

## **II. STANDING COMMITTEES OF THE COUNCIL**

### ***Pre-Council Report of the COMMITTEE for CONSTITUTION & CANONS to the 163rd Council***

<b>(Key to types of proposals)</b>	<b>(Proposals)</b>
<b>A - Constitutional proposals, 2nd reading:</b>	<b>None</b>
<b>B - Constitutional proposals, 1st reading:</b>	<b>B-1</b>
<b>C - Canonical proposals:</b>	<b>C-3</b>

**A. CONSTITUTIONAL AMENDMENTS**  
(Presented for second reading requiring 2/3rds majority approval from each Order)  
**NONE**

**B. CONSTITUTIONAL AMENDMENTS**  
(Presented for publication on first reading)

#### **Article 3 THE STANDING COMMITTEE**

#### **EXISTING:**

##### **Section 3.1      *Membership***

The Standing Committee shall consist of three Presbyters and three lay persons, at least 18 years of age, who are confirmed Communicants in good standing of the Church within the Diocese.

#### **PROPOSED:**

##### **Section 3.1      *Membership***

The Standing Committee shall consist of three ~~Presbyters~~ Clergy and three lay persons, at least 18 years of age, who are confirmed Communicants in good standing of the Church within the Diocese.

#### **IF AMENDED:**

##### **Section 3.1      *Membership***

The Standing Committee shall consist of three Clergy and three lay persons, at least 18 years of age, who are confirmed Communicants in good standing of the Church within the Diocese.

SUBMITTED BY: The Rev. Glenda Hardin, St. Stephen's Episcopal Church, Liberty, as requested by the Deacon Clericus

RATIONALE (by Rev. Hardin):

This section of the Constitution was adopted before the establishment of the Diaconate in the Diocese of Texas. This change would open membership on the Standing Committee to all ordained persons.

THE COMMITTEE PRESENTS THIS PROPOSAL FOR A FIRST READING WITHOUT RECOMMENDATION.

## C. CANONICAL AMENDMENTS

### Canon 2 THE DISPATCH OF BUSINESS FOR COUNCIL

#### EXISTING:

##### Section 2.1 *The Dispatch of Business*

(f) The Committee for Constitution and Canons shall consist of two members of the Clergy, two lay persons, and the chancellor, who shall be an *ex-officio* member. It shall be the duty of this Committee to receive every proposed change, alteration, or new Article of the Constitution or Canons of the Diocese, submitted to the secretary or chair of the Committee for Constitution and Canons by November 15th prior to the first business session of the Annual Council. It shall be the duty of this Committee to change the wording of such proposals to conform to the Constitution and Canons of the Diocese. It shall be the privilege of the Committee to evaluate these proposals and recommend their adoption or rejection. The action of this Committee will be printed in Volume I of the *Journal*.

#### PROPOSED:

##### Section 2.1 *The Dispatch of Business*

(f) The Committee for Constitution and Canons shall consist of two members of the Clergy, two lay persons, and the chancellor, who shall be an *ex-officio* member. It shall be the duty of this Committee to receive every proposed change, alteration, or new Article of the Constitution or Canons of the Diocese, submitted to the secretary or chair of the Committee for Constitution and Canons by November 15th prior to the first business session of the Annual Council. It shall be the duty of this Committee to change the wording of such proposals to conform to the Constitution and Canons of the Diocese. It shall be the duty of this Committee not to otherwise compose, prepare, or author proposals or parts of proposals presented to the Annual Council. The Committee shall offer no evaluative comment or recommendation on any proposal received. It shall be the privilege of the ~~Committee~~ delegates to the Annual

Council to evaluate these proposals and ~~recommend~~ determine their adoption or rejection. The action of this Committee will be printed in Volume I of the *Journal*.

**IF AMENDED:**

**Section 2.1      *The Dispatch of Business***

(f) The Committee for Constitution and Canons shall consist of two members of the Clergy, two lay persons, and the chancellor, who shall be an *ex-officio* member. It shall be the duty of this Committee to receive every proposed change, alteration, or new Article of the Constitution or Canons of the Diocese, submitted to the secretary or chair of the Committee for Constitution and Canons by November 15th prior to the first business session of the Annual Council. It shall be the duty of this Committee to change the wording of such proposals to conform to the Constitution and Canons of the Diocese. It shall be the duty of this Committee not to otherwise compose, prepare, or author proposals or parts of proposals presented to the Annual Council. The Committee shall offer no evaluative comment or recommendation on any proposal received. It shall be the privilege of the delegates to the Annual Council to evaluate these proposals and determine their adoption or rejection. The action of this Committee will be printed in Volume I of the *Journal*.

SUBMITTED BY: The Rev. Jim Stockton, the Episcopal Church of the Resurrection, Austin

RATIONALE (by Rev. Stockton):

The Apostle Peter called the leaders of the early Church, “Do not lord it over those in your charge, but be examples to the flock” (1 Peter 4:3). Our Lord tells us, “You know that among the Gentiles those whom they recognize as their rulers lord it over them, and their great ones are tyrants over them. But it is not so among you; but whoever wishes to become great among you must be your servant, and whoever wishes to be first among you must be slave of all” (Mark 10:42-45). Because the canon currently directs the Committee to publish its recommendations, and because this Committee is comprised of bishop’s appointees, there is an appearance of an imbalance of power that stands in contradiction to the gospel. As currently written, the canon holds in place an imbalanced process in which the committee may be perceived as being privileged with an inordinate influence upon the deliberations and decisions of the delegates to Council. As currently written, the canon implies that the committee is somehow more capable than are the delegates to Council themselves to discuss and evaluate proposals, unintentionally insulting the competence of the delegates and the movement of the Holy Spirit within them. This proposal remedies these problems. This proposal helps to eliminate the unintended appearance of ‘lording over’ by this committee. This proposal ensures that the responsibility for evaluating the proposals that come before delegates to Council is entrusted solely to the delegates themselves and is borne solely by them. This proposal exemplifies the trust that God invests in the entirety of God’s people, having “hidden these things from the wise and intelligent and [having] revealed

them to infants;...for such was [God's] gracious will" (Matthew 11:25-26), "so that our faith might rest not on human wisdom but on the power of God" (1 Corinthians 2:5).

THE COMMITTEE DOES NOT RECOMMEND ADOPTION OF THIS PROPOSAL.

RATIONALE (by the Committee):

The Committee, whose members are appointed annually, currently assists Council by evaluating the consistency of proposed constitutional and canonical amendments with the existing Constitutions and Canons of the Episcopal Church and the Diocese and, in some instances, state or federal law and advising Council of any constitutional or canonical or other legal consequences of adopting the proposals. If adopted, the proposal would shift the responsibility for that study and analysis to each Council delegate unaided by the advice of the Committee. Because of the burden that this research and evaluative process would place on each Council delegate and the likelihood that such an undertaking would result in lengthy oral debate during Council meetings regarding conflicting legal interpretations, the Committee does not recommend adoption of this proposal.

**EXISTING:**

**Section 2.1      *The Dispatch of Business***

(j) The Committee for Resolutions shall consist of two members of the Clergy and two lay persons. It shall be the duty of this Committee to receive resolutions presented to it by any member of the forthcoming or last preceding Council, or by any committee or board not responsible for the dispatch of business of Council, provided these resolutions are typed with the original signed, and three copies. Unless the Bishop of the Diocese grants an exception, all resolutions must be submitted to the Committee not later than November 15 preceding the next Annual Council; but this shall not limit relevant amendments to any such resolution from the Council floor. The Committee may require all resolutions to be submitted in a standardized format and shall make such change of wording as is necessary for such resolutions to conform to proper usage and understanding. The Committee will inform the mover of any changes made. The Committee shall have the right to evaluate all resolutions and to recommend their adoption or rejection. The Committee shall have the right to rank the resolutions in an order of importance as determined by the Committee and present them to Council in that order. The Committee may request discharge from consideration by Council of resolutions which would seek similar action to that of a resolution previously considered. A two-thirds vote shall be required to adopt any resolutions submitted to Council pursuant to an exception granted by the Bishop of the Diocese.

**PROPOSED:**

**Section 2.1      *The Dispatch of Business***

(j) The Committee for Resolutions shall consist of two members of the Clergy and two lay persons. It shall be the duty of this Committee to receive resolutions presented to it by any member of the forthcoming or last preceding Council, or by any committee or board not responsible for the dispatch of business of Council, provided these resolutions are typed with the original signed, and three copies. Unless the Bishop of the Diocese grants an exception, all resolutions must be submitted to the Committee not later than November 15 preceding the next Annual Council; but this shall not limit relevant amendments to any such resolution from the Council floor. The Committee may require all resolutions to be submitted in a standardized format and shall make such change of wording as is necessary for such resolutions to conform to proper usage and understanding. The Committee will inform the mover of any changes made. The Committee shall ~~have the right to~~ neither evaluate all resolutions ~~and to~~ nor recommend their adoption or rejection. The Committee shall have the right to rank the resolutions in an order of importance as determined by the Committee and present them to Council in that order. The Committee may request discharge from consideration by Council of resolutions which would seek similar action to that of a resolution previously considered. A two-thirds vote shall be required to adopt any resolutions submitted to Council pursuant to an exception granted by the Bishop of the Diocese. The delegates to the Annual Council shall have the right and the responsibility to evaluate all resolutions with regard to their adoption or rejection.

**IF AMENDED:**

**Section 2.1      *The Dispatch of Business***

(j) The Committee for Resolutions shall consist of two members of the Clergy and two lay persons. It shall be the duty of this Committee to receive resolutions presented to it by any member of the forthcoming or last preceding Council, or by any committee or board not responsible for the dispatch of business of Council, provided these resolutions are typed with the original signed, and three copies. Unless the Bishop of the Diocese grants an exception, all resolutions must be submitted to the Committee not later than November 15 preceding the next Annual Council; but this shall not limit relevant amendments to any such resolution from the Council floor. The Committee may require all resolutions to be submitted in a standardized format and shall make such change of wording as is necessary for such resolutions to conform to proper usage and understanding. The Committee will inform the mover of any changes made. The Committee shall neither evaluate resolutions nor recommend their adoption or rejection. The Committee shall have the right to rank the resolutions in an order of importance as determined by the Committee and present them to Council in that order. The Committee may request discharge from consideration by Council of resolutions which would seek similar

action to that of a resolution previously considered. A two-thirds vote shall be required to adopt any resolutions submitted to Council pursuant to an exception granted by the Bishop of the Diocese. The delegates to the Annual Council shall have the right and the responsibility to evaluate all resolutions with regard to their adoption or rejection.

SUBMITTED BY: The Rev. Jim Stockton, the Episcopal Church of the Resurrection, Austin

RATIONALE (by Rev. Stockton):

The Apostle Peter called the leaders of the early Church, “Do not lord it over those in your charge, but be examples to the flock” (1 Peter 4:3). Our Lord tells us, “You know that among the Gentiles those whom they recognize as their rulers lord it over them, and their great ones are tyrants over them. But it is not so among you; but whoever wishes to become great among you must be your servant, and whoever wishes to be first among you must be slave of all” (Mark 10:42-45). Because the canon currently directs the Committee to publish its recommendations, and because this Committee is comprised of bishop’s appointees, there is an appearance of an imbalance of power that stands in contradiction to the gospel. As currently written, the canon holds in place an imbalanced process in which the committee may be perceived as being privileged with an inordinate influence upon the deliberations and decisions of the delegates to Council. As currently written, the canon implies that the committee is somehow more capable than are the delegates to Council themselves to discuss and evaluate proposals, unintentionally insulting the competence of the delegates and the movement of the Holy Spirit within them. This proposal remedies these problems. This proposal helps to eliminate the unintended appearance of ‘lording over’ by this committee. This proposal ensures that the responsibility for evaluating the proposals that come before delegates to Council is entrusted solely to the delegates themselves and is borne solely by them. This proposal exemplifies the trust that God invests in the entirety of God’s people, having “hidden these things from the wise and intelligent and [having] revealed them to infants;...for such was [God’s] gracious will” (Matthew 11:25-26), “so that our faith might rest not on human wisdom but on the power of God” (1 Corinthians 2:5).

THE COMMITTEE DOES NOT RECOMMEND ADOPTION OF THIS PROPOSAL.

RATIONALE (by the Committee):

Each member of the Committee for Resolutions is appointed annually. With this appointment, each member of the Committee for Resolutions is entrusted to evaluate proposed resolutions in advance of Council meetings so that the business of Council can be handled in an orderly and efficient manner. The process for evaluating each submitted resolution involves an analysis of past resolutions, discussions with the authors of each submitted resolution, and prayerful consideration by the members of the Committee for Resolutions. Because of the burden that this evaluative process would place on each Council delegate and the likelihood that such an undertaking would result in lengthy oral debate during Council meetings regarding the results of these

individualized evaluative processes, the Committee does not recommend adoption of this proposal.

**Canon 43**  
**MORAL DISCIPLINE**

**EXISTING:**

**Section 43.1    *Obligation***

All members of the clergy, having subscribed to the Declaration required by Article VIII of the Constitution of the Episcopal Church, shall be under obligation to model in their own lives the received teaching of the Church that all of its members are to abstain from sexual relations outside Holy Matrimony.

**Section 43.2    *Definitions***

As used in this Diocese, Holy Matrimony shall mean the physical and spiritual union of a man and a woman, entered into within the community of faith, by mutual consent of the heart, mind, and will, and with intent that it be lifelong; and the moral qualifications of a person, as that term is used in the Canons of the Episcopal Church, shall include conformity to the obligation set forth in Section 43.1 hereof.

**PROPOSED:**

**~~Section 43.1    *Obligation*~~**

All members of the clergy, having subscribed to the Declaration required by Article VIII of the Constitution of the Episcopal Church, shall be under obligation to model in their own lives the received teaching of the Church that all of its members are to abstain from sexual relations outside Holy Matrimony.

**~~Section 43.2    *Definitions*~~**

~~As used in this Diocese, Holy Matrimony shall mean the physical and spiritual union of a man and a woman, entered into within the community of faith, by mutual consent of the heart, mind, and will, and with intent that it be lifelong; and the moral qualifications of a person, as that term is used in the Canons of the Episcopal Church, shall include conformity to the obligation set forth in Section 43.1 hereof.~~

**IF AMENDED:**

All members of the clergy, having subscribed to the Declaration required by Article VIII of the Constitution of the Episcopal Church, shall be under obligation to model in their own lives the received teaching of the Church that all of its members are to abstain from sexual relations outside Holy Matrimony.

SUBMITTED BY: The Rev. Jim Stockton, the Episcopal Church of the Resurrection, Austin

RATIONALE (by Rev. Stockton):

Holy Matrimony is one of the sacraments of the Church. By honored and ancient tradition and under the polity of the Episcopal Church the sacraments are defined by Christ Jesus and by the whole Church, for the whole Church. By honored ancient tradition and under the polity of the Episcopal Church a subsidiary body of the Church does not define for itself the Church's sacraments. This amendment relieves the Diocese of Texas of either seeming to claim or actually claiming to have the autonomous authority to define for itself one of the Church's sacraments. This amendment leaves the church-wide definition of the Church's sacrament of Holy Matrimony rightfully within the Constitution and Canons of the Episcopal Church and the Book of Common Prayer.

THE COMMITTEE PRESENTS THIS PROPOSAL WITHOUT RECOMMENDATION.

RATIONALE (by the Committee):

The Committee notes that the identical proposal with virtually the same rationale was submitted to the 162nd Council in February 2011 with the same recommendation of the Committee and was not adopted.