

# General Conference 2019 Legislation Fact Sheet

This is a brief summary of legislation passed during the 2019 General Conference special session in St. Louis.

## Wespath petitions

Two petitions dealt with pensions for clergy, particularly if churches or clergy choose to leave the denomination. Because we received so many questions from clergy during the conference on this subject, a little more detail is provided here, thanks to Lisa Drew, the communications director for Wespath.

### Petition 90016 — Protecting annual conferences

- The conference is legally responsible for promised long-term pension payments.
- The conference must determine a proportional fair-share payment amount for any local church that exits the denomination.
- A local church that exits may owe other payments to the annual conference. Besides the addressed pension liabilities, these include, but are not limited to, retiree medical liabilities, loans and repayment of grants.
- Wespath is permitted under the Discipline to manage funds and services for non-UMC churches that share “common bonds and convictions,” so churches that choose to leave the denomination still may seek services from Wespath.

### Petition 09917 — Clergy Benefits

- Clergy who choose to leave the UMC will not lose pension benefits they have earned, but the form of retirement benefits will change.
  - Benefits earned to date from the defined benefit plan will be converted at the point of departure to an equivalent individual account balance, such as an IRA or 401k kind of program in Wespath’s defined contribution plan.
  - The clergy participant will not receive monthly payments at retirement. Instead, he or she would access the full account balance at any time.
  - Account balances have the opportunity to grow over time through investment returns and are portable.
- Benefits for clergy who remain in the UMC will continue as usual.

## Central Conferences Timeline

### Petition 90015 — Central Conferences Implementation

Some concern for Central Conferences regarding implementation of Discipline changes resulted in a petition to change the normal timelines of implementation of 12 months to 18 months. This allowed for time for Central Conferences to meet, translate the legislation and consider whether they wanted to make adaptations. This was primarily an issue if the One Church Plan or Connectional Conference Plan had passed.

## **The Traditional Plan**

This plan was passed by the General Conference as a group of petitions bundled together. It is under review by the Judicial Council because that body previously had ruled parts of the plan in violation of the UMC Constitution in the Book of Discipline. Petitions previously ruled unconstitutional are noted as such below. Individual petitions (changes to particular paragraphs in the Discipline) could be ruled still to be unconstitutional, so some petitions may take effect and others may not. The Judicial Council ruling is not expected until its meeting in April. Implementation is Jan. 1, 2020. Individual petitions (passed in that bundle of legislation) are listed below:

### **Petition 90032** — Definition and Identification

Changed ¶304.3 to add to the definition of a “self-avowed, practicing homosexual” to include a person “living in a same-sex marriage, domestic partnership or civil union, or is a person who publicly states he or she is a practicing homosexual.”

### **Petition 90033** — Episcopal Accountability (previously ruled unconstitutional)

Would add ¶408.3c to allow a bishop to be placed into retirement on a majority vote, if recommended by the Council of Bishops relations committee. The Judicial Council previously ruled this violated ¶20 (right of clergy to trial before the church) and ¶58 (right of clergy to trial by committee and appeal).

### **Petition 90034** — Episcopal Accountability (previously ruled unconstitutional)

Would add ¶410.5a-c to place bishops on involuntary leaves of absence by majority vote if recommended by the Council of Bishops relations committee. The Judicial Council previously ruled this violated ¶20 (right of clergy to trial before the church) and ¶58 (right of clergy to trial by committee and appeal).

### **Petition 90035** — Episcopal Accountability (previously ruled unconstitutional)

Would add ¶422.5-6 to establish a Council of Bishops relations committee to, among other duties, hear accusations of any bishop who is unwilling to certify that he or she is willing to uphold, enforce and maintain the Book of Discipline, relative to self-avowed, practicing homosexuals. The Judicial Council previously ruled this violated ¶20 (right of clergy to trial before the church) and ¶58 (right of clergy to trial by committee and appeal).

### **Petition 90036** — Episcopal Responsibility

Adds to ¶415.6 to prohibit bishops from consecrating other bishops who are self-avowed homosexuals even if they have been elected. Bishops also are prohibited from commissioning or ordaining deacons or elders if the Board of Ordained Ministry has determined the individual is a self-avowed, practicing homosexual.

### **Petition 90037** — Composition of the Board of Ordained Ministry (previously ruled unconstitutional)

An amendment from the floor was made in an attempt to make this constitutional. It would amend ¶635.1a to require all persons nominated by the bishop for membership on the Board

of Ordained Ministry to certify he or she will uphold, enforce and maintain the Discipline. It also would require bishops to nominate only individuals who will uphold, enforce and maintain the Discipline. Originally, the petition focused on the certifications to the commissioning, ordination and marriage of self-avowed, practicing homosexuals. Previous Judicial Council rulings stated this violated the principle of legality, which means “all individuals and entities are equally bound by church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of church law at all levels of the connection.”

**Petition 90038** — Full Examination (previously ruled unconstitutional)

This would add to ¶635.2h to require the Board of Ordained Ministry to ascertain whether a person is a practicing homosexual, including examination of their social media accounts. If the candidate is determined to fit that criteria, then he or she is not to be recommended to the clergy session for ordination or commissioning. Previous Judicial Council rulings stated this violated the principle of legality, which means “all individuals and entities are equally bound by church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of church law at all levels of the connection.”

**Petition 90039** — Composition of the Board of Ordained Ministry (previously ruled unconstitutional)

This would amend ¶806.9 to require annual conferences to certify that the bishop has nominated to the Board of Ordained Ministry only people who will uphold, enforce and maintain the Discipline as it relates to ordination and marriage of practicing homosexuals. Previous Judicial Council rulings stated this violated the principle of legality, which means “all individuals and entities are equally bound by church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of church law at all levels of the connection.”

**Petition 90040** — Composition of the Board of Ordained Ministry (previously ruled unconstitutional)

This would amend ¶613.19 to require every annual conference to certify that the bishop has nominated to the Board of Ordained Ministry only people who will uphold, enforce and maintain the Discipline as it relates to ordination and marriage of practicing homosexuals. Failure to do so would result in withholding all UMC funds and would prohibit the annual conference from using the denomination’s cross-and-flame logo. Previous Judicial Council rulings stated this violated the principle of legality, which means “all individuals and entities are equally bound by church law, which shall be applied fairly and without regard to race, color, national origin, status, or economic condition. It forbids selective or partial enforcement of church law at all levels of the connection.”

**Petition 90042** — Minimum Penalties

This amends ¶2711.3 to include minimum penalties for clergy who are convicted at a church trial of conducting ceremonies that celebrate homosexual unions or perform same-gender

weddings. A first offense results in a minimum one-year suspension without pay. A second offense results in termination of conference membership and revocation of credentials of licensing, ordination or consecration.

**Petition 90043** — Qualifications for Ministry

This amends ¶304.5 to prohibit the District Committee on Ministry and the Board of Ordained Ministry to approve or recommend persons who do not meet the qualifications after full examination.

**Petition 90044** — Complaint Process

This amends ¶362.1e and P413.3d to state bishops can only dismiss a complaint if it has no basis in law, and the reason for dismissal is shared with the complainant.

**Petition 90045** — Just Resolution (one sentence previously ruled unconstitutional)

This amends ¶362.1, ¶413.3c, ¶2701.5 and ¶2706.5.c.3 to require just resolutions to state all identified harms and how they shall be addressed by the church and other parts to the complaint. The Judicial Council previously had ruled as unconstitutional the next sentence, which requires a commitment not to repeat the action or actions that were in violation.

**Petition 90046** — Just Resolution

This amends ¶362.1c, ¶413.3c, ¶2701.5 and ¶2606.5.c.3 by adding a sentence to all four paragraphs that the complainant “shall be a party to the resolution process and every effort shall be made to have the complainant agree to the resolution before it may take effect.”

**Petition 90047** — Church Appeal

This amends ¶2715.10 to give the church a right to appeal the findings of a church trial court based on egregious errors of church law or administration that could have reasonably affected the findings of the court.

## **Disaffiliation**

**Petition 90066** — Gracious Exit (previously ruled unconstitutional)

A minority report was amendment and passed in an attempt to make this constitutional. It would add ¶2553 to provide what supporters consider a streamlined process for disaffiliation over issues related to human sexuality. The petition previously had been ruled unconstitutional because it omitted the annual conference as the body to ratify a local church vote to change affiliations. The revision changes the terms and conditions from being determined by the bishop to being determined by the annual conference’s Board of Trustees, with the advice of the cabinet, annual conference treasurer, benefits officer, director of connectional ministries and chancellor. The amended version also removed a provision that would have required grants received within five years of disaffiliation to be repaid.