

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 3, 2005 in Room 313-S of the Capitol.

All members were present except:

Representative Steve Brunk- excused  
Representative Ray Cox- excused  
Representative Nile Dillmore- excused  
Representative Broderick Henderson- excused  
Representative Judy Loganbill- excused  
Representative Todd Novascone- excused  
Representative Candy Ruff- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Carol Doel, Committee Secretary

Conferees:

Rep. Eric Carter  
Natalie Haag  
Anthony Portela  
Margaret Bonicelli  
Mill Courtney  
John Dicus  
Ken Harms  
Bruce Boyer  
Richard Maxfield  
Kathy Weatherford  
Gabe Downey  
Mary-Lane Kamberg  
Steve Rosel  
Tony Portela  
Sue Courtney  
Gary Musselman - Executive Director of Kansas State High School Activities Association  
Steve Grant - Athletic Director and Assistant Principal of Free State High School in Lawrence  
Randy Forbes - Kansas State High School Activities Association  
Arvel McElroy - President of Kansas Swimming Coaches Association

Others attending: See attached list

Chairman Edmonds called the meeting to order and opened the floor for bill introductions.

There were no bill introductions and The Chair opened the meeting for public hearing on **HB 2345** a bill dealing with the Kansas state high school activities association; relating to the powers and duties.

Representative Eric Carter was recognized in support of **HB 2345**. Representative Carter stated that he has witnessed numerous unfortunate circumstances where fine men and women are forced to choose between participation on their high school's swim team, and their elite club team. This bill would solve this problem by prohibiting the Association from adopting any rules and regulations infringing on the right of student athletes to compete in or train for any athletic event sanctioned by the national governing body for that sport as recognized by the U.S. Olympic Committee. The Kansas High School Activities Association (KHSAA) would also be prohibited from imposing any form of punishment against any student athlete for competing in or training for these athletic events. (Attachment 1)

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Representative Carter also included a copy of Rule 22 Outside Competition for review. ([Attachment 2](#))

Natalie Haag, mother of a daughter who is a swimmer, delivered testimony as a proponent of **HB 2345** stating that this bill will allow individual swimmers to compete in USA swimming and training while participating in High School swimming. ([Attachment 3](#))

Pat Hogan, Club Development Director for USA Swimming, which is the USOC designated national governing body for competitive swimming addressed **HB 2345** in support. Mr. Hogan gave an overview of his background in the field of competitive swimming as well as an overview of the 1978 Olympic and Amateur Sports Act. He stated that athletes must have the opportunity to participate in both their high school and USOC recognized programs. Mr. Hogan further related that passage of **HB 2345** will ensure that athletes have the right to decide what they do after they have met the training and competition requirements of their school. ([Attachment 4](#))

A high school student and swimmer from Lawrence, Kansas, Anthony Portela, spoke in support of **HB 2345**. Anthony related that he has participated in high school swimming simply to represent his school and be with his friends. However, he feels that it is very unfortunate that such a simple task cannot be completed without interrupting not only his future goals, but other club swimmers goals as well. He further stated that it is unfortunate that swimmers in Kansas are unable to experience what swimmers in forty-two other states in the country can. ([Attachment 5](#))

Margaret Bonicelli, delivered testimony which her son, Eric, had written supporting **HB 2345**. Eric swims for the Kansas City Blazers and is a freshman at Blue Valley Northwest High School. His testimony stated that as the law reads now, he must either stay with the Blazers and get better, or go out for his high school swim team. By choosing to swim high school, he would be hurting his future as a competitive swimmer. ([Attachment 6](#))

Jill Courtney, a senior at Olathe North High School and a competitive year round swimmer, supports **HB 2345** stating that she is interested in eliminating current rules that restrict athletes from participating in high school and club activities. Miss Courtney further related that by allowing dual participation in club and high school swimming, athletes could maintain their needed level of training with the club coaches that understand their training needs. ([Attachment 7](#))

John Dicus of Topeka who has a twelve year old daughter, Emily, who swims competitively for Topeka Swim Association also supports **HB 2345**. He gave the opinion that the ability for kids to participate in sports, in and out of school, is just one aspect of their education. Success in sports can lead to success in the classroom and life. Mr. Dicus urged the support and passage of **HB 2345**. ([Attachment 8](#))

Kenneth Harms of Edmond, Oklahoma, presented testimony supporting **HB 2345**. He opined that the bill would allow a high school athlete to train with both his/her high school and club team during the same season. He further opined that by not allowing the high school athlete to do so under current rules puts the student athlete in a very unnecessary and uncomfortable position. ([Attachment 9](#))

Eric Nelson, Head Coach and General Manager for the Wichita Swim Club and is also the Director Central Zone of USA Swimming and a member of the USA Swimming board of directors, presented testimony supporting **HB 2345**. In his absence, the testimony was presented before the committee by Bruce Boyer. Mr. Nelson related that the point he wished to address are the freedom of choice, expanding opportunities, access to professional expertise and safety. ([Attachment 10](#))

Licensed psychologist, Richard Maxfield addressed the committee as a proponent of **HB 2345**. Mr. Maxfield is the President of the Topeka Swim Association and a member of the Board of Directors of Missouri Valley Swimming. Mr. Maxfield stated that the bill would allow elite athletes to participate fully in their sport. ([Attachment 11](#))

Catherine Weatherford of Leawood Kansas, is the mother of three daughters and she urges the passage of **HB 2345** because it will allow Kansas athletes to have the choice whether to participate in both high school and

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non-school activities concurrently. (Attachment 12)

Gabe Downey, head coach of the Kansas City Dive Club, offered testimony in support of **HB 2345** stating that current high school rules place Kansas divers at an inherent disadvantage to their counterparts throughout the nation. He gives the opinion that the issue is as much about the message we are sending the kids. It is his belief that it is important that youngsters be taught to strive for greatness in all facets of their lives. (Attachment 13)

Mary-Lane Kamberg of Olathe, mother of a daughter who swam when in high school, addressed the committee in support of **HB 2345** stating that the current position of the Kansas High School Activities Association regarding the prohibition against high school athletes training with club teams during the high school season (Rule 22) negatively impacted her daughter. Ms. Kamberg further stated that the current situation in Kansas discourages excellence and achievement. (Attachment 14)

Steve Rosel, a practicing attorney in Topeka, came before the committee supporting **HB 2345**. Mr. Rosel strongly urged passage of this bill because it gives the kids the opportunity to be with kids in other states and our high school activity associations will continue to do a good job. They will not lose control. They will gain control because they will get better competition and more support from the parents. (No Testimony)

Tony Portela, father of Anthony Portela who testified earlier, offered his opinion in favorable support of **HB 2345**. Mr. Portela related his swimming events during his high school years. He stated that the combination of the year round swimmers and the high school swimmers made it possible to have a great team. He stated that as a parent in the State of Kansas he is not allowed to give his son the best opportunity and resources to succeed in what he wants to do. (No Testimony)

Sue Courtney, mother of Jill Courtney who testified previously, addressed the committee also favorably supporting **HB 2345**. Mrs. Courtney related that her daughter has worked very hard. She has been raised to set goals. Year after year her daughter has obtained the goals that she has set. However, every year when it comes to the high school season, she is put into the position of having to choose. The current system puts kids between two different systems. She encourages support of **HB 2345** which encourages children to think about their choices and the future. (No Testimony)

Written testimony was presented in support of **HB 2345** by Margaret Bonicelli (Attachment 15), Katie Klinkenborg (Attachment 16) Mike Soderling (Attachment 17), Alex Boyer (Attachment 18), Ashley Robinson (Attachment 19), Jeannie Robinson (Attachment 20), Debbie Boyer (Attachment 21), Hannah Hoisington (Attachment 22), Peter Malone (Attachment 23), Andrew Jacobs (Attachment 24), Abby Hoisington (Attachment 25), Carl Gallagher (Attachment 26), John and Kathy Neet (Attachment 27), Cal Karlin (Attachment 28), William Sparks (Attachment 29), Bruce Boyer (Attachment 30), Bob Ham and Dawn Dirks (Attachment 31), William Sparks, III (Attachment 32), Julie Swank (Attachment 33), Katie Swank (Attachment 34), Rachel Mzhickteno (Attachment 35), Derek Klinkenborg (Attachment 36), Laura Shelton (Attachment 37), Peter Henry (Attachment 38), Nick Rockefeller (Attachment 39), Jolisa Buchner (Attachment 40), Michael Powell (Attachment 41), and Genevieve Dobelbower (Attachment 42)

Gary Musselman, Executive Director of Kansas State High School Activities Association, appeared before the committee as an opponent to **HB 2345** on behalf of the seven hundred ninety-five member schools. In his testimony, Mr. Musselman related the basis of his opposition to the bill starting with the 1995 case of Robinson v. KSHSAA. He further stated that it is their opinion that elimination of the outside competition rule would have major negative repercussions. Its absence would create a very real danger of have vs. have not among schools and individual students. (Attachment 43) Also presented for committee review was The Kansas State High School Activities Association Handbook 2004-2005 Edition. (Can be obtained from: Kansas State High School Activities Association - 601 SW Commerce Place - Topeka, Ks 66601 (785-273-5329))

Chairman Edmonds recognized Steve Grant, Athletic Director and Assistant Principal, Lawrence Free State High School who testified as an opponent to **HB 2345**. Mr. Grant presented testimony relating that involvement in high school sports promotes teamwork, not always found in club sports. It is his opinion that

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the proponents of this bill are not concerned with the well-being of all high school athletes. The bill appears to cater to the elite athlete at just a few schools. Mr. Grant further listed a number of reasons for opposition to the bill. (Attachment 44)

Randy Forbes, a Topeka attorney who has represented the Kansas State High School Activities Association for 25 years, offered testimony as an opponent to **HB 2345** stating that because of open ended and undefined language **HB 2345** would have unintended and extremely negative results and could negate many of the rules of competition. (Attachment 45)

President of the Kansas Swimming Coaches' Association, Arvel McElroy, came before the committee in opposition to **HB 2345** stating that the passage of this bill would remove the level playing field among schools. (Attachment 46)

No other person wished to address **HB 2345** either as a proponent or an opponent and Chairman Edmonds closed the public hearing on the bill.

With no other business before the committee, the Chairman adjourned the meeting.