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This report is divided into three sections: those reported favorably (recommended) by the Legislation Committee, those reported favorably as amended (recommended) by the Legislation Committee, and those not reported favorably (not recommended) by the Legislation Committee. In all cases, the final disposition as voted by the House of Delegates is indicated in bold, highlighted lettering.

I. The following proposals were reported out favorably by the Legislation Committee. They require a simple majority of the HOD to pass.

L02 Article 403.9.2 Appeal to the Board of Directors

Approve Approve as Amended Fail Withdrawn

403.9.2—The USMS president and National Board of Review chair shall select from the Board of Directors a board panel chair and eight four additional board panel members to hear the appeal.

L03 Article 503 Zones

Approve Approve as Amended Fail Withdrawn

Add new Article 503.3, by moving Zone Representative information from 507.2 and renumber remaining 503.

503.3. ZONE REPRESENTATIVES

507.2.2503.3.1—Zone representatives shall be elected in odd-numbered years at the zone meeting held in conjunction with the annual meeting of the House of Delegates. The term of office shall be 2 years.

507.2.3503.3.2—Zone representatives shall be residents of their respective zones.

507.2.4503.3.3—If a vacancy in the position of zone representative occurs, the vice president for local operations shall consult with the chair of each LMSC in that zone and appoint a new or replacement zone representative, with the concurrence of the USMS president.

L06 Article 505.2 Elections and Term of Office (Officers)

Approve Approve as Amended Fail Withdrawn

Split 505.2.1 into 505.2.1 and 505.2.2 and renumber remaining.

505.2.1--All officers of USMS shall be elected by the members of the House of Delegates at annual meetings held in odd-numbered years. Elected officers shall hold office for 2 years or until their successors are elected and qualified. Their terms of office shall commence at the close of the annual meeting of the House of Delegates at which they are elected.

505.2.2—Elected officers shall hold office for 2 years or until their successors are elected and qualified.

L10 Article 506.2.Term of Office (Board of Directors)

ApproveApprove as AmendedFailWithdrawn

506.2 <u>ELECTION AND</u> TERM OF OFFICE <u>OF AT-LARGE DIRECTORS</u>

Zone directors shall be elected for a 2-year term. Each director is eligible for election to the same office for two consecutive terms.

506.2.1--At-large directors shall be elected at annual meetings held in even-numbered years. Their terms of office shall commence at the close of the annual meeting of the House of Delegates at which they are elected.

506.2.2—At-large directors shall hold office for 2 years or until their successors are elected and qualified. (At-large directors elected in 2005 will serve for 3 years; thereafter all terms will be for 2 years.)

506.2.3--The current election operating guidelines shall govern the nomination and election proceedings.

506.2.4-Each at-large director is eligible for election to the same office for two consecutive terms. No person so elected for two successive terms is eligible for re-election to the same position until after the lapse of 2 years following the term of office to which that person was last elected.

L14 Article 507.1 Executive Committee

ApproveApprove as AmendedFailWithdrawn

507.1.3—The Executive Committee shall have the authority to: act for USMS between meetings of the Board of Directors.

A. Manage the operations of USMS,

B. Carry out policies established by the Board of Directors, and

C. In an emergency, assume the policy-making responsibilities of the Board of Directors. An action taken under this emergency provision shall be effective until the next meeting of the Board of Directors. The president shall make a detailed report of the actions taken to the entire membership of the Board of Directors within 30 days of the action taken.

L17 Article 507.3 STANDING COMMITTEES

Approve Approve as Amended Fail Withdrawn

Standing committees shall be as listed in this article. Unless otherwise specified in this article, the president, with the concurrence of the Executive Committee, shall appoint the chair of each committee, and the president, with the concurrence of the committee chair, shall choose committee members from the individual membership of USMS. When practical ever possible, each committee shall have representation from each zone. The president may appoint associate members. The divisional vice president responsible for a committee shall be an ex officio member of that committee. A committee definition may name other ex officio positions. Standing committees shall meet in conjunction with the annual meeting of the House of Delegates. Each committee member shall have one vote. Associate and, with the exception of ex officio members, who shall have voice but no vote.

L19	Article	507 3 4	Convention	Committee
1/19	Arucie	DU/.D.4	Convention	Committee

Approve Approve as Amended Fail Withdrawn

Delete 507.3.4 and renumber the remainder of 507.3.

507.3.4 Convention Committee

The Convention Committee shall coordinate with USAS in the preparation of each year's national convention and carry out the operational needs of the House of Delegates and its committees at convention.

•••

507.5.1 COORDINATORS

A Convention Coordinator - The convention coordinator shall cooperate with USAS in the preparation of each year's national convention and carry out the operational needs of the House of Delegates and its committees at convention.

L25 Article 507.3.15 Publications Committee

Approve Approve as Amended Fail Withdrawn

Delete 507.3.15 and renumber the remainder of 507.3.

507.3.15—Publications Committee The Publications Committee shall design, edit, and produce the rule book, and other materials or media, as approved by the House of Delegates.

. . .

507.5.1 COORDINATORS

E. Rule Book Coordinator - The rule book coordinator shall design, edit, and produce the rule book, and other materials or media, as approved by the House of Delegates. The rule book coordinator shall be a member of the Communications Committee and an ex officio member of the Legislation, Long Distance, and Rules Committees.

. .

Article 507.3.3—Communications Committee

... The rule book coordinator shall be a memb

er of the committee. The webmaster and magazine editor shall be ex officio members of the committee.

L27 Articles 507.3.5, .507.3.10, and 507.3.11

Approve Approve as Amended Fail Withdrawn

507.3.5—Finance Committee

The Finance Committee shall consist of the committee chair and no more than 16 additional members, with and at least one member from each zone.

•••

507.3.10—Legislation Committee

The Legislation Committee shall consist of the committee chair and two members no more than 16 additional members, with at least one member from each zone. The Rules Committee chair and the rule book coordinator shall be ex officio members of the committee. ...

507.3.11—Long Distance Committee

The Long Distance Committee shall consist of the committee chair and no more than 16 additional members, with at least one member from each zone. The rule book coordinator shall be an ex officio member of the committee....

507.3.19—Rules Committee

The Rules Committee shall consist of the committee chair and two members no more than 16 additional members, with at least one member from each zone. The Legislative Committee chair, the rule book coordinator and the officials coordinator shall be ex officio members of the committee. ...

L30 Article 507.3.16 Recognition and Awards Committee

Approve Approve as Amended Fail Withdrawn

The Recognition and Awards Committee shall consist of the committee chair, USMS-registered Ransom J. Arthur Award recipients, and additional members to assure age and zone representation. The committee shall review and approve proposals for all official USMS awards, except competitive awards. The committee shall maintain a history of award recipients.

L35 Appendix D: Zone and LMSC Boundaries – LMSC Boundaries

Approve Approve as Amended Fail Withdrawn

Change LMSC name and related housekeeping to change CE to IL and Central to Illinois in maps, abbreviations and other references within Appendix D and Appendix E.

Central Illinois —The state of Illinois except the counties of St. Clair, Calhoun, Greene, Jersey, Monroe, and Madison.

L36 Simultaneous Sanctions USA-Swimming USMS 202.1.1F(1)

Approve Approve as Amended Fail Withdrawn

F All sanctioned events are subject to the following conditions:

(1) The conduct of a sanctioned event shall be in strict compliance with applicable USMS swimming rules and administrative regulations <u>or</u>, <u>when the sanctioned event is held simultaneously in conjunction with a USA-Swimming sanctioned meet, with applicable USA-Swimming rules and administrative regulations.</u>

II. The following proposals were reported out favorably by the Legislation Committee, as amended. They require a simple majority of the HOD to pass.

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L04 Article 504.1 Membership (House of Delegates)

Approve Approve as Amended Fail Withdrawn

Add new 504.1.8 and renumber remaining.

(504.1.8—The president shall be empowered to appoint employees and contractors who are otherwise active in Masters Swimming as members of the House of Delegates as needed for the benefit of the corporation.

L05 Article 504.2 Powers (House of Delegates)

Approve Approve as Amended Fail Withdrawn

Add new 504.2.1 through .3 and renumber remaining, Additional adds of 504.2.10 and .12

- 504.2.1—To determine the mission and objectives that shall govern USMS in all of its activities.
- 504.2.2—To delegate responsibility and authority to other USMS entities as prescribed in USMS code and by USMS policy.
- 504.2.3—The following powers are fully the responsibility of the House of Delegates and shall not be delegated:
 - A. Elect officers and directors (Note: the nomination and election procedures may be delegated.)
 - B. Amend the USMS Code of Regulations and Rules of Competition.
 - C. Review and approve the annual budget.
- 504.2.4—To call regular and special meetings of USMS and to fix the time, place and manner for holding all meetings not fixed by this code.
- 504.2.10—To create, modify or disband standing committees.
- 504.2.12—To receive and approve all annual reports.

L07 Article 505.3 Vacancies (Officers)

Approve Approve as Amended Fail Withdrawn

Vacancies A vacancy in any office of USMS may shall be filled for the unexpired term by the Board of Directors at any meeting of the Board of Directors. The appointed officer shall have full rights and responsibilities of the office.

L08 Article 505.4.Duties of Officers

Approve Approve as Amended Fail Withdrawn

505.4.1--The president shall:

...

D Make appointments as required in Part 5 and as necessary to carry out the business of the corporation. Appoint legal counsel who shall serve at the pleasure of the president. The legal counsel shall be an ex officio member of the Board of Directors, Executive Committee, Rules Committee, and Legislation Committee, having voice but no vote on these committees. The legal counsel may appoint liaisons to any other committees when requested by such committee chair.

L09 Article 506.1 Membership (Board of Directors)

Approve Approve as Amended Fail Withdrawn

506.1.1 – The voting members of the Board of Directors of this corporation shall consist of:

A 506.1.1—Each voting member of the Executive Committee

B 506.1.2—An at-large director from each zone, nominated by the zone, and elected by the House of Delegates.

506.1.23 Ex officio The nonvoting members of the Board of Directors shall consist of the executive director, legal counsel, all past presidents not already voting members and a representative from USA Swimming.

L11 Article 506.3 Vacancies (Board of Directors)

Approve Approve as Amended Fail Withdrawn

Any vacancies that may occur on the Board of Directors, except vacancies in the officers, caused by death, resignation, or otherwise, shall be filled for the unexpired term by someone appointed by the vice president of local operations, with the concurrence of the USMS president, after consulting with the chair of each LMSC in that zone.

A vacancy in the position of an at-large director shall be filled for the remainder of the unexpired term by an appointee of the vice president of local operations, with the concurrence of the USMS president. The appointed director shall have full rights and responsibilities of the position.

L12 Article 506.4 POWERS (Board of Directors)

Approve Approve as Amended Fail Withdrawn

The Board of Directors shall have the authority to act for USMS and the House of Delegates between meetings of the House of Delegates, except that it cannot amend the rules and regulations and it cannot amend the budget. The Board of Directors shall have the power to adopt and amend policies of USMS. The board shall have the emergency power to adopt or suspend any swimming rule (Part 1 or Part 3) or administrative regulations of competition (Part 2) provided that the board, with the advice and consent of the Rules Committee for Part 1, Legislation Committee for Part 2, Long Distance Committee for part 3 and legal counsel, determines immediate action is required to serve the interests of USMS. An action taken under this emergency provision shall be effective until the next meeting of the House of Delegates. The president shall make a detailed report of the actions taken to the entire membership of the House of Delegates within 30 days of the action taken.

LI5	Article 50	J7.2 Zone	Committee

Approve Approve as Amended Fail Withdrawn

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Move the Zone Committee under Standing Committees, deleting 507.2 and renumber the remainder of 507. 507.2.2 – 507.2.4 were moved into 503.3 in L03.

507.3.22 507.2. ZONE COMMITTEE

<u>A 507.2.1</u>—The Zone Committee shall consist of the vice president of local operations who shall serve as chair plus a representative from each zone elected by the delegates from each LMSC within that zone.

<u>B 507.2.5</u> The committee shall enhance communications between the national office and LMSCs, and <u>between</u> USMS committees and LMSCs. The committee shall carry out the responsibilities assigned to it by the policies of the House of Delegates, the president, the USMS Code of Regulations, and the stated need of the LMSCs.

C 507.2.6—The Zone Committee shall develop and maintain election operating guidelines pertaining to the conduct of USMS national elections.

L16 Article 507: Committees

Approve Approve as Amended

Fail

Withdrawn

The description of Controller has been moved from 508.2 with no changes. The description of Internal Auditor has been moved from 508.3 with no changes. The description of legal Counsel has been moved from 505.4.1(D) with no changes.

ARTICLE 507: COMMITTEES AND APPOINTMENTS

...

507.3. STANDING COMMITTEES

The president, with the concurrence of the Executive Committee, shall appoint the chair of each committee. to a 2 year term. The president, with the concurrence of the committee chair, shall choose committee members from the individual membership of USMS. Whenever possible, each committee shall have representation from each zone. The divisional vice president responsible for a committee shall be an ex officio member of that committee. Standing committees shall meet in conjunction with the annual meeting of the House of Delegates. Each committee member shall have one vote, with the exception of ex officio members, who shall have voice but no vote.

. . .

507.4 AD HOC COMMITTEES

The president may establish other committees on an ad hoc basis that are deemed necessary to carry out the duties of the president. The president shall provide the Board of Directors a written description of the ad hoc committee's purpose. Each committee shall meet annually in conjunction with the annual meeting of the House of Delegates, if requested by the committee chair, a committee member, or any member of the House of Delegates.

507.5 APPOINTMENTS

507.5.1--COORDINATORS

The president, with the concurrence of the Executive Committee, shall appoint the coordinators. Coordinators will have the same rights and responsibilities as the chairs of standing committees. A coordinator, with the concurrence of the president, may appoint a working groups to assist the coordinator.

507.5.2 508.2 CONTROLLER.

507.5.3 508.3 INTERNAL AUDITOR

507.4.4 505.4.1 D.LEGAL COUNSEL

507.5.5 SPECIAL ASSIGNMENTS

The president may make special assignments that are deemed necessary to carry out the duties of the president and shall provide a written description of duties to the Board of Directors.

507.5.6 LIAISONS

The president may appoint Liaisons to other organizations to further the interests of USMS. The president shall provide a written description of duties to the Board of Directors.

L18 Article 507.3.3 Communications Committee

Approve

Approve as Amended

Fail

Withdraw

The Communications Committee shall consist of the committee chair, the rule book coordinator, the chair of the editorial committee and at least 8 other members. The National Publication Editor and the Webmaster/IT Director shall be ex officio members. The committee shall plan and provide guidance for communications with the general membership. That guidance shall encompass the USMS webmaster and magazine editor positions. The committee and shall interact with all USMS committees and LMSCs to develop communications that promote the healthy lifestyle of Masters swimming, highlight the benefits of membership, and provide ongoing feedback and information regarding USMS programs. The webmaster and magazine editor shall be ex officio members of the committee.

L20 Article 507.3.8 Insurance Committee

Approve

Approve as Amended

Fail

Withdrawn

Delete 507.3.8 and renumber the remainder of 507.3.

507.3.8 Insurance Committee

The Insurance Committee shall study and review the insurance needs of USMS and shall recommend policies, procedures, and appropriate insurance coverage for USMS, its participants, and its programs.

507.5.1 COORDINATORS

B Insurance Coordinator - The insurance coordinator shall study and review the insurance needs of USMS and shall recommend policy and procedure, and appropriate insurance coverage for USMS, its participants, and its programs.

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L22 Article 507.3.9 International Committee

Approve Approve as Amended Fail Withdrawn

The ASUA Representative and FINA Representative shall be ex officio members. The International Committee shall encourage, promote, and assist with the dissemination of information on meets, and notify USMS about opportunities to bid on international championship meets identify opportunities for and provide support to USMS in bidding to host international events and facilitate and support local organizing committees when USMS hosts an international event. The committee shall promote international communications and USMS members' participation in international meets, open water events, and postal swims. The committee shall also serve as a resource for the USMS membership concerning differences between USMS and international competitions.

L26 Article 507.3.15 Publications Editorial Committee

Approve Approve as Amended Fail Withdrawn

The Editorial Committee shall consist of the committee chair, one representative from each of the following committees: Marketing, Finance, and Sports Medicine, Health and Safety; and additional members to insure representation from each division. The USMS national publication editor, the USMS webmaster/IT director shall be ex-officio members. The committee shall manage all USMS publishing activities and shall set publishing policy. The committee shall support the operations staff handling the separate elements of USMS publications. The committee shall work with representatives from the publishers of the USMS national publication on magazine-related activities.

L28 Article 507.3.14 Planning Committee

Approve Approve as Amended Fail Withdrawn

The Planning Committee shall consist of the committee chair and at least two additional members, representing a broad range of experience. The Planning Committee shall consist of the committee chair and at least one member from each zone, representing a broad range of experience in all aspects of Masters swimming. The committee shall work closely with the Board of Directors Executive Committee—particularly the president—to generate short and long range plans...

L29 Article 507.3.16 Recognition and Awards Committee

Approve Approve as Amended Fail Withdrawn

The Recognition and Awards Committee shall consist of the committee chair, USMS registered Ransom J. Arthur Award recipients, and additional members to assure age and zone representation. The committee shall review and approve proposals for all official USMS awards, except competitive awards.

The committee shall select at least one person annually as the USMS candidate and shall submit the nomination form for International Swimming Hall of Fame ISHOF honoree consideration to the International Swimming Hall of Fame Selection Committee, which selects inductees into The International Swimming Hall of Fame.

The committee shall nominate worthy candidates in the appropriate categories to the International Masters Swimming Hall of Fame (IMSHOF) and shall submit the nomination for IMSHOF consideration.

The committee shall maintain or cause to maintain a history of award recipients.

L31 Article 507.3.20 Safety Education & 507.3.21 Sports Medicine

Approve Approve as Amended Fail Withdrawn

Delete 507.3.20 merging it into 507.3.21 and renumber the remainder of 507.3.

07.3.20 Safety Education Committee

The Safety Education Committee shall study, develop, recommend, and implement safety education programs for swimmers, coaches, and volunteers in Masters swimming, and coordinate and communicate with other committees as necessary regarding safety issues.

507.3.15—Sports Medicine, Health and Safety Committee

The Sports Medicine Committee shall research subjects related to sports medicine. The committee shall advise USMS and educate its members on topics of health, medicine and safety. The committee shall also-conduct, stimulate and encourage research in the health, medicine, and safety pertaining to benefits, medical problems, physiology, and psychology of Masters swimming.

L32 Article 501.2 Mandatory Memberships

Approve Approve as Amended Fail Withdrawn

All members of the following shall hold individual memberships in USMS:

- 501.2.1— members of the House of Delegates and Board of Directors
- 501.2.2— members of the Zone Committee, standing committees, and ad hoc committees of USMS
- 501.2.3— members of the National Board of Review
- 501.2.4 <u>appointees</u>
- 501.2.5— officers and members of the Board of Directors of each LMSC.

L33 Article 504.1 Membership (House of Delegates)

Approve Approve as Amended Fail Withdrawn

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. . .

504.1.5— All <u>voting</u> members of the <u>Finance</u>, Legislation, <u>and</u> Long Distance, <u>and Rules</u> Committees, <u>the controller</u>, the <u>internal auditor</u>, and the chairs of all standing committees <u>appointed by the president</u>, <u>all coordinators</u>, <u>the internal auditor</u>, the <u>legal counsel and the National Board of</u> Review chair.

L34 Article 510: Indemnification and Dissolution

Approve Approve as Amended Fail Withdrawn

Split Article 510 into 2 unique articles Article 510 and Article 511.

ARTICLE 510: INDEMNIFICATION-AND DISSOLUTION

510.1. COVERAGE INDEMNIFICATION

510.1.1—Each person who is or was a director, officer, or employee of USMS (including the heirs, executors, administrators, or estate of such person) shall be indemnified by USMS to the full extent permitted by the Nonprofit Corporation Law of the state of Ohio against any liability, cost, or expense incurred in the capacity as director, officer, or employee, or arising out of the status as a director, officer, or employee (including serving at the request of USMS as a director, trustee, officer, employee, or agent of another not-for-profit organization corporation).

510.2. <u>INSURANCE</u>

510.1.2 USMS may maintain insurance, at its expense, to protect itself and any such person against any such liability, cost, or expense. For the purpose of article 510508.1, references to "USMS the corporation" include all constituents absorbed in a consolidation or merger as well as the resulting or surviving corporation.

ARTICLE 511:510.2. DISSOLUTION

511.1 Dissolution

510.2.1—If deemed advisable by the members, USMS may be dissolved pursuant to the applicable provision of the corporation laws of the state of Ohio.

511.2 Distribution of Assets

510.2.2—Upon the dissolution of USMS, the Board of Directors shall, after paying or making provision for the payment of all the liabilities of USMS, dispose of all the assets of USMS exclusively for the purposes of USMS or to such organization or organizations organized and operated exclusively for charitable, educational, religious, literary, or scientific purposes as shall qualify as exempt organizations under section 501(c)(3) of the Internal Revenue code of 1954 1986, as it may be amended (or the corresponding provision of any future United States Internal Revenue law).

III. The following proposals were NOT reported out favorably by the Legislation Committee. They require a 2/3 majority of the HOD to pass.

L1 Article 403.6 Authority of the National Board of Review Chair

Approve as Amended

Fail

Withdrawn

403.6.2 - Dismiss a grievance or appeal determined to be without merit or where a potential conflict of interest exists between the complainant and the member issuing the sanction, with the concurrence of the USMS president.

L13 Article 506.4 POWERS (Board of Directors)

Approve as Amended

Fail

Withdrawn

The Board of Directors shall have the authority to act for USMS between meetings of the House of Delegates, including the power to temporarily suspend a standing rule within Part 1, Part 2, or Part 3 of the USMS Code of Regulations and Rules of Competition when it is deemed to be in the best interest of USMS.

L21 Article 507.3.9 International Committee

Approve Approve as Amended

Fail

Withdrawn

Delete 507.3.9 and renumber the remainder of 507.3.

507.3.9 International Committee The International Committee shall encourage, promote, and assist with the dissemination of information on international meets, and notify USMS about opportunities to bid on international championship meets.

. . .

507.5.1 COORDINATORS

C International Coordinator - The International Coordinator shall encourage, promote, and assist with the dissemination of information on international meets, and notify USMS about opportunities to bid on international championship meets.

L23 Article 507.3.10 International Swimming Hall of Fame Nominating Committee

Approve as Amended

Fail

Withdrawn

Withdrawn

The committee shall select at least one person annually as the USMS candidate and shall submit the nomination form for International Swimming Hall of Fame ISHOF honoree consideration to the International Swimming Hall of Fame Selection Committee, which selects inductees into The International Swimming Hall of Fame. The committee shall nominate worthy candidates in the appropriate categories to the International Masters Swimming Hall of Fame (IMSHOF) and shall submit the nomination for IMSHOF consideration.

L24 Article 507.3.13 Officials Committee

Approve Approve as Amended Fail

Delete 507.3.13 and renumber the remainder of 507.3.

Page 7

The Officials Committee shall develop policies and procedures to assure that all USMS sanctioned events are officiated uniformly and conducted in conformance with the USMS swimming rules.

...

507.5.1 COORDINATORS

D. Officials Coordinator - The officials coordinator shall develop policies and procedures to assure that all USMS sanctioned events are officiated uniformly and conducted in conformance with the USMS swimming rules. The officials coordinator shall be an ex officio member of the Rules Committee.