

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 13**

As Amended by House Committee on Education

**Brief\***

SB 13, as amended, would permit local broadcasters to broadcast a school's postseason activities, notwithstanding exclusive contracts entered into by the Kansas State High School Activities Association (KSHSAA) for the purpose of broadcasting postseason activities. [Note: KSHSAA is entered into an exclusive broadcast agreement with the National Federation of State High School Associations (NFHS) that is effective until July 31, 2024, unless otherwise extended.]

**Definitions**

The bill would define various terms, including:

- "Activity" and "activities" would mean school activities and contests in the fields of athletics, music, forensics, dramatics, and any other interschool extracurricular activities by students enrolled in any of the grades from seven (7) to twelve (12), inclusive;
- "Broadcast" would mean the live or recorded audio or video transmission of an activity, play-by-play, or similar accounts of such activity via radio, television, internet, or other technologies;
- "Exclusive broadcast agreement" would mean an agreement entered into between KSHSAA and an

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

organization to broadcast association activities under which such organization retains:

- Sole rights to broadcast such activities; or
- First right to broadcast such activities; and
- “Local broadcaster” would mean an organization, located in Kansas, that provides local broadcast services for any activity of a local school. [*Note:* “Local broadcaster” would include a student organization broadcast that is offered as an educational course or program by the school.]

### ***Applicability***

Current law allows KSHSAA to enter into an exclusive broadcast agreement for a postseason activity. The bill would provide that if KSHSAA enters into or renews an exclusive broadcast agreement to broadcast a regular season activity or postseason activity, local broadcasters would not be prohibited from broadcasting a school’s regular season activity or postseason activity if the local broadcaster:

- Provides broadcast services for the school that is participating in the postseason activity;
- Broadcasts at least one-third of the events of such activity during the regular season; and
- Entered into valid broadcast agreements to broadcast the events of the activity during the regular season.

The bill would not prohibit KSHSAA from requiring local broadcasters to enter into a postseason broadcast agreement with stipulations. Stipulations would include, but would not be limited to:

- Reasonable compensation for broadcasts, except that no fee shall be charged for such broadcasts;
- Approval by the site hosting the event;

- Limitations on organizations that are permitted to sponsor part of the broadcast; and
- Requirements for competent and professional announcers.

## **Background**

The bill was introduced by Senators Hawk and Billinger.

### ***Senate Committee on Education***

In the Senate Committee hearing on January 23, 2023, **proponent** testimony was heard by former Senator Hawk and by representatives of Harris Media Services, LLC, Kansas Association of Broadcasters, Kiowa County Media Center, KNZA Radio Group, Open Spaces Sports, Inc., and St. Francis Community High School. The proponents generally stated the current exclusive contract prevents local broadcasters from covering postseason activities. During the regular season, local broadcast companies work with local businesses in their communities to provide live coverage and commentary of athletic activities to fans free-of-charge. The proponents also stated that student-athletes and coaches watch previously recorded broadcasts for training and scouting purposes, and high school students volunteer with and work for local broadcast companies to gain real-world experience.

Written-only proponent testimony was provided by a representative of the Kansas Press Association and nine private citizens, three of whom identified themselves as educators or administrators in the public school system. These proponents generally stated the bill would promote local economic growth and allow fans from all over to listen and watch postseason activities.

The Executive Director of KSHSAA provided **opponent** testimony, stating the current broadcast agreement with

NFHS ensures that events not broadcast by NFHS are available to local broadcast companies. The Executive Director also stated that KSHSAA and NFHS regularly broadcast all skill-levels of activities administered by KSHSAA.

The Senate Committee amended the bill to:

- Include exclusive broadcast agreements that are renewed by KSHSAA;
- Provide that it would apply to both regular season activities and postseason activities;
- Replace the requirement that a local broadcaster would need to broadcast a majority of a school's activity during the regular season in order to broadcast the postseason activity, to instead state that a local broadcaster would need to broadcast at least one-third of a school's activity during the regular season in order to broadcast the postseason activity; and
- Make technical changes to ensure consistency in statutory phrasing and grammar.

### ***House Committee on Education***

In the House Committee hearing on March 13, 2023, **proponent** testimony was provided by Representative Rahjes and representatives of the Kansas Association of Broadcasters, KNZA Radio Group, and Open Space Sports, Inc. Written-only proponent testimony was submitted by former Senator Hawk and a representative of the Kansas Press Association.

Representative Rahjes spoke to his role as program director for KBUF Radio and the exclusive agreement that keeps community broadcasters, including student broadcasters, from broadcasting and streaming certain

matches or games during the season. The KNZA representative also noted local broadcast companies lose revenue from local advertisers who want to support and be part of these postseason games and state events.

**Opponent** testimony was provided by the KSHSAA Executive Director and an NFHS Board member. The NFHS testimony addresses the current agreement, which has an end date of July 2028, along with an extension of up to five additional years if specific metrics are met. The testimony indicated KSHSAA receives an annual guaranteed rights fee; guaranteed coverage of all sports, activities, and levels of championship events, and an adherence to KSHSAA's mission and values in all broadcasts. Since the beginning of this agreement in 2018, the NFHS network has broadcast 2,946 KSHSAA postseason events.

Written-only opponent testimony submitted by a representative of Sports Radio 810 WHB, which stated the bill could take away guaranteed coverage for student athletes in several sports and could create legal issues with NFHS and other media in the future.

The House Committee amended the bill to modify a provision pertaining to broadcast agreement stipulations on reasonable compensation for video broadcasts by providing that no fee could be charged for such audio or video broadcasts.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect on state government. The bill potentially could change revenue sharing agreements between KSHSAA and broadcasters, but a fiscal effect cannot be estimated.

Schools; KSHSAA; contracts; exclusive agreements; broadcasts; postseason activities