

1986 BILL Pr 1

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First Session, 21st Legislature, 35 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL Pr 1

**ALBERTA SYNOD OF THE EVANGELICAL  
LUTHERAN CHURCH IN CANADA ACT**

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MR. R. SPEAKER

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill Pr 1*  
*Mr. R. Speaker*

## **BILL Pr 1**

1986

### **ALBERTA SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN CANADA ACT**

*(Assented to , 1986)*

Preamble

WHEREAS the Lutheran Church in America - Canada Section and the Evangelical Lutheran Church of Canada have agreed to amalgamate January 1, 1986 into one church to be known as the Evangelical Lutheran Church in Canada, incorporated by the *Evangelical Lutheran Church in Canada Act*; and

WHEREAS it is desirable that Alberta Synod of the Evangelical Lutheran Church in Canada be incorporated as a regional expression of the Evangelical Lutheran Church in Canada; and

WHEREAS the petitioners have by their petition prayed that it be enacted as hereafter set forth, and it is expedient to grant the prayer of the petitioners;

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

Incorporation

1 Reverend J. Robert Jacobson of Edmonton, Reverend Dan Berg of Camrose, Reverend Philip Hink of Edmonton, Reverend Irvin Hohm of Calgary, Reverend Laverne Hoveland of Valhalla Centre, Reverend Lothar Schwabe of Sherwood Park, and Reverend Len Stengel of Red Deer, and the congregations and ordained ministers belonging to the Evangelical Lutheran Church in Canada located in the Province of Alberta, the Yukon Territory, and the Northwest Territories, and such persons as may from

time to time become members of the religious body herein incorporated, are hereby constituted and established a body corporate under the name of Alberta Synod of the Evangelical Lutheran Church in Canada, hereinafter called "the Synod".

Powers

## 2 The Synod

- (a) has perpetual succession;
- (b) shall have a common seal, with power to change, alter, break and renew same when and so often as it thinks proper;
- (c) may contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all courts and places whatsoever;
- (d) may acquire by gift, purchase, devise, bequests, transfer or otherwise, property of every nature and have, hold, possess, enjoy, take and receive the same for the general uses and purposes of the Synod;
- (e) may from time to time, give, sell, exchange, convey, transfer, assign, mortgage, encumber, demise or otherwise dispose of all or any of the property of the Synod or any interest therein;
- (f) may borrow, raise or secure the payment of money for any of the purposes of the Synod in such manner as it deems expedient;
- (g) has all other powers and privileges and immunities vested by law in a corporation, necessary or proper for the carrying out of its objects.

Objects

**3** The objects of the Synod are to act as a witness to the world of the love of God, the Father, the Son and the Holy Spirit, and in so doing to promote the religious, charitable, social and educational interests of its members.

Income and property

**4(1)** All income and property of the Synod shall be applied toward the furtherance of the objects of the Synod, and no portion of such income or such income or property shall be paid or transferred or be made available directly or indirectly for the benefit of any member or members of the Synod, except as provided pursuant to section 8(1)(h) and (l).

(2) If upon the winding up or dissolution of the Synod there remains, after satisfaction of all its debts, liabilities and obligations, any property or assets whatsoever, the same shall not be paid or distributed generally among the members, but it shall be paid or transferred to the Evangelical Lutheran Church in Canada, or in the event such organization or a legal successor thereto, no longer exists or does not wish to receive the property or assets, to such other charitable organization in Canada the objects of which, in the opinion of the officers of the Synod, most closely resemble those of the Synod.

- Liability           **5**   The liability of the members is limited.
- Convention       **6(1)**   There shall be a convention of the Synod at least once every 2 calendar years.
- (2)**   The members and delegates of members attending a convention of the Synod constitute the governing body of the Synod.
- (3)**   A member who is not entitled to vote at a convention of the Synod is entitled to vote in an election of delegates of members to a convention of the Synod.
- Synod Council   **7(1)**   The affairs of the Synod shall be managed by a Synod Council.
- (2)**   The first members of the Synod Council shall be Reverend J. Robert Jacobson of Edmonton, Reverend Irvin Hohm of Calgary, David Stolee of Camrose, Douglas Peterson of Edmonton, Reverend Laverne Hoveland of Valhalla Centre, Alver Person of Camrose, Reverend Len Stengel of Red Deer, Peter Thede of Edmonton, Reverend Sidney Nelson of Medicine Hat, Donna Schmidt of Calgary, Reverend Dan Berg of Camrose, Dorothy Ruff of Westaskiwin, and Gerhard Driedger of Lethbridge.
- (3)**   The Synod shall by by-law prescribe the procedure to be adopted regarding the calling and conduct of meetings.
- By-laws           **8(1)**   The Synod may by by-law
- (a)**   set out the confession of faith of the Synod;
- (b)**   set out the conditions for membership in the Synod;
- (c)**   determine the location within the Province of Alberta, of the head office of the Synod;
- (d)**   provide for a corporate seal;
- (e)**   provide for the establishment of special boards or committees and define the powers of such boards and committees;
- (f)**   provide for the calling of regular and special meetings of members and delegates of members, including conventions of the Synod to be held in accordance with section 6, and of any special boards or committees and fix the quorums and establish the procedures for such meetings;
- (g)**   provide for the voting rights of members at a convention of the Synod and in elections of delegates of members to a convention of the Synod;

(h) provide for officers of the Synod, including their titles, duties, methods of appointment, remuneration and reimbursement of expenses, if any;

(i) provide for a fiscal year and for the appointment of an auditor to audit annually the accounts of the Synod;

(j) provide generally for the carrying out of the objects of the Synod;

(k) provide for the powers of the Synod Council in the management of the affairs of the Synod; and

(l) provide for the terms of office, election, appointment, replacement and retirement of members in the Synod Council and for the calling of meetings of the Council and for the remuneration and reimbursement of expenses, if any, of its members.

(2) The Synod may designate its by-laws as either "Constitution" or "By-laws" and may make different provisions for the amendment of the by-laws contained in each category.

Records

**9(1)** The Synod shall prepare and maintain records containing

- (a) this Act;
- (b) its by-laws;
- (c) a list of current members;
- (d) the by-laws passed by the Synod Council; and
- (e) the resolutions of the Synod Council.

(2) In addition to the records described in subsection (1), the Synod shall prepare and maintain adequate accounting records.

Access to records

**10(1)** Any person may examine the records referred to in section 9(1), during normal business hours.

(2) A member of the Synod is entitled, upon request, to 1 copy of any record described in section 9(1), without charge.

(3) A member of the general public is entitled, upon request, to 1 copy of any record described in section 9(1), upon payment of a reasonable fee.

Investment of funds

**11** The funds of the Synod not immediately required for its purposes and the proceeds of all property that come into the hands of the Synod Council, subject to any trust or trusts affecting same, may be invested and reinvested in such investments as the Synod Council deems advisable.

transfer of land **12** Upon presentation to the Registrar of any Alberta Land Registration District of any transfer or other instrument whereby any land or interest in land is being transferred from the Evangelical Lutheran Church of Canada or from the Western Canada Synod of the Lutheran Church in America to the Synod hereby created, the Registrar may without fee or charge therefor do all things necessary to vest the land or interest therein in the name of the Synod, subject to any encumbrances or charges as may be registered.

General laws **13** The powers herein provided shall be subject to the general laws now or hereafter in force in the Province.

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