

OVERTURE 5 from Covenant Presbytery

(to: CCB and OC)

“Amend *BCO* 26-2 to Clarify How Non-binding Sections of the *BCO* May Be Amended.”

Whereas, the 37th General Assembly amended the language of *BCO* 59-1 and 59-6 to read:

59-1. Marriage is a divine institution though not a sacrament, nor peculiar to the Church of Christ. It is proper that every commonwealth, for the good of society, make laws to regulate marriage, which all citizens are bound to obey insofar as they do not transgress the laws of God (Acts 5:29).

59-6. Marriage is of a public nature. The welfare of society, the happiness of families, and the credit of Christianity, are deeply interested in it. Therefore, the purpose of marriage should be sufficiently published a proper time previously to the solemnization of it. It is enjoined on all ministers to be careful that, in this matter, they obey the laws of the community to the extent that those laws do not transgress the laws of God as interpreted by the Constitution of the Presbyterian Church in America; and that they may not destroy the peace and comfort of families, ministers should be assured that, with respect to the parties applying to them, no just objections lie against their marriage;

and

Whereas, the *BCO* 26-2 currently reads:

26-2. Amendments to the *Book of Church Order* may be made only in the following manner:

1. Approval of the proposed amendment by majority of those present and voting in the General Assembly, and its recommendation to the Presbyteries.
2. The advice and consent of two-thirds (2/3) of the Presbyteries.
3. The approval and enactment by a subsequent General Assembly by a majority of those present and voting; and

and

Whereas, the General Assembly voted to change the language of *BCO* 59-1 and 59-6 contrary to the specifications laid out in *BCO* 26-2; and

Whereas, the General Assembly made such changes on the grounds that *BCO* 59-1 and 59-6 were non-binding sections of the *BCO*; and

Whereas, our desire is for unanimity and clarity in the manner by which we amend our *Book of Church Order*;

Therefore be it resolved that *BCO 26-2* be amended as follows (new text in bold and underlined):

26-2. Amendments to **any portion of** the *Book of Church Order*, **whether constitutionally binding or not**, may be made only in the following manner:

1. Approval of the proposed amendment by majority of those present and voting in the General Assembly, and its recommendation to the Presbyteries.
2. The advice and consent of two-thirds (2/3) of the Presbyteries.
3. The approval and enactment by a subsequent General Assembly by a majority of those present and voting.

Rationale:

The definition of which portions of the *Book of Church Order* must be amended according to the procedure outlined in 26-2 is clearly ambiguous, as demonstrated by the actions of the 37th General Assembly. Therefore, the above overture seeks to remove this ambiguity, and give clarification and re-affirmation to the manner by which any portion of the *Book of Church Order* may be amended.

Adopted by Covenant Presbytery at its stated meeting, February 2, 2010

Attested by: Robert Browning, stated clerk