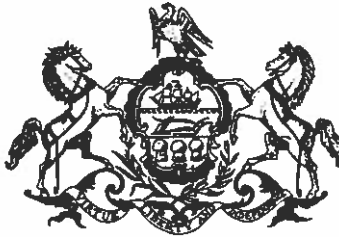


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

TO: All House Members

FROM: Rep. Robert F. Matzie 

DATE: January 6, 2011

SUBJECT: Co-sponsorship memo -Broadcast Employment Free Market Act (Former HB 2118)

In the near future, I plan to re-introduce former HB 2118, legislation that would prohibit a broadcasting industry employer to require "non-compete" or "first refusal" provisions in any contract with a broadcast employee. First refusal provisions often act as de facto non-compete clauses when the period of first refusal extends beyond the term of an employment contract.

Broadcast employees do not possess trade secrets or other confidential information that requires protection. The only investment employers have is the business expense to market these television and radio personalities. Interestingly, the major network anchors and correspondents like Katie Couric, Charlie Gibson and Brian Williams do not have non-compete clauses in their contracts. Major networks protect their interests through other measures, such as signing talent to a long-term contract, and offering "exclusive negotiation" rights, which would prohibit employees from negotiating with another employer for a period of time before their contract expires.

California, Massachusetts, Maine, Illinois, Arizona and Washington D.C. have banned the use of non-compete clauses, and Connecticut has banned non-compete and first refusal periods. ABC/Disney, Viacom/CBS, GE/NBC, Clear Channel and other large companies operate very successfully and competitively in these jurisdictions. In short, there is no justifiable basis for the insertion of non-compete clauses in contracts within the broadcast industry.

Previous Co-Sponsors- *D. COSTA, BRENNAN, DeLUCA, FREEMAN, HARKINS, KORTZ, LENTZ, MAHONEY, PASHINSKI, READSHAW, SANTONI, M. SMITH and EACHUS*

If you would like to join me in co-sponsoring this important legislation, please contact Keontay Hodge in my office at 787-4444 or Khodge@pahouse.net.

"SERVING ALLEGHENY & BEAVER COUNTIES"