STATE OF NEW YORK

2683--A

Cal. No. 347

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to certain charitable annuities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subsection (a) of section 1110 of the insurance law, as amended by chapter 199 of the laws of 2004, is amended to read as follows:

(a) The superintendent may, in his **or her** discretion, issue a special permit to make annuity agreements with donors to any duly organized domestic or foreign non-stock corporation or association conducted without profit and engaged in active operation for at least ten years prior thereto solely in bona fide charitable, religious, missionary, educational or philanthropic activities. The permit shall authorize such corporation or association to receive gifts of cash and other property conditioned upon, or in return for, its agreement to pay an annuity to the donor, or his **or her** nominee, and to make and carry out such annuity agreement. Every such corporation or association shall, before making such agreement, file with the superintendent copies of its forms of agreements with annuitants and a schedule of its maximum annuity rates, which shall be computed [~~on the basis of the annuity standard adopted by it for calculating its reserves~~] so as to return to it upon the annuitant's death a residue at least equal to one-half the original gift or other consideration for such annuity. **The maximum annuity rates may be unisex in nature and shall be computed on the basis of currently**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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applicable mortality tables for calculating the reserves for individual annuities pursuant to section four thousand two hundred seventeen of this chapter. The yield of the ten year treasury bond plus two percent as of April thirtieth, rounded to the nearest 0.25%, shall be used to calculate the maximum annuity rates to become effective as of July first of the same year and the ten year treasury bond yield plus two percent as of October thirty-first, rounded to the nearest 0.25%, shall be used to calculate the maximum annuity rates to become effective as of January first of the following year. No other factors shall be used to calculate the maximum annuity rates.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.