

1983 BILL PR 7

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL PR 7

**PEACE RIVER BIBLE INSTITUTE
AMENDMENT ACT, 1983**

DR. ELLIOTT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

*Bill PR 7
Dr. Elliott*

BILL PR 7

1983

PEACE RIVER BIBLE INSTITUTE AMENDMENT ACT, 1983

(Assented to _____, 1983)

WHEREAS The Peace River Bible Institute has by its petition prayed for certain amendments to its Act of incorporation and it is expedient to grant the prayer of the petition;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 An Act to Incorporate The Peace River Bible Institute is amended by this Act.

2 The title of the Act is struck out and the following is substituted:

THE PEACE RIVER BIBLE INSTITUTE ACT

3 Section 2 is amended

(a) in subsection (1) by striking out all that portion of the subsection after “and to possess, hold and enjoy the same as owner”,

(b) in subsection (2) by striking out “and subject to the provisions of subsection (1)”,

(c) in subsection (3) by striking out “, subject to subsection (1),”,

(d) in subsection (4) by striking out all that portion of the subsection after “owing to it from any person, firm or corporation”, and

(e) by repealing subsection (7).

Explanatory Notes

- 1 This Bill will amend chapter 84 of the Statutes of Alberta, 1947.
- 2 The present title of the Act is "*An Act to Incorporate The Peace River Bible Institute*".
- 3 Section 2 presently reads in part:
 2. *The corporation shall have power,*
 - (1) *to acquire by gift, devise, purchase, exchange, lease or otherwise, real or personal property of any and every nature and kind and to possess, hold and enjoy the same as owner, providing, however, that the corporation shall not acquire or hold as purchaser any lands except for the actual use and occupation of the corporation exceeding in the whole at any time a value of twenty-five thousand dollars. Any lands of which the corporation becomes owner or in which it holds an interest not in the actual use and occupancy of the corporation exceeding in value the sum of twenty-five thousand dollars shall be absolutely disposed of within a period of seven years from the acquisition thereof by the corporation and in the event that the said lands are not absolutely disposed of within such time, the said lands may be forfeited to the Crown in the right of the Province of Alberta, and the Board of Public Utility Commissioners upon being satisfied that the corporation is holding lands which should have been disposed of under the provisions of*

4 Section 3 is repealed and the following is substituted:

3(1) The objects of the corporation are the conduct of a Bible College, the training of students in a thorough knowledge of the Word of God, the Holy Scriptures, and the training of students to become ministers, whether at home or abroad.

this subsection may make an order declaring what lands of the corporation have become liable to forfeiture hereunder and vesting the said lands in His Majesty in the right of the Province, and the Registrar of the land registration district in which such lands are situate shall upon receipt of a certified copy of the order cancel the existing certificate of title and issue a new certificate of title in the name of His Majesty in the right of the Province;

(2) to sell, mortgage, lease, exchange or otherwise deal with or dispose of its real and personal property or any portion thereof and subject to the provisions of subsection (1) to acquire either real or personal property to such extent as may be deemed advisable or desirable and make and execute all necessary and proper conveyances, transfers or other instruments for carrying the same into effect;

(3) to invest, subject to subsection (1), all or any sums of money belonging to the corporation in any property or security whatsoever for the benefit of the corporation;

(4) to acquire, take possession of and hold as the corporation may deem proper all such property; both real and personal, as may at any time be mortgaged, hypothecated or pledged to the corporation by way of security or conveyed to it in satisfaction of obligations or debts due or owing to it from any person, firm or corporation. Provided that any real property acquired in satisfaction of any debts due to itself and not required for the actual use and occupation of the corporation or a branch thereof or for the purposes of the corporation the value of which together with other such lands of the corporation exceeds twenty-five thousand dollars shall be sold by the corporation within seven years after such acquisition or within such further period as may be fixed by order of the Lieutenant Governor in Council, otherwise such real property may be forfeited to the Crown in the right of the Province, and the Board of Public Utility Commissioners upon being satisfied that the corporation is holding lands which should have been disposed of under the provisions of this subsection may make an order declaring what lands of the corporation have become liable to forfeiture hereunder and vesting the said lands in His Majesty in the right of the Province, and the Registrar of the land registration district in which such lands are situate shall upon receipt of a certified copy of the order cancel the existing certificate of title and issue a new certificate of title in the name of His Majesty in the right of the Province;

(7) on the passing of the proper resolution by the members of "The Peace River Bible Institute" incorporated under The Societies Act, being chapter 11 of the Statutes of Alberta, 1924, to take transfer and become owner of all the assets of the said incorporated association and the corporation shall thereupon become liable for and pay all the liabilities of the said incorporated association;

4 Section 3 presently reads:

3.(1) The revenues and profits of all property held by the corporation shall be applied to the maintenance of the institutions carried on by it to the construction and repair of buildings and the acquisition of property requisite for its purposes, and to the promotion of charity and benevolence.

(2) The income of the property held by the corporation shall be applied to the maintenance of its Bible College and any other institutions administered by it and to the furtherance of its objects.

3.1 The corporation may grant academic degrees in divinity to graduates of its Bible College.

5 Section 5 is amended by repealing subsections (1), (2) and (3) and substituting the following:

5(1) The property, business and affairs and interests of the corporation shall be managed by a board of directors consisting of:

- (a) 8 directors elected at each annual meeting of the corporation,
- (b) the president,
- (c) the vice-president, and
- (d) the secretary-treasurer.

(2) the elected directors referred to in subsection (1)(a)

(a) shall elect from their number the chairman and vice-chairman of the board, and

(b) shall act as the board of directors for all purposes related to the appointment, remuneration, duties and removal of the president, vice-president and secretary-treasurer of the corporation.

(3) Subject to subsection (2)(b),

(a) a majority of the members of the board of directors then holding office constitutes a quorum at a meeting of the board, and

(b) every question before the board shall be decided by a majority vote of those members voting on the question except that the chairman shall only vote in the case of a tie.

6 Section 6(2) is repealed.

(2) The said corporation shall be responsible for the maintenance and financing of its own medical and hospitalization scheme, and shall be liable to indemnify the Municipal District of Grande Prairie, and the Sexsmith School District from any hospitalization, medical or educational expenditures incurred by them in respect of any person on the staff of or attending and residing in the said institutions.

5 Section 5 presently reads:

5.(1) Within two months from the date upon which this Act comes into force, the President of "The Peace River Bible Institute" incorporated under The Societies Act, being chapter 11 of the Statutes of Alberta, 1924, shall call a meeting of the members of the corporation at a time and place to be fixed by him of which due notice shall be given to all members of the corporation for the purpose of electing the first officers and transacting any other necessary business under this Act.

(2) At that meeting the said President shall preside and thereupon the members of the corporation shall proceed to the election of a president, vice-president and principal and a secretary, or secretary-treasurer and four directors and they shall constitute the board of directors of the corporation.

(3) At the first annual meeting and at each subsequent annual meeting of the members of the corporation, the officers mentioned in subsection (2) shall be elected by and from the members of the corporation and shall constitute the board of directors of the corporation.

(4) A majority of the board of directors shall constitute a quorum.

(5) A majority of votes shall decide all questions and the chairman shall not vote except in the case of a tie.

6 Section 6(2) presently reads:

6(2) Until the holding of the first meeting as provided for in section 5 of the existing by-laws, rules and regulations of "The Peace River Bible Institute" incorporated under The Societies Act, being chapter 11 of the Statutes of Alberta, 1924, so far as they are not inconsistent with this Act shall be deemed to be the by-laws, rules and regulations of the corporation.

7 *The following is added after section 6:*

6.1(1) The corporation may by by-law provide that, in the event of the winding up of the corporation, the liquidator shall transfer the remaining property of the corporation after payment of the corporation's legal obligations, to 1 or more organizations, whether incorporated or not, with objects similar to those of the corporation or that engage in activities similar to those in which the corporation had engaged at any time prior to the commencement of the winding up proceedings.

(2) Notwithstanding anything in the *Companies Act*,

(a) if by a by-law under subsection (1) is in effect at the commencement of proceedings for the winding up of the corporation, the liquidator shall transfer any remaining property of the corporation to the organization or organizations specified in the by-law in accordance with the by-law, and

(b) if no by-law under subsection (1) is in effect at the commencement of proceedings for the winding up of the corporation, the liquidator shall, subject to the approval of the Court of Queen's Bench, transfer the remaining property of the corporation to 1 or more organizations, whether incorporated or not, with objects similar to those of the corporation or that engage in activities similar to those in which the corporation had engaged at any time prior to the commencement of the winding up proceedings.

8 *Section 5 does not apply until the annual meeting of The Peace River Bible Institute next following the commencement of this Act.*

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

7 Transfer of property on winding up.

8 Commencement of section 5.