1991

SEAALL Bylaw Revision Materials, 1991

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March 28, 1991

Tim Coggins
University of North Carolina
Law Library
CB #3385 Van Hecke Wettach Bldg.
Chapel Hill, NC 27599

Dear Tim:

I'm enclosing several documents relating to SEALL Bylaws:

- Bylaws as they currently stand with the 1990 amendments
- Bylaws as they will appear if the changes are successfully voted upon in July
- Bylaws suggested revisions for next year
- Bylaws proposed changes discussed at Business meeting in Tuscaloosa (Alva will distribute this to the membership).

I'm also sending a set to Mary Cross.

Sincerely,

Pam Williams
SEALL BYLAWS REVISIONS

Bylaws Article IV. Amendments and Bylaws.

Section 1.

Any proposed amendments to the Constitution Articles or Bylaws shall be filed with the secretary. Notice shall be given to members in one of the following ways:

a. notice shall be published in the Chapter newsletter Southeastern Law Librarian or its successor, at least 90 days prior to balloting, or

b. notice shall be sent by the secretary to all members through the mail at least 30 days prior to balloting.

Section 2.

Mail ballots may be conducted for the purpose of changing the Constitution Articles provided...

Section 4.

Meetings of the Chapter and Executive Committee shall be conducted with Roberts Rules of Order except as otherwise specified by the Chapter Constitution Articles or Bylaws.

(Proposed revisions do some final cleanup of changing references regarding Constitution to Articles. The publishing of proposed revisions will save SEALL mail costs.)

Bylaws Article 1 Membership

Section 1.

a. Any person officially connected with a law library, or with a separately maintained law section in any library and currently or within the last seven years, employed at least 30% of full time may become...

Section 2.

a. Rights and Privileges

1. all members have the right to vote

2. The right to hold office shall be restricted to active members in the following membership categories: individual, institutional and life, institutional members and institutionally designated members and to life members.

(The Article 1, Section 1, change will bring us into compliance with AALL Bylaws - a necessary requirement. The Article 1, Section 2, change will specify who has voting rights - not currently in the Bylaws. The last revision is to stream-line the language.)

VOTING ON THESE REVISIONS WILL BE HELD AT THE SEALL BUSINESS MEETING IN NEW ORLEANS, JULY 22, 5:30 p.m.
Date: September 30, 1991  
To: All Chapter Presidents and SIS Chairs  
From: Joyce Manna Janto, Chair  
Constitution and Bylaws Committee  
Re: Amendments in constitutions and bylaws

I have been asked to clarify the procedure that chapters and SISs are to follow when they amend their constitutions or bylaws. Any changes you make must be approved by the AALL Constitution and Bylaws Committee before it is adopted by your group. This eliminates any inconvenience that may arise if the committee does not approve the language in your changes. In order to make this work, you should submit your proposed amendments to me 2 months before you intend to vote for their adoption. This gives the committee sufficient time to review your documents.

Thank you for your cooperation in this matter.
COMPROMISE ON NREN BILL: It appears that a compromise has been reached to save legislation to establish a high speed computer network to link government, industry and the education community, known as the National Research and Education Network or NREN. The bill passed by the U.S. House of Representatives on July 11, H.R. 656, contained a "buy American" clause inserted by Democratic Representative Richard Gephardt of Missouri which was opposed by the free trade oriented Bush Administration. (The companion Senate bill, S. 272, has no language similar to the "buy American" clause.) To avert a threatened Presidential veto of the final NREN bill, Representative Gephardt has apparently agreed to drop the controversial provision in exchange for a finding statement in the bill that states that the purpose of the legislation is to aid American industry and a requirement that the U.S. Office of Science and Technology Policy report on purchase contracts with foreign businesses made to establish the NREN. The White House has apparently agreed to these provisions and the President will reportedly sign the final NREN bill into law.

COPYRIGHT OF FEDERAL SOFTWARE LIMITED: A U.S. House of Representatives subcommittee voted on November 7 to substantially limit the coverage of a bill that would extend copyright protection to computer software programs developed by Federal agencies, in response to concerns expressed by AALL, ALA, other library organizations and the Information Industry Association. AALL Washington Representative Robert Oakley and representatives of the other organizations argued that H.R. 191, the Technology Transfer Improvements Act of 1991, would restrict public access to software needed to operate Federal information databases. In effect, copyright protection would allow Federal agencies to charge royalties for access to government information stored electronically, since such electronic information is not readily useable without its corresponding software. The House Science Subcommittee on Technology and Competitiveness voted on November 7 to amend H.R. 191 to exclude data, databases and database retrieval systems from the definition of "computer software" eligible for copyright protection. Thus, Federal agencies would not be allowed to copyright the underlying information contained in Federal databases or the software needed to access those databases. Only a narrow class of government software, developed pursuant to cooperative research and development agreements with industry, would be eligible for copyright protection under the amended bill. H.R. 191 will now move to the full House Science, Space, and Technology Committee for its approval.
NATIONAL TELECONFERENCE TO FOLLOW UP ON WHITE HOUSE CONFERENCE RECOMMENDATIONS: On December 10, a teleconference hosted by ALA President Patricia Glass Schuman will be broadcast nationwide to report on the White House Conference on Library and Information Services (WHCLIS) held July 9-13 in Washington, to present the WHCLIS report with its recommendations for action and policy implications, and to discuss the implementation of those recommendations at the state and local level. The teleconference, titled "A Library and Information Services Action Agenda for the 90's," will include discussion of various issues, including children and education, national information networking, and library promotion of youth literacy. The two-hour teleconference will be broadcast from 12:00 noon to 2:00 p.m., Eastern Standard Time, at designated locations throughout the United States. Viewers will be able to call in or fax comments to conference participants in the studio and at locations around the country. For information on how to participate in the teleconference in your area, contact Rhea Faberman at the WHCLIS office at (202) 254-5100.

BILL TO STUDY ESTABLISHMENT OF ONLINE CATALOG OF GOVERNMENT INFORMATION: A bill introduced by Democratic Senator Ernest Hollings of South Carolina would, among other things, direct the Secretary of Commerce to report to Congress on the feasibility of establishing a Federal Online Information Product Catalog (FEDLINE) at the National Technical Information Service (NTIS) to serve as a comprehensive inventory of information products and services disseminated by Federal agencies and to assist agencies and the public in locating government information. The aim of the American Technology Preeminence Act of 1991, S. 1034, is to enhance the position of U.S. industry through its application of Federal research and development, information that would be cataloged in FEDLINE. Access to such an online catalog through NTIS would, in all likelihood, require the user to pay a charge for the service. The Senate Commerce, Science, and Transportation Committee voted to approve the bill and it was reported favorably on September 24 in Senate Report No. 102-157.

FEES FOR TARIFF INFORMATION DELETED FROM MARITIME BILL: A provision to require the Federal Maritime Commission to charge libraries and other users of its new tariff data file a 35-cent-per-minute fee for each separate use has been dropped from a Senate Coast Guard reauthorization bill, S. 1297. In an attempt to raise funds to replace a boat tax slated for elimination, the proposal would have imposed the royalty-like charge even where a library had purchased the data file tapes from the Commission or had obtained access through a database vendor. The amended Senate bill is reported in Senate Report No. 102-169. However, a similar royalty-like fee provision remains in the companion House bill, H.R. 534, which is reported in House Report No. 102-182. The apparent new allure of such fee-for-access proposals on Capitol Hill is an ominous trend to those who are concerned about preserving the public's right to free and unimpeded access to government information.
NREN BILL JEOPARDIZED BY "BUY AMERICAN" CLAUSE: Legislation to establish a high speed computer network that would link government, industry and the education community, known as the National Research and Education Network or NREN, has become stalled in the conference committee established to reconcile the two slightly different Senate and House bills. The House version of the High-Performance Computing and Communications Act of 1991, H.R. 656, contains a "buy American" clause inserted by Democratic Representative Richard Gephardt of Missouri which the Bush Administration opposes as contrary to its policy on free trade. The Administration has threatened to veto the final conference bill if the Gephardt provision remains part of it. On November 6 members of the conference committee and Gephardt staffs met with representatives of the Bush Administration to try to resolve their largely incompatible differences in order to save a bill otherwise supported by all sides. The Administration representatives reportedly insisted that any language contrary to their notions of free trade would have to be dropped. Representative Gephardt is now reported to be reconsidering his insistence on the "buy American" provision, which is likely to jeopardize the NREN bill's becoming law.

AALL members, especially those who are Missouri residents, are urged to call Representative Gephardt's office now to voice their support for the NREN legislation and opposition to the "buy American" clause. Members may reach his St. Louis office at (314) 631-9959 or his Washington office at (202) 225-2671. Members may also fax letters to Representative Gephardt at (202) 225-7452.

COPYRIGHT FAIR USE BILL PASSES SENATE: On September 27 the U.S. Senate passed a bill that would amend federal copyright law relating to the fair use of unpublished copyrighted works. S. 1035, sponsored by Democratic Senator Paul Simon of Illinois, would direct courts to consider the fact that a work is unpublished as only one of several factors to weigh in making fair use determinations. This would reverse a trend in some courts to deny any right of fair use of copyrighted material where that material is unpublished. On October 1 the House Judiciary Subcommittee on Courts, Intellectual Property and the Administration of Justice approved the House version of the fair use bill, H.R. 2372, sponsored by New Jersey Democratic Representative William Hughes. The broader House bill would also streamline copyright renewal provisions in some instances and extend the National Film Preservation Act.

AALL EXPRESSES CONCERNS TO LC ABOUT FEE-GENERATING BILL: AALL Washington Representative Robert Oakley and Bruce Kennedy, a member of the AALL Government Relations Committee, met recently with officials from the Library of Congress to express AALL's concerns about a bill, sponsored by Democratic Senator Claiborne Pell of Rhode Island, that would authorize the Library of Congress to develop fee-based services and programs. Oakley and Kennedy expressed their concerns that the LC bill, S. 1416, would grant the Librarian of Congress broad powers to engage in fee-generating programs, with few limits on such fees, at the expense of traditional LC services. AALL is drafting an alternative bill that will address these concerns while still enabling the Library of Congress to engage in more limited fee-generating programs and services. The LC officials expressed interest in reviewing AALL's draft alternative.