

1 **OVERTURE 25** from Houston Metro Presbytery (to CCB, OC)
2 “Amend *BCO* 15-1 and 15-3 to Clarify Role of Presbytery Commission”
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4 **Be it resolved** that *BCO* 15-1 and 15-3 be amended as follows (strike-through for deletions,
5 underlining for new wording):
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7 **15-1.** A commission differs from an ordinary committee in that while a
8 committee is appointed to examine, consider and report, a commission is
9 authorized to deliberate upon and conclude the business referred to it, ~~except in~~
10 ~~the case of judicial commissions of a Presbytery appointed under *BCO* 15-3.~~ A
11 commission shall keep a full record of its proceedings, which shall be submitted
12 to the court appointing it. Upon such submission this record shall be entered
13 on the minutes of the court appointing, the date of the submission being the date
14 of “the meeting of the court” for the filing requirements of a complaint under
15 *BCO* 43-2., except in the case of a presbytery commission serving as a session
16 or a judicial commission as set forth in *BCO* 15-3. The effective date of
17 dismissal of a commission of session or presbytery shall be not before the time
18 allowed for the filing of a complaint or appeal against that commission’s
19 decision has expired. Any complaint or appeal so timely filed, shall be
20 adjudicated by that commission until the matter is settled by the highest court.
21 When a commission is appointed to serve as an interim Session, its actions are
22 the actions of a Session, not a Presbytery. Every commission of a Presbytery
23 or Session must submit complete minutes and a report of its activities at least
24 once annually to the court which commissioned it.
25

26 **15-3.** Presbytery as a whole may ~~try a judicial case within its jurisdiction~~
27 ~~(including the right to refer any strictly constitutional issue to a study committee~~
28 ~~with options listed below),~~ hear a case, with or without process (*BCO* 31-38), a
29 reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO* 40-5
30 proceeding, or a request to assume original jurisdiction (*BCO* 33-1) properly
31 before it, or it may of its own motion commit ~~any judicial~~ such a case to a
32 commission. Such a commission shall be appointed by the Presbytery from its
33 members other than members of the Session of the church from which the case
34 comes up. The commission shall try the case in the manner presented by the
35 Rules of Discipline and shall submit to the Presbytery a full statement of the
36 case and the judgment rendered. ~~The Presbytery without debate shall approve~~
37 ~~or disapprove of the judgment, or may refer, (a debatable motion), any strictly~~
38 ~~constitutional issue(s) to a study committee. In case of referral, the Presbytery~~
39 ~~shall either dismiss some or all of the specific charges raised in the case or~~
40 ~~decide the case only after the report of the study committee has been heard and~~
41 ~~discussed. If Presbytery approves, the~~ The judgment of the commission shall
42 be final and shall be entered on the minutes of Presbytery as the action the
43 decision of the Presbytery, and the statement of the case and judgment printed
44 in its minutes. If Presbytery disapproves, it shall hear the case as a whole, or
45 appoint a new commission to hear the case again.

1 So that *BCO* 15-1 and 15-3, as amended, would read:

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3 **15-1.** A commission differs from an ordinary committee in that while a
4 committee is appointed to examine, consider and report, a commission is
5 authorized to deliberate upon and conclude the business referred to it. A
6 commission shall keep a full record of its proceedings, which shall be submitted
7 to the court appointing it. Upon such submission this record shall be entered
8 on the minutes of the court appointing. The effective date of dismissal of a
9 commission of session or presbytery shall be not before the time allowed for
10 the filing of a complaint or appeal against that commission's decision has
11 expired. Any complaint or appeal so timely filed, shall be adjudicated by that
12 commission until the matter is settled by the highest court. When a commission
13 is appointed to serve as an interim Session, its actions are the actions of a
14 Session, not a Presbytery. Every commission of a Presbytery or Session must
15 submit complete minutes and a report of its activities at least once annually to
16 the court which commissioned it.

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19 **15-3.** Presbytery as a whole may hear a case, with or without process (*BCO* 31-
20 38), a reference (*BCO* 41), an appeal (*BCO* 42), a complaint (*BCO* 43), a *BCO*
21 40-5 proceeding, or a request to assume original jurisdiction (*BCO* 33-1)
22 properly before it, or it may of its own motion commit such a case to a
23 commission. Such a commission shall be appointed by the Presbytery from its
24 members other than members of the Session of the church from which the case
25 comes up. The commission shall try the case in the manner presented by the
26 Rules of Discipline and shall submit to the Presbytery a full statement of the
27 case and the judgment rendered. The judgment of the commission shall be the
28 decision of the Presbytery, and the statement of the case and judgment printed
29 in its minutes.

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32 **RATIONALE:**

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34 The current provision in *BCO* 15 that requires a Presbytery to ratify the decision of a judicial
35 commission formed under *BCO* 15-3 is an anomaly that has been a source of confusion and
36 misapplication by Presbyteries. Presbyteries have not infrequently violated the *BCO* 15-3
37 mandate to approve or disapprove of the commission's judgment "without debate."

38
39 *BCO* 15-3 creates an ecclesiastical commission that is unlike any other commission. The
40 actions of such a commission are not final and require ratification. This runs counter to the
41 entire purpose of a commission, which is to "deliberate upon and conclude the business
42 referred to it" (*BCO* 15-1). The amendment standardizes the work of all commissions,
43 regardless of the appointing court.

1 If a Presbytery wishes to have final approval in a judicial matter, it may still do so, by
2 appointing a judicial *committee* to conduct a trial and report back to the Presbytery.

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4 Because there can be confusion as to which entity should hear a complaint against the action
5 of a commission (whether judicial or otherwise), the amendment makes clear that an
6 ecclesiastical commission should not be dismissed before the time for a complaint has run
7 (*BCO* 43-1 and 43-2).

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9 *Adopted by Houston Metro Presbytery at its stated meeting, April 11, 2022*

10 *Attested by /s/ TE Lou Veiga, stated clerk*