



"L&HATF" Meeting in New York

"XXX" on Fast Track for Adoption

1998 NAIC Adoption? Timeline

Mindful of the looming crisis in the term insurance market, the Life & Health Actuarial (Technical) Task Force (L&HATF) exposed the latest proposal from the Ad Hoc Industry Committee on "XXX" (AHIC). They also committed to a schedule which would have L&HATF and the "A" Committee adopting "XXX" by October 1. At this time, it would go to the Executive Committee for consideration at its interim meeting. If all goes well, the NAIC could adopt it at the Orlando meeting in December. This edition of *The Van Elsen Report* will focus on the implications of "XXX."

The following timeline is anticipated if everything goes well for the adoption of "XXX."

1. **Exposure** by L&HATF. September 12.
2. **Receipt** by "A" Committee. September 16.
3. **Adoption** by L&HATF. October 1.
4. **Adoption** by "A" Committee. October 1.
5. **To Executive Committee.** October 1.
6. **Adoption** by Executive Committee. Before December NAIC meeting.
7. **Adoption** by Plenary. December 6.
8. **Adoption** by states. 1999.
9. **Effective date.** January 1, 2000.

2. **Universal life policies with short secondary guarantees.** Universal life policies which meet the following conditions are exempt:
 - a. Secondary period (if any) is 5 years or less.
 - b. Premium for secondary guarantee is at least net level premium.
 - c. Initial surrender charge is at least the premium for the secondary guarantee.
3. **Variable life insurance.**
4. **Variable universal life insurance.**
5. **Group life insurance.** Unless provides for a stated or implied schedule of maximum premiums for more than a year.

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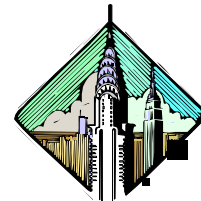
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Proposal Overview

Applicability

This regulation potentially affects all life insurance policies, with or without nonforfeiture values. The following types of policies, however, are not subject to the regulation:

1. **Reentry policies.** Policies which are reentries from policies issued prior to the effective date are not subject to the regulation. There are conditions that the reentry policies must meet in order to be exempt.



The Van Elsen Report

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Basic Reserves

Traditional “humpback” reserves are held for each level-premium segment. A “humpback” reserve is a traditional term reserve for the duration of the segment. At the end of the segment, the terminal reserves will normally return to zero.

The end of a level-premium segment is determined when the percentage increase in guaranteed premiums is greater than the percentage increase in valuation mortality. For a normal 5-year renewable term policy, there would be a series of 5-year level-premium segments.

Unitary Reserve Test

Unitary reserves, if greater, must be held instead of the traditional “humpback” reserves. For unitary reserves, net premiums are calculated as a constant percentage of guaranteed premiums for the life of the policy. For the 5-year renewable term policy, the net premiums would be a constant percentage of the lifetime schedule of guaranteed premiums.

Valuation Basis

The valuation interest rate for “XXX” reserves is the same as is used for other CRVM reserves. A full CRVM expense allowance may be taken in the “humpback” reserves for the first segment and for the unitary reserves. All currently acceptable versions of the 1980 CSO Table may be used for the mortality basis. In addition, the regulation provides for the use of new mortality 20-year selection factors. These factors may only be used during the first segment.

Deficiency Reserves

Traditional deficiency reserves must be calculated for all policies subject to this regulation. A deficiency reserve is defined as the excess of minimum reserves, if any, over basic reserves.

Minimum reserves are calculated using the lesser of the guarantee gross premium or the calculated net premium. The method of calculating the net premium is the same as that for basic reserves, except for the valuation mortality table.

Deficiency Mortality Table

A company may use a mortality table eligible to be used for basic reserves with no restriction. Alternatively, the company may choose to select a more aggressive table. This table uses the 20-year selection factors provided for basic reserves. The valuation actuary may multiply these selection factors by any ratio (X), subject to the following:

1. X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor expected to affect mortality experience.
2. X must be at least 20%.
3. X cannot decrease in any policy year.
4. The present value of future death benefits using the resulting valuation mortality, must be at least as great as the present value of future death benefits using anticipated mortality experience.
5. The resulting valuation mortality must be greater than the anticipated mortality experience during each of the first 5 years after the valuation date.
6. X must be increased anytime it is necessary to meet all these tests.
7. X may be decreased anytime as long as it continues to meet all these tests.

8. If a ratio less than 100% is used for any policies, the company must comply with the following:

- a. An actuarial opinion based on asset adequacy analysis (Section 8) must be prepared for the company.
- b. The appointed actuary must annually opine as to whether X meets the requirements of this regulation.

Universal Life

For purposes of this regulation, universal life policies with secondary guarantees must hold the greater of reserves calculated by this regulation and the reserves required by CRVM for universal life policies.

Secondary guarantees are provisions in universal life policies which allow a policy to remain in force, even though the current surrender value (or in some cases, account value) is negative. These provisions usually allow the policyholder to pay a minimum premium to guarantee the policy does not lapse.

To calculate the “XXX” reserves, the secondary guarantee periods are viewed as a term policy within the universal life policy. The same calculation rules are used for these policies as are described above.

Other Provisions

1. **Minimum reserves.** When all the calculations are completed, the company must still hold at least $\frac{1}{2}c_x$ or the “cost of insurance” to the paid-to date, depending on the valuation method.
2. **Unusual patterns of guaranteed surrender values.** Additional reserves may be required if the scheduled premiums are not sufficient to fund future guaranteed increases in surrender values.

3. **Optional exemption for YRT reinsurance.**
4. **Optional exemption for attained age YRT policies.**
5. **Exemption from unitary reserves for certain n-year renewable term policies.**
6. **Exemption from unitary reserves for certain juvenile policies.**

Effective Date

Policies issued on or after January 1, 2000.

Changes Overview

The following are changes that were made to the "XXX" regulation (95 Reg) as adopted by the NAIC for this proposal:

1. **5-year safe harbor eliminated.** Universal life policies which meet certain requirements are exempt.
2. **Selection factors updated.** The 95 Reg had 15-year selection factors based on experience for the years 1983-1986, loaded by 50%. The proposal uses 20-year selection factors based on the same experience, improved for 15 years, then loaded by 50%. During the last 5 years, and at older ages, the rates were graded into the 1980 CSO Table.
3. **New deficiency mortality standard.** The 95 Reg used the same mortality as for the basic reserves, loaded 20% instead of 50%. The proposal relies significantly more on the professional judgment of the appointed actuary. A company will be permitted to multiply the selection factors by ratios that are as low as 20%. There are several requirements which must be met, however, including the filing of a Section 8 opinion and an annual opinion on the

resulting valuation mortality.

4. **YRT reinsurance exemption limitation.** The ceding company will be limited to a reinsurance reserve credit no greater than the reserves held by the assuming company. This only applies to policies for which the assuming company elects this exemption.
5. **Effective date.** Changed from an uncertain date in the 95 Reg to January 1, 2000 in the proposal.

Outstanding Issues

The following issues are still outstanding with regard to the proposal:

1. **Compliance with Standard Valuation Law.** The American Academy of Actuaries will be reviewing the proposal for compliance with the Standard Valuation Law. This review is expected to be completed by October 1.
2. **Review of mortality tables.** The Society of Actuaries will be evaluating the adequacy of the proposed valuation mortality tables. This review is expected to be completed by October 1.
3. **Inforce policies.** An issue remains about the adequacy of reserves for policies issued prior to the effective date of the regulation. It is anticipated that the appointed actuary may have to report separately the reserves for these policies in the actuarial memorandum supporting the asset adequacy analysis. Still at issue is the definition of the policies which will be separately reported. Note that this is a reporting requirement, not a separate test for asset adequacy.

4. **Industry support.** Widespread expression of industry support is needed to insure the adoption of this regulation. Messages of support should be given to your local insurance commissioner, as well as to the "A" Committee before October 1. Messages to the "A" Committee may be sent to Carolyn Johnson at the NAIC.
5. **Consumer issue.** The 95 Reg was not uniformly adopted due to, in part, an aggressive writing campaign by Bob Barney of CompuLife Software. It is anticipated that Mr. Barney will object to the new proposal. He believes that companies should be required to guarantee premiums for as long as they are willing to illustrate level premiums. The industry can be expected to respond strongly to Mr. Barney's objections. It can be pointed out that such a requirement does not belong in a valuation regulation.

Wisconsin

The state of Wisconsin has adopted the 95 Reg with an effective date of January 1, 1999. If specific action isn't taken by the Wisconsin Department of Insurance, this will be the effective date in Wisconsin.

Representatives from the Wisconsin Department of Insurance were present at the L&HATF meeting in New York. They have expressed a strong willingness to consider the proposal for Wisconsin, if they can be confident of a 1998 adoption by the NAIC. It is hoped that they will accept the "A" Committee's adoption on October 1 as sufficient evidence to move back the effective date for Wisconsin. The following is an outline of possibilities for outcomes in Wisconsin:

95 Reg Effective January 1, 1999

1. Companies **licensed** in Wisconsin will be subject to the regulation for business written in **all** states.
2. It is likely that many companies will immediately reduce initial premium guarantees for **all** states to 5 years.
3. Many companies will discontinue writing term insurance in **all** states until products can be modified and supported administratively.
4. Some larger companies will continue to write products with longer guarantees using affiliated companies not licensed in Wisconsin.
5. There will be a large, immediate reduction in consumer choice for term insurance in the country.

Proposal Effective January 1, 1999

It has been unclear so far whether Wisconsin will adopt the proposal with the January 1, 2000 effective date. It is possible that they could adopt the proposal with a January 1, 1999 effective date. Unfortunately, this will yield similar results as adopting the 95 Reg on January 1, 2000. The only difference is that companies will eventually move the guarantee periods out from 5 years.

Proposal Effective January 1, 2000

This is the only possibility which allows for a reasonable transition from the current term market to the one which will develop after the adoption of "XXX." Companies will have all of 1999 to develop products which are priced to reflect the costs of the new valuation regulation. If several states adopt the regulation with a January 1, 2000 effective date, larger companies will not be able to circumvent the regulation by avoiding states which have adopted the regulation.

Many companies, including several Wisconsin domestics, can be expected to lobby Wisconsin to move back the effective date to January 1, 2000.

West Virginia

The state of West Virginia adopted the 95 Reg with an effective date of January 1, 1998. Recently the West Virginia Department of Insurance repealed the regulation by emergency rule. This emergency rule will be in effect for 15 months.

The Commissioner expects to propose legislation in 1999 to eliminate any time period during which the regulation arguably was in effect. Compliance with the regulation will not be enforced unless and until attempts to change the effective date fail on substantive grounds.

If West Virginia is unable to repeal this regulation by the legislature, a very difficult situation will arise. It is likely that there are many companies which are already technically insolvent in the state of West Virginia. This would include some very large and very highly rated companies with a large presence in the term market. This could prove to be extremely embarrassing to the state of West Virginia. **The Van Elsen Report** will continue to keep you informed on the repeal of this regulation.

Illinois Rule

There are 7 states which have adopted the 95 Reg with the "Illinois Rule." This provides that the regulation does not become effective until "January 1 of the calendar year immediately following the adoption of similar requirements in rule or statutory form by states with an aggregate population of at least 51% of the total population."

It will be extremely important for the states which have adopted the 95 Reg with the "Illinois Rule" to amend their regulations during 1999. It is possible

that these regulations could become effective on January 1, 2000 if enough states adopt the proposed regulation. If unchanged, however, it would be the 95 Reg that would become effective in these states.

States which have adopted the "Illinois Rule" include Illinois, Kansas, Maine, Maryland, New Mexico, North Carolina, and Utah.

Marketing Forecast

The following are our predictions of term insurance product development if "XXX" becomes effective. The final result, in many ways, is dependent on the actions of Wisconsin. In any event, companies in the very competitive term marketplace can be expected to seek new competitive advantages.

95 Reg Effective January 1, 1999

1. **5-year guarantees.** It will be very difficult to sell products with longer than 5-year guarantees. The reserve penalty for even 6 years is too great.
2. **Lower amounts.** You may still see longer period guarantees at lower face amounts where the premiums are not affected by deficiency reserves.
3. **Preferred classifications.** The most preferred classifications will become less competitive, with companies unable to guarantee the very low premiums.
4. **Underwriting competition.** The new competition may be to write more and more lives as standard risks. Individuals that used to be substandard may find themselves eligible for standard products.
5. **Commissions.** With less diversity in premium rates, some companies may compete with higher commissions. This may also be in the form of heaped or

liberalized annualized commissions.

Proposal Effective January 1, 2000

1. **1999 "fire sale."** There will probably be a "fire sale" on 20, 25, and 30-year term in 1999. These products will either not be available after "XXX" or will experience significant increases in premiums. Many companies will take the opportunity to lock-in a large block of term insurance into long periods of level premiums.
2. **Short guarantee products.** The competitive products will have shorter guarantee periods than the present marketplace. A 20-year term will not likely be guaranteed for 20 years. Expect competition, however, to continue to put pressure on extending out this guarantee period.
3. **Rate increases.** Products with more than 15 years of competitive premium guarantees can expect higher premiums. This increase will be a higher percentage increase for the longer duration products.
4. **Elimination of longer period guarantees.** There probably will not be many products marketed with competitive premium guarantees of more than 20 years. A 30-year or longer guarantee will probably totally disappear.
5. **Creativity.** With more flexibility allowed in reserving, companies can be expected to try many combinations to optimize their competitive situation. Term products and underwriting classifications that do not currently exist can be expected to be developed after the adoption of the proposed "XXX."

Tax Reserves

This is an issue which will require further research. Currently the 95 Reg defines the federally prescribed rules for life insurance. This is because the 95 Reg is currently prescribed by the NAIC as CRVM.

If the NAIC adopts the proposal on December 6, this will become the newly prescribed method for CRVM by the NAIC. The following questions arise:

1. Does the proposal become the federally prescribed rule on December 6, 1998 or on January 1, 2000?
2. If the proposal becomes the federally prescribed rule on January 1, 2000, does the 95 Reg remain the federally prescribed rule until then?

We do not currently have the answers to these questions. Authoritative answers will be sought and reported on in the December edition of *The Van Elsen Report*.

FAQ's

Questions that we have heard in the last several months:

1. Can we avoid Wisconsin's "XXX" by not filing our product in that state? No. If you are licensed in Wisconsin, the actuarial opinion that is signed for delivery in that state must reflect Wisconsin laws for all business. It is felt that this is an aggregate test. If there are other areas where a company holds redundant reserves according to Wisconsin law, they may be used to offset these reserves. It would not take much competitive term, however, to create a significant problem with surplus in Wisconsin if your products are not adjusted to "XXX."

2. Can we avoid Wisconsin's "XXX" by withdrawing from the state? Yes, but only with much difficulty and much time. It is unlikely that you would be permitted to leave the state while you still have Wisconsin policyholders in your company. These would have to be transferred to another company. It would probably take much time and effort to complete the withdrawal. After it is completed, you can probably wait a very long time before you will be readmitted to the state. Certainly a drastic step for what is likely to be a short-term problem.
3. Can we avoid Wisconsin's "XXX" by writing the business in a company not licensed in Wisconsin? Yes.
4. Are reserves higher under the proposal than for the current situation? If your company is calculating reserves using the unitary approach, the answer is probably yes. In fact, for longer duration guarantees the basic reserves are several times as high as the current $\frac{1}{2}c_x$ standard.
5. Are reserves higher under the proposal than for the 95 Reg? No. They are slightly lower for basic reserves, and much lower for deficiency reserves. This is particularly true for longer period guarantees.
6. Will deficiency reserves be eliminated under the proposal? No. Many of the longer period guarantees as well as the more competitive underwriting classifications will continue to have deficiency reserves. This may result in higher guaranteed premiums for these.

7. Can a company avoid “XXX” reserves by creating a product with very small guarantee premium segments? No. If a company is attempting to create a quasi-level premium product with long guarantees by having small steps, it will be unsuccessful. The steps will have to be large enough to cause a segment. Also, the new 20-year selection factors are only available for the first segment. Unless the guarantee premiums increase significantly, the later premiums will be very deficient, resulting in very large nondeductible reserves.
8. Am I always better off using the selection factors for the basic reserves? No. If your guarantee period is more than 15 years, it is likely that your basic reserves will be lower without the selection factors. This may also be the case for many older issue ages with shorter premium guarantees. Even at shorter guarantees, you need to test whether the new selection factors will give you lower reserves.
9. Why should my company support the proposed “XXX?” The 95 Reg is not likely to be adopted by many states. The 5-year safe harbor has proven to be an easy target for attack by its opponents. Without uniform adoption, some companies will gain significant competitive advantage over companies licensed in the few states that adopt the regulation. The proposal has significant industry support for uniform adoption. This should result in a level playing field for companies operating in the term market.

10. How can I keep informed about “XXX?” ***The Van Elsen Report.***

“ZZZ” Update

The L&HATF adopted actuarial guideline “ZZZ.” This is the new guideline which affects reserving for equity indexed annuities.

There was much discussion about whether equity indexed annuities issued as variable annuities should be included in the scope of the regulation. They were finally deleted, with a strong admonition from the task force that companies should consult their insurance departments before designing such products.



3rd In Nation!

It is expected that this guideline will be adopted by the “A” Committee on September 16, and be passed on for review by the Executive Committee and Plenary in December.

3 More Years

The returns are in for the Colfax-Mingo School Board election. **Jim Van Elsen** was reelected to his 3rd term by a very narrow margin of only 6 votes. Earlier this week, Jim was elected by the board to be President for the 1998-1999 school year.

Father’s Corner

The big focus for Sarah this summer was Tae-Kwon-Do. Her biggest thrill, by far, was competing in the Junior Olympics in Norfolk. She earned a 3rd-place medal in sparring. The match that won it for her was very close. She fell behind early, 4-1. By the end of the 1st period, however, she had fought back to a tie. In the final period, it was still tied with time running out. In the final second of the match, she scored the winning point. In the championship match, Sarah found herself chasing her opponent. Not used to this style of fighting, she lost points when trying to attack a very good defensive position. Even so, she just narrowly lost the match for the gold medal.

Sarah also competed in forms, placing in 6th place, out of the medals.

She competed in other tournaments this summer, including the Central Nebraska Tournament where she earned 2nd and 3rd place medals.

The other activity for Sarah this summer was swimming. She placed very well at her meets, competing in the 100 m individual medley, the 200 m medley relay, the 50 m butterfly, and the 100 m freestyle. With 3 summers of swimming, Sarah has earned 79 ribbons.

With school beginning, Sarah is resuming her dance and piano lessons. She also recently joined the junior bowling league.

Tae-Kwon-Do, however, will still take much of her time. Next weekend is the Central Iowa tournament, and next month is the Iowa AAU Qualifying Tournament. Finally, Sarah will be testing for her 1st-Degree Black Belt on September 20.

Van Elsen Consulting

Van Elsen Consulting is an actuarial consulting firm. **James N. Van Elsen, FSA, MAAA** is the firm's owner and is responsible for the work completed. We specialize product development and in serving the needs of smaller life insurance companies.

As you consider your product development needs in the future, consider the following:

- What did your consulting firm do to help solve the impending disaster in the 1999 term market?
Van Elsen Consulting was the **only** consulting firm actively working to solve the "XXX" crisis.
- How did your consulting firm advise you to prepare for the potential 1999 term crisis?
Van Elsen Consulting advised its clients to be ready with products on January 1, 1999 that were priced for "XXX." To do otherwise is to risk being out of the term market completely in 1999.
- What did your consulting firm advise you to do if "XXX" is effective on January 1, 1999?
Van Elsen Consulting advised its clients to reduce its guarantees to 5 years. Clients were specifically advised not to ignore the effect of Wisconsin. It is not sufficient to not market products in Wisconsin. To do so would be to risk the long-term solvency of the company.

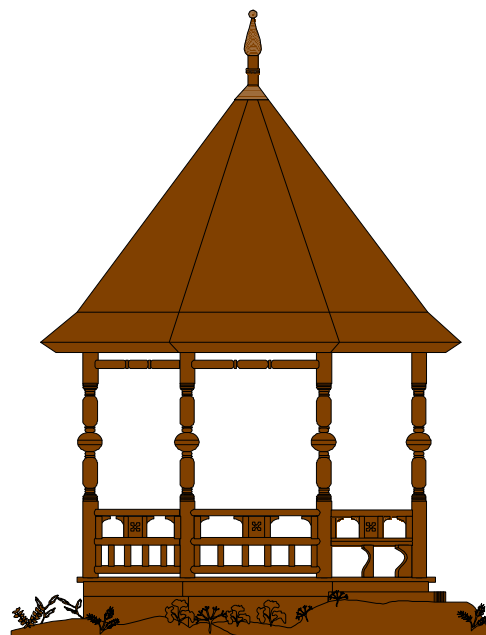
As you consider your valuation actuary needs in the future, consider the following:

- What is your consulting firm doing to help reduce the burden of valuation requirements for smaller companies?
Van Elsen Consulting is the **only** consulting firm fighting for more reasonableness in requirements for smaller companies. Many larger consulting firms have taken the public position that **all** life insurance companies should be subject to Section 8 opinions (Asset Adequacy Analysis), regardless of the cost or benefit to their clients.

As you consider your actuarial consulting needs in the future, consider the firm that works hard to reduce the cost of regulation for its clients.

Call Van Elsen Consulting!!!

James N. Van Elsen, FSA, MAAA
Lois Mast
Mike Staudacher
Beth Ann Van Elsen
Sarah Ann Van Elsen



Annuity 2000 Update

The Annuity 2000 table has been adopted by the NAIC as a new valuation standard for individual annuities. States that have progressed on adopting the table are shown in the following Annuity 2000 Scorecard and the map at the bottom of this page. **Darkened states (such as Alaska)** are those that are effective in 1998 or earlier. The **hashed states (such as Alabama)** are expected to adopt for 1999. The **bricked states (such as Delaware)** have taken some action to adopt the regulation. The remaining states are on hold or in review status. Companies need to carefully consider the impact of the new valuation table. It may be necessary to review guaranteed settlement option rates on life insurance and annuity policy forms. It is conceivable that older guaranteed rates could result in higher required reserves, particularly for annuities. Companies should also review their current settlement option and immediate annuity rates. It may be necessary to reduce purchase rates because of the increased reserves. Tax reserves will not reflect the new mortality table until adopted by 26 states.

Annuity 2000 Scorecard

States Adopting with 1998 or Earlier Effective Date (7 States)

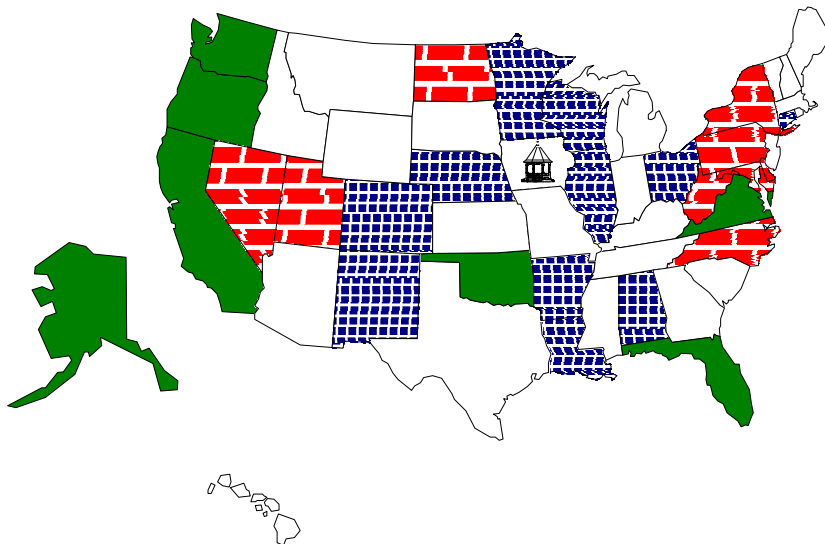
Alaska California Florida (8-13-98) Oklahoma (7-10-98) Oregon Virginia Washington (4-1-98)

States Expected to Have 1999 Effective Date (11 States)

Alabama Arkansas Colorado Connecticut Illinois Louisiana Minnesota Nebraska New Mexico Ohio Wisconsin

Other States (10 States)

Delaware	Expect hearing soon.
District of Columbia	In process.
Maryland	Unregulated.
Nevada	In process.
New York	In process.
North Carolina	Will deal with in 1999 legislative session.
North Dakota	In rule making process.
Pennsylvania	Drafting.
Utah	Drafting.
West Virginia	HB 4283 in legislature with the effective date undetermined at this time.



"XXX" Update

In the map below, **darkened states (such as New York)** are those that have adopted "XXX" without the 51% provision. The **hashed states (such as Illinois)** are those that have adopted "XXX" with the 51% provision.

Watch *The Van Elsen Report* for progress on "XXX" during 1999.

"XXX" Scorecard

States Adopting with 51% Provision (11.97%)

Illinois Kansas Maine Maryland New Mexico North Carolina Utah

States Adopting without 51% Provision (16.75%)

New York Currently effective.

Texas Effective January 1, 2000.

West Virginia Repealed by emergency rule for 15 months. Expect legislature to repeal in 1999. See article.

Wisconsin Effective January 1, 1999. See article.

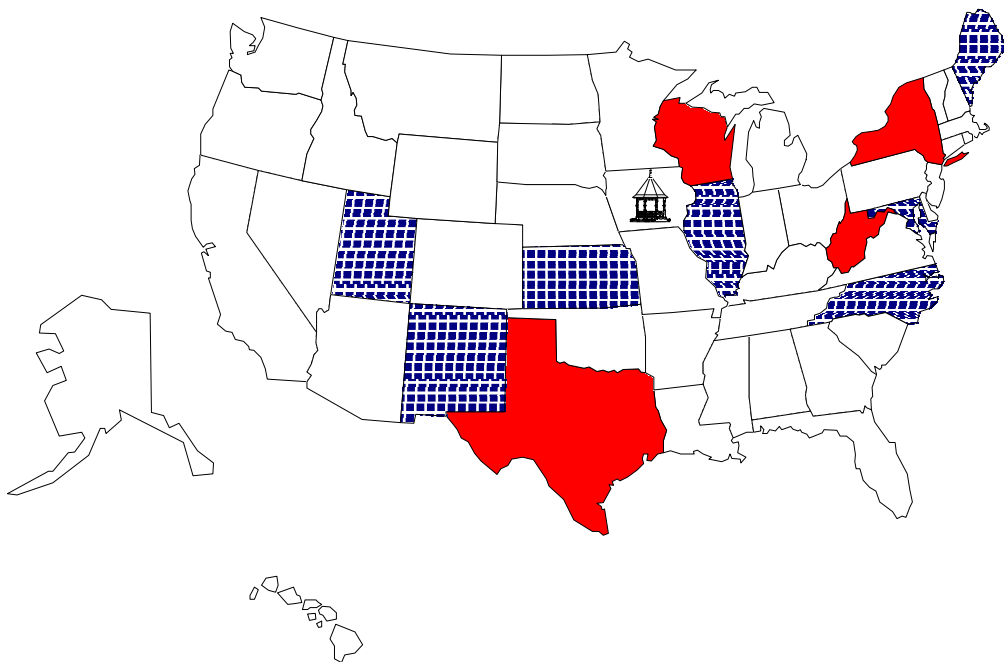


Illustration Regulation Update

The map below shows the status of the illustration regulation. **Darkened states (such as Alabama)** are those that are effective October 1, 1998 or earlier. The **hashed states (such as Arizona)** are expected to adopt on or before January 1, 1999. The **bricked states (such as Georgia)** do not intend to adopt the regulation. The remaining states (shown in the tables below) are on hold or in review status.

The following summary was updated September 15. It is based on interviews with insurance department personnel and other sources. We believe the information contained in this summary is accurate at the time of printing. If you have concerns or questions about a specific state's status, we encourage you to contact us. Also, please contact us if you are aware of any errors in this table. **We will be publishing an update with each of our regular newsletters in 1998.**

States Expected to be Effective on Or Before October 1, 1998 (26 States)

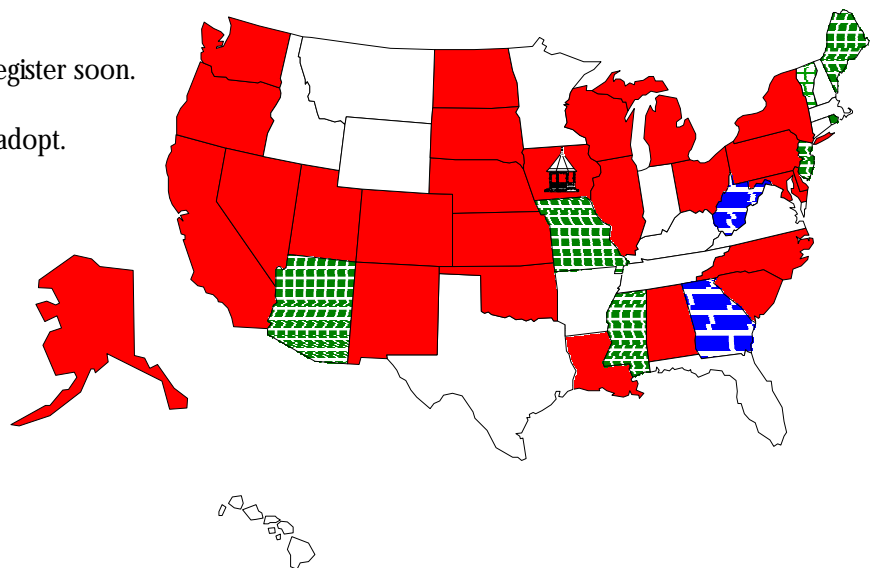
Alabama Alaska California Colorado Delaware Illinois Iowa Kansas Louisiana Maryland Michigan Nebraska Nevada New Mexico New York North Carolina North Dakota Ohio Oklahoma Oregon Pennsylvania South Carolina South Dakota Utah Washington Wisconsin

States Expected to be Effective on or Before January 1, 1999 (7 States)

Arizona Maine Mississippi Missouri New Jersey Rhode Island Vermont

Status in Other States (17 States & DC)

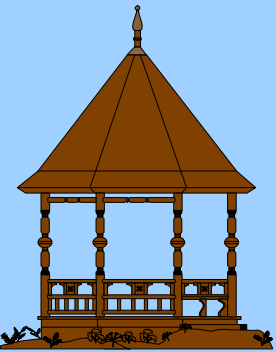
Arkansas	Currently no plan to implement.
Connecticut	Targeting September 1, 1999.
District of Columbia	On hold.
Florida	On hold.
Georgia	Do not plan to adopt.
Hawaii	Review status.
Idaho	No proposed action.
Indiana	Review status.
Kentucky	Reviewed. On hold.
Massachusetts	On hold.
Minnesota	Review status.
Montana	Review status.
New Hampshire	Redrafting.
Tennessee	On hold.
Texas	Will publish in register soon.
Virginia	Review status.
West Virginia	Do not plan to adopt.
Wyoming	On hold.



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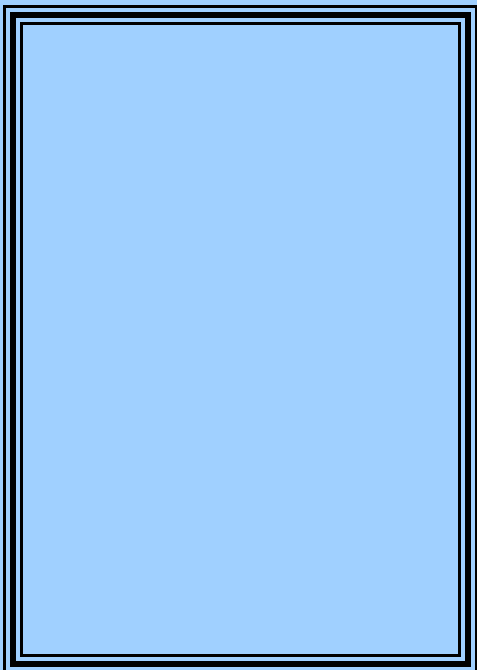
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