

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Revised

Senate Bill 1091

(Senator Mooney)

Judicial Proceedings

**Religious Corporations - Laws Governing Assets of United Methodist Church -
Repeal**

This bill repeals provisions of existing law that require all assets owned by any Methodist Church to be held in trust for the United Methodist Church and subject to the discipline, usage, and ministerial appointments of the United Methodist Church. The bill also repeals an exception from this law afforded to any specified local church in Garrett County.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County finances are not affected.

Small Business Effect: None.

Analysis

Current Law: All assets owned by any Methodist Church, including any former Methodist Episcopal Church, Methodist Protestant Church, Methodist Episcopal Church, South, the Washington Methodist Conference, or Evangelical United Brethren Church, whether incorporated, unincorporated, or abandoned:

- are held by the trustees of the church in trust for the United Methodist Church;

- are subject to the discipline, usage, and ministerial appointments of the United Methodist Church, as from time to time authorized and declared by the general conference of that church.

The absence of a trust clause in any deed or other conveyance executed before June 1, 1953, does not relieve or exclude a local church from its Methodist connectional responsibilities and does not absolve a local congregation or board of trustees of its responsibility to the United Methodist Church, if such an intent of the founders or the later congregations and boards of trustees is indicated by:

- the conveyance of the assets to the trustees of the local church or any of its predecessors;
- the use of the name, customs, and polity of the United Methodist Church in such a way as to be known to the community as part of this denomination; or
- the acceptance of the pastorate of ministers appointed by a bishop of the United Methodist Church or employed by the superintendent of the district in which the local church is located.

Any local church in Garrett County that was affiliated formerly with the Evangelical United Brethren Church and that withdraws from the West Virginia United Methodist Conference, is not prevented from retaining title to any assets it controls.

Other than provisions related to the United Methodist Church, State law does not explicitly grant control of assets of a member church to its parent religious organization.

Background: Reportedly, in 2008 members of the Sunnyside Episcopal Methodist Church in Frederick County renounced their affiliation with the United Methodist Church. Baltimore Washington Conference of the *United Methodist Church Inc., et al v. Sunnyside United Methodist Church, et al*, is a civil case regarding ownership of church property, pending before the Circuit Court in Frederick County. Pertaining to the case, the circuit court advises that there is a hearing concerning a protective order scheduled for April 14, 2010; a hearing on a motion for summary judgment scheduled for June 1, 2010; and a jury trial scheduled for October 19 through 21.

Additional Information

Prior Introductions: None.

Cross File: HB 1554 (Frederick County Delegation) - Economic Matters.

Information Source(s): Frederick County, State Department of Assessments and Taxation, Department of Legislative Services

Fiscal Note History: First Reader - March 26, 2010
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