

**CITY OF BALTIMORE
COUNCIL BILL 10-0204R
(Resolution)**

Introduced by: Councilmembers Welch, Holton, D’Adamo, Branch, Middleton, Curran, Stokes,
President Young, Councilmembers Conaway, Clarke, Reisinger, Spector, Henry
Introduced and adopted: May 3, 2010

A COUNCIL RESOLUTION CONCERNING

**In Support of Federal Legislation – Senate Concurrent Resolution 14/ House Concurrent
Resolution 49 - Supporting the Local Radio Freedom Act**

FOR the purpose of expressing support for the Local Radio Freedom Act that declares that Congress should not impose any new performance fee, tax, royalty, or other charge relating to the broadcast of sound recordings over the air by a local radio station; requesting the Honorable Members of the Maryland Delegation to the 111th Congress to support the concurrent resolutions; and urging the President of the United States to impose the will of the Congress should this legislation be adopted.

Recitals

This non-binding legislation, first introduced in the House in February, in response to pressure from the record industry (S. 379/H.R. 848 – Performance Rights Act) to revoke the exemption that terrestrial radio stations have enjoyed by not paying performance rights fees to musicians, has 259 co-sponsors in the House and 26 in the Senate. Responding to protests from the National Association of Broadcasters (NAB) and small and minority-owned local radio stations, whose very existence is threatened, the legislation seeks to maintain the exemption.

The legislation notes that the United States enjoys broadcasting and sound recording industries that are the envy of the world due to the symbiotic relationship that Congress has rejected repeated calls by the recording industry to change for more than 80 years, denying recording industry requests “to impose a performance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry.”

In testimony in opposition to the Performance Rights Act, the Joint Board Chair of NAB stated: “We strongly believe that local radio stations provide compensation to record labels and artists today. The artist is “paid” with free advertising and free exposure every time a radio station plays his or her music. Local free radio is the unique developer, exposor, promoter, and great populizer of new and old music, to multiple new and old generations of listeners.”

The legislation similarly notes that: “local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise.” And: “Congress found that the sale of many sound recordings and the careers of many performers benefitted considerably from both air play and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting.”

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 Also recognized by Congress is “the hardship that would result from a new performance fee
2 that would hurt American businesses, and ultimately the American consumers who rely on local
3 radio for news, weather, and entertainment, and such a performance fee is not justified when the
4 current system has produced the most prolific and innovative broadcasting, music, and sound
5 recording industries in the world.”

6 As entertainment opportunities have been severely curtailed by a faltering economy for a
7 large number of working families in Baltimore City, adding insult to injury by taking from them
8 one of life’s few free simple pleasures would be unconscionable.

9 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
10 Body supports the Local Radio Freedom Act that declares that Congress should not impose any
11 new performance fee, tax, royalty, or other charge relating to the broadcast of sound recordings
12 over the air by a local radio station; requests the Honorable Members of the Maryland
13 Delegation to the 111th Congress to support the concurrent resolutions; and urges the President of
14 the United States to impose the will of the Congress should this legislation be adopted.

15 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the President of
16 the United States, the Mayor, the Maryland Delegation to the 111th Congress, and the Mayor’s
17 Legislation to the City Council.