

# STATE OF NEW YORK

2683

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

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:

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

4 (a) The superintendent may, in his or her discretion, issue a special  
5 permit to make annuity agreements with donors to any duly organized  
6 domestic or foreign non-stock corporation or association conducted with-  
7 out profit and engaged in active operation for at least ten years prior  
8 thereto solely in bona fide charitable, religious, missionary, educa-  
9 tional or philanthropic activities. The permit shall authorize such  
10 corporation or association to receive gifts of cash and other property  
11 conditioned upon, or in return for, its agreement to pay an annuity to  
12 the donor, or his or her nominee, and to make and carry out such annuity  
13 agreement. Every such corporation or association shall, before making  
14 such agreement, file with the superintendent copies of its forms of  
15 agreements with annuitants and a schedule of its maximum annuity rates,  
16 which shall be computed [~~on the basis of the annuity standard adopted by~~  
17 ~~it for calculating its reserves~~] so as to return to it upon the  
18 annuitant's death a residue at least equal to one-half the original gift  
19 or other consideration for such annuity. The maximum annuity rates may  
20 be unisex in nature and shall be computed on the basis of currently  
21 applicable mortality tables for calculating the reserves for individual  
22 annuities pursuant to section four thousand two hundred seventeen of  
23 this chapter. The yield of the ten year treasury bond yield plus two  
24 percent as of April thirtieth, rounded to the nearest 0.25%, shall be  
25 used to calculate the maximum annuity rates to become effective as of

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

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1 July first of the same year and the ten year treasury bond yield plus  
2 two percent as of October thirty-first, rounded to the nearest 0.25%,  
3 shall be used to calculate the maximum annuity rates to become effective  
4 as of January first of the following year. No other factors shall be  
5 used to calculate the maximum annuity rates.

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