

This report is divided into four 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. Finally, there is a section only needed in case L10 does not pass

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

L01	Mission Statement			
Approve	Approve as Amended	Fail	Withdrawn	

To promote health, wellness, fitness and competition ~~health in for adults through swimming. by offering and supporting Masters swimming programs.~~

L02	Glossary			
Approve	Approve as Amended	Fail	Withdrawn	

Chapter—a subordinate organization (subgroup) of a club that is a member of USMS registered through an LMSC. Individual members of a chapter are also members of the parent club.

L04	201.1.3			
Approve	Approve as Amended	Fail	Withdrawn	

201.1.3 One-Event Registration

A Open Water One-Event Registration—USMS may offer a single-event registration that allows an athlete to participate in a USMS-sanctioned open water event. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by applicable USMS open water swimming rules and administrative regulations, except that their swims shall not be eligible for USMS national open water awards and recognition. One-event registrants shall be identified as such in the meet results.

B Pool One-Event Registration—An LMSC may offer a single-event registration that allows an athlete to participate in one event sanctioned by that LMSC. Membership cards shall not be issued for one-event registration. One-event registrants must be considered unattached and agree to be governed by the rules and regulations of USMS, except that their times shall not be considered for Top 10 tabulation and national or world records, All-American status or any other USMS special awards. One-event registrants shall be identified as such in the meet results.

L06A	Article 201.1.5 Membership Fees			
Approve	Approve as Amended	Fail	Withdrawn	

201.1.5 Membership Fees—~~The annual membership fee is composed of the following elements:~~

A The annual membership fee is composed of the following elements:

A(1) A national fee established by the Board of Directors or the House of Delegates.

B(2) A local fee established by the LMSC.

B The one-event registration fee is composed of a single fee established by the Board of Directors or the House of Delegates.

L17	Article 504.1.8 Membership			
Approve	Approve as Amended	Fail	Withdrawn	

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.~~

L18	Article 504.2.5 Powers			
Approve	Approve as Amended	Fail	Withdrawn	

504.2.5 To prescribe and amend the code for the government governance of USMS.

L19	Article 504.2.6 Powers			
Approve	Approve as Amended	Fail	Withdrawn	

~~504.2.6 To impose and enforce penalties for any violation of the code of USMS.~~

L20	Article 504.3.3 Meetings of the House of Delegates			
Approve	Approve as Amended	Fail	Withdrawn	

504.3.3 A written notice of all annual and special meetings of the House of Delegates, stating the time, place and preliminary agenda, shall be given to each member of the House of Delegates by mailing or electronic mail ~~the same~~ to each member's last known address at least three weeks prior to the meeting date.

L21	Article 506.1.2 Board of Directors Membership			
Approve	Approve as Amended	Fail	Withdrawn	

506.1.2 The nonvoting members of the Board of Directors shall consist of the executive director, 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.

L22	Article 506.7.3 Permanent Committees of the Board			
Approve	Approve as Amended	Fail	Withdrawn	

506.7.3 Governance Committee — The Governance Committee shall be responsible for ongoing review and recommendations to enhance the quality and future viability of the Board and the USMS governance structure, including committees and local and regional divisions of USMS. The committee shall be composed of Board and non-Board members with relevant involvement or expertise in governance and organizational development. The president shall appoint all committee members and a chair of the committee.

L23	Article 507.1.10 Open Water Committee			
Approve	Approve as Amended	Fail	Withdrawn	

507.1.10 Open Water Committee—The Open Water Committee shall promote the development of and participation in open water swimming. The committee shall develop educational resources for open water participants and event directors. The committee shall increase awareness about open water swimming and ~~work with the executive director to identify opportunities to promote USMS through open water swimming.~~ The committee shall consist of the committee chair and sufficient members to execute the committee function. The Long Distance Committee chair shall be an ex officio member of the committee.

L24	Article 507.1.11 Recognition and Awards Committee			
Approve	Approve as Amended	Fail	Withdrawn	

507.1.11 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 maintain ensure that a history of all service awards recipients 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, ~~and 16 or more members with~~ at least ~~four~~ eight Ransom J. Arthur award recipients, representatives from the ~~and additional members to include one member from each of the following committees:~~ Coaches Committee, Long Distance Committee, Records and Tabulation Committee and the History and Archives Committees, and sufficient other members to execute the committee function.

L25	Article 507.12 – Records and Tabulation Committee			
Approve	Approve as Amended	Fail	Withdrawn	

507.1.10 Records and Tabulation Committee -- The Records and Tabulation Committee shall establish and maintain a standardized process of recording and verifying times and shall publish the Top 10 times, All-American and All-Star rosters, and USMS national records annually for each course. The committee shall consist of the committee chair and sufficient members to execute the committee function.

L26	Vision Statement			
Approve	Approve as Amended	Fail	Withdrawn	

To be placed on page ix under the Mission Statement
USMS will be the premier resource for adult aquatic fitness in the United States and will make fitness through swimming available for as many adults as possible.

HK1 Article 403.4.3 – Jurisdiction of the National Board of Review

Approve	Approve as Amended	Fail	Withdrawn
----------------	--------------------	------	-----------

403.4.3 Matters of jurisdiction to the National Board of Review shall be initiated by a written grievance served upon the National Office accompanied by the filing fee. The written grievance shall set forth all parties against which the grievance is filed (respondents) and shall state the grounds for the grievance, citing factual and legal issues in as much detail as possible. Instructions on how to file a grievance may be obtained from the National Office administrator.

HK2 Article 403.10—Documentation

Approve	Approve as Amended	Fail	Withdrawn
----------------	--------------------	------	-----------

403.10 Documentation

The National Office administrator shall maintain a permanent file of all physical evidence and written decisions pertaining to any matter that was reviewed by the National Board of Review or the Board of Directors pursuant to Part 4. That file shall be retained for at least 10 years after the date of any final decision or withdrawal of any matter brought under Part 4.

HK3 Article 501.1.3 Affiliate

Approve	Approve as Amended	Fail	Withdrawn
----------------	--------------------	------	-----------

501.1.3 Affiliate—Organizations that have an interest in Masters swimming. Organizations shall apply to the National Office administrator for affiliate membership. Membership shall be granted or denied by the Board of Directors and shall be coincident with the individual membership year. Dues for affiliate members shall be established by the Board and entitle each affiliate member to one nonvoting delegate to the House of Delegates. Additional nonvoting delegates may be granted by a majority vote of the Board.

HK4 Article 501.1.4 Allied

Approve	Approve as Amended	Fail	Withdrawn
----------------	--------------------	------	-----------

501.1.4 Allied—Organizations that have an interest in Masters swimming and also have a national swimming program, national competition that provides for athlete development, due process, a rule book and an officials training program. Organizations shall apply to the National Office administrator for allied membership. Membership shall be granted or denied by the Board of Directors and shall be coincident with the individual membership year. Dues for allied members shall be established by the Board and entitle each allied member to one nonvoting seat on the Board of Directors and one nonvoting delegate to the House of Delegates. Additional nonvoting delegates may be granted by a majority vote of the Board.

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

L07A 201.2.1 and 502.1

Approve

Approve as Amended

Fail

Withdrawn

201.2.1 Annual Membership—Annual membership for clubs is from the date of registration through December 31 of that year; however, a club applying for membership on or after November 1 will receive membership valid through December 31 of the following year. An LMSC shall not place any restrictions on the formation of clubs.

502.1 LMSC Membership

Each LMSC shall consist of individual members and club members registered through that LMSC. An LMSC shall not place any restrictions on the formation of clubs.

L08 201.3 Representation

Approve

Approve as Amended

Fail

Withdrawn

201.3 MEMBERSHIP OF CHAPTERS

A Chapter is an organization or subgroup of a Club which in turn is currently registered with USMS through an LMSC and actively participates in Masters swimming events as a separate subgroup only within its LMSC.

201.3.1 Annual Membership—Annual membership for a chapter is from the date of registration through December 31 of that year; however, a chapter applying for membership on or after November 1 will receive membership valid through December 31 of the following year. An LMSC shall not place any restrictions on the formation of club teams.

201.3.2 Chapter Membership Forms—Membership forms for chapters may be obtained from the registrar of the LMSC. Renewal forms will be accepted October 1 for the next registration year. The completed form shall be submitted with any applicable fee to the registrar of the LMSC.

L09 202 Sanction/Recognition of Pool Events

Approve

Approve as Amended

Fail

Withdrawn

ARTICLE 202

POOL SANCTION/RECOGNITION OF POOL EVENTS

L10 Article 203 SANCTION OF OPEN WATER EVENTS

Approve

Approve as Amended

Fail

Withdrawn

ARTICLE 203:

OPEN WATER-SANCTION OF OPEN WATER EVENTS

203.1 SANCTIONS

Swims achieved by USMS members at sanctioned events are considered for USMS open water national awards and recognition, provided a designated USMS observer is present and verifies in writing that the conduct of the competition conforms to the applicable USMS swimming rules and administrative regulations.

203.1.1 Sanction Options—USMS shall offer sanction options as defined below.

A Standard USMS Sanction—Open water events restricted to USMS members, one-event registrants and Masters swimming members of a FINA member federation. All swimmers entered shall be considered part of the same event and shall swim under applicable USMS open water swimming rules and administrative regulations.

B Events Including Both USMS and USA Swimming Members—USMS sanctioned open water event held in conjunction with a USA Swimming sanctioned open water event. USMS members shall swim under applicable USMS open water swimming rules and administrative regulations and USA Swimming members shall swim under applicable USA Swimming rules and administrative regulations. USMS athletes and USA Swimming athletes may swim at the same time on the same course. Athletes holding both USMS and USA Swimming memberships must declare their affiliation, in writing, prior to the start of the event.

C Other Sanctions—The Board of Directors shall consider and may approve other sanction options recommended by the Long Distance Committee, with input from the Open Water Committee that allow sanctioning of events that include USMS and non-USMS members.

203.2 SWIMMER VERIFICATION

203.2.1 All swimmers entered in USMS sanctioned events as USMS members or Masters swimming members of a FINA member federation shall provide proof of current membership, acceptable to the LMSC. All other swimmers entered shall provide proof of one-event open water registration.

203.2.2 All swimmers entered in USMS sanctioned events as members of non-FINA governing bodies shall have membership verification acceptable to their governing body.

203.2.3 At the discretion of the event director and exclusive of national championship events, a swimmer may enter indicating “number pending,” as long as acceptable proof of membership is presented prior to the swimmer’s participation in the event.

203.3 SANCTION REQUIREMENTS

203.3.1 Jurisdiction—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. The sanction fee shall be established by the LMSC with jurisdiction.

203.3.2 The following requirements shall be followed by the sanctioning LMSC and sanction applicant.

A LMSCs shall use the prescribed sanction application form without additional requirements.

B Applications for sanction shall be made to the LMSC with jurisdiction.

C Sanctions shall be signed by the LMSC’s authorized representative, and a record thereof shall be retained for two years.

D The LMSC’s authorized representative shall report the sanction to USMS.

E Sanctions issued to one organization cannot be transferred to another.

F No sanction of any event shall be granted with the word “Olympic” or any derivative thereof used in any manner in connection with said event unless consent is obtained from the USOC.

G When sanctioning a FINA Masters World Championship open water event, an LMSC may grant exceptions to specific USMS open water swimming rules and administrative regulations in order to be in compliance with FINA rules.

H Sanctioned events may include nonconforming swims so long as they are conducted in a safe manner.

203.3.3 Entry Forms and Programs

A The entry forms shall contain the language of the liability release as stated in article 204. The language may only be modified by naming the sanctioning LMSC(s), sponsoring USMS club(s) and/or additional insured(s) following “UNITED STATES MASTERS SWIMMING INC.” All swimmers, before participating, shall have signed the liability release.

B Entry forms and programs must bear the statement “Sanctioned by (LMSC name) for USMS Inc. Sanction number: _____.”

C In the event of a dual sanction, entry forms and programs must identify the other sanctioning body.

D For competitive open water events that calculate individual scoring for place and/or club scoring, a swimmer’s valid club affiliation and age must be displayed after the name in the program, if a program is published.

203.3.4 Results – Event directors shall submit official electronic results of the event to the LMSC’s authorized representative.

203.4 WITHDRAWAL OR DENIAL OF SANCTIONS

203.4.1 Sanction may be denied to any individual or organization that has failed to conduct previously sanctioned events in accordance with applicable USMS open water swimming rules and administrative regulations, or as stated on the entry form.

203.4.2 Sanction may be denied to any individual or organization that has failed to demonstrate the ability or willingness to conduct the sanctioned events in accordance with applicable USMS open water swimming rules and administrative regulations.

203.4.3 Sanction may be withdrawn from any individual or organization failing to conduct the sanctioned events in accordance with agreed upon USMS open water swimming rules and administrative regulations and other stated requirements on the entry form.

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

L03 Glossary

Approve Approve as Amended **Fail** Withdrawn

Club Team--a subordinate organization (subgroup) of a club that is a member of USMS registered through an LMSC for the purpose of competition between subgroups only within the LMSC's boundaries. Individual members of a team are also individual members of the parent club.

L05 Article 201.1.3 One-Event-Registration

Approve Approve as Amended **Fail** Withdrawn

B. Pool - One-Event Registration - USMS will no longer offer pool single-event registrations that allow an athlete who is not currently registered as a USMS member to participate in one pool event sanctioned by any LMSC except during the months of September and October.

L06 Article 201.1.5 Membership Fee

Approve Approve as Amended **Fail** Withdrawn

201.1.5 Membership Fee—The annual membership fee and the one-event registration fee are composed of the following elements:

- A A national fee established by the Board of Directors or the House of Delegates.
- B A local fee established by the LMSC.

L08A 201.3.3 Membership Fee

Approve Approve as Amended **Fail** Withdrawn

201.3.3 Membership Fee—There shall be no mandatory USMS annual membership fee. If the club team chooses to receive the same membership benefits as a club, then it shall pay the same national fee established by the Board of Directors or the House of Delegates for clubs. USMS shall not deny any club team registration and the ability to compete as a separate entity within its LMSC based on whether it pays a USMS fee.

L14 Article 204.1 Liability Release

Approve Approve as Amended **Fail** Withdrawn

204.1 Release

All individual membership application forms and sanctioned entry forms shall include a liability release. The liability release shall be signed by the person registering or entering. The language of the membership release shall be:

“I, the undersigned participant, intending to be legally bound, hereby certify that I am physically fit and have not been otherwise informed by a physician. I acknowledge that I am aware of all the risks inherent in Masters swimming (training and competition), including possible permanent disability or death, and agree to assume all of those risks. **As a condition of my participation in the Masters swimming program or any activities incident thereto, I hereby waive any and all rights to claims for loss or damages, including all claims for loss or damages caused by the negligence, active or passive, of the following: United States Masters Swimming Inc., the local masters swimming committees, the clubs, host facilities, meet sponsors, meet committees or any individuals officiating at the meets or supervising such activities.** In addition, I agree to abide by and be governed by the rules of USMS.”

L15 Article 403.8.1 Notification

Approve Approve as Amended **Fail** Withdrawn

403.8.1 Notification

All parties to grievances or appeals shall be notified in writing, within 30 days of receipt of filing.

IV. The following proposals were reported out favorably by the Legislation Committee. They require a simple majority of the HOD to pass. These will only be addressed if L10 fails.

L11	203.1.1 B Sanction Requirements		
Approve	Approve as Amended	Fail	Withdrawn

203.1.1 B ...the LMSC in which the ~~meet event~~ will originates shall have jurisdiction in issuing the sanction. This does not prohibit the other LMSC from also issuing a sanction for the ~~meet event~~.

L12	Article 203.1.1 B(1) Sanction Requirements		
Approve	Approve as Amended	Fail	Withdrawn

203.1.1 B(1) The entry forms shall contain the language of the liability release as stated in articles ~~205.1~~ 204.1 and 204.1.2.

L13	Article 203.1.1 F(8) Sanction Requirements		
Approve	Approve as Amended	Fail	Withdrawn

203.1.1 F(8) Event directors shall submit official electronic results of the event to the LMSCs authorized representative USMS for inclusion in an open water event results database.