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HOUSE BILL NO. 2989

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on January 25, 2007)

(Patron Prior to Substitute—Delegate Melvin)

A BILL to amend Chapter 157 of the Acts of Assembly of 1954, as amended, by adding a section numbered 25, relating to the Portsmouth Port and Industrial Commission.

Be it enacted by the General Assembly of Virginia:

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

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

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

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

(c) For purposes of this section:

(i) "Loans", "facilities" and "cost" shall have the respective meanings ascribed thereto in § 15.2-4902 of the Code of Virginia, as amended.

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

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

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