY MINUTES)**. RETENTION: PERMANENT.

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1725-14 **MENTAL RETARDATION CASE PAPERS** - Documents relating involving the civil or criminal commitment or transfer of mentally retarded persons (including juveniles) to residential care facilities or state mental hospitals.

- a) Cases in which application for commitment denied or judgment against commitment issued. RETENTION: Final judgment + 5 years.
- b) Cases in which application for commitment granted or judgment for commitment rendered and date of death or discharge of the patient *is* known. RETENTION: Date of death or discharge + 10 years.
- c) Cases in which application for commitment is granted or judgment for commitment rendered and date of death or discharge of the patient *is not* known. RETENTION: Date of commitment + 50 years.

1725-15 **MENTAL RETARDATION DOCKET (FEEBLEMINDED DOCKET)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-16 **MENTAL RETARDATION MINUTES (FEEBLEMINDED MINUTES)**. RETENTION: PERMANENT.

1725-17 **NARCOTICS ADDICTION CASE PAPERS** - Documents relating to narcotics addiction commitment cases.

- a) Cases in which petition for commitment denied. RETENTION: 5 years.
- b) Cases in which petition for commitment granted and date of death or discharge of patient *is* known. RETENTION: Discharge of patient + 5 years.
- c) Cases in which petition for commitment granted and date of death or discharge of patient *is not* known. RETENTION: Date of commitment + 10 years.

\* 1725-17a **NARCOTICS ADDICTION DOCKET**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

1725-18 **NARCOTICS ADDICTION MINUTES**. RETENTION: PERMANENT.

1725-19 **TUBERCULOSIS APPLICATIONS** - Documents filed with the county judge by or on behalf of persons seeking admission to state chest hospitals. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-20 **TUBERCULOSIS DOCKET** - Dockets books or sheets setting hearings by the county judge on tuberculosis applications. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1725-21 **TUBERCULOSIS MINUTES**. RETENTION: PERMANENT.

### **SECTION 3-8: NATURALIZATION RECORDS**

1750-01 **DECLARATION OF INTENTION RECORD** - Bound or filed originals or recorded copies of declarations of intention to become citizens filed by aliens. RETENTION: PERMANENT.

1750-02 **NATURALIZATION PAPERS** - Petitions for naturalization, oaths of allegiance, witness affidavits, and orders granting or denying citizenship submitted by aliens or their witnesses. RETENTION: PERMANENT.

1750-03 **NATURALIZATION RECORD** - Proceedings involving naturalization. RETENTION: PERMANENT.

### SECTION 3-9: LIQUOR LICENSING RECORDS

\* 1775-01 **BEER AND WINE LICENSE APPLICATION RECORDS** - Applications submitted to the county judge for wine and beer retail permits or for licenses to manufacture, distribute, or sell beer within the county. RETENTION: 2 years.

1775-02 **BEER AND WINE LICENSE DOCKET** - Docket books or sheets setting hearings on applications for beer or wine licenses or permits. RETENTION: 10 years.

1775-03 **LIQUOR LICENSE APPLICATION RECORDS** - Original applications for retail malt or spiritous liquor licenses. Destroy at option. (Exempt from destruction request to the Texas State Library)

1775-04 **LIQUOR LICENSE DOCKET (LIQUOR DEALERS DOCKET)** - Docket of applications for retail malt or spiritous liquor licenses.

a) If the Liquor License Record [1775-05] for the same period *has* survived. RETENTION: Destroy at option.

b) If the Liquor License Record [1775-05] for the same period *has not* survived. RETENTION: PERMANENT.

1775-05 **LIQUOR LICENSE RECORD (LIQUOR DEALERS JUDGMENT RECORD)** - Proceedings of county court on applications for retail malt or spiritous liquor licenses. RETENTION: PERMANENT.

1775-06 **NOTICES OF APPLICATION FOR ALCOHOLIC BEVERAGE PERMITS** - Notices to the county judge from the Texas Alcoholic Beverage Commission or its predecessors of applications for permits made directly to the Commission. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

### SECTION 3-10: FEE AND ADMINISTRATIVE RECORDS

1800-01 **CASH RECEIPTS** - Receipt books or copies of receipts upon payment of fees, fines, or costs in civil, criminal, probate or other cases; or for the deposit of trust funds.

a) Criminal receipts.

1) If county has an auditor. RETENTION: Transferred to auditor when all receipts issued. [By law - Code of Criminal Procedure, Section 103.011.]

2) If the county does not have an auditor. RETENTION: FE + 5 years.

b) All other county court receipts. RETENTION: FE + 3 years.

1800-02 **COST DEPOSIT RECORD** - Journal, ledger, ledger cards, or similar records of receipts to and disbursements from monies deposited with the county clerk to cover costs in civil and probate proceedings. RETENTION: FE + 5 years.

1800-03 **COURT REPORTER REPORTS** - Monthly reports submitted by court reporters to the presiding judge of a county court. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1800-04 **FEE BOOK** - Fee books or sheets showing accounts of fees or costs accrued in cases heard in a county court. RETENTION: FE + 5 years.

1800-05 *[Withdrawn, see 1800-04]*

1800-06 **JURY CERTIFICATES** - Stubs or copies of jury certificates issued. RETENTION: FE + 3 years.

1800-07 **TEXAS JUDICIAL COUNCIL, STATISTICAL REPORTS TO.** RETENTION: 3 years.

1800-08 **TRUST FUND RECORD** - Journal, ledger, or similar record of receipts to and disbursements from trust funds, including those involving restitution by persons on probation. RETENTION: FE + 5 years.

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1800-09 **WITNESS AFFIDAVITS AND CERTIFICATES (WITNESS FEE CLAIMS)** - Copies or stub books of affidavits or statements by persons or assignees claiming compensation for service as witnesses. RETENTION: FE + 3 years.

### **SECTION 3-11: MISCELLANEOUS COURT RECORDS**

1810-01 **MOTOR CARRIER CONVICTIONS, REPORTS OF RECORD OF** - Copies of reports to the State Comptroller of fines assessed and collected for violations of the Motor Carrier Act. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1810-02 **TRAFFIC CONVICTION ABSTRACTS** - Copies of abstracts submitted to the Department of Public Safety pertaining to traffic violations. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

## **PART 4: OFFICIAL PUBLIC RECORDS OF COUNTY CLERKS**

***Prefatory Note:** The Local Government Code, Section 193.008, provides that county clerks who microfilm must divide instruments received for filing, registering, or recording in classes specified by statute for recording on microfilm. The Local Government Code, Section 193.002(a), permits clerks who do not microfilm to divide and maintain instruments in the same manner. The records series titles contained in this part are those prescribed by statute.*

1820-01 **OFFICIAL PUBLIC RECORDS OF REAL PROPERTY.** RETENTION: PERMANENT.

1820-02 **OFFICIAL PUBLIC RECORDS OF PERSONAL PROPERTY AND CHATTELS.** RETENTION: PERMANENT.

1820-03 **OFFICIAL PUBLIC RECORDS OF PROBATE COURTS.** RETENTION: PERMANENT.

1820-04 **OFFICIAL PUBLIC RECORDS OF COUNTY CIVIL COURTS.** RETENTION: PERMANENT.

1820-05 **OFFICIAL PUBLIC RECORDS OF COUNTY CRIMINAL COURTS.** RETENTION: PERMANENT.

1820-06 **OFFICIAL PUBLIC RECORDS OF COMMISSIONERS COURT.** RETENTION: PERMANENT.

1820-07 **OFFICIAL PUBLIC RECORDS OF GOVERNMENTAL, BUSINESS, AND PERSONAL MATTERS.** RETENTION: PERMANENT.

1820-08 **OFFICIAL PUBLIC RECORDS** - A combination of Official Records of Real Property [1820-01] and Official Public Records of Governmental, Business, and Personal Matters [1820-07]. RETENTION: PERMANENT.

## **PART 5: RECORDS OF THE COUNTY SURVEYOR**

***Prefatory Note:** State law provides that when the office of county surveyor is vacant or has been abolished the county clerk shall take custody of the records of the county surveyor and assume the recording duties of that office.*

### **SECTION 5-1: SURVEY RECORDS**

1825-01 **AFFIDAVITS OF LOSS OR DESTRUCTION OF FIELD NOTES.** RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

1825-02 **ENCLOSED SCHOOL LAND REPORTS** - Copies of annual reports to commissioners court on number of sections of school land sold and enclosed during the year in county. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1825-03 **FIELD NOTES** - Original field notes of surveys of public land. RETENTION: PERMANENT.

*Retention Note: If it is determined that the field notes have been recorded in the Survey Record [1825-06] and sets of such original field notes have been sent to the General Land Office or to the agencies, persons, or companies that ordered the survey as required by law or dictated by the customary practices of surveying, the field notes may be destroyed at option and are exempt from destruction request to the Texas State Library. Rough field notes or other notes or papers used in the preparation of formal field notes may also be destroyed at option and are also exempt.*

1825-04 **MAPS AND PLATS** - Maps of county lands and rights of way, plats and profiles of surveys, and all other maps and plats used or created by the county surveyor.

a) Plats and maps that *are* recorded in the Survey Record [1825-06] or the Plat Record [1275-17]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Plats and maps that *are not* recorded in the Survey Record [1825-06] or the Plat Record [1275-17]. RETENTION: PERMANENT.

1825-05 **RECORD OF APPLICATIONS FOR SURVEY, LEASE, OR PURCHASE OF PUBLIC LANDS** - Recorded applications and supporting documentation for the survey, lease, or purchase of public land. RETENTION: 2 years.

1825-06 **SURVEY RECORD (RECORD OF FIELD NOTES)** - Recorded copies of field notes and plats of surveys of public land. RETENTION: PERMANENT.

## **SECTION 5-2: FEE AND ADMINISTRATIVE RECORDS**

1850-01 **ANNUAL FEE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-02 **CASH RECEIPTS.** RETENTION: FE + 3 years.

1850-03 **DAILY CASH BOOK OR REPORTS.** RETENTION: FE + 3 years.

1850-04 **DEPOSIT WARRANTS** - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the county surveyor. RETENTION: FE + 3 years.

1850-05 **FEE BOOK.** RETENTION: FE + 5 years.

1850-06 **LEGAL OPINIONS** - Copies of legal opinions rendered to the county surveyor by the county attorney or the district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-07 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

1850-08 *[Withdrawn]*

\* 1850-09 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a county surveyor, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

1850-10 **RECORDS MANAGEMENT RECORDS**

- a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.
- b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.
- c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

1850-11 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS)**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

**PART 6: RECORDS OF THE COUNTY SUPERINTENDENT OF SCHOOLS  
AND COUNTY BOARDS OF SCHOOL TRUSTEES  
[ABOLISHED OFFICES AND BOARDS ONLY]**

***Prefatory Note:** Texas Education Code, Section 17.95, effective 31 December 1978, abolished the county board of school trustees and the office of county superintendent of schools in counties without common or rural school districts. The board and/or the office can be continued through ad valorem taxation or by contract among the independent school districts of a county.*

*This schedule applies only to the records of boards and offices abolished 31 December 1978 or earlier. For records of active offices of the county superintendent of schools see Local Schedule SD (Records of Public School Districts).*

*The retention periods set down in this section must be followed by the county clerk, the county judge, the county treasurer, or any other county officer who has custody of any of the records of abolished offices listed in this section.*

**SECTION 6-1: RECORDS OF PROCEEDINGS**

1875-01 **ELECTION RECORD (SCHOOL TRUSTEES)**. RETENTION: PERMANENT.

1875-02 **MINUTES OF THE COUNTY BOARD OF SCHOOL TRUSTEES**. RETENTION: PERMANENT.

1875-03 **NOTICES OF COUNTY BOARD OF SCHOOL TRUSTEES MEETINGS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1875-04 **NOTICES OF COUNTY BOARD OF SCHOOL TRUSTEES MEETINGS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1875-05 **RECORD OF SCHOOL DISTRICTS** - Proceedings of the county board of school trustees or commissioners court establishing school district boundaries, including petitions, plats, and survey field notes. RETENTION: PERMANENT.

***Retention Note:** Original survey field notes of school district boundaries or of other surveys relating to schools found among the records of the county superintendent of schools may be destroyed at option provided that they have been properly recorded in the Minutes of the County Board of School Trustees [1875-02] or in either of the*

*Records of School Districts [1875-02]. If they have not been properly recorded in any of those records they should be retained PERMANENTLY.*

1875-06 **SCHOOL DISTRICT BOARD MINUTES** - Proceedings of the boards of trustees of independent, common, or rural school districts in the county that through dissolution or by other means passed to the custody of the county superintendent of schools. RETENTION: PERMANENT.

1875-07 **SCHOOL TRUSTEE REGISTER** - Register, record, or lists of school trustees and board officers in the county. RETENTION: PERMANENT.

## SECTION 6-2: FINANCIAL RECORDS

1900-01 **ACCOUNT JOURNALS** - Account books or journals of original entry detailing receipts to, disbursements from, or encumbrances involving school funds or accounts. RETENTION: Destroy at option.

1900-02 **ACCOUNTS PAYABLE RECORDS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-03 **ANNUAL AUDIT REPORTS OF SCHOOL DISTRICTS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-04 **ANNUAL STATEMENTS OF SCHOOL FUNDS (ANNUAL REPORTS OF COUNTY SCHOOL ACCOUNTS; ANNUAL FINANCIAL REPORTS OF COUNTY SCHOOLS)**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-05 **ASSESSMENT ABSTRACTS** - Abstracts of property assessments in school districts under the administration of the county superintendent of schools. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-06 **BANKING RECORDS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

\* 1900-07 **BOND REGISTERS**. RETENTION: Destroy at option.

*Retention Note: Prior to disposal, bond registers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Older bond registers from a time when the government itself or a local bank handled the issuance and payment of bonds often contain the names of local residents who subscribed to the bond issue. These registers usually merit permanent retention for historical reasons.*

1900-08 **BONDS AND COUPONS** - Canceled or unsold bonds, coupons, and similar instruments of paid bonded indebtedness. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-09 **BUDGET REQUESTS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-10 **CASH RECEIPTS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-11 *[Withdrawn, see 1900-20]*

1900-12 **DEPOSIT WARRANTS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-13 **FEDERAL AND STATE TAX FORMS**. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

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1900-14 **OFFICE AND TRAVEL EXPENSE REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-15 **OFFICIAL BUDGETS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-16 **PAYROLL REGISTERS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-17 **REPORT OF SCHOOL DISTRICT TAXES COLLECTED.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-18 **RETIREMENT RECORD** - Record book or account sheets of teacher or other school employee retirement and/or federal withholding tax deductions. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-19 **RETIREMENT REPORTS** - Copies of pay period or other reports submitted by the county superintendent of schools to the Texas Teacher Retirement System detailing retirement deductions. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1900-20 **SCHOOL FUND LEDGER (SCHOOL LEDGER, ACCOUNTS WITH SCHOOL DISTRICTS, COUNTY SUPERINTENDENT'S SCHOOL RECORD, SUPERINTENDENT'S SCHOOL RECORD, COUNTY JUDGE'S SCHOOL RECORD)** - General account ledger maintained by the county superintendent of schools showing apportionment to and receipts and disbursements from all school funds or accounts under his control. RETENTION: Destroy at option.

***Retention Note:** It is an exception to the retention given that if any volume of a school fund ledger contains lists of persons applying for teaching certificates by examination or of trustees and teachers in each district, information on the location of schoolhouses, or recorded copies of the orders of the county board of school trustees affecting school finances it must be retained PERMANENTLY.*

### **SECTION 6-3: STUDENT RECORDS**

1925-01 **ACHIEVEMENT TESTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1925-02 **BIRTH CERTIFICATES** - Copies of birth certificates of students filed by parents or guardians for enrollment or other purposes. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1925-03 **CENSUS FORMS** - Original census forms filled out for each family having children of school age.

a) All census forms dated 1948 or earlier. RETENTION: PERMANENT.

b) All census forms dated 1949 or later:

1) Forms for any year from 1949 to 1970 for which a Consolidated Scholastic Census [1925-04] *exists*. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2) Forms for any year from 1949 to 1970 for which a Consolidated Scholastic Census [1925-04] *does not exist*. RETENTION: PERMANENT.

1925-04 **CONSOLIDATED SCHOLASTIC CENSUS ROLLS** - Consolidated census rolls of students enrolled in county schools. RETENTION: PERMANENT.

1925-05 **CUMULATIVE SCHOLASTIC RECORD (PERMANENT GRADE RECORD, PERMANENT SCHOOL RECORD, PERMANENT GRADE SHEETS)** - Record books, cards, or sheets showing academic achievement record of each student enrolled in county schools.

a) For students in grades Pre-K through 8. RETENTION: Destroy at option.

b) For students in grades 9-12. RETENTION: PERMANENT.

1925-06 **SCHOOL CENSUS RECORDS** - Registers or lists of children of school age resident in county compiled from 1854 to 1905. RETENTION: PERMANENT.

1925-07 **STUDENT HEALTH RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1925-08 **STUDENT TRANSFER RECORDS** - Registers or other records documenting the transfer of students between school districts within a county or with districts in adjoining counties. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

#### **SECTION 6-4: ATTENDANCE AND ENROLLMENT RECORDS**

1950-01 **ATTENDANCE OFFICERS' RECORD** - Register or list of children of school age who are not attending public or private schools in violation of compulsory attendance laws. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1950-02 **DAILY ATTENDANCE SHEETS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1950-03 **PRINCIPALS' PERIOD REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1950-04 **SUPERINTENDENT'S ANNUAL REPORTS** - Superintendent's annual reports on school enrollment. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1950-05 **TEACHERS' DAILY REGISTER (DAILY REGISTER OF PUPIL ATTENDANCE).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1950-06 **TEACHERS' MONTHLY OR PERIOD REPORTS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

#### **SECTION 6-5: PERSONNEL RECORDS**

1975-01 **COUNTY INSTITUTE ATTENDANCE, RECORD OF** - Record of attendance by teachers at county teaching institutes. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-02 **PERSONNEL RECORDS** - Employment records of teachers and non-teaching personnel of the county school system, including.

\* a) The Teacher Service Record Card and any similar record for non-teaching personnel, on Texas Education Agency or comparable forms, that provide, in summary, a record of the person's employment history in the county school system. RETENTION: Termination of employment + 75 years.

b) All other personnel records. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

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1975-03 **REGISTRATION CARDS OF SCHOOL EMPLOYEES.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-04 **TEACHERS APPLYING FOR EXAMINATION, RECORDS OF** - Registers of persons applying for teacher certification by examination before county boards of examiners.

a) Registers of persons applying for teaching certificates by examination maintained in the School Fund Ledger [1900-20] or separately. RETENTION: PERMANENT.

b) All other documents relating to the examination of persons applying for teaching certificates. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

1975-05 **TEACHERS' CERTIFICATE REGISTER** - Abstracts or recorded copies of teachers' certificates of teachers working in county schools. RETENTION: PERMANENT.

## **SECTION 6-6: MISCELLANEOUS RECORDS**

2000-01 **DEEDS** - Deeds to school property. RETENTION: PERMANENT.

2000-02 **FEDERAL AND STATE SCHOOL AID RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-03 **INSURANCE RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-04 **OPEN RECORDS APPLICATIONS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-05 **TEXTBOOK RECORDS.** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-06 **TRANSPORTATION RECORDS (SCHOOL BUS RECORDS).** RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2000-07 **VETERANS VOCATIONAL SCHOOL RECORDS** - Records of veterans vocational schools established in county.

a) Proceedings of the board of trustees of the vocational school. RETENTION: PERMANENT.

b) All other records, *including* academic records. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927.  
512-463-5460 or 512-463-5436 Fax

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