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TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Tuesday, March 1, 2011 – Agenda #1
10 a.m.

TESTIMONY ON HOUSE BILL NO. 1051, H.D. 1 – RELATING TO INSURANCE.

TO THE HONORABLE MARCUS OSHIRO, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner ("Commissioner"),
testifying on behalf of the Department of Commerce and Consumer Affairs
("Department"). Thank you for hearing this bill. The Department strongly supports this
Administration bill.

The purpose of this bill is to adopt model regulations of the National Association
of Insurance Commissioners ("NAIC") in compliance with the senior investor protections
in section 989A of the federal Dodd-Frank Wall Street Reform and Consumer Protection
Act.

The H.D. 1 amended the definition of "annuity" to reflect the NAIC's Suitability in
Annuity Transactions Model Regulation and made technical changes.

The federal Dodd-Frank Wall Street Reform and Consumer Protection Act was
passed to promote financial stability and transparency of the financial system and to
protect consumers from abusive financial services practices.

The Commissioner continues to receive complaints from consumers, particularly seniors, about sales and marketing practices used by insurance producers with respect to annuity products.

Adopting these NAIC model laws will: (1) enhance protection to consumers, including seniors; and (2) enable the Insurance Division to apply for federal grants that propose activities to protect seniors from misleading or fraudulent marketing in the sale of financial products.

We thank this Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.

TESTIMONY OF THE AMERICAN COUNCIL OF LIFE INSURERS
COMMENTING ON HB 1051, HD 1, RELATING TO INSURANCE

March 1, 2011

Via e mail: fintestimony@capitol.hawaii.gov

Honorable Marcus R. Oshiro, Chair
Committee on Finance
House of Representatives
Hawaii State Capital, Conference Room 308
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Oshiro and Committee Members:

Thank you for the opportunity to comment on HB 1051, HD 1, relating to Insurance.

Our firm represents the American Council of Life Insurers ("ACLI"), a national trade association, who represents more than three hundred (300) legal reserve life insurer and fraternal benefit society member companies operating in the United States. These member companies account for 90% of the assets and premiums of the United States Life and annuity industry. ACLI member company assets account for 91% of legal reserve company total assets. Two hundred thirty-nine (239) ACLI member companies currently do business in the State of Hawaii; and they represent 93% of the life insurance premiums and 95% of the annuity considerations in this State.

ACLI is in accord with the intent and purposes of HB 1051, HD 1, which is to provide consumer protection, particularly to seniors, from abusive financial services practices by adopting the National Association of Insurance Commissioners ("NAIC") Suitability in Annuity Transactions Model Regulation ("Model Regulation") and to comply with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010.

The Model Regulation establishes national uniform standards and rules regulating the sales of annuities to consumers.

Generally, ACLI supports insurance provisions that conform to federal law and national standards.

However, HB 1051, HD 1, does not include the reciprocity training provision which is set forth in the Model Regulation. That provision states: "The satisfaction of the training requirements of another State that are substantially similar to the provisions of this subsection shall be deemed to satisfy the training requirements of this subsection in this State."

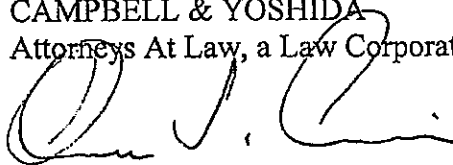
It is important that the Model Regulation be adopted without changes. This will ensure uniform and national regulation of the annuity contract across the country.

Accordingly, ACLI requests that Section 2 of the Bill (at page 2, lines 1 through 10) be amended by substituting the Model Regulation's reciprocity training provision as paragraph (c) in place of the current provisions in that paragraph (page 3, lines 20 through 22, and at page 4, at lines 1 through 7) and that the provisions contained in existing paragraph (c) (page 3, lines 20 through 22, and at page 4, at lines 1 through 7) be inserted following the reciprocity training provisions and that it be renamed as a new paragraph (d).

In addition, Section 10 of HB 1051, HD 1, (page 26, at line 3) makes its provisions effective upon its approval. ACLI submits that that its member companies will need time to comply with the Bill's provisions. ACLI suggests that the Bill be amended to have an effective date of 6 months following its approval.

Again, thank you for the opportunity to comment on HB 1051, HD 1.

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House Committee on FINANCE
Representative Marcus Oshiro, Chair
Representative Marilyn Lee, Vice Chair

Hearing Date: March 1, 2011 – Agenda #1 --10:00 am

RE: House Bill 1051, HD 1 – Relating to Insurance

Chair Oshiro, Vice Chair Lee, and members of the Finance Committee, the National Association of Insurance and Financial Advisors (NAIFA) Hawaii is made up of life and health insurance agents throughout Hawaii, who primarily sell life insurance, annuities, long term care and disability income policies.

HB 1051, HD1, has been crafted from NAIC's *Suitability in Annuity Transactions Model Regulation* that was adopted in March 2010. Over the last several years, NAIFA has worked with consumers, the NAIC and other industry representatives to develop these stronger standards which will provide more protections for the consumer buying annuities.

We support the measure.

Annuities have been and will continue to be an important planning tool for retirement, and producers, insurers and regulators must be vigilant that these products are appropriate for consumers. It is also imperative that producers who market these important products have a thorough understanding of their features and how it meets the needs of clients. Consumers should be protected from inappropriate and unsuitable marketing practices.

The major enhancements to the model regulation include insurer responsibility for compliance, review of all annuity transactions, and training requirements for producers/agents.

This bill will require insurance producers/agents to fulfill a one-time training course of 4 continuing education credit hours by 1-31-2012, for those who are already licensed. New producers/agents after 1-31-2012, will be required to fulfill the 4 credit hours prior to selling annuity products.

Mahalo for allowing us to share our views.

Cynthia Takenaka, Executive Director
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