



Proponent Testimony of SB13  
For the Senate Education Committee  
January 23, 2023  
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Chair Baumgardner and Members of the Committee,

Thank you for the opportunity to provide proponent testimony in support of Senate Bill 13 on behalf of the 260 broadcast stations that are members of the KAB.

Over the past few years, high school sports networks such as the National Federation of High School Sports (NFHS) have begun targeting schools for exclusive rights to stream, and in some cases, broadcast their games. This company is incredibly prevalent in Kansas due to their affiliation with the Kansas State High School Athletics Association (KSHSAA), who use the NFHS Network as their exclusive streaming partner for post-season games. Unlike the regular athletics season, KSHSAA owns the rights to post-season and can therefore implement exclusive agreements. During the regular season, broadcast/streaming partnerships are determined by individual schools.

The post-season partnership with the NFHS Network means they have first right of refusal to stream championship games. This has had negative effects for broadcasters, as well as those who want to watch games remotely. As it pertains to streaming games, broadcasters stream games *for free* to all users. Many of the networks such as NFHS charge a subscription fee to fans, family, and friends who wish to listen or watch games streamed on their platform. There have also been instances when NFHS elected not to stream a championship game, but local broadcasters were still prevented from streaming due to the NFHS contract with KSHSAA. This meant the game was not streamed anywhere, and family and friends who could not attend in person were unable to watch their student athletes.

The NFHS exclusive agreement with KSHSAA takes revenue away from local, Kansan-owned businesses to a company headquartered out of state that is part of a national digital network. Most Kansas radio stations that stream high school athletics are locally owned. NFHS exclusive clauses and post-season restrictions are impeding their ability to earn the revenue they need to stay on air and serve their local communities.

## **KAB Position on Regular Season**

Last year, the KAB met with KSHSAA and asked them to implement a policy that provides visiting teams with the same broadcast rights to a radio broadcast, a video broadcast and/or provide telegraphic play-by-play accounts as the home team during the regular season. We focused on visiting team rights because broadcasters are not opposed to a school's right to sign exclusive agreements with their chosen media partners. We believe all schools should have the right to have their games and events broadcast and streamed by partners of their choice.

It is our position however, that such exclusive agreements should govern only the rights of the parties to the agreement (that school and their partners). Exclusive agreements with "Home" schools should not govern or serve to restrict the broadcast rights of "Visiting" teams and their media partnerships. "Visiting" schools should have the same rights to broadcast or stream their team's games, as those extended to the home school. The KAB felt this was a reasonable request that, ultimately, KSHSAA declined to implement.

KAB enthusiastically supports SB13 so long as it is expanded to include visiting team rights during regular season. I appreciate your time in discussing this important matter. Thank you.

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