



Rotary

Council on Legislation 2022 (COL22) Select Enactments of import to Clubs/Districts by COL22 Delegate, PDG Steven Lingenbrink

COL22 was historical in many respects. Most notably, it was first time that a Council on Legislation was conducted both in person and virtually. For 2022 we had 523 total delegates, of which 522 were credentialed. There were 325 present in person and 198 virtually via Zoom Webinar. Council documents and daily reports, amendments, etc. were distributed to the delegates via Microsoft Teams and voting was accomplished with hand voting devices in chambers and via a software program "Lumi" remotely. Delegates attending virtually were called upon by the chair and debated enactments as though they were attending in person – although some in remote areas were attending in the middle of the night! The technology actually worked quite well, aside from a few audio issues and just one voting hiccup.

We shared an opinion that delegates did a good job representing Rotary clubs through representing enactments that allowed clubs continued flexibility. There were a few proposed enactments that required more debate and one that was subject to reconsideration (and ultimately passed). **Proposed enactment 22-27 was initially referred back to the board but was later reinstated for further council action on Thursday morning, upon a motion for reconsideration**, the proposed enactment will be discussed in more detail below.

Some may wonder about the effective date of the enactments. Rotary International Bylaw 9.150.7 provides adopted enactments are effective on July 1 after the Council adjourns. With that, let's move on to the summaries.

Summaries of Selected Enactments

22-07 from Japan, adopted 329 - 155

This enactment proposed to change the deadline for submitting club minutes from 60 days to 30 days.

The discussions focused on the keeping of the relevance of the issues still fresh until minutes were prepared.

22-10 from India, adopted 420 - 56

To add equity and inclusion to the building of a well-balanced membership.

This enactment added the phrase “equity, and inclusion” to the diversity requirements of a club. The provision now reads: “Each club or Rotaract club shall endeavor to build a well-balanced membership that celebrates diversity, equity, and inclusion. No club or Rotaract club, regardless of when it joined RI, may in any way limit membership due to gender, race, color, creed, national origin, or sexual orientation, or impose any membership condition not specifically allowed by the RI constitution or bylaws.”

Any membership provision or condition in conflict with this section is null, void, and without effect. To modernize and streamline the RI Constitution without making any substantive changes

22-12 from Sweden, Brazil, and United States, FAILED 135 - 340

To remove the prohibition on dual membership.

This requirement limits Rotarian from being active members of two clubs simultaneous. Members can be an active member of one club and an honorary member of another club but may not hold an active membership in two club.

The proposed enactment was overwhelmingly defeated. Therefore, “dual membership” is still prohibited.

22-13 from United States, adopted 402 - 75

To remove the requirement that club members must work or reside in the locality of the club.

Rotary’s Constitution and the Standard Club Constitution has, until now, required that club members have their business or residence in the locality of the club. This requirement limited, not expanded membership. E clubs and Passport clubs have no such requirement. With advancement of technology and increased use of virtual meetings, this requirement unnecessarily limited the efforts of clubs to grow and be diverse, equitable, and inclusive. This enactment deleted the locality requirement.

22-14 from Brazil, adopted 329 - 151

To allow active club members to propose prospective members in any club, not just their own.

This enactment takes advantage of the extensive network of friendships and business relationships many Rotarians have in other communities and countries. The enactment will increase membership in Rotary. The host club, of course, would still have to become acquainted with the prospective member and decide whether to extend a membership invitation

22-15 from Canada and USA, adopted 308 - 160

Amends the provisions for membership in a satellite club.

Removes the restriction that a member of a satellite club may only be a member of the host Rotary club. Implementation of this enactment will require RI to make changes to legacy data systems as well as membership accounting systems. The financial impact on RI cannot be determined at this time.

22-18 from the RI Boards of Directors, adopted 393 - 79

To state that Rotaractors may be members of RI committees.

Allows Rotaractors to apply for and be eligible to serve on any RI (Board) committee. Currently, only Rotarians were eligible.

22-20 From the RI Board of Directors, adopted as amended 413 – 71

To revise the timeline for election of the RI president and board of directors.

This enactment moves up the deadline dates for the process of the election of the RI president and board of directors in order that the results are known earlier.

22-21 From the RI Board of Directors, adopted 280 – 208

To amend the qualifications for director and membership on the director nominating committee.

This enactment removes the requirement for a candidate for the RI Board to have attended at least two Rotary Institutes and one convention in the 3 year

period before being proposed, and also removes the requirement for members of the nominating committee to have attended at least two Rotary Institutes and one convention in the three years before serving, in order to help expand the number of potential candidates for the two positions.

22-27 from the RI Board of Directors, adopted 295 - 164

Amends the Bylaws to permit the Board to remove past officer status from an individual who served as past officer.

This enactment proposed that “The board, for cause, may remove a Rotarian’s past officer status even though he or she served as a past officer. A Rotarian who has been determined by the board to no longer be considered to be a past RI officer shall not be eligible to serve in any office referenced in these bylaws for which serving as a past officer is required. Prior to the board taking this action, the Rotarian shall be given an opportunity ‘for a hearing’ to provide reasons as to why this action should not be taken.” (I want to simplify the wording in line 3, yet feel obligated to keep the original text).

The proposed enactment generated considerable discussion regarding the past officer’s opportunity to present information on his own behalf, so the phrase ‘for a hearing’ was added.

Grounds for determining that past officer status may be removed may include, but are not limited to, a finding that the past officer has been involved in criminal activity, financial malfeasance, fraud, harassment, election interference and has acted in a manner inconsistent with the Rotarian Code of Conduct.

A two-thirds vote of the entire Board is required to remove the individual’s past officer status.

22-32 by the General Counsel of RIBI, England, adopted 423 - 43

To change the titles of the “president and president elect” of RIBI.

This enactment amended the Constitution of Rotary International to change the titles of senior leadership of RIBI from president and president elect, to chair and chair-elect.

22-34 and 22-35 from Brazil, Japan, Chile Spain, and Argentina

22-34 failed 206 - 287

22-35 failed 119 - 369

If either enactment had been adopted, subscriptions to the Rotary Magazine would have either been electronic by default (hard copy would need to be requested) OR subscription would have been voluntary.

Both proposed enactments received lively debate, but in the end, both failed. Therefore, the Rotary Magazine subscription remains mandatory.

22-37 from District 4652, Brazil, FAILED 144 – 344

To remove provisions regarding the admission fee from the RI Bylaws.

This enactment sought to delete the admission fee charged for the membership of a new Rotary or Rotaract club. Currently, the fee is \$15 per charter member. This proposal was soundly rejected by the delegates, and debate noted that these admission fees offset significant administrative costs at the RI level. Eliminating the admission fee would have had an adverse fiscal impact of approximately \$320,000 per year.

22-38 from District 4590, Brazil, adopted 352-180

To authorize the Board to suspend or terminate a club or Rotaract club for initiating litigation against a district

This enactment modifies Article 3 Section 3.020 of Rotary International's Bylaws extending the club termination clause beyond Rotary International and The Rotary Foundation to include districts for clubs and club members who initiate and maintain litigation without first exhausting all remedies in the constitutional documents.

22-39 To amend the provisions regarding RI committees Proposed by the RI Board of Directors, adopted 376-104

This enactment simplified the organizational structure of Rotary International's committees by reducing the number of standing committees and allowing for flexibility in the administration of Rotary International.

22-46 from the RI Board, adopted 285 - 205

To increase per capita dues.

This enactment sought to increase RI dues per half year to:

\$35.50 in 2022-2023

\$36.50 in 2023-2024

\$37.50 in 2024-2025; and

\$38.50 in 2025-2026

As with any changes in the RI dues structures, significant opposition was made from areas throughout the RI world, especially among India, Africa, Brazil and the Caribbean. The opposition was primarily two-fold: (1) that the increased amounts were unaffordable to Rotarians in those areas; and (2) the increases would not be necessary if RI reduced its operational expenses.

This proposal followed the presentation of the 5-year financial forecast, required by RI's Bylaws to be provided to the COL. This forecast showed that absent dues increase of this magnitude, RI's operational finances would fall into deficit against its revenues and would substantially fall below the Board's self-imposed requirement that it maintain an operational reserve of 55% of its annual expenditures.

A full discussion of that financial forecast is beyond the scope of this note. We expect Zone leadership to make a detailed presentation on this financial forecast in due course, and this COL delegate (Ken Howell from D5400) highly recommends that the reader attend any presentation of the forecast to gain an understanding of RI's financial condition. While RI remains solvent, the financial impact of declining membership, inflation, and the cost of operations including personnel salaries in order to attract and retain competent staff is a constant challenge.

A final note to the reader regarding the financial forecast: the RI Board noted that among the assumptions of the financial forecast is that membership will remain at 1.16 million Rotarians, and that inflation will not exceed 3%. Adverse variances in these assumptions will obviously impact the expected benefit of these increases. There are many other assumptions included in the forecast, not all of which were discussed at the 2022 COL.

Overall, the approved increases in RI Dues represent an \$11 increase from current dues once they become fully effective in FY 2025-2026.

22-52 from Board of Directors, adopted 357 - 102

To amend the provisions in the Bylaws regarding the Audit Committee and audited financial statements.

The board and TRF trustees shall appoint an audit committee with members who shall be independent and financially literate. The general secretary shall publish the audited financial statements and accompanying notes and supplemental schedules (if any), as well as an annual report no later than 31 December after the fiscal year end. The general secretary shall also report by individual office all expenses reimbursed to, and all payments made on behalf of each trustee. This enactment seeks to maintain authority and independence of the Audit Committee and amends the language to conform with current practices for reporting audited financial reports in accordance with accepted financial principles.

22-53 from Norway and Sweden, required a 2/3 Majority, adopted 432 - 32

To Amend the CONSTITUTION of Rotary International as follows:

This proposed Enactment was intended to amend the Constitution of Rotary International to ensure that the RI Convention should not be used as the sole forum for financial reports and vital information regarding special conditions under which expenditures have been made from the Reserve. The phrase, **and council on legislation**, was added to Line 12, Section 2, of Article 6 Board of Directors.

The proposer stated that the Council on Legislation should be the forum for debate regarding fiscal matters. One Representative spoke in favor and believed that the amendment to Article 6, Section 2, will increase fiscal transparency. No one spoke against the proposed Enactment.

Now, reports for those special situations will be available for deliberations at the RI Convention and the Council on Legislation.

22-54 from District 3640 Korea - adopted as part of the COL Consent Agenda

To publish the RI budget and annual report on the Rotary website.

Current RI Bylaws require that the RI budget be published by September 30 of each year so as to bring it to the attention of all Rotary and Rotaract clubs. The Bylaws also state that the audited financial report shall be published no later than December 31 after the end of the fiscal year. The bylaws are unclear on how the RI budget and audited financial reports are accessed by clubs and

their members. This enactment specifies that the budget and the annual report be published on the RI website to as to be available to all Rotary and Rotaract clubs.

In the period from November 15, 2021, through December 31, 2021, thirty-nine proposed enactments, including 22-54, were made available for vetting by the representatives to the Council on Legislation. Any enactment receiving more than 419 votes for support were placed on the consent agenda for the 2022 COL.

During the vetting process, proposed Enactment 22-54 received 433 votes of support and 41 votes of opposition. The enactment was placed on the consent agenda which was approved by the representatives to the COL on Sunday, April 10.

22-56 from Japan, adopted 400 - 65

To amend how districts may propose legislation and resolutions.

This enactment modified the RI Constitution to include a “district” as an entity that may propose an enactment or resolution.

Prior wording included “Amendments to this constitution may be proposed only by a club, a district **conference**, by the general council or by the conference in RI Great Britain and Ireland, by the council on legislation, or by the board in accordance with the procedures contained in the bylaws.”

Deleting the word **conference** is significant, in that a district may now directly propose legislation and resolutions

22-57 from Japan, adopted 255 - 216

This enactment was proposed to limit the Urgent Enactment changes to those occurring only since the latest COL.

(Historical note: After the Council on Resolutions was created, a previous Council on Legislation enacted a provision which said that if an “urgent matter” arose between councils on *legislation*, the Council on *Resolutions* could act on it in the interim. The 2019 Council on Legislation enacted a provision severely restricting the number of board members who could attend the council on legislation. This was intended to be a cost saving matter. After that provision was adopted, however, the board proposed an “urgent enactment “to the next

Council on Resolutions effectively repealing the new rule before it could come into effect.)

THE ENACTMENT PASSES BY A NARROW MARGIN, WITH 255 YES VOTES AGAINST 216 NO VOTES

22-59 from Japan, adopted 258 - 217

To modify the time the board has to submit position statements to the council.

This enactment amended the time for RI Board to submit position statements from any time up until the council adjourns, to by December 31 before the council convenes.

22-61 from the RI Board of Directors, adopted as part of the COL Consent Agenda

Eliminate inconsistencies in the RI Bylaws

This enactment eliminates unintended inconsistencies in dates and processes for nominations and elections of Directors and District Governors arising from the 2019 COL, which made non-substantive changes to the Rotary Bylaws. This enactment was adopted on the Consent Agenda because it received favorable votes by more than 80% of the Council representatives during the vetting process preceding the COL.

22-69 from Japan [as amended], adopted 329 - 144

To provide district governors are notified of actions taken on adopted resolutions.

This enactment proposed to add to the Bylaws of RI that “within one year of the conclusion of the council on resolutions, the board shall notify all governors of any board action taken in regard to resolutions adopted by the council.” This language had been removed from the constitution by the 2016 COL. The enactment in essence proposed reinstating the notification requirement by inserting it into the RI bylaws, arguing that otherwise the board could indefinitely delay its review of adopted resolutions or fail to notify the governors of any action on such resolutions. Little substantive debate was offered on this proposal at the 2022 COL, but based on the vote totals, the delegates expressed no material opposition to the notification requirements. Accordingly,

the RI board must now, within 1 year of the conclusion of the COR, notify governors of any action they took regarding resolutions adopted by the COR.

22-70 from the RI Board of directors, adopted 424 - 52

To modernize and streamline the RI Constitution without making any substantive changes.

This enactment streamlined language in articles 42-13. This is in essence a “clean up” enactment to improve clarity and readability of the Constitution.

22-71 from RI Board and Australia, adopted 324 - 150

To Amend the BYLAWS to provide for 6-year pilot projects within RIBI or a zone that includes Australia, New Zealand, and Pacific Island nations in Rotary Zone 8.

The pilot programs will test new ways to provide localized support and regional governance structures in a vast geographic area with declining membership over the last decade. Structures at the club level will remain constant. Changes will occur for district and zone structure and support. Details for evaluation and criteria for success need to be defined.

Assurances were made that the pilot programs would be for the specified areas only not for all Rotary clubs, districts, and zones. Financial impact in Australia and New Zealand is US\$110,000 each year for 3 years to be used for regionalized support structure, technology, and temporary staff support.

(Note: The enactment listed only the cost for Australia and New Zealand at US\$110,000 each year for 3 years, however, it stands to reason that an equal amount would be allocated for RIBI. Yet, this language was not included in the Financial Impact section. The total of \$660,000 should have been an eye-opener in relation to the dues-increase and 3-year budget forecast. Yet, no opposition speakers included this detail in their comments)

22-72 from District 2780, Japan, adopted 247 - 234

To revise the criteria for changing district boundaries.

This enactment seeks to set the number of clubs at no less than 20 clubs in a district and the number of members at no less than 1,100. These criteria will be used to determine any change in district boundaries before merging districts with adjacent districts. It also seeks to divide any district with more than 100 clubs or 5,400 Rotarians into 2 districts. Setting these criteria gives the RI board more flexibility to keep districts at an appropriate size.

22-78 District 5550 Canada, adopted 249-219

To amend the Avenues of Service to include positive peace.

This enactment adds positive peace to the descriptions of the Avenues of Community Service, International Service and Youth Service as noted below.

- Community Service, the Third Avenue of Service, comprises varied efforts that members make, sometimes in conjunction with others, to improve the quality of life of those who live within this club's locality or municipality by striving for positive peace in the community.
- International Service, the fourth Avenue of Service, comprises those activities that members do to advance international understanding, goodwill, and positive peace by fostering acquaintance with people of other countries, their cultures, customs, accomplishments, aspirations, and problems, through reading and correspondence and through cooperation in all club activities and projects designed to help people in other lands.
- Youth Service, the Fifth Avenue of Service, recognizes the positive change implemented by youth and young adults through leadership development activities, involvement in community and international service projects, and exchange programs that enrich and foster positive world peace and cultural understanding.

Rotary's first area of focus is promoting peace. However, the concept of "peace" has not been defined. It needs to be clarified and enhanced. Peace is much more than the absence of violence. Positive peace is described by Rotary's partner, the Institute for Economics and Peace (<https://www.economicsandpeace.org>) as the attitudes, institutions, and structures that create and sustain peaceful societies which include a sound business environment, equitable distribution of resources, free flow of

information, high levels of human capital, acceptance of the rights of others, and low levels of corruption. These same factors lead to many other positive outcomes that society feels are important and that create an optimum environment for human potential to flourish. Providing a definition of peace permits objective measurement of community positive peace outcomes using community created indices guided by the example of the Positive Peace Index for countries.

Enactment 22-78 was the only one of six proposed enactments related to the Avenues of Service and Code of Conduct adopted by the COL

22-84 from Germany, adopted as part of the COL Consent Agenda

To allow Rotaractors to attend Rotary club meetings.

The purpose of this enactment is to amend the By-laws of Rotary International as stated in Article 4.090 that Rotarians and Rotaractors may attend a meeting of other Rotary clubs. The original Article limited attendance to Rotarians.

22-85 from Clubs in Japan and the US, adopted 319 - 162

Remove the requirement in the RI Bylaws that Clubs submit an attendance report monthly to the District Governor

Following the adoption of enactments at the 2016 and 2019 COLs, each club may now establish its own attendance requirements in its constitution and bylaws. In addition, the Standard Rotary Club Constitution allows a member to make up an absence within the same Rotary year in multiple ways. Given the flexibility clubs have in determining when to meet, attendance requirements, and the manner of make-ups, it is virtually impossible to establish a standard attendance report and it is increasingly difficult and time consuming to track attendance. The COL voted to remove the monthly attendance report from the RI Bylaws. District Governors, as a matter of discretion, may ask for attendance reports from clubs in their district, however.

22-88 and 22-89 from India and Japan respectively

22-88 failed 67 - 405

22-89 failed 47 - 425

Both enactments proposed to prevent clubs from providing attendance exceptions in their club bylaws.

After very little debate, both enactments failed. Therefore, clubs MAY provide for attendance exceptions in their bylaws.

22-92 from Taiwan, adopted 233 - 229

To revise the process for approving excused absences.

This enactment dropped the requirement of board approval for the Rule of 85.

Therefore if the sum of the member's age and years of membership in one of more clubs is 85 years or more, and the member has been a Rotarian for at least 20 years, the member may notify the club secretary in writing of a desire to be excused from attendance, and ~~the board has approved~~ only these requirements are taken into consideration.

- **compiled COL22 Delegate, PDG Steven Lingenbrink**