

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 58
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and
Affordable Housing, to which was referred S.B. No. 58 entitled:

"A BILL FOR AN ACT RELATING TO DENTISTS,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee,
is to allow for the independent administration of a deceased
dentist's estate.

Your Committee received testimony in support of this measure
from the Board of Dental Examiners (Board), the Hawaii Dental
Association (HDA), and three individuals.

Your Committee finds that seventy per cent of Hawaii's
dentists are sole proprietors that do not have the benefit of the
Professional Corporations Act of chapter 415, Hawaii Revised
Statutes (HRS), which provides for the winding down or selling of
the professional's business upon their death or disability. As a
result, legal issues arise as to how a dental practice is to be
handled by a dentist's estate or a dentist's legal guardian in a
situation where a dentist dies unexpectedly or becomes
incapacitated. The intent of this measure is to address the
issues that arise under those types of circumstances by providing
for the temporary, but continued, operation of the dental
practice.

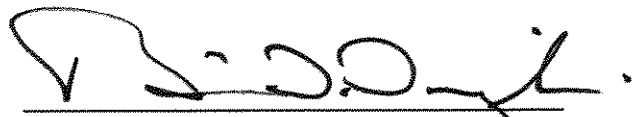
Your Committee has amended this measure, based upon the
testimony provided by both the Board and HDA, by moving the



substance of the proposed new section while maintaining the measure's original intent, to section 448-1, HRS, thus adding an exemption to the practice of dentistry for actions performed by executors and administrators of a deceased dentist's estate, as well as for actions of a legal guardian or authorized representative on behalf of an incapacitated dentist.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 58, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 58, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Affordable
Housing,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Commerce, Consumer Protection and Affordable Housing
CPH

Bill / Resolution No.:* <div style="font-size: 1.2em; font-weight: bold;">SB 58</div>	Committee Referral: <div style="font-size: 1.2em; font-weight: bold;">CPH, JDL</div>	Date: <div style="font-size: 1.2em; font-weight: bold;">2/7/07</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman				✓
SLOM, Sam	✓			
TOTAL	4			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">David Y Ige</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> </div>				

*Only one measure per Record of Votes