STATEMENT TO

[First Reprint]

SENATE, No. 1004

with Senate Floor Amendments
(Proposed By Senator BENNETT)

ADOPTED: MAY 30, 1996

These amendments include the following:

- removal of the definition of "area" from the bill, which was defined as a geographic region having a 25 mile radius surrounding each business location of a proprietor;
- provision that a performing rights society shall notify a proprietor, in writing, that upon request by the proprietor the performing rights society, before entering into a contract with that proprietor, will provide a schedule of the rates and terms of royalties under agreements executed by the performing rights society and proprietors of comparable businesses in the same county;
- removal of every reference of the term "nondramatic musical works" in the bill so that the bill's provisions relate to musical works in general;
- stipulation that the bill's provisions apply to performing rights societies licensing music in this State, rather than to performing rights societies doing business in the State, as originally stated in the bill;
- provision that every performing rights society licensing music in this State shall file a current list of not less than the performed copyrighted works, at least annually with the Secretary of State, rather than a current list of the copyrighted works, as originally provided in the bill, for which the performing rights society collects royalties on behalf of copyright owners;
- provision that a performing rights society, or any agent or employee of that society, is in violation of the bill's provisions when engaging in an act or practice that unduly disrupts a proprietor's business;
- provision that a proprietor, when bringing an action in a court of competent jurisdiction involving a performing rights society, may recover actual damages sustained as a result of a violation of a provision of this bill, instead of any damages so sustained, as stated in the original bill;
- clarification that the provisions of the bill do not apply to any enforcement conduct by law enforcement officers or other persons pursuant to the "New Jersey Anti-Piracy Act;" and
- exemption from the provision in the bill that all contracts must be offered for a term of one year unless the parties agree to a contract of another duration for contracts which contain terms negotiated

between a performing rights society and a bonafide national trade association representing a substantial percentage of proprietors of the same type.

These amendments make this bill identical to Assembly, No. 1698 (1R).