

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 13

As Recommended by Senate Committee on
Education

Brief*

SB 13 would permit local broadcasters to broadcast a school's postseason activity, notwithstanding exclusive contracts entered into by the Kansas State High School Activities Association (KSHSAA) for the purpose of broadcasting postseason activities.

Applicability

Current law provides that KSHSAA may enter into an exclusive broadcast agreement for a postseason activity. [Note: KSHSAA is entered into an exclusive broadcast agreement with the National Federation of State High School Associations (NFHS) that is effective until on or about July 31, 2024, unless otherwise extended.] The bill would provide that such agreement between KSHSAA and the broadcasting party would not prohibit a local broadcaster from broadcasting a school's postseason activity if the local broadcaster:

- provides broadcast services for the school that is participating in the postseason activity;
- broadcasts a majority of the events of such activity during the regular season; and
- entered into valid broadcast agreements to broadcasts the events of the activity during the regular season.

*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>

The bill would not prohibit KSHSAA from requiring a local broadcaster to enter into a postseason broadcast agreement with stipulations. Stipulations may include, but are not limited to: reasonable compensation for the video broadcast; 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.

Definitions

The bill would define various terms used throughout the Act, 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.
- “Association” would mean the state high school activities association or any association authorized by K.S.A. 72-7114, and amendments thereto.
- “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 the association and an organization to broadcast association activities under which such organization retains:
 - sole rights to broadcast such activities, or
 - first right to broadcast such activities.
- “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.]

- “Organization” would mean an individual, public or private corporation, partnership, limited liability company, association, joint venture, or any other legal or commercial entity.
- “Postseason activity” would mean an association-sponsored activity that occurs after the regular season is complete, including individual games and tournaments.

Background

The bill was introduced by Senator Hawk and Senator Billinger.

Senate Committee on Education

In the Senate Committee hearing on January 23, 2023, former Senator Hawk testified as a **proponent** of the bill, stating that exclusive contracts like the one currently entered into by KSHSAA prevents local broadcasters from offering their services to their local communities.

Representatives of Harris Media Services, LLC, the Kansas Association of Broadcasters, the Kiowa County Media Center, KNZA Radio Group, Open Spaces Sports, Inc., and St. Francis Community High School also provided **proponent** testimony. Proponents provided information about regular-season broadcasts, stating that local broadcast companies work with local businesses in their communities to provide live coverage with commentary of athletic activities to fans free-of-charge. They stated that high school students who want to gain experience in the broadcast field frequently volunteer with and/or work for the local broadcast companies.

Proponents also testified that student-athletes and coaches regularly listen and/or watch previously recorded broadcasts for training and scouting purposes.

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

The Kansas State High School Sports Association (KSHSAA) provided **opponent** testimony, stating that the Association's current exclusive broadcast agreement with the National Federation of State High School Associations (NFHS) ensures that events not broadcast by NFHS are available to local broadcast companies. Additionally, the opponent stated that the Association and NFHS regularly broadcast all levels of participation for all activities administered by KSHSAA.

No other testimony was provided.

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 the state government. The bill potentially could change revenue sharing agreements between KSHSAA and broadcasters, but a fiscal effect cannot be estimated.

KSHSAA; high school activities association; broadcast; exclusive contracts; postseason activities