

**LEGISLATION PROPOSALS**

**2016 Convention – Atlanta, Ga.**

This report is divided into three sections: those recommended by the Legislation Committee, those recommended by the Legislation Committee as amended, and those withdrawn by the maker.

**Recommended by the Legislation Committee**

Requires a simple majority to pass

<b>Action:</b>	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Withdrawn	Pulled
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<b>L-1</b>	<b>204.1.1–204.1.2</b>	<b>page 61</b>	<b>Legislation Committee</b>	<b>Delete</b>
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**204.1.1** The language of the entry release may only be modified by naming the sanctioning LMSC, sponsoring USMS clubs, and/or other additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.”

**204.1.2** For open water events, the following statement shall be added to the end of the release: “Finally, I specifically acknowledge that I am aware of all the risks inherent in open water swimming and agree to assume those risks.”

**Rationale:** This should have been deleted when the liability release was revised by the Board of Directors in July 2014. The current release covers all possible entities and cannot be amended in any way. Corrects this oversight.

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<b>L-3</b>	<b>502.4</b>	<b>page 90</b>	<b>Legislation Committee</b>	<b>Add</b>
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**Insert new 502.4 and renumber**

**502.4 Fiscal Year**

Each LMSC shall have a one-year fiscal period for tax and accounting purposes commencing on the first day of January.

**Rationale:** New LMSC standards mandate that LMSCs have the same fiscal year as USMS does, which is the calendar year (article 508.1). The rule book has not previously stated this requirement, so it must be added so that the rules do not conflict with the LMSC standards.

<b>Action:</b>	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Withdrawn	Pulled
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<b>L-4</b>	<b>502.7</b>	<b>page 90</b>	<b>Legislation Committee</b>	<b>Revise</b>
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**502.78 Records and Record Keeping**

Each LMSC shall comply with the financial record-keeping and reporting requirements of USMS. The LMSC shall forward to the USMS National Office the minutes of the annual meeting and annual financial reports within four months of the end of the LMSC’s fiscal year by April 30.

**Rationale:** New LMSC standards require that LMSCs’ fiscal year coincide with USMS’s fiscal year. Current wording implies that an LMSC could have a different fiscal year than the calendar year. This new wording is required for conformance with the LMSC standards as well as L-3. Also reflects renumbering required by L-3.

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**L-9      506, 507                                  pages 95–98      Board of Directors                                  Housekeeping**

**506.1.2** The nonvoting members of the Board of Directors shall consist of the ~~executive director~~ **chief executive officer**, legal counsel, all past presidents not already voting members, a representative of each allied organization (as approved by the Board of Directors), and a representative from USA Swimming.

**506.3.8** To employ, evaluate, and terminate ~~an executive director~~ **a chief executive officer**, who shall report to the Board of Directors.

**506.7.2 Compensation and Benefits Committee**—The Compensation and Benefits Committee shall assist the Board of Directors in setting the compensation and performance goals of the ~~executive director~~ **chief executive officer** and shall make recommendations to the Board of Directors regarding compensation and benefit plans, policies, and programs for USMS.

**506.8.3** The nonvoting members of the Executive Committee shall consist of:

**A** The legal counsel.

**B** The ~~executive director~~ **chief executive officer**.

**507.1 Standing Committees**

Standing committees shall be as listed in this article. ... The ~~executive director~~ **chief executive officer** or designee shall be an ex officio member of each standing committee. ...

**Rationale:** Updating to current terminology.

**Recommended by the Legislation Committee as Amended**

Requires a simple majority to pass

<b>Action:</b>	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Withdrawn	Pulled
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**L-5      507.1.10                                  page 100      Recognition and Awards Committee                                  Modify**

**507.1.10 Recognition and Awards Committee**—The Recognition and Awards Committee shall promote recognition of service to USMS. The committee shall review and approve proposals for all official USMS service awards and ensure that a history of all service awards is maintained. The committee shall be involved in determining method of recognition and recipient selection when appropriate. The committee shall consist of the committee chair, at least four Ransom J. Arthur Award recipients, ~~representatives from the Coaches, Long Distance, Records and Tabulation, and History and Archives Committees~~, and sufficient other members to execute the committee function. ~~It is recommended that, when possible, the committee should include representatives from other committees that present service awards.~~

**Rationale:** It has become increasingly difficult to secure representatives from other committees and this need has lessened due to better coordination from current USMS governance. The committee has been operating successfully without representation from all committees presenting service awards.

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**L-6      506.3.9, 506.7.6                                  pages 95, 97      Board of Directors                                  Modify**

**506.3.9** To oversee elections of officers and Board members, in accordance with election operating guidelines, ~~Conduct, e-Conduct~~ of elections of officers and Board members ~~elections shall~~ **may** be delegated to ~~an ad hoc committee composed of at least three members of the~~

House of Delegates, none of whom have conflicts of interest with such elections a the Elections eCommittee of the Board.

**506.7.6 Elections Committee**—The Elections Committee shall be responsible for conducting elections of officers and Board members, in accordance with election operating guidelines. The members of the Elections Committee shall not have conflicts of interest with such elections. Candidates for election are not eligible to serve on the committee.

**Rationale:** It makes sense to have a permanent committee, since we have elections regularly. To assure that the committee is impartial, it should report to the Board of Directors and not to one of the elected officers.

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**L-8 502.10 page 90 LMSC Development Committee Modify**

**502.10 LMSC Standards**

Each LMSC shall meet the required standards comply with the LMSC standards policy established approved by the USMS Board of Directors and published in the USMS Policy Manual posted on the USMS website.

**Rationale:** LMSC standards have been revised so that there is no longer a distinction between required and suggested. This revision to article 502.10 allows for future revisions to LMSC standards without creating potential ambiguities between article 502.10 and the actual standards. The standards have not been established by the BOD, but rather through a process involving many USMS committees. Finally, they are not part of the *USMS Policy Manual*, but are easily found on the USMS website using a simple search.

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**L-10 203.3.1 page 60 Long Distance Committee Modify**

**203.3.1 Jurisdiction—**

**A** The LMSC in which the event originates shall have jurisdiction in issuing the sanction. If any events are to be swum in more than one LMSC, the other LMSC(s) may also issue a sanction for the event.

**B** If an organization wishes to hold an open water swim event outside the boundaries of the LMSC in which it is registered, the sanctioning LMSC (the LMSC within whose boundaries the event will occur/originates) may transfer its sanctioning administration to the hosting LMSC, provided both LMSCs agree to the transfer in writing. All fees and sanction obligations will shall be transferred to the accepting LMSC.

**Rationale:** This proposal provides additional flexibility in the sanctioning process, and could prove useful in promoting additional USMS open water swims, particularly if the LMSC within whose boundaries the event will occur cannot or does not wish to incur the financial or other sanction obligations involved. As precedent, this concept parallels the jurisdictional flexibility already granted to pool events in 202.1.1H.

**Withdrawn by the Maker**

<b>Action:</b>	Adopted	Defeated	Adopted/Amended	Tabled	Postponed	Withdrawn	Pulled
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**L-2    202.1.1H                            page 57                            Records and Tabulation Committee                            Delete**

**202.1.1 Sanction Requirements**—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

...

~~H Pursuant to article 202.1.1A, after receiving a sanction application the sanctioning LMSC may transfer its sanctioning administration to another LMSC, provided both agree to the transfer in writing. All fees and sanction obligations under article 202.1.1 will be transferred to the accepting LMSC.~~

**Rationale:** This rule has no technically feasible implementation. The Records and Tabulation tools to support the administrative post-meet processes do not allow one LMSC to update the meet results of a meet sanctioned in another LMSC. Carrying that thought further, now that there is a charge-back to the LMSC for each event held in the LMSC, there is no support for recognizing that the sanction has been transferred along with the fees collected. There is also no indication whether this situation is faced by every LMSC and needs a universal solution. This rule creates an exception to the other rules of 202.1, which seems incongruous with having made the rules of jurisdiction in the first place.

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**L-7    202.1.1A(2)                            page 55                            Rules Committee                            Modify**

**202.1.1 Sanction Requirements**—Sanctions shall be issued, withheld, or withdrawn in accordance with the following:

**A** Applications for sanction shall be made to the LMSC within which the event is to be held. Sanction applications shall be accompanied by the entry form.

...

**(2)** Event entry forms, and programs, and results must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Event entry forms and programs may include the statement “Sanction number \_\_\_\_.”

**Rationale:** Consistent language with article 203.3.3B (open water event sanctions).