

## **MINUTES OF THE LEGISLATION COMMITTEE MEETING - III**

**9/26/97**

**9:35-10:16am**

**Note: The full text of each Legislation proposal (except for those that were withdrawn) is attached.**

L6 - M/S to disapprove L-6, Passed.

L7 - The committee discussed the need for more flexibility in filling committee spots. M/S to amend L-7 to strike references to the Legislation, Long Distance and Rules Committees, and change the word "possible" to "feasible", Failed. It was suggested that the executive committee should have a scholarship fund for smaller zones so the pool of delegates to chose from in making up committees would be larger. M/S to disapprove L-7, Passed.

L8 - M/S to disapprove L-8, S, P.

The committee considered a new proposal submitted by the Sports, Medicine, Health and Safety Committee, which was labeled as L-9A. M/S to amend L-9A to strike the last sentence, S, P. The new last sentence of L-9A was deleted as a friendly amendment. M/S to approve L-9A as amended, Passed.

L9 - The original L-9 was withdrawn.

The committee discussed the housekeeping proposals submitted by Meg Smath, The Rule Book Committee Chairman. M/S to accept the change in 202.2 (replacing "USMS" with "LMSC") as housekeeping, Passed. M/S to accept the change in 202.2.1E(1) (delete "All recognized events are subject to the following conditions 1." as unnecessary verbiage & renumber .1 as 202.2.1E) as housekeeping, Passed. M/S to accept the change in 202.3 (delete the word "the" in front of USMS) as housekeeping, Passed. M/S to replace accept the changes in 601.4 & 601.5 (replace the phrase "reported out favorably" with "recommended", and move the language defining emergency amendments from the middle of the sentence in 601.4.4 to a parenthetical at the beginning of the sentence) as housekeeping, S, P.

The committee considered a new proposal submitted by the Convention Committee, which was labeled as L-13. M/S to disapprove L-13, Passed.

The committee considered the Glossary Sub-Committee report. M/S to disapprove GL-1 and GL-2, Passed. M/S to approve GL-3 and GL-4, Passed. M/S to approve GL-5, Passed. M/S to approve GL-6, GL-7, GL-8 and GL-9, Passed. M/S to approve GL-10, GL-11 and GL-12, Passed.

The committee considered a new proposal submitted by the Sports, Medicine, Health and Safety Committee, which was labeled as L-14. M/S to approve, Passed.

Legislation Report  
September 26, 1997

The following proposals were reported out favorably by the Legislation Committee:

L-5	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 71, 72, and 76 in the rule book)

PASS

504.1. POSITIONS—The elected officers of the corporation shall be a president, a vice-president, a secretary, and a treasurer, and a Zone Chairman. No person may concurrently hold more than one such office.

504.2. ELECTIONS AND TERM OF OFFICE

.1 All officers of the corporation shall be elected by the members of the House of Delegates at annual meetings held in odd-numbered years, except for the Zone Chairman, who shall be elected in even-numbered years. Elected officers shall hold office for 2 years or until their successors are elected and qualified.

504.4.5 The Zone Chairman shall:

A. Conduct all meetings of the Zone Committee.

B. Carry out all responsibilities as assigned by the House of Delegates, the President, the USMS code of regulations, and the stated needs of the LMSCs.

505.1.1 The president, the vice-president, the secretary, ~~and~~ the treasurer, and the Zone Chairman.

506.2.19 Zone Committee—The Zone Committee shall consist ... The President shall appoint a member of the zone to fill the unexpired term. ~~The zone representatives shall select the chairman of the committee from within or without the committee.~~ 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.

L-10	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 117 & 124 in the rule book)

APPENDIX D/ZONES

Northwest – Alaska, Inland ~~Empire~~ Northwest, Montana,...

LMSC NUMERIC CODES AND ABBREVIATIONS

35 IEW Inland ~~Empire~~ Northwest

APPENDIX E/USMS DIRECTORY/Zone Reps & LMSC Chairman

Inland ~~Empire~~ Northwest.....Cindy Clutter

L-12	Approve	Approve as Amended	Fail	Withdrawn
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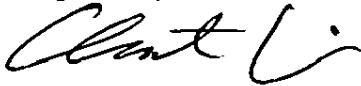
(see page 121 in the rule book)

APPENDIX D/LMSC BOUNDARIES

New Jersey – The state of New Jersey north of and including the counties of Mercer, and Monmouth, and Ocean.

The committee discussed a possible problem with L-4 with Jeanne Crouse, the USMS legal counsel. M/S to adjourn, Failed. Jeanne Crouse worked on possible new wording, but it was eventually decided to leave L-4 as is. M/S to adjourn, Passed.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Christine Winn".

Christine Winn

*motion 3,3A 4,9a,14 MSP*

The following proposals were reported out favorably by the Legislation Committee as amended:

L-3	Approve	Approve as Amended	Fail	Withdrawn
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(see page 56 in the rule book)

202.3 FITNESS EVENTS – Fitness events are USMS events approved promoted by the USMS Fitness Committee, LMSC's, or clubs. Swimmers Participants shall be registered to participate in fitness events promoted by the USMS or its LMSCs with USMS or obtain a One-Event Registration to participate in these events. A Fitness Event shall be a Sanctioned Event or performed in an organized/supervised practice.

L-3A	Approve	Approve as Amended	Fail	Withdrawn
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(see page 12 in the rule book)

GLOSSARY

Fitness Events – events designed to encourage and enhance fitness, ~~exclusive of events covered by Parts One and Three.~~

L-4	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 67-69 in the rule book)

See separate handout for the revised version of L-4, revisions to Part Four.

*Passed*  
*Revises to Part 4*

L-9a	Approve	Approve as Amended	Fail	Withdrawn
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(see page 76 in the rule book)

(add new section and renumber as needed)

506.2.18 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.

L-14	Approve	Approve as Amended	Fail	Withdrawn
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(see page 76 in the rule book)

506.2.18 ~~Sports Medicine, Health, and Safety~~ Committee – The Sports Medicine, ~~Health and Safety~~ Committee shall research, ~~and advise, and educate~~ USMS and its members on subjects related to sports medicine, ~~health and safety~~. The committee shall also stimulate and encourage research in the health benefits, medical problems, physiology, and psychology of Masters Swimming.

The following proposals were NOT reported out favorably by the Legislation Committee:

L-6	Approve	Approve as Amended	Fail	Withdrawn
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(see page 72 in the rule book)

504.2. ELECTIONS AND TERM OF OFFICE

- .1 All officers of the corporation 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~~ 3 years or until their successors are elected and qualified.
- .2 ~~Each officer is eligible for election to the same office for two terms. No person so elected for two successive terms is eligible for re-election to the same office until after the lapse of 2 3 years following the terms of office to which that person was last elected.~~

*rule*

L-7	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 73-76 in the rule book)

- 506.2.1 Championship Committee – The Championship Committee shall include one member from each zone whenever possible, and at least...
- 506.2.4 Finance Committee – The Finance Committee shall consist of nine members from the House of Delegates, with at least one from each zone, whenever possible.
- 506.2.9 Legislation Committee – The Legislation Committee shall consist of members of the House of Delegates, with two from each zone whenever possible.
- 506.2.10 Long Distance Committee – The Long Distance Committee shall consist of twelve members from the House of Delegates, with at least one member from each zone whenever possible.
- 506.2.15 Registration Committee – The Registration Committee shall include one member from each zone whenever possible, and one member-at-large.
- 506.2.16 Rules Committee – The Rules Committee shall include two members of the House of Delegates from each zone whenever possible.

*rule*

L-8	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 75-76 in the rule book)

- 506.2.9 Legislation Committee – The Legislation Committee shall consist of members of the House of Delegates. With ~~two~~ at least one members from each zone.
- 506.2.17 Rules Committee – The Rules Committee shall include ~~two~~ at least one members of the House of Delegates from each zone.

*rule*

L-11	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 121 and 122 in the rule book)

APPENDIX D/LMSC BOUNDARIES

Minnesota – The state of Minnesota. In the state of Wisconsin the counties of St. Croix, Dunn, La Crosse, and Pierce.

Wisconsin – The state of Wisconsin except the counties of St. Croix, Dunn, La Crosse, and Pierce.

L-13	Approve	Approve as Amended	Fail	Withdrawn
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(see pages 70-77 in the rule book)

See separate handout for L-13, proposal to eliminate the controller.

**The following proposals were withdrawn:**

(Please refer to your original packet for the full text of these proposals)

L-1 (add fitness events to one-event registration)

L-2 (lifetime registration)

L-9 (Safety Education Committee proposal was withdrawn in favor of L-9a, see above)

**The following changes to the glossary were reported out favorably by the Legislation Committee:**

*P* → 

G-3	Approve	Approve as Amended	Fail	Withdrawn
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**Reinstatement** — return of all or limited rights of membership in the corporation.

*P*

G-4	Approve	Approve as Amended	Fail	Withdrawn
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**Suspension** — deprivation of all rights of membership in the corporation.

G-5	Approve	Approve as Amended	Fail	Withdrawn
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**Aggregate (Composite) Time**

*P*

G-6	Approve	Approve as Amended	Fail	Withdrawn
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**End of the Course**

*P*

G-7	Approve	Approve as Amended	Fail	Withdrawn
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**Lane Markings Markers**

*vote*  
*to app 5, 8, 9 items not policy → MSC*  
*made to pass other → MSC*

G-8	Approve	Approve as Amended	Fail	Withdrawn
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Recognized Meet Event

G-9	Approve	Approve as Amended	Fail	Withdrawn
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Scissors

G-10	Approve	Approve as Amended	Fail	Withdrawn
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~~Horizontal — parallel to the surface level of the water.~~

G-11	Approve	Approve as Amended	Fail	Withdrawn
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~~Propulsive — having the power to propel.~~

G-12	Approve	Approve as Amended	Fail	Withdrawn
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~~Simultaneously — at the same instant.~~

**The following changes to the glossary were NOT reported out favorably by the Legislation Committee:**

G-1	Approve	Approve as Amended	Fail	Withdrawn
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~~Deck Entered — all entries are accepted on the first or later day of that meet and subsequently seeded into events.~~

G-2	Approve	Approve as Amended	Fail	Withdrawn
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~~Open Competition — competition which any qualified individual, club, or organization may enter.~~

L-4

PART FOUR: ATHLETE'S RIGHTS,  
HEARINGS, AND APPEALS

ARTICLE 401:  
ATHLETE'S BILL OF RIGHTS

401.1 PROTECTION -- USMS and its LSMCs shall respect and protect the right of every individual who is eligible and qualified to participate in ~~events conducted in compliance with reasonable National and applicable international requirements, rules, and regulations~~ USMS administrative activities and sanctioned/recognized events.

401.2 RIGHT TO PARTICIPATE -- No member of USMS or any organization affiliated with USMS may deny or threaten to deny any eligible individual the opportunity to participate in ~~events~~ USMS administrative activities and sanctioned/recognized by USMS events. It is not a violation of this article to restrict an individual's eligibility based on one or more of the following:

- .1 The swimmer's age.
- .2 Membership in the organization that is conducting the event.
- .3 Qualifying times.

~~401.3 REPORTING -- Any individual who alleges that a right as set forth in Article 401.2 has been denied or is about to be denied, by a person or organization affiliated with USMS shall immediately inform the Executive Secretary of USMS who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay.~~

~~401.4 INVESTIGATION~~

~~.1 Role of the Executive Secretary -- Whenever an individual or party acting on an individual's behalf, informs the Executive Secretary of USMS of an alleged violation of rights as set forth in Article 401.2, the Executive Secretary or any member of the Executive Committee of USMS appointed for this purpose by the President, shall review all the related evidence of the case and make a report, with a preliminary recommendation, to the Review Section within thirty days or sooner if the situation requires.~~

~~.2 Role of the Review Section -- The Review Section shall review the case and preliminary recommendation and take whatever action it deems appropriate. Any of the parties involved who are dissatisfied with the decision of the Review Section may appeal said decision under the provisions set forth in Article 403.1.~~

ARTICLE 402:

REVIEW SECTION JURISDICTION AND AUTHORITY OF THE EXECUTIVE COMMITTEE

~~402.1 COMPOSITION OF THE REVIEW SECTION~~

~~.1 Members--The Review Section shall be composed of the Legal Counsel of USMS and each zone representative.~~

~~.2 Chairman--The President of USMS shall appoint the Chairman of the~~



~~Review Section from among its members and shall designate a panel of no fewer than three members, one of whom shall be the zone representative in whose zone the alleged violation occurred, to hear and decide any case before the Review Section.~~

~~402.21 JURISDICTION AND AUTHORITY OF THE REVIEW SECTION GENERAL JURISDICTION--~~

~~1 General Jurisdiction--As hereinafter set forth, USMS, through the Review Section Executive Committee or any body assigned exclusive entity appointed pursuant to 403.5 has the authority to:~~

~~A.1 Determine the eligibility and right of any athlete to compete participate.~~

~~B.2 Impose and enforce penalties, including censure, suspension, or expulsion from membership, for any violation of the rules and regulations of USMS or for actions that bring disrepute upon USMS or the sport of swimming.~~

~~C.3 Interpret any provision of the rules and regulations of USMS, with the exception of the swimming and long distance swimming rules the rules of competition in Parts One and Three, in which jurisdiction is delegated to the USMS Rules, Long Distance, or Championship Committees.~~

~~D.4 Affirm, vacate, modify, stay, or reverse any decision or order properly submitted for review, or remand the matter for further action.~~

~~E.5 Investigate any election impropriety or cause for removal of a national committee member or national officer and take corrective action.~~

~~F.6 Issue such interim orders as may be necessary pending a final decision of any body entity granted exclusive jurisdiction.~~

~~G.7 Review any exercise of the powers by another a USMS committee as provided in Article 402.2.2.~~

~~8. Require the production of any available evidence bearing on an alleged violation.~~

~~9. Transcribe all testimony in any hearing.~~

~~10. Assess costs and fees of the investigation of a reported violation against the losing party.~~

~~402.2 DELEGATION OF JURISDICTION -2- Exclusive Jurisdiction-~~

~~A.1 Upon a majority vote of the Review Section panel assigned to a case or upon a majority vote of the Review Section Any matter within the purview of Articles 401 and 402 shall be delegated to an appropriate body entity within the LMSC in which the matter alleged violation occurred may be assigned exclusive jurisdiction of any matter within the purview of Article 402, unless, in the judgment of the Executive Committee, when the best interests of Masters Swimming USMS will be otherwise better served thereby.~~

~~B.2 Upon a majority vote of the USMS Board of Directors, or upon a two-thirds vote of the USMS House of Delegates, the USMS House of Delegates may be assigned exclusive jurisdiction of any matter within the purview of this article when the best interests of Masters Swimming will be served thereby. If a matter is assigned delegated pursuant to Article 402.2.A1, the entity that receives such exclusive to which jurisdiction is delegated must shall comply with the procedures and requirements outlined in Article 403.~~

~~402.3 PROCEDURES--The procedures to be taken in reference to all hearings shall be as follows:~~

~~.1 Formal Hearing~~

~~A. The respondent shall be given notice in writing by certified mail return receipt requested, to the last known address, or by personal service, detailing the charges of the circumstances which are believed to require answers, explanation or clarification.~~

~~B. The written statement of charges shall also contain:~~

~~1. The penalties which may ensue if such charges are proved.~~

~~2. A date at which time a hearing will be held, with the request that the person charged appear before the Review Section panel, with the right to have personal representation at the hearing.~~

~~3. A stated date of not less than thirty days nor more than sixty days after the date of mailing of such notification.~~

~~4. A request that the person charged answer in writing to the chairman of the Review Section panel all the charges set forth in such written statement.~~

~~5. A request that this written answer be delivered by certified mail return receipt requested, no later than ten days prior to the date of the hearing.~~

~~C. The decision shall be rendered at the time of the hearing, or within twenty-four hours thereafter.~~

ARTICLE 403:

INVESTIGATIONS AND HEARINGS

403.1 REPORTING -- Any individual (hereinafter, "grievant") who alleges that a violation of any rights (including, but not limited to, those rights enumerated in Article 401 or any of the matters enumerated in Article 402) has occurred, or is about to occur, as a result of actions taken by any person or organization affiliated with USMS, shall notify the chairman of the LMSC in which the violation occurred. The LMSC shall use whatever means deemed appropriate to resolve the matter. If all attempts to resolve the problem by the LMSC have failed, the grievant may then file a written report of the alleged violation with the executive secretary. Any such report shall include the following:

.1 A citation of which article(s) have been or will be violated;

.2 A concise statement describing the alleged violation and any details pertinent to understanding the circumstances of said violation;

.3 Any documents and/or names, addresses, and phone numbers of any witnesses, as well as the substance of what they will say and prove, which would verify the violation and the circumstances described; and

.4 Documentation of any correspondence between the grievant and the LMSC concerning the alleged violation.

403.2 NOTIFICATION OF VIOLATION -- Within 7 calendar days of receipt of a report of violation, the executive secretary shall notify the USMS president, or the president's designee, that a violation has been reported. Within 7 calendar days of the notification, the individual or organization charged (hereinafter, "the respondent") shall be notified by certified mail, return receipt requested, of the specific charges that have been made, including citations to any applicable sections of the rule book.

403.3 DISMISSAL -- At any time after notification of violation the grievant may notify the executive secretary and the respondent that the grievant seeks to dismiss the allegation of violation. The executive secretary shall then notify the executive committee and the investigative committee/officer that the charges have been dismissed.

403.4 RESPONSE TO VIOLATION-- Upon receipt of the notification of violation, the respondent shall have 30 calendar days in which to submit a written response to the charges. Such response shall be deemed submitted when sent to the executive secretary by certified mail, return receipt requested, and shall include:

.1 A concise statement describing the alleged violation, including any pertinent circumstances that were not included in the report of violation, and

.2 Any documents and/or names, addresses, and phone numbers of any witnesses, as well as the substance of what they will say and prove, which would verify the appropriateness of the reported action.

403.5 ROLE OF THE EXECUTIVE COMMITTEE -- Upon receipt of the response of violation, the executive secretary shall forward copies of both reports and all pertinent documentation to the members of the Executive Committee. The Executive Committee shall consider the reports and may take any action deemed necessary, as outlined in Article 402 or, if deemed appropriate, the Executive Committee may resolve the dispute in one or more of the following manners:

.1 The president, or other designated member of the Executive Committee, may attempt to mediate a solution to the dispute between the grievant and the respondent; and/or

.2 Jurisdiction may be delegated to the zone representative and/or the chairman/executive officers of the LMSC in which the alleged violation occurred; and/or

.3 An investigative officer or committee may be appointed to consider the reports and to take any action deemed necessary, as outlined in Article 402. The investigative committee may consist of the zone representative of the LMSC in which the alleged violation occurred, one or more members of the Executive Committee, and/or one or more members of the House of Delegates. The legal counsel may be designated to serve in an advisory capacity to any such appointed committee/officer (hereinafter "investigative committee/officer").

.4 In all cases, the burden of proof rests on the grievant.

403.6 WRITTEN DECISION -- The USMS secretary shall send to the grievant and the respondent by certified mail, return receipt requested, the written decision of the investigative committee/officer, including findings of fact and conclusions on which it has relied, within 10 calendar days after a decision has been reached. The decision shall be

final and binding on all parties unless appealed pursuant to the procedures set forth in Article 404.

403.7 PROCEDURES FOR FORMAL HEARING -- If it is determined by the investigative committee/officer that the reports of violation and of the respondent contain insufficient information to render a fair judgment, a formal hearing may be scheduled. Whenever a hearing is scheduled, the following procedures shall be followed:

.1 Notification of Hearing -- The investigative committee/officer shall send a written notification of hearing by certified mail, return receipt requested, to the grievant and to the respondent. The notification shall contain:

A. The date, time, and location at which a hearing shall be held, with the request that the respondent and the grievant appear before the investigative committee/officer. The date of the hearing shall be not less than 30 calendar days nor more than 60 calendar days after the mailing of the notice of hearing.

B. The judgment that may be imposed if such charges are proven.

C. The right of the parties to choose to be represented by counsel at the hearing at their own expense.

D. Notification that the proceedings and testimony at the hearing may be transcribed.

E. Notice that the losing party may be assessed fees and costs of the hearing.

.2 Conduct of Hearing

A. No later than 30 calendar days before that hearing, the investigative committee/officer shall send by certified mail, return receipt requested, to both the respondent and the grievant, copies of all materials that have been gathered and reviewed in connection with the complaint. These materials shall include a copy of any written reports that have been prepared in relation to the complaint and shall outline the issues on which the parties should present evidence at the hearing.

B. At the hearing, the grievant and the respondent shall have the opportunity to present documents, testimony, or other evidence that they want the investigative committee/officer to consider in its review of the complaint. Before the hearing concludes, the grievant and the respondent shall have an opportunity to answer any questions that the investigative committee/officer has and to make a formal statement regarding the complaint.

.3 Decision of the investigative committee/officer -- The USMS secretary shall send to the grievant and the respondent by certified mail, return receipt requested, the written decision of the investigative committee/officer, including findings of fact and conclusions on which it has relied, within 10 calendar days of the conclusion of the hearing. The decision shall be final and binding on

all parties unless appealed pursuant to the procedures set forth in Article 404.

ARTICLE 404:  
APPEAL

~~403.1 APPEAL PROCEDURES -- The decision of the Review Section shall be final in all cases subject only to appeal to the Board of Directors of USMS, and thereafter to the USMS House of Delegates. An appeal to either body must be taken within twenty days after mailing of written notice of the decision to be appealed. Upon timely petition to the President of USMS, and upon showing of good cause therefore the time for appeal from a decision may be extended. The chairman of the body to which a decision is appealed shall set a date for appellate hearing not less than thirty days after receipt of the notice of appeal, nor after the next regularly scheduled meeting of that body that occurs thirty days or more after said receipt. The appeal decision including findings of fact shall be reduced to writing and mailed by certified or registered mail to all parties within ten days of hearing. Any person representing a real party in interest in the case may appeal.~~

404.1 FINAL APPEAL -- An appeal may be made if the grievant or the respondent disputes the judgment of the investigative committee/officer. Any judgment made in accordance with Articles 402 or 403 may be appealed only to the Board of Directors.

404.2 DEADLINE FOR FILING AN APPEAL -- An appeal to the Board of Directors shall be timely filed when mailed to the executive secretary within 30 calendar days of the date on which the written decision was sent, and shall be accompanied by a \$50 filing fee, payable to USMS.

404.3 APPELLATE PROCESS -- The Board of Directors shall consider the appeal in conjunction with the next annual meeting of the House of Delegates. The Board of Directors shall consider only the evidence presented to the investigative officer/committee that issued the written decision. The decision of the investigative officer/committee shall be overturned only for cause.

404.4 WRITTEN DECISION -- The USMS secretary shall send to the grievant and the respondent by certified mail, return receipt requested, the written decision of the Board of Directors, including findings of fact and conclusions on which it has relied, within 10 calendar days of the conclusion of the hearing.

ARTICLE 405:  
DOCUMENTATION

405.1 The executive secretary shall maintain a permanent file of all physical evidence and written decisions pertaining to any matter that is reviewed by the Executive Committee or its designee, pursuant to Part 4.

L-13

Page 70 ARTICLE 501

**Proposed Amendments to certain sections of:**

**PART FIVE:  
UNITED STATES MASTERS SWIMMING, INC.  
ORGANIZATION AND BYLAWS**

Amend Article 503.1.5 as follows:

**ARTICLE 503:  
HOUSE OF DELEGATES**

**503.1. MEMBERSHIP**—The House of Delegates of the corporation shall consist of the following:

- .1 One member from each LMSC. If the LMSC has over 300 annual registrations, it is entitled to one additional member. For each additional 500 annual registrations, the LMSC is entitled to one more member in the House of Delegates. Figures shall be determined by the records of the national registrar for the previous year or June 15 of the current year, whichever is the greater.
- .2 All members of the Executive Committee.
- .3 All past presidents.
- .4 All members of the Zone Committee.
- .5 All members of the Rules, Legislation, and Long Distance Committees, ~~the controller,~~ and the chairmen of all standing committees appointed by the president shall be at-large members, if not already members.
- .6 The president of the corporation shall be empowered to appoint up to 10 percent of the total membership of the House of Delegates as at-large members of the House of Delegates.
- .7 All members of the House of Delegates shall remain until their successors are selected, except that membership may be terminated by resignation filed with the secretary.

Amend Article 504.4.4 C and F as follows:

**ARTICLE 504:  
OFFICERS**

**504.4. DUTIES OF OFFICERS**—The duties of the officers shall be as follows:

- .4 The treasurer shall:
  - A Be the custodian of all corporate funds.
  - B Receive all funds of the corporation and deposit to the accounts of the corporation.
  - C Disburse funds ~~as directed by the controller,~~ pursuant to Article 507.2, or as directed by the House of Delegates.
  - D Invest funds of the corporation in a prudent manner for the benefit of the corporation, in accordance with the investment policies established by the Finance Committee.
  - E Maintain adequate and accurate financial records which document the income and disbursement of the corporation's funds.

- F Submit all financial records to the Internal Audit Committee annually within  
\$ 2 months following the end of the corporation's fiscal year.

Amend Article 505.1.6 and .7 as follows:

**ARTICLE 505:  
BOARD OF DIRECTORS**

- 505.1. MEMBERSHIP—The Board of Directors of this corporation shall consist of:
- .1 The president, the vice-president, the secretary, and the treasurer.
  - .2 Each member of the Zone Committee.
  - .3 Past presidents not already on the board.
  - .4 The chairmen of all standing committees.
  - .5 The legal counsel.
  - .6 ~~The controller.~~
  - .7 An ex-officio member from United States Swimming.

Amend Article 506.4 and .7 as follows:

**ARTICLE 506:  
COMMITTEES**

- .4 Finance Committee—The Finance Committee shall consist of nine members from the House of Delegates, with at least one from each zone. The treasurer, and 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 the annual reports of the Internal Audit Committee, and 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.
- ~~B—Committee requests 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. (Moved to new Article 507.2.11)~~
- .7 Internal Audit Committee—The Internal Audit Committee shall consist of at least two members of the corporation appointed by 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 ~~shall make their reports to the House of Delegates through the Finance Committee. The Internal Audit Committee shall:~~
- A Receive the financial records of the corporation from the treasurer ~~and the controller~~ on a monthly basis.

- ~~B~~ Receive the monthly statements and prepare a monthly account reconciliation for each account of the corporation maintained at any financial institution.
- ~~BC~~ Examine at least annually all financial records received pursuant to Article 506.2.7A to determine the accuracy and validity of the records maintained by the treasurer and controller.
- ~~D~~ Review preliminary annual financial statements as presented to the Internal Audit Committee by the treasurer. Prepare any necessary year-end adjusting entries to the financial statements of the corporation.
- ~~GE~~ Prepare and audit 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.
- ~~DE~~ Present the financial statements listed in Article 506.2.7GE to the Finance Committee as soon as practical, but no later than 6 months, after the close of the fiscal year with a statement as to the Internal Audit Committee's position regarding the accuracy and validity of those documents. Such annual financial reports shall be made available for inspection by members of the general public at the corporation's principal office on request made within 180 days after notice of its availability. (Was in Article 507.2.6)
- ~~EG~~ Submit to the Finance Committee recommendations for the improvement of the financial management of the corporation.
- ~~FH~~ Receive reimbursement for expenses incurred in the performance of its duties, following authorization by an officer or the chairman of the Finance Committee.

Amend Article 507.2 as follows:

**ARTICLE 507:  
FINANCIAL POLICY**

- ~~507.2. CONTROLLER-TREASURER—The controller treasurer shall be appointed by and serve at the pleasure of the president and shall report to the Finance Committee. At a minimum, the The controller treasurer shall ~~preferably be a CPA and have a working knowledge of commercially available accounting software, preferably with experience in the accounting package selected for USMS use by the Finance Committee. In addition, the treasurer shall :~~~~
- .1 Establish and maintain the financial records of the corporation pursuant to Section II.A.1. of the financial operating guidelines (FOG) of the corporation, using generally accepted accounting principles and practices.
  - .2 Record corporate income from the registrar and all other sources on the books of the corporation.
  - .3 Receive and record all invoices and/or bills, which invoices and/or bills shall have been approved by an officer or committee chairman or other person authorized to approve such expenses.
  - .4 Authorize the treasurer to disburse Disburse corporate funds following receipt of approval(s) pursuant to paragraph .3 above.
  - .5 Prepare annual- monthly financial summaries of the corporation's financial status within 5 months 4 weeks following the end of the each fiscal year month, and submit such summaries to the chairmen of the Finance and Internal Audit Committees.



- .6 Prepare the annual financial reports showing the income and disbursements of the corporation, which shall be similar to those reports required of nonprofit organizations by section 6056 of the Internal Revenue code of 1954 (or corresponding provisions of any subsequent tax laws). ~~Such annual financial reports shall be made available for inspection by members of the general public at the corporation's principal office on request made within 180 days after notice of its availability-- (Moved to 506.6.6F)~~
- .7 Prepare the corporation's annual tax returns.
- .8 Submit all financial records to the Internal Audit Committee annually within 2 months following the end of the fiscal year.
- .9 Submit recommendations for improvements in the management of the corporation's fiscal affairs to the chairman of the Finance Committee as requested or deemed advisable.
- .10 Be reimbursed for expenses incurred in the performance of the duties of the position, following authorization by another officer or the chairman of the Finance Committee.
- .11 Committee requests 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. (Was Article 506.2.4B)

507.3. FEES—Fees shall be as established by the House of Delegates.

Add new Article 507.4 as follows:

507.4 VENDOR PAYMENTS—All vendors are to be instructed to submit all invoices directly to the National Office. The National Office is to verify that all items on each invoice have been ordered and received, then immediately forward said invoice(s) to the treasurer to be recorded and paid.