

broaching 60 mph.

"We had a lot of missing signs that we're still accounting for, but other than that, nothing much happened," de Santos said. "Everything is back to normal. Everyone's back to work, and they're working hard."

No major injuries were

up in a low of 57 degrees at 4 p.m.

The peak wind gust of the day at the El Paso International Airport was 55 mph at about 3:45 p.m.

The Thursday afternoon high winds damaged several buildings around El Paso. One of the hardest hit was

money because of Casa Ford's damaged roof drew a rash of independent contractors to the dealership early Friday.

"This morning when we turned our keys to get in the building, we had up to 40 roofers here," Benavides said. "One of them wanted

dent Irma Olivares said she was glad the storm went through the area quickly.

"The wind blew a lot of trash around the neighborhood," she said. "It wasn't too bad, but I'm glad it's over. Something like this happens every year at this time."



Photos by Victor Calzada / El Paso Times

y Martinez, received consolation from one of about y for Carly Friday on the New Mexico State University left, Carly's twin brother, Carlos Marcos Martinez; her Martinez, far right.

## n of tree for Carly

### rial

- **When:** 7 p.m. Sunday.
- **Where:** Primera Iglesia Bautista Mexicana, 1212 Stevens.
- **Information:** 565-7047.

the outside and inside at I find rare," said freshman Tina Boucher, choking back tears. Then, with a smile, she added, "She was very beautiful. Most guys in my class, whether they admit it or not, had a crush on her."

Carly's father, Carlos Martinez, said his daughter is active in her dorm, belonged to the Baptist Student Union and often attended presentations of the Hispanic Border Leadership Institute.



A memorial was placed next to a tree dedicated to Carly Martinez Friday.

## March 28, 1998 Company asks hospital to pay for TV tunes

By Allison Gregor  
El Paso Times

Music calms the savage breast, but corporate hearts might need a bit more assistance.

Thomason Hospital officials were caught off guard when they received a proposed contract last week from Broadcast Music Inc. asking the hospital to pay more than \$700 annually for airing popular songs on its televisions.

Though hospital officials said it was the first they had heard of such a thing, restaurants and other small businesses have been paying similar fees for years.

Thomason officials have their lawyers working with Broadcast Music Inc. of Nashville, Tenn., also known as BMI, for clarification.

"There is no itemization on the contract, Thomason interim Chief Executive Officer Dr. Walt Divers said. "It just says 'utilization of copyrights' and a sum total."

According to federal copyright laws, when a small business plays a radio, TV or sound system, or has musicians perform a song, it is considered to be a performance of music and is subject to a royalty charge from the owner of the copyright.

BMI, a performing rights licensing organization, has been aggressively collecting royalties on the copyrights it holds for the past few years.

"Music is a product, and it is also the property of the creators of the music," BMI spokeswoman Michele Reynolds said. "Music, like any other property rights, really shouldn't be used without the appropriate permission."

The county hospital has about 40 televisions, most of which stay on around the clock, Divers said. He said he didn't know how BMI came to the \$700 plus fee.

"My assumption is they probably sent somebody through our lobbies and waiting areas, and we have these TVs, and it's documented that they're on," he said.

That was a problem in past years, but Texas, along with about 23 other states, has passed legislation since 1996 that prohibits representatives of music licensing groups from entering the premises of a business without identifying themselves.

"We have had some horror stories in the past," said Richie Jackson, executive vice president of the Texas Restaurant Association, which lobbied for the Texas

Please see **Tunes** 4B

## Neighbors look forward to senior housing complex

By Daniel Perez  
Northeast Bureau

A senior housing complex planned for behind Northgate Center is getting rave reviews before the first shovel of dirt has been turned.

East Side developer Ike



# Tunes

Continued from 1B

legislation. "But the issue is really a federal issue. ... There's very little you can do at the state level."

Thomason spokeswoman Margaret Althoff-Olivas said the BMI contract appeared to have a calculation based on the number of beds allowed in the hospital's license.

Reynolds said BMI representatives would never enter a business anonymously.

"BMI identifies themselves ... and they discuss music licensing and the value of our catalog and the importance of obtaining permission," she said.

An amendment to a bill that passed in the U.S. House of Representatives Wednesday would further cripple the powers of licensing businesses like BMI and the American Society of Composers, Authors and Publishers, known as ASCAP, which got involved in a dispute in 1996 when it found itself charging Girl Scouts for singing ASCAP songs around the campfire.

The amendment would allow

small businesses to air radio and TV broadcasts without being subject to licensing organizations' royalty fees, which are already paid by the TV and radio stations.

It also would allow local arbitration of music licensing rate disputes. Currently, small businesses that sue over those charges have to travel to a federal district court in New York.

Reynolds, who was not happy about the amendment, said music serves more functions than just entertainment.

"In the health-care industry, it's used as therapy, as a tool to help patients get over operations and injuries, and it's also used as a health tool ... in aerobics classes," Reynolds said.

Divers agreed, but questioned the ethics of gouging health-care providers who use pop songs to cheer up their patients.

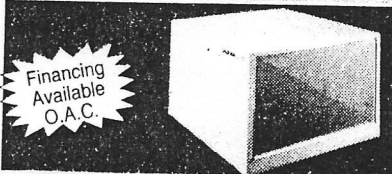
"Sports bars I can understand, but the hospitals I have trouble understanding," he said. "Our lawyers have told us it's legal, but it's not the right thing to do."

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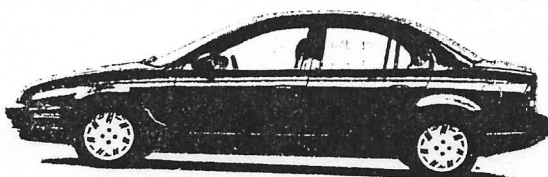
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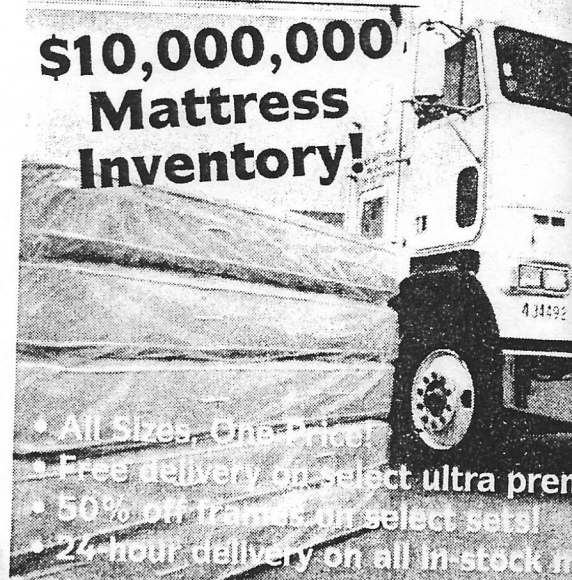
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