

Washington County (Oregon) Law Library

OREGON REVISED STATUTES (ORS) DIGITIZATION PROJECT Update March 20, 2011

... Because One Shouldn't Need a Screwdriver to Compile a Legislative History

- The Washington County Law Library is scanning the 1953-1987 Oregon Revised Statutes (ORS). These particular volumes are also known as the "*Gutbusters*," because the pages are filed in 7-10" gut-busting (*to lift*) loose-leaf binders.
- Few people outside the legal community know that "old" or "historical" or "superseded" laws are critically necessary to understanding, and enforcing, current law; in fact, one cannot interpret any statute without looking at its history. A statute passed 50 years ago may have been amended, but a researcher must examine every amendment, and the statutory intent behind each amendment, in order to interpret the meaning of that statute today.
- Superseded statutes are used by land use, local government, criminal, and education law researchers, and many others.
- I have been able to locate, and confirm, only three complete sets of superseded (1953-1987) Oregon statutes – in the entire State of Oregon: Multnomah Law Library (*Portland*), Legislative Counsel (*Salem*), and the Oregon State Archives (*Salem*). None is accessible to the public without prior permission and/or sign-in, or travel to Salem or Portland during Monday to Friday, 9-5, weekday hours.
- Washington County Circuit Court Law Library filing fee revenues are being used to fund this project, which will benefit everyone around the state, and beyond, for anyone researching Oregon law.
- When complete, the images will be put into the public domain, i.e. the images will be made available to an Oregon state agency that will host them on a publicly accessible website.
- During the project's planning stages, we e-talked to the following government and librarian entities and individuals, among others, to make sure there wasn't already a scanning project in progress at the state level and to ask advice: Oregon Archives, Oregon Legislative Administration, Secretary of Oregon Senate, Chief Clerk of the Oregon House, Oregon Legislative Library, Oregon Legislative Counsel, Oregon law librarians (*law firm, academic, and public*), State Law Librarian, and the State Librarian.
- Until the scanning completed to our standards (*archival quality and comprehensive*), which may take until September, it's a Washington County government project. Washington County Law Library staff members may be able to send out individual PDFs (*see a sample page*) as we go along. (*But you will need to know your ORS citation. Full-text searching is not yet available.*)

A description of the scanning project continues on the next page.

ORS “GUTBUSTER” SCANNING PROJECT: PRECIS:

Goal: Digitize superseded Oregon Revised Statutes (ORS) for the years 1953-1987

- Snag: In a perfect world, one would have a spare set of the statutes that could be fed, page by page, into a high-speed scanner (*or scanned with a high-quality book scanner, without spending a fortune*). However, there are only three confirmed complete sets of the ORS for these years in Oregon and they are either bound and/or in places that are not open to the public.
- The bound volumes we found could not be de-spined or scanning had to be done on-site, from bound volumes, a huge added expense to feed-scanning.
- Three locations with full sets include: Multnomah Law Library (*Portland*), Legislative Counsel and State Archives (*Salem*). (*Note: The Legislative Library may also have a set, but I have not confirmed that it is a complete set. Legislators do not generally perform their own legislative history research. They or their staff members use either the State Archives collection or delegate the research to Legislative Counsel, both of which have complete print sets of the Oregon State statutes since 1859.*)
- Private vendor cost estimates for this project were in the \$40-75,000 range. Even if we have to purchase our own equipment, we think we can do the work ourselves for less money. Contracting out is not always the most cost-effective way to get some projects done.
- Washington County IT, legal, and CAO staff members supported us as we developed the proposal to complete this project in-house. The county IT department was not only willing to host the data on county servers, but they worked closely with us on the RFQ and on setting up the hardware and software, all of which helped us save time and money on project planning and implementation.

BRIEF DESCRIPTION OF DIGITATION PROJECT PLAN:

1. We started scanning 130 volumes, approximately 175,000 pages, in March 2011. Expected completion date, subject to change, is September 2011. (*This is an in-house project, with part-time labor.*)
2. We will start with scanning the loose pages from the *Gutbuster* binders, using a feed-scanner.
3. We will then do a volume-by-volume page check with a complete set, probably from the Multnomah Law Library. Those pages are in hardbound (buckram) books that were bound by Trappist Abbey Bookbindery some years ago and cannot be unbound. A flat scanner will be used for scanning any pages that were missing from our loose-page scanning.
4. The bound-volume pages have wide margins, are all text, some of it faint, but not unscannable, and older volumes (oldest is 1953) are slightly fragile.
5. We will scan a Laserfiche image of each page. (*These can be exported in any kind of format, e.g. tiff, PDF, etc.*)
6. The scanned images will be organized like the official set (*or as closely as is humanly and digitally possible*), i.e. by Legislative Session (*year*), Volume, Title, and Chapter number. (*The statutes are organized by Legislation Session (biennial), with each Session's statutes compiled into 5-9 bound volumes. Within the Session, statutes are arranged by Title, and then by Chapter.*) Each year also has an *Index*, a *Constitution*, and *Tables*, which we will also scan.
7. We also plan to scan the *Annotations* volumes and the pre-1953 *Legislative History* volumes.
8. A simple page scan is relatively fast, but indexing according to our chosen file structure takes time. The images will be searchable (OCR).
9. Our work rule is: Take the time to prepare, scan, and index properly and completely from the start rather than having to go back to fix things later. Fixes will need to be made, but they can be kept to a minimum.
10. Project time and costs will be tracked.

BACKGROUND

- The [Oregon Legislature](#) does not provide online access to the official ORS for any legislative session except the current one, although one can locate unofficial versions from the past few years at the Internet Archives (*Wayback Machine*) website (*and at [oregonlaws dot org](#)*). (*Oregon Laws (session law) are online, from 1999 to the present.*)
- Superseded Oregon statutes and session laws are used daily by attorneys, judges, law firm, legislative, and court support staff, law school students and professors, non-profits, and by citizen advocacy groups.
- When compiling a legislative history or simply locating superseded statutes, the bound Oregon statute sets, from 1989 to the present, are relatively simple to use.
- However, the loose-leaf volumes (the *Gutbuster Years*) are a nightmare. The statutes from these years are kept in huge “*gutbuster*” binders 7-10 inches wide and a screwdriver is required to open the binder if one wants to photocopy pages. The binder screws are failing and some of us have already had to cut the binders.
- A number of law libraries do have “*gutbuster*” sets, but most are incomplete statutory compilations.
- The only Portland-area or publicly-accessible law library that is known to have a complete set is the Multnomah Law Library. The Oregon Archives and Legislative Counsel have full sets, but public access is not permitted at the latter and access is difficult, if not impossible for many, at the former, except for those who can travel to Salem or pay to have the research done by Archives staff.
- The *Gutbuster Years: Oregon Revised Statutes (ORS)* were published in loose-leaf format from, roughly, 1953-1987, and were kept current through the use of “*Replacement Pages*”. After 1987 the ORS was (and still is) published in softbound volumes, one multi-volume set per Legislative (biannual) Session. (This may change to every year, starting in 2011, when the state begins an annual session schedule.)
- Some law libraries have the Hein superseded state statutes microfiche set, that includes the superseded ORS, including the *Gutbuster Years*, but most do not. (*See note below about the ORS and HeinOnline.*) The Hein “*gutbuster*” years are believed to be incomplete, but no page-by-page check has been done, so that has not been confirmed.
- Some superseded ORS sets are on Lexis and Westlaw, but neither of those online collections includes pre-1989 editions. They are also inaccessible to anyone who does not have the Lexis or Westlaw subscription plan that includes those statutes. Except for attorneys and researchers who live close to Salem or downtown Portland, or who can afford to subscribe to Lexis or Westlaw, no one else has direct access to the full collection of the superseded ORS.
- It is necessary to have a full run of Oregon statutes and laws, at the very least, in order to compile a legislative history. (*One also needs bill, exhibit and minutes files as well, but that is another matter that I do not address here, not for lack of ideas on how to solve that problem.*)
- So far we have been unable to locate a complete set of the superseded ORS that we could scan off-site, with a feed-scanner. Furthermore, contracting out the scanning to a private vendor is extremely expensive, even assuming we had a set that could be sent out, which we don't. We needed to find an in-house solution.

COPYRIGHT ISSUES

Note 1: [William S. Hein](#) sells superseded Oregon statutes on microfiche: 1874 thru 2001 edition with April 2008 update (*current updates may be on DVD, not fiche*). The Hein set is fairly complete, but not for the years 1953-1987, as noted above. I talked to Hein representatives about scanning their microfiche set for the *Gutbuster* years. They were willing, but would still need to confirm that it is a complete set (*or have us do that*) and would be making images secondhand from a microfiche image rather than from the original as we are doing.

Note 2: On June 19, 2008, the [Oregon Legislative Counsel Committee](#) decided in a hearing that it will not assert copyright on the Oregon Revised Statutes, pursuant to 2007 ORS §173.763. (See www.leg.stat.or.us or <http://public.resource.org/oregon.gov/index.html> for more info.)

CONTACTS FOR MORE INFORMATION

For more details on this Washington County Law Library ORS project, timeline, or costs, please contact:

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Oregon Legal Research Blog: <http://oregonlegalresearch.blogspot.com/> (Click on the *Gutbusters* label for project updates.)