

HMF 10/23/02

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## MUTUAL BENEFIT ASSOCIATION OF HAWAII

October 23, 2002

To: Davis Yogi  
From: Melvin Higa, Senior Vice President  
Subject: Response No. 2 to Your Letter Dated October 9, 2002  
Re: Proposed Rules of the Hawaii Employer-Union Health Benefits Trust Fund

This submission is an additional comment for the committee's and/or board's further consideration on the proposed rules.

Section 87A-26 requires that the board adopt rule-making procedures. The law further requires that rule-making procedures minimally provide for the adoption of rules at open meetings that permit the attendance of any interested persons. Accordingly, the Board must first adopt rule-making procedures that provide for adoption of rules at open meetings that permit the attendance of any interested persons, before the board may adopt the proposed rules.

Given the above, the Board should not and cannot entertain adoption or approval of the Proposed Rules, until first complying with the lawful requirements mentioned above.

