

PROPOSED CHANGES TO USMS LEGISLATION

- L-1 **201.1.4.B** p. 55 Legislation
201.1.4.B Liability release—All registration forms shall contain the exact language of the liability release according to article 203.1. The language ~~may~~ shall not be modified in any way.

Rationale: *Housekeeping. The mandatory shall should be used to be consistent.*

- L-2 **201.2.1** p. 55 San Diego-Imperial
201.2.1 There shall be only one USMS or foreign masters registration per individual permitted at any time.

Rationale: *multiple registrations should be prohibited. This policy/rule is mentioned – but not very clearly – in article 201.1.*

- L-3 **202.1** p. 56 San Diego-Imperial
202.1 SANCTIONSED EVENTS—Times achieved at sanctioned events by U.S. citizens are considered for USMS national records and Top Ten times.

202.2 RECOGNIZED EVENTS—Times achieved at recognized events by U.S. citizens may be considered for USMS national records and Top Ten times if...

Rationale: *Eligibility for USMS national records, All-American and Top Ten times should be restricted to USMS-registered, U.S. citizens. Foreign countries have the equivalent restrictions, and American swimmers should be afforded equal “protection” under USMS rules.*

Other articles which would be affected by this change include:

Rules Committee: 105.1.2 p. 46

105.2.1 p. 46

105.3.1 p. 46

105.4.1 p. 47

105.4.2 p. 47

Long Distance Committee: 305.11 p. 67

- L-4 **202.1.1A** p. 56 Legislation
202.1.1A Applications for sanction shall be made to the LMSC within which ~~whose~~ territorial limits the event is to be held, and applications...

202.2.1A p. 57 Legislation

202.2.1A Application for recognition of events within the jurisdiction of USMS shall be made to the LMSC within which ~~whose territorial limits~~ the event is to be held, and applications...

Rationale: *Housekeeping in order to clean up the language.*

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L-5 **202.1.1A1** p. 56 San Diego-Imperial
202.1.1A1 The entry forms shall contain the ~~exact~~ language of the liability release as stated in article 203.1. The language may only be modified by naming the sanctioning LMSC, sponsoring USMS club(s) and/or additional insured(s) following "UNITED STATES MASTERS SWIMMING, INC." All swimmers, before participating, shall have signed a liability release, ~~containing the exact language of the liability release as stated in article 203.1. The language shall not be modified in any way, except that the names of additional insureds may be inserted after "...Local Masters Swimming Committees."~~

203.1 p. 58 San Diego-Imperial

203.1 All registration forms...by the person registering or entering. The language of the registration release shall be:...

(No change to text inside block.)

.1 The language of the entry release may be modified as described in article 202.1.1A1. For open water events, the entry release shall be in accordance with article 301.3.

Rationale: *Provides for specifically releasing from liability the sanctioning LMSC and USMS club(s) in competition entry forms. Note that additional insureds and an open water sentence may already be added to an event liability release. Therefore, the word "exact(ly)" has been deleted where appearing, as its use is confusing and not exactly true.*

Other sections which would be affected by this change include:

Long Distance Committee: 301.3 p. 59

L-6 **202.2.1B** p. 57 Legislation

202.2.1B All recognitions shall be signed by a ~~designated member~~ of the LMSC's authorized representative, and a record thereof...

Rationale: *Housekeeping. The change will make the language consistent with that of 202.1.1B*

L-7 **403.5** p. 70 Legislation

403.5 ROLE OF THE EXECUTIVE COMMITTEE—Upon receipt of the response ~~of~~ to violation, the executive secretary shall...

Rationale: *Housekeeping to keep the language consistent with 403.4.*

L-8 **501.3** p. 73 Pacific and Southern Pacific

501.3 EQUAL OPPORTUNITY—Membership in the corporation shall not be denied by virtue of race, creed, gender, religion, political affiliation, disability, sexual orientation, or national origin.

Rationale: *USMS should join its U.S. Aquatic Sports partner, United States Water Polo (USWP) by entering the last year of the millennium with a more comprehensive Equal Opportunity article. USWP has already incorporated such protection in their recent "Diversity/Vision Statement." Since 1986, USMS, both through official observers—and also*

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through many of its authorized LMSCs—has sanctioned numerous events sponsored by USMS-registered clubs also affiliated to International Gay and Lesbian Aquatics (IGLA). (IGLA has no restrictions for entry in its competitions and prescribes accordance with FINA Masters Swimming Rules as augmented by various national governing bodies.) Many teams and participants from overseas have also attended these sanctioned events. Although USMS has been very supportive, recent events in Belgium have brought to the surface the need for Masters swimmers from all walks of life to be allowed the opportunity to pursue the overall mission of Masters swimming. We can assist by protecting more fully all members of our corporation, many of who are registered with IGLA teams—either as separately registered clubs—or within other clubs or LMSC teams. Finally, 18 states, 38 counties, and 141 cities currently have statutes on the books prohibiting discrimination laws based [on] sexual orientation. 9 states, 8 counties and 66 cities specifically provide for public accommodation in pools that may be used by USMS-registered clubs or IGLA teams belonging to a larger club or “LMSC club” within a protected jurisdiction.

- L-9 **403.5.7** p. 76 Legislation
403.5.7 An ex-officio member from ~~United States~~ USA Swimming.

Rationale: *Housekeeping*

- L-10 **505** p. 76 Legislation
505.1 MEMBERSHIP—The Board of Directors of this corporation shall consist of:
.1 ~~The president, the vice president, the secretary, the treasurer, and the zone chairman.~~ Each member of the Executive Committee
.2 Each member of the Zone Committee.
.3 Past presidents not already on the board, who shall be ex-officio members.
.4 The chairmen of all standing committees.
~~.5 The legal counsel.~~
.6 The controller.
.7 An ex-officio member from USA ~~United States~~ Swimming.

505.8 VOTING PRIVILEGES—Each member of the Board of Directors shall have one vote, with the exception of ~~the past presidents.~~ ~~The immediate past president shall have one vote and all other past presidents shall be ex-officio members.~~ Ex-officio members shall have voice but no vote.

Rationale: *To clean up the language and to clarify the voting status of past presidents on the BOD.*

- L-10A **505** p. 76 Executive
505.1 MEMBERSHIP—The Board of Directors of this corporation shall consist of:
.1 ~~The president, the vice president, the secretary, the treasurer, and the zone chairman.~~ Each member of the Executive Committee
.2 ~~Each member of the Zzone Committee representative.~~
.3 Past presidents not already on the board.
.4 The chairmen of all standing committees.

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- ~~.5 The legal counsel.~~
- ~~.6 The controller.~~
- ~~.7 An ex-officio member from USA United States Swimming.~~

505.8 VOTING PRIVELEGES—Each member of the Board of Directors shall have one vote, with the exception of ~~the past presidents.~~ ~~The immediate past president shall have one vote and all other past presidents shall be ex-officio members.~~ ~~Ex-officio members who shall have voice but no vote.~~

***Rationale:** Past presidents are valued members of USMS and should receive full voting rights.*

L-11 **505.3** p. 76 Legislation

~~**505.3 MEMBERSHIP REQUIREMENTS**—The Board of Directors of the corporation shall at all times be composed of individuals, of whom at least 80 percent are active masters swimmers in the United States.~~

***Rationale:** Delete and renumber. USMS membership is already required for BOD members in article 501.2. Although we would all agree that BOD members should be active in USMS, how could we define that? Membership on the BOD presumes a certain amount of participation in USMS already.*

L-11A **505.3** p. 76 Oregon

~~**505.4** **505.3 MEMBERSHIP REQUIREMENTS** -- The Board of Directors of the corporation shall at all times be composed of individuals, of whom at least 80 percent are active masters swimmers in the United States~~ all of whom shall hold individual membership in the corporation.

***Rationale:** This conforms to requirement in 501.2 that all House of Delegates and Board members shall be individual members of USMS.*

L-12 **506.2.** p. 77 Legislation

~~**506.2** **STANDING COMMITTEES**—The president shall appoint the chairman of each committee to a two year term. The president, with the concurrence of the committee chairman, shall choose committee members from the House of Delegates. Whenever possible, each committee shall have representation from each zone. Standing committees shall meet in conjunction with the annual meeting of the House of Delegates. ~~Unless otherwise noted, the president, with the concurrence of the committee chairman, shall choose other members necessary to carry out the duties of the committee.~~~~

- ~~.1 Championship Committee—The Championship Committee shall include one member from each zone, and consist of at least three members who have had experience in overseeing a national championship meet and two members without such experience in the direction of national championship meets. Duties of the committee include receiving bid proposals, reviewing bids, making recommendations to the House of Delegates for national championship meets, and coordinating the date and site with~~

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~~other swimming championships. The Championship Committee shall serve in an advisory capacity to national championship hosts and make recommendations and decisions that enhance the quality of championship meets. The committee shall solicit and receive bid proposals, review bids, and make recommendations to the House of Delegates regarding sites for national championship meets.~~

- .2 Coaches Committee—~~The Coaches Committee shall develop programs and tools to enhance the quality of Masters Swimming programs and coaching promote Masters Swimming by from an organizational standpoint in the conduct of workouts and by providing leadership and personnel for approved programs and projects at national championship meets. The committee shall provide for the recognition of outstanding Masters Swimming coaches and programs, and may serve in an advisory capacity to the Executive Committee and to other committees concerning those items that would affect the coaching of masters Swimming and the promotion of organized programs for Masters Swimming other USMS Committees and officers on coaching issues.~~
- .3 Computer Online Committee—~~The Computer Online Committee shall include one representative from each standing committee where possible and shall represent the interests of USMS on the Internet by maintaining the official USMS Web site. The committee shall interact with all other standing USMS committees and with all LMSCs to develop new Web site content for the Web site that promotes the healthy lifestyle of Masters Swimming, highlights the benefits of membership in USMS, and provides ongoing feedback and information to the membership regarding the various USMS programs offered by USMS. Members of the committee shall include one representative from each of the other standing committees where possible to ensure that the needs of all committees are being met.~~
- .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.~~
- .5 Finance Committee—~~The Finance Committee shall consist of nine members from the House of Delegates, with at least one member from each zone. The treasurer, the chairman of the Internal Audit Committee, and the controller shall serve as ex-officio members of the committee.~~
 - A The Finance Committee shall:
 1. Develop policies pertaining to the financial affairs of the corporation.
 2. Receive and review that annual reports of the Internal Audit Committee, treasurer, and controller.
 3. Prepare or cause to be prepared a summary of the above reports to be presented to the House of Delegates at each annual convention.
 4. Annually receive and compile all budget requests from each officer and committee for the next fiscal year.
 5. At each annual convention, prepare the corporation's budget for the next fiscal period and, after approval of the budget by the committee, submit same to the House of Delegates for approval.

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- B Committee request for budget items or requests for funding that are disapproved by the Finance Committee (or those not submitted to the Finance Committee) may be approved by the House of Delegates by a two-thirds vote.
- .6 Fitness Committee—The Fitness Committee shall study and develop fitness swimming activities for the general membership at the national level, and encourage such activities at the local level. The committee shall educate adults on the fitness benefits of swimming.
- .7 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.
- .8 *Internal Audit Committee – see L-15*
- .9 International Committee—The International Committee shall consist of members which have foreign competition experience, with at least one member from each zone. The committee shall encourage, promote, and assist with the dissemination of information on international meets, and bring to the attention of USMS any bids ~~coordinate Masters Swimming on an international basis, and shall be empowered to bid~~ for international championship meets.
- .10 Legislation Committee—The Legislation Committee shall consist of two members of ~~the House of Delegates, with two~~ from each zone. The Legislation Committee is ~~charged with considering all code change proposals of an administrative or organizational nature and shall~~ maintaining consistency within the code of regulations. ~~The Legislation Committee may by~~ initiate and shall considering proposed amendments to the code, in accordance with the provisions of Part 6 – Amendment Procedures.
- .11 Long Distance Committee—The Long Distance Committee shall consist of twelve no more than sixteen members ~~from the House of Delegates~~, with at least one member from each zone. The chairman shall be serve as the USMS liaison to the USA Swimming Long Distance Open Water Committee. The Long Distance Committee shall solicit and review bid proposals, and select the sites for the long distance championship events. The committee shall work in a coordinating and advisory capacity with event hosts and make recommendations to enhance the quality of Long Distance Championship events. The Long Distance Committee may initiate and shall consider proposed amendments in accordance with the provisions of Part 6 – Amendment Procedures. The committee shall maintain records and select Long Distance All American and All Star Teams.
- .12 Marketing/Publications Committee—The Marketing/Publications Committee shall define the marketing and communications goals and objectives that are supportive of the purpose and philosophy of Masters Swimming, and shall execute the activities and produce materials necessary to accomplish these goals and objectives.

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- .13 Officials Committee—The Officials Committee shall consist of ~~the chairman appointed by the president for a 2-year term, at least~~ one member from each zone whenever possible, ~~and any other members the president shall deem necessary to perform the work of the committee.~~ The duties of the Officials Committee shall be to develop policies and procedures that further the goal of having in order to assure that all USMS sanctioned events are uniformly officiated and conducted in conformance with the by competent official on a uniform basis throughout the country, applying all USMS rules of competition, at all levels, for all ages, at all meets.
- .14 Planning Committee—The Planning Committee shall consist of at least one member from each zone; the committee as a whole shall represent a broad range of experience in all aspects of the Masters Swimming program. The committee shall work closely with the Executive Committee – particularly the President – in generating short and develop long range plans, goals, and objectives related to the vitality and quality of the Masters Swimming program and shall recommend appropriate projects, policies, and priorities in response to issues that affect USMS programs. The committee shall conduct periodic reviews of the organizational structure and shall suggest changes designed to enhance communications, efficiency, and productivity.
- .15 Records and Tabulation Committee—The Records and Tabulation Committee shall establish and maintain a standardized process of recording and verifying times and shall publishing the Top Ten times, All American Rosters and USMS national records annually for each course.
- .16 Registration Committee—The Registration Committee shall include one member from each zone and one member-at-large. Duties of the committee shall include preparing regulations, soliciting and evaluating bids for the position of national registrar in even-numbered years, and presenting the most qualified bid or bids for approval to the House of Delegates.
- .17 Rule Book Committee—The Rule Book Committee shall ~~be responsible for budgeting, planning, designing, editing, producing, and distributing the USMS rule book design, edit, produce and distribute the rule book~~ as approved by the House of Delegates
- .18 Rules Committee—The Rules Committee shall include two members ~~of the House of Delegates~~ from each zone. The Rules Committee may initiate and shall consider proposed amendments in accordance with the provisions of Part 6 – Amendment Procedures.
- .19 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.
- .20 Sports Medicine Committee—The Sports Medicine Committee shall research, advise, and educate USMS and its members on subjects related to sports medicine. The

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committee shall also stimulate and encourage research in the health benefits, medical problems, physiology, and psychology of Masters Swimming.

.21 *Zone Committee – See L-17*

L-13 **507.3.** p. 78 & 80 Legislation

Move duties of the Internal Audit Committee (506.2.7.8) to Internal Auditor. Insert new section and renumber.

507.3. INTERNAL AUDITOR COMMITTEE—The Internal Auditor ~~Committee~~ shall consist of ~~at least two members of the corporation~~ be appointed by and serve at the pleasure of the president with the concurrence of the Board of Directors, one of whom shall be designated by the president as chairman. The members of the committee ~~and shall make their reports to the House of Delegates through the Finance Committee.~~ The Internal Auditor Committee shall:

- .1 Receive the financial records of the corporation from the treasurer and the controller.
- .2 Examine at least annually all financial records received pursuant to article ~~506.2.8A~~ 507.3.1 to determine the accuracy and validity of the records maintained by the treasurer and controller.
- .3 Prepare and audit the annual income statement and balance sheet of the corporation, along with any other appropriate financial statements as of the close of the corporation's fiscal year.
- .4 Present the financial statements listed in article ~~506.2.8C~~ 507.3.3 to the Finance Committee as soon as practical after the close of the fiscal year with a statement as to the Internal Auditor's ~~Committee's~~ position regarding the accuracy and validity of those documents.
- .5 Submit to the Finance Committee recommendations for the improvement of the financial management of the corporation.
- .6 Receive reimbursement for expenses incurred in the performance of ~~its~~ any duties, following authorization by an officer or the chairman of the Finance Committee.

Rationale: *The internal audit committee has historically consisted of one individual, not a committee.*

L-14 **506.2** p. 79 Pacific

Add new section and renumber:

506.2.15 Recognition and Awards Committee—The Recognition and Awards Committee shall consist of the chairman appointed by the president for a 2-year term; at least 20 members which shall include one representative from each zone and age group, and at least five registered Ransom J. Arthur Award recipients. The duties of the Recognition and Awards Committee shall be to approve and coordinate all USMS awards.

Appendix E p. 133

Move to standing committee section

~~Ad Hoc~~ Recognition and Awards Committee

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Rationale: *Coordinating, developing appropriate forms and procedures, and approving or recommending approval for all current and future USMS awards are all features of an ongoing, standing committee*

L-15 **503** p.73 Zone Committee
Insert new Article 503 and renumber

ARTICLE 503: ZONES

503.1 ZONE BOUNDARIES—Appendix D contains official boundary descriptions for each of the eight zones.

503.2 ZONE MEETINGS—Each zone shall conduct a meeting in conjunction with the annual meeting of the House of Delegates. Meetings between the annual meeting of the House of Delegates may be called at the discretion of the zone representative or as indicated in zone policies. The zone representative or designee shall preside at all meetings of their respective zones. Minutes of each meeting should be maintained and forwarded to the Zone Committee Chairman.

503.3 ZONE POLICIES—Each zone may adopt and maintain policies that provide direction on such items as voting rights at meetings, budgets and financial records (as applicable), Zone Championship Meet conduct, and Zone Records and Top Ten (as applicable).

503.4 ZONE CHAMPIONSHIP MEETS—Each zone may optionally conduct Zone Championship Meets.

503.5 COMMUNICATIONS—Each zone representative is encouraged to enhance communications among the LMSCs within their respective zone and to promote Masters swimming within their zone.

Rationale: *Zones are an important part of USMS. The proposal codifies their intended purpose.*

L-16 **504.2.3** p. 75 Zone Committee
Add new section.

504.2.3 The Zone Committee shall act as the Nominating Committee. The Committee shall canvass qualified and interested persons and present one or more candidates for each office at least 1 month before the annual meeting in which elections are held. Additional candidates may be nominated at the annual meeting by two delegates to the House of Delegates, provided the nominee(s) gives written consent.

506.2 p. 77 Zone Committee
Add new section and renumber.

506.2 ZONE COMMITTEE

.1 The Zone Committee shall consist of the Zone Committee Chairman plus a representative from each zone elected by the delegates from each LMSC within that zone.

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

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.3 Zone Representatives shall be residents of their respective zones. A change in residency out of the zone shall cause a vacancy. The president shall appoint a member of the zone to fill the unexpired term.

.4 The president may appoint a member of the zone to temporarily fill the position of a zone representative if the zone representative is unable to fulfill his or her duties for an extended time.

.5 The committee shall strive to enhance communications between the national office and LMSC officers, and USMS committees and LMSC officers. 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 needs of the LMSCs.

~~506.2.21~~

~~.21 Zone Committee—The Zone Committee shall consist a representative from each zone elected by the delegates from each LMSC within that zone. Zone representatives shall be elected in odd-numbered years at the annual meeting of the House of Delegates for 2-year terms. Zone representatives shall be residents of their zones, and a change of residency out of the zone shall cause a vacancy. The president shall appoint a member of the zone to fill the unexpired term. 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 needs of the LSMCs.~~

~~The Zone Committee shall act as the Nominating Committee. The committee shall canvass qualified and interested persons and present one or more candidates for each office at least 1 month before the annual meeting in which elections are held. Additional candidates may be nominated at the annual meeting by two delegates to the House of Delegates, provided the nominee(s) gives written consent.~~

Rationale: *The current language of 506.2.21 describes the zone committee as well as defines its purpose as the Nominating Committee. This proposal removes the Zone Committee from the list of standing committees since the paragraph that describes standing committees does not apply to the Zone Committee. The proposal moves the second paragraph of the current description to 504.2 ELECTION AND TERMS OF OFFICE where it appropriately belongs. The proposal also rewords the description of the committee and provides for temporary replacement of zone reps.*

L-17 **507.2.8** p. 80 Oregon

507.2.8 Submit all financial records to the Internal Audit Committee annually within 2 5 months following the end of the fiscal year.

Rationale: *Change to 5 months to allow for completion of the tax return (due May 150 before turning over the records, and conform to Treasurer's deadline for turning over records. Also, reimbursement vouchers for the prior year are still being submitted during February and sometimes through March.*

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L-18 Appendix D p. 124 Championship

Appendix D Bidding Areas for National Championship Meets (map)

Delete Utah, Colorado, Arizona, and New Mexico from Area 2 and add them to Area 1.

Rationale: *For purposes of bidding for Nationals, these four states fit more logically with the states in the Western area. Having denser USMS population in Area 1 (due to Pacific) does not seem to influence the number of bids from that area, so it seems more logical to align the states in Areas by geographical location.*

L-19 **Appendix D** p. 126 Pacific and Southern Pacific

Pacific—The state of California north of but not including the counties of San Luis Obispo, Ventura, Los Angeles Kern, and San Bernardino. In the state of...

Southern Pacific—In the state of California the counties of San Luis Obispo, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and Santa Barbara. In the state of....

Rationale: *Nancy Ridout has noted that: "Several years ago it was decided that Central California was inactive and that in the best interests of our swimmers there, PMS and SPMA divided up this region until some future time when they would be active and want to govern themselves. It was decided between us that Pacific would cover everything north of Bakersfield, and SPMA would have Bakersfield south. The Rule Book should reflect this mutual decision."*