

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact Chapter 157 of the Acts of Assembly of 1954, as amended, by adding a*
3 *section numbered 25, relating to powers of the Portsmouth Port and Industrial Commission.*

4 [H 2989]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That Chapter 157 of the Acts of Assembly of 1954, as amended, is amended and reenacted by**
8 **adding a section numbered 25 as follows:**

9 *§ 25. Without in any manner limiting the general powers granted by this Act, the Commission shall*
10 *have the power:*

11 *(a) To provide financing by leasing, selling, which shall include selling by pocket deeds, or making*
12 *loans for facilities for a § 501(c)(3) organization, including all items of cost for such facilities and for*
13 *working capital for use by such § 501(c)(3) organization, and to adopt such resolutions and to enter*
14 *into indentures, contracts, instruments and agreements as may be expedient to issue qualified § 501(c)(3)*
15 *bonds and to provide for such loans and any security therefor. Such loans shall be made only from*
16 *revenues of the Commission that have not been pledged or assigned for the payment of any of the*
17 *Commission's other bonds or notes. All bonds or notes issued by the Commission for the benefit of a*
18 *§ 501(c)(3) organization shall be payable solely from the revenues and receipts derived from the leasing*
19 *or sale by the Commission of such facilities or from payments received by the Commission in connection*
20 *with loans financing such facilities. Facilities may be located within or without the City of Portsmouth.*
21 *The Commission shall not have the power to operate any facilities for a § 501(c)(3) organization other*
22 *than as a lessor.*

23 *(b) To charge to conduit borrowers an administrative fee upon the issuance of its bonds and notes,*
24 *whether issued to finance facilities for a § 501(c)(3) organization or to finance projects authorized*
25 *elsewhere in Chapter 157, as amended, which administrative fee shall comply with the limitations*
26 *imposed by § 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated*
27 *in connection therewith, and to enter into agreements with other bond-issuing authorities or localities to*
28 *share or allocate administrative fee payments on such terms as may be agreed upon, either in a*
29 *standing agreement or in separate agreements for each financing.*

30 *For purposes of this section:*

31 *"Cost," "facilities," and "loans" shall have the respective meanings ascribed thereto in § 15.2-4902 of*
32 *the Code of Virginia, as amended;*

33 *"Qualified § 501(c)(3) bond" shall have the meaning ascribed thereto in § 145 of the Internal*
34 *Revenue Code of 1986, as amended;*

35 *"§ 501(c)(3) organization" means an organization, other than an organization organized and*
36 *operated exclusively for religious purposes, which is described in § 501(c)(3) of the Internal Revenue*
37 *Code of 1986, as amended, and which is exempt from federal income taxation pursuant to § 501(a) of*
38 *such Internal Revenue Code.*

ENROLLED

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