

Overview of Legislation Adopted By the Special General Conference

(<http://wesleyancovenant.org/2019/03/11/overview-of-legislation-adopted-by-the-special-general-conference/>)

By Keith Boyette

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United Methodist bishops hold hands in prayer during a day of prayer for the 2019 United Methodist General Conference in St. Louis. Photo by Mike DuBose, UMNS

In the aftermath of the 2019 special General Conference, there has been a great deal of misinformation communicated concerning what legislation was adopted and its current status.

Teachings on Definition of Marriage, Ordination Standards and Sexual Ethics Upheld

First, by its rejection of the One Church Plan by a vote of 436 (53 percent) to 386 (47 percent) during the Legislative Committee on Monday, February 25 (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf) at p. 459), and by a vote of 449 (55 percent) to 374 (45 percent) during the final session of the General Conference on Tuesday, February 26 (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf) at p. 493), the UM Church's teachings on the definition of marriage, ordination standards, and sexual ethics remain as currently stated in the 2016 *Book of Discipline*. This action of the special General Conference is not under review by the Judicial Council, the denomination's Supreme Court.

Traditional Plan Adopted as Amended

On Tuesday, February 26, the special General Conference adopted petitions 90032 – 90040 and 90042 – 90047 of the Traditional Plan by a vote of 438 (53 percent) to 384 (47 percent). (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf) at p. 515). A motion was then adopted by a vote of 405 to 395 requesting a “declaratory decision from the Judicial Council on the constitutionality, meaning, application, and effect of the Traditional Plan as amended, pursuant to ¶ 2609.1 of *The Book of Discipline*” (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf) at pp. 519, 523). The Judicial Council will issue a declaratory decision during its April 2019 session (April 23-26 in Evanston, Illinois).

The Judicial Council had previously ruled on the constitutionality of these petitions on two prior occasions. First, in Decision 1366 ([http://cdnfiles.umc.org/Website_Properties/JCD_1366_\(Docket_No._1018-12\).pdf](http://cdnfiles.umc.org/Website_Properties/JCD_1366_(Docket_No._1018-12).pdf)), the Judicial Council reviewed the constitutionality of these petitions at the request of the Council of

Bishops. Second, in Decision 1377 (<http://www.umc.org/decisions/79321>), the Judicial Council reviewed the constitutionality of these petitions at the request of the Legislative Committee of the special General Conference.

Pursuant to ¶ 508 of the *Discipline*, those portions of the Amended Traditional Plan declared constitutional by the Judicial Council will be effective on January 1, 2020.

Importantly, certain of the Traditional Plan petitions adopted by the special General Conference have already been declared constitutional by the Judicial Council in Decisions 1366 and 1377, and will go into effect on January 1, 2020:

90032 (<http://wesleyan covenant.org/petition-90032-2/>) (expanding the definition of self-avowed, practicing homosexual)

90036 (<http://wesleyan covenant.org/petition-90036-2/>) (prohibiting bishops from consecrating as a bishop a person who is a self-avowed, practicing homosexual, or from commissioning or ordaining a person the Board of Ordained Ministry has determined is a self-avowed, practicing homosexual or fails to carry out the disciplinary mandated examination)

90042 (<http://wesleyan covenant.org/petition-90042-2/>) (establishing minimum penalties for performing a homosexual or same-sex wedding ceremony)

90043 (<http://wesleyan covenant.org/petition-90043-2/>) (prohibiting the Board of Ordained Ministry from approving or recommending any person for candidacy, licensing, or ordination who does not meet qualifications for ministry based on full examination and thorough inquiry, and requires the bishop to rule any unqualified candidate out of order and not eligible to be acted upon by the clergy session)

90045 (<http://wesleyan covenant.org/petition-90045-2/>) (requires a just resolution to state all identified harms and how they shall be addressed)

90046 (<http://wesleyan covenant.org/petition-90046-2/>) (requires the complainant to be a party to the just resolution process and that every effort be made to have the complainant agree to any resolution before it takes effect)

90047 (<http://wesleyan covenant.org/petition-90047-2/>) (grants the church right of appeal based on egregious errors of church law or administration)

Additionally, the special General Conference adopted an amended petition 90037 (<http://wesleyan covenant.org/petition-90037-2/>) (requiring that persons nominated to boards of ordained ministry certify he or she will uphold, enforce and maintain the *Discipline* in its entirety, including but not limited to all qualifications for ordination) addressing constitutional issues identified in Decisions 1366 and 1377. This amended petition should be held constitutional in April 2019 and go into effect on January 1, 2020.

The special General Conference adopted several petitions that had previously been held unconstitutional in Decisions 1366 and 1377. Amendments were ready to be offered to address the constitutional defects, but parliamentary maneuvering by those who opposed the Traditional Plan prevented presentation of those amendments. Thus, the following petitions, adopted by the special General Conference, are likely to be held unconstitutional by the Judicial Council:

90033 (<http://wesleyan covenant.org/petition-90033-2/>) (provides process by which the Council of Bishops places a bishop in the retired relationship with or without their consent – no right of appeal provided)

90034 (<http://wesleyancovenant.org/petition-90034-2/>) (provides process by which the Council of Bishops places a bishop in an involuntary leave status – no right of appeal provided)

90035 (<http://wesleyancovenant.org/petition-90035-2/>) (provided a process for accountability for bishops through the Council of Bishops; constitutional issue – no right of appeal provided)

90038 (<http://wesleyancovenant.org/petition-90038-2/>) (requires Board of Ordained Ministry to conduct an examination to ascertain whether an individual is a practicing homosexual and certify that the examination has occurred; prohibits recommendation of an individual to clergy session if it is determined that the individual is a practicing homosexual)

90039 (<http://wesleyancovenant.org/petition-90039-2/>) and 90040 (<http://wesleyancovenant.org/petition-90040-2/>) (requires annual conference to certify that the bishop nominates only persons to Board of Ordained Ministry who upholds, enforces, and maintains the *Discipline* related to ordination and marriage of practicing homosexuals, and imposes consequences for failing to do so)

Petitions 90041 (ADCA (http://cdnfiles.umc.org/Website_Properties/general-conference/2019/documents/general-conference-2019-adca-english.pdf) at p. 186) and 90048 (ADCA (http://cdnfiles.umc.org/Website_Properties/general-conference/2019/documents/general-conference-2019-adca-english.pdf) at p. 195) were not adopted by the special General Conference (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022619-DCA-V2-N4-pg377-424.pdf) at p. 387).

Exit Ramp for Local Churches

On Tuesday, February 26, the special General Conference also adopted by a vote of 420 (52 percent) to 390 (48 percent) (DCA (http://s3.amazonaws.com/Website_Properties/general-conference/2019/DCAs/022719-DCA-V2-N4-pg425-528-ENGLISH.pdf) at p. 523) legislation providing an exit ramp for local churches. The legislation was “effective as of the close of the 2019 General Conference.”

As adopted, a new ¶ 2553 was added to the *Book of Discipline* as follows:

¶ 2553. Disaffiliation of a Local Church over Issues Related to Human Sexuality.

1. Basis—Because of the current deep conflict within The United Methodist Church around issues of human sexuality, a local church shall have a limited right, under the provisions of this paragraph, to disaffiliate from the denomination for reasons of conscience regarding a change in the requirements and provisions of the Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the actions or inactions of its annual conference related to these issues which follow.
2. Time Limits—The choice by a local church to disaffiliate with The United Methodist Church under this paragraph shall be made in sufficient time for the process for exiting the denomination to be complete prior to December 31, 2023. The provisions of ¶ 2553 expire on December 31, 2023 and shall not be used after that date.
3. Decision Making Process—The church conference shall be conducted in accordance with ¶ 248 and shall be held within one hundred twenty (120) days after the district superintendent calls for the church conference. In addition to the provisions of ¶ 246.8, special attention shall be made to give broad notice to the full professing membership of the local church regarding the time and place of a church conference called for this purpose and to use all means necessary, including electronic communication where possible, to communicate. The decision to disaffiliate from The United Methodist Church must be approved by a two-thirds (2/3) majority vote of the professing members of the local church present at the church conference.

4. Process following decision to disaffiliate from The United Methodist Church—If the church conference votes to disaffiliate from The United Methodist Church, the terms and conditions for that disaffiliation shall be established by the board of trustees of the applicable annual conference, with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor. The terms and conditions, including the effective date of disaffiliation, shall be memorialized in a binding Disaffiliation Agreement between the annual conference and the trustees of the local church, acting on behalf of the members. That agreement must be consistent with the following provisions:
5. a) Standard Terms of the Disaffiliation Agreement. The General Council on Finance and Administration shall develop a standard form for Disaffiliation Agreements under this paragraph to protect The United Methodist Church as set forth in ¶ 807.9. The agreement shall include a recognition of the validity and applicability of ¶ 2501, notwithstanding the release of property therefrom. Annual conferences may develop additional standard terms that are not inconsistent with the standard form of this paragraph.
6. b) Apportionments. The local church shall pay any unpaid apportionments for the 12 months prior to disaffiliation, as well as an additional 12 months of apportionments.
7. c) Property. A disaffiliating local church shall have the right to retain its real and personal, tangible and intangible property. All transfers of property shall be made prior to disaffiliation. All costs for transfer of title or other legal work shall be borne by the disaffiliating local church.
8. d) Pension Liabilities. The local church shall contribute withdrawal liability in an amount equal to its pro rata share of any aggregate unfunded pension obligations to the annual conference. The General Board of Pension and Health Benefits shall determine the aggregate funding obligations of the annual conference using market factors similar to a commercial annuity provider, from which the annual conference will determine the local church's share.
9. e) Other Liabilities. The local church shall satisfy all other debts, loans, and liabilities, or assign and transfer them to its new entity, prior to disaffiliation.
10. f) Payment Terms. Payment shall occur prior to the effective date of departure.
11. g) Disaffiliating Churches Continuing as Plan Sponsors of the General Board of Pension and Health Benefits Plans. The United Methodist Church believes that a local church disaffiliating under ¶ 2553 shall continue to share common religious bonds and convictions with The United Methodist Church based on shared Wesleyan theology and tradition and Methodist roots, unless the local church expressly resolves to the contrary. As such, a local church disaffiliating under ¶ 2553 shall continue to be eligible to sponsor voluntary employee benefit plans through the General Board of Pension and Health Benefits under ¶ 1504.2, subject to the applicable terms and conditions of the plans.
12. h) Once the disaffiliating local church has reimbursed the applicable annual conference for all funds due under the agreement, and provided that there are no other outstanding liabilities or claims against The United Methodist Church as a result of the disaffiliation, in consideration of the provisions of this paragraph, the applicable annual conference shall release any claims that it may have under ¶ 2501 and other paragraphs of The Book of Discipline of The United Methodist Church commonly referred to as the trust clause, or under the agreement.

The Council of Bishops has asked the Judicial Council to rule on the constitutionality of this legislation. The Judicial Council will rule on the legislation's constitutionality during the session held in Evanston, Illinois, from April 23-26, 2019.

What Now?

The exit ramp for local churches is effective as of February 26, 2019; however, because its constitutionality will be reviewed by the Judicial Council during its session from April 23-28, 2019, churches will not be able to exit under its provisions until the Judicial Council rules.

Many important provisions of the Traditional Plan adopted by the special General Conference have already been found constitutional and will go into effect on January 1, 2020. The remaining provisions of the Traditional Plan adopted will be reviewed by the Judicial Council during its

April 23-26 session.

The teachings of the UM Church on the definition of marriage, ordination standards, and sexual ethics remain as they were before the special General Conference.

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