Constitutional Musings: Note 06
Commissioned Lay Pastors

The 208th General Assembly (1996) adopted, and the presbyteries approved, what may accurately be described as the most fundamental shift in our polity since the beginning of the American Presbyterian experiment. They approved a wide-ranging set of Amendments that gave presbyteries the power to grant a whole range of authority to individual Commissioned Lay Pastors (hereafter referred to as CLPs). (See G-14.0560-.0565) The 209th General Assembly (1997) adopted, and a majority of the presbyteries approved, an amendment that requires that CLPs be Elders. (G-14.0560)

Differences in CLPs and Ministers of the Word and Sacrament
A CLP may be granted much expanded authority, but important differences remain between CLPs and Ministers of Word and Sacrament. First and foremost is perhaps the fact that a CLP’s “commission is valid only in one or more congregations, new church development, or other validated ministries of the presbytery designated by the presbytery.” Such commissions may be granted for periods of “up to three years”, may be renewed, and shall be reviewed annually by the presbytery.

Who oversees the CLP process?
Even within the section dealing with the potentially expanded grants of authority, nothing is automatic. Each presbytery is required, under G-14.0562, to determine that “its strategy for mission in a local church requires it” before it authorizes a CLP to perform any of the functions listed in G-14.0562a-e. This requires a presbytery to carefully analyze the ministerial needs of a particular congregation or ministry site and assess which, if any, of the functions should be authorized for an individual CLP. “Strategy for mission” is the yardstick.

The Constitution seems to place the initial evaluation of this issue squarely within the responsibility of the Committee on Ministry. We are aware of a number of different practices being utilized to make such determinations. Most often it is the Committee on Ministry that is asked to make recommendations for what is required. Other presbyteries have created a separate standing committee to oversee the whole CLP program. A few presbyteries have attempted to do this on the floor of the presbytery. If a presbytery anticipates using significant numbers of CLPs, we believe some separate entity, surely related in some way to the Committee on Ministry, is a minimum.

How are CLPs instructed?
Once the presbytery decides what authority is necessary, the presbytery is responsible for seeing to it that “additional instruction” is given. We are aware of a number of models being utilized to provide this additional instruction. Some have asked the Committee on Preparation for Ministry to oversee this responsibility. Others have called upon knowledgeable Ministers of Word and Sacrament to lead a series of workshops on each subject. Still others have designed comprehensive two-year instructional programs that must be completed before any authority will be granted. Several presbyteries have negotiated with seminaries or other educational institutions to design and carry out their programs. One seminary (University of Dubuque Theological Seminary) has even developed an online training program. We believe any of
these approaches is consistent with the requirements of G-14.0562. The focus is on the presbytery making the determination of what authority is necessary and then providing, one way or another, for training for the CLP to perform the new responsibilities.

**Authority to administer the sacraments**
The grant of authority to preside at the Lord's Supper is not new, for it existed for much of Presbyterian history. Here adequate preparation is critical. Even this is not automatic; such authority is dependent upon the invitation of a session*. The grant of authority to preside at a baptism is new and again requires specific instruction and an invitation from the session of the congregation.

**Authority to “Moderate the session … “**
A presbytery may, under G-14.0562c, give a CLP the authority to “moderate the session of the congregation under the supervision of and when invited by the moderator.” Note that the CLP is NOT the moderator, but rather may be permitted to actually moderate a session meeting. The CLP also could be invited to moderate a congregational meeting IF invited to do so by the presbytery-appointed moderator (G-7.0306). With these provisions a Commissioned Lay Pastor can actually moderate under the supervision of the moderator. In these circumstances, it is expected that the CLP will be carefully instructed by the moderator in preparation for the meeting as to the polity and theology involved in the business expected at the meeting. In both cases, we believe it essential that the presbytery-appointed moderator be available during the meeting for telephonic consultation if they cannot be present.

**Authority to have voice and vote in presbytery meetings**
The decision to allow a presbytery to grant the privilege of voice and vote at meetings of presbytery [permitted under G-14.0562e] was predicated on the fact that very often the CLP will be the only pastoral leadership for a particular congregation and that to deprive that person a continuing voice and vote at meetings of presbytery would be to significantly disadvantage those congregations. The influence that Ministers of Word and Sacrament exercise is largely due to the fact that they are regular attendees at presbytery meetings and hence know the process and history involved. If the CLP is, in practical terms, the only continuing attendee from a given congregation, a presbytery may want to continue such a grant of authority.

**Authority to “perform a service of Christian marriage...”**
Finally, a CLP may be authorized to perform a marriage service. [ G-14.0562d] The rationale for this grant of authority was essentially pastoral. One of the “services” parishioners are justified in expecting from their church is the privilege to be married there by someone with whom they are well acquainted. In many congregations, especially rural ones, the CLP is the only pastoral leadership with whom couples may be comfortable. This provision contains two very significant restrictions. First, such authority may be exercised only when accompanied by an invitation from the session. This is a significant restriction and one that most Ministers of Word and Sacrament don’t share. The second is similar. Such authority may be exercised only when authorized by state law. We will be surprised if such authority, once granted by a
presbytery, would actually be challenged by civil authorities, but we caution presbyteries to check with their local county clerks to be sure.

**Mentors for CLPs**

While it is surely helpful for presbyteries to provide mentors to new Ministers of Word and Sacrament, presbyteries are mandated to do so for CLPs. That mentor/supervisor must be provided throughout the whole term of the Commission. This was done to assure that the CLP will have both adequate supervision and constant support, advice, and consultation.

**CLPs and Statistics**

Beginning in 1999, OGA Reports began collecting information from the presbyteries about CLPs authorized to exercise the functions permitted by G-14.0562 [formerly G-14.801c(1-6)]. These CLPs will be listed in the Minutes, Part III (Directory) on a separate schedule and in Part II (Statistics) with the congregation they serve.

**CLPs and the IRS**

In 1999 the United Methodist Church (hereafter UMC) received their long-awaited "Revenue Ruling" from the IRS relating to the UMC lay pastor’s tax status and the news is good for Presbyterian Commissioned Lay Pastors

The United Methodist polity has a clergy classification with substantially similar authority, responsibility, and training as is now permitted our CLPs under the provisions of G-14.0560-.0565. Like PC(USA) CLPs, the UMC deacons are ordained officers. Like PC(USA) CLPs, UMC deacons are permitted to teach, preach, administer the sacraments, perform weddings and funerals, and have voice and vote in the Regional Conference (which is roughly equivalent to a PC(USA) presbytery). Such deacons can serve on committees and boards of the Conference.

The IRS determined that a deacon would be treated as a “Minister of the Gospel” for purposes of section 1402(c)-5(b)(2) of the IRS Code. The Revenue Ruling explicitly cites these factors as significant in making the evaluation:

- That the taxpayer was ordained by the Church
- That the taxpayer had authority to conduct worship
- That the taxpayer had authority to assist with (administer) the Sacraments
- That the taxpayer had authority to perform weddings and funerals
- That the taxpayer was a member of the Conference

It was important to the IRS that the taxpayers in question had been given authority to do “substantially all” those functions.

IF a presbytery granted all the authority now possible under G-14.0562a-e, a CLP could:

- Administer the Lord’s Supper
- Administer the Sacrament of Baptism
- Moderate the Session under the supervision of the presbytery-appointed moderator
• Have a voice in meetings of Presbytery
• Have a vote in meetings of Presbytery
• Perform a service of Christian Marriage

W.4.10000 does not explicitly require that a Minister of Word and Sacrament preside at a funeral, but rather only suggests the service will take place "under the direction of the pastor." So CLPs can surely preside at funerals.

Those grants of authority are almost parallel with the factors listed in the Revenue Ruling. Therefore we believe that if a presbytery, in fact, grants the authority in all six areas, the CLP could be treated as a "Minister of the Gospel" for purposes of Federal Income Taxes.

**Tax Implications for CLPs**

**Treatment as a Minister of the Gospel:**

• allows the taxpayer to exclude (for federal income tax purposes, but not for Social Security) the fair rental value of church-owned manses or housing allowances for housing provided to the taxpayer.
• treats the taxpayer as self-employed for Social Security purposes, (so the CLP will have the “privilege” of paying both portions of Social Security Tax).
• exempts CLP wages from any tax withholding (so the CLP will need to make quarterly payments for that income or adopt a voluntary withholding plan).

This Revenue Ruling may allow some congregations (especially rural ones owning manses and having meager resources) to provide "more" real income without additional dollars being paid out by the congregation.

Congregations wishing to take advantage of this Ruling will need to vote the compensation for the CLP in very much the same way such sessions vote on changes in compensation for temporary ministers

We have provided a copy of this Revenue Ruling to each of the presbyteries. We urge any congregations or CLPs who wish to seek tax treatment as a Minister of the Gospel to obtain a copy of the Ruling and evaluate their own situation with the assistance of a tax advisor.

You may want to look at resources on the [Commissioned Lay Pastors’ Web site](#).

*G-9.0503a2 permits a presbytery to grant any or all of a session’s G-10.0102 powers to an administrative commission appointed to facilitate a New Church Development. 

# A Revenue Ruling, strictly speaking, applies only to the individual taxpayer asking the question, who may then rely upon the Ruling. This particular ruling, dated December 10, 1998, contains the usual language regarding the ruling's precedential value. But with those caveats, it is very common for taxpayers and tax advisors to rely on private letter rulings because they tend to be good indicators of how the IRS would respond in an audit or tax proceeding on that particular issue. This particular ruling relies heavily upon previous tax court cases, so it is reasonable to believe that the IRS will apply the analysis and standards
described in this ruling to similar situations in the future. The presbyteries have now had significant experience with CLP’s filing under these provisions and we are unaware of the IRS having ever challenged a CLP’s filing status.