

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

276P0775

HOUSE CONCURRENT RESOLUTION NO. 1008

Introduced by: Representatives Faehn, Brunner, Dykstra, Halverson, Hargens, Krebs, Pederson (Gordon), Rausch, Rave, Rhoden, and Turbiville and Senators Abdallah, Apa, and Napoli

1 A CONCURRENT RESOLUTION, Urging Congress not to impose any new performance fees,
2 taxes, royalties, or other charges relating to the public performance of sound recordings on
3 local radio stations and to support the Local Radio Freedom Act.

4 WHEREAS, South Dakota citizens enjoy broadcasting and sound recording industries that
5 are the envy of the world, due to the symbiotic relationship that has existed among these
6 industries for many decades;

7 WHEREAS, for more than eighty years, the U.S. Congress has rejected repeated calls by the
8 recording industry to impose a performance fee on local radio stations for simply playing music
9 on the radio and upsetting the mutually beneficial relationship between local radio and the
10 recording industry;

11 WHEREAS, local radio stations provide free publicity and promotion to the recording
12 industry and performers of music in the form of radio airplay, interviews with performers,
13 introduction of new performers, concert promotions, and publicity that promotes the sale of
14 music, concert tickets, ring tones, music videos, and associated merchandise;



1 WHEREAS, Congress found that the sale of many sound recordings and the careers of many
2 performers benefited considerably from airplay and other promotional activities provided by
3 both noncommercial and advertiser-supported, free over-the-air broadcasting;

4 WHEREAS, local radio broadcasters provide tens of thousands of hours of essential local
5 news and weather information during times of national emergencies and natural disasters, such
6 as September 11th, and Hurricanes Katrina and Rita, as well as public affairs programming,
7 sports, and hundreds of millions of dollars of time for public service announcements and local
8 fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio
9 stations are forced to divert revenues to pay for a new performance fee;

10 WHEREAS, there are many local South Dakota radio stations that will suffer severe
11 economic hardship if any new performance fee is imposed, as will many other small businesses
12 that play music including bars, restaurants, retail establishments, sports and other entertainment
13 venues, shopping centers, and transportation facilities; and

14 WHEREAS, the hardship that would result from a new performance fee would hurt South
15 Dakota businesses, and ultimately the South Dakota consumers who rely on local radio for
16 news, weather, and entertainment; and such a performance fee is not justified when the current
17 system has produced the most prolific and innovative broadcasting, music, and sound recording
18 industries in the world:

19 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
20 Third Legislature of the State of South Dakota, the Senate concurring therein, that the South
21 Dakota Legislature urges Congress not to impose any new performance fee, tax, royalty, or other
22 charge relating to the public performance of sound recordings on a local radio station for
23 broadcasting sound recordings over-the-air, or on any business for such public performance of
24 sound recordings; and

1 BE IT FURTHER RESOLVED, that the South Dakota Legislature urges Congress to
2 support the Local Radio Freedom Act.