

Approved: 2-7-06  
Date

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 18, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Vicki Schmidt  
Senator Wysong  
Senator Mike Petersen  
Ron Neugent  
Margaret Bonicelli  
Randy Julian, USA Swimming  
Eric Nelson, Wichita Swim Club  
Steve Weatherford, Parents Association Kansas City Blazers  
Gabe Downing, KC Dive  
Gary Musselman, KSHSAA Executive Director  
Jeffrey Handley, Coach Washburn Rural High School  
James Ungerer, Student/Swimmer Washburn Rural High School  
Ron Hein, Prairie Band Powawatomi Nation  
Bill Sneed, State Farm Insurance

Others attending:

See attached list.

**SB 320 - Native American tribal law enforcement jurisdiction; liability insurance coverage; proof of**

Chairman Brungardt opened the hearing on **SB 320**.

Ron Hein, legislative counsel for the Prairie Band Potawatomi Nation (PBPN), appeared before the committee in support of the bill. (Attachment 1) In 2005 SB 9 added Tribal law enforcement officers to the list of officers who are recognized as law enforcement officers pursuant to state law. KSA 22-2401a(3) (a)(I) provides that the insurance policy the Tribes are required to maintain "shall be subject to verification by the attorney general." An issue has come up on how to verify with the Attorney General and having met with the principals involved in the issue, concluded that the best way to protect the states' interest was the insurance company provide the notification to the Attorney General when the policy is obtained and if the policy is limited or suspended for any reason, including non-payment of premiums. The PBPN would strongly object to any other amendments that are not a result of an agreement between the Tribes and the state and urge the committee to approve the bill.

Bill Sneed, State Farm Insurance, appeared neutral on the bill. (Attachment 2) On page 2 line 4 - 10 of the bill, which would require the insurance carrier to notify the Attorney General's office if the coverage terminates or is no longer in compliance in the subsection, appears to be problematic. Although, State Farm does not write this type of insurance, they do feel that it would be difficult, if not impossible, for insurance companies to comply with requirement. Mr. Sneed did suggest that the committee might want to contact the insurers who predominantly write commercial insurance to determine if this notification would have an adverse effect.

Chairman Brungardt closed the hearing on **SB 320**.

**SB 317 - Kansas state high school activities association; prohibiting limitation of student participation in certain sports**

Chairman Brungardt opened the hearing on **SB 317**.

Staff provided a brief explanation of the bill and that the bill was for dual participation in swimming only.

Senator Vicki Schmidt, appeared in favor of the bill. (Attachment 3) The Kansas State High School Activities Association (KSHSAA) has a rule that prohibits an athlete from participation as a member of an outside team or an independent competitor in the same sport when they are on their school's team, it is referred to as "Rule 22, Outside Competition." This bill applies only to the sport of swimming and only to practices, not competition; it would allow a swimmer to register extra time in the water for practice.

Senator Wysong, spoke in favor of the bill. (Attachment 4) Senator Wysong stated that swimming is a year around commitment and those students are not able to reach their peak potential with only swimming in the "high school swim season." Passing this bill would enhance not limit high school swimming in the State of Kansas.

Senator Petersen, appeared as a co-sponsor of the bill. (Attachment 5) This bill attempts to give Kansas swimmers parity with more than 40 states that allow dual participation.

Ron Neugent, appeared as a proponent on the bill. (Attachment 6) This bill would allow students the opportunity to represent their high school and prepare for a fair shot at competing with students from other states.

Margaret Bonicelli, spoke in favor of the bill. (Attachment 7) Mrs. Bonicelli stated that her two sons are distance swimmers, and the longest event in high school swimming is 500 yards, consequently they were not able to get in the yardage they needed for their events in the 1650. Passage of this bill would allow them to practice with their club teams and meet that yardage.

Randy Julian, USA Swimming, appeared in favor of the bill. (Attachment 8) Passage of the bill will ensure the rights of student-athletes and their parents in the State of Kansas.

Eric Nelson, Wichita Swim Club, spoke in favor of the bill. (Attachment 9) Support of the bill includes freedom of choice, expanding opportunities, access to professional expertise and safety.

Steve Weatherford, spoke in favor of the bill. (Attachment 10) Dual participation will no longer make swimmers make the tough decision between training with their club team or competing for their high school.

Gabe Downey, Kansas City Dive Club, appeared in favor of the bill. (Attachment 11) Diving is greatly hampered due to lack of facilities, and evidence supports the vast majority of states that allow dual-participation, routinely outperform athletes without dual-participation.

Written testimony was provided in support of the bill by Mike Soderling, Head Coach Lawrence Aquahawks, (Attachment 12) John Dicus, Topeka Swim Association, (Attachment 13) Deborah Boyer, (Attachment 14) George Bruce, (Attachment 15) Carl Gallagher, (Attachment 16) Hank Krusen, (Attachment 17) Rosemary Albery, (Attachment 18) Richard Maxfield, (Attachment 19) Representative Eric Carter, (Attachment 20).

Gary Musselman, Executive Director, Kansas State High School Activities Association (KSHSAA), appeared as an opponent of the bill. (Attachment 21) Mr. Musselman provided the committee with 15 reasons why dual participation was not part of the KSHSAA rules, and several follow:

- The elimination of the outside competition rule would have major negative repercussions, not all families have the economic resources to participate in private club sports, and for every elite club swimmer who feels restricted by the rules, there are hundreds who feel protected and well served by their existence.
- Most Kansas schools are not located proximate to elite level club sport programs
- Based on experience of other state associations, elimination of state association rules does not

eliminate the conflict between club and interscholastic programs.

- It would be reasonable to assume that students and parents will want their sport to be exempted in a similar fashion, if KSHSAA rules are eliminated in Swimming.

Jeff Handley, Teacher and Head Diving and Swimming Coach Washburn Rural High School, spoke in opposition to the bill. (Attachment 22) It is felt that if this bill passes, it would be the end of high school swim and dive programs all over the state. **SB 317** serves only the elite top 1% of swimmers in Kansas; current club programs, because of limited pool time and space, allow only the fastest swimmers will have the privilege to participate. All athletes are allowed to participate in Washburn Rural High School's program; there are no cuts.

James Ungerer, Student and Swimmer at Washburn Rural High School, spoke against the bill. (Attachment 23) As a student athlete he felt that swimming for the high school would give him lasting memories and that the team work and school spirit would build character that he would enjoy the rest of his life.

Chairman Brungardt closed the hearings on **SB 317**.

The meeting was adjourned at 11:56 am. The next scheduled meeting is January 19, 2006.