

**PRESENTATION OF THE
BOARD OF PRIVATE DETECTIVES
AND GUARDS**

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Thursday, March 27, 2014
4:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2486, S.D. 1, H.D. 1, RELATING TO PRIVATE
GUARDS.**

TO THE HONORABLE SYLVIA LUKE, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Kenneth Chang, member of the Board of Private Detectives and Guards ("Board"). Thank you for the opportunity to testify on Senate Bill No. 2486, S.D. 1, H.D. 1, which proposes to: 1) delay the continuing education requirement from the June 30, 2014 renewal cycle to the June 30, 2016 renewal cycle; 2) repeal the sunset date of Act 208, SLH 2010 to make permanent the registration requirements for guards or any other employee acting in a guard capacity; 3) provide an exemption for persons employed for the purpose of loss prevention; and 4) indicate July 1, 2112 as the effective date of this measure.

The Board strongly supports the following:

- Section 2, page 3, lines 8-13. This section delays the continuing education requirement from the June 30, 2014 renewal cycle to the June 30, 2016 renewal. The Board just completed the initial registration of approximately 9,000 guard employees in 2013. Since initial registration already includes an educational component, all 9,000 newly registered

guard employees have recently completed mandatory training. As such, the Board, industry, and registrants are in need of relief from the continuing education requirement scheduled for the June 30, 2014 renewal. While the Board has established the mandatory continuing education curriculum and has posted it on its website, curriculum providers and employers intending to do in-house training of the continuing education need time to develop their course offerings, receive Board approval, and deliver the training. The Board concurs with the requirement on page 3, lines 4-7, of this measure that a refresher component on professional image and aloha training is necessary and is happy to report that this topic is included in the Board's four-hour continuing education curriculum posted on its website. Delaying the continuing education requirement to June 30, 2016 still preserves the importance of continued training to the registrant, industry, and the public, but provides the necessary time for development, administration, and implementation.

- Section 4, page 4, lines 18-22 and page 5, lines 1-2. This section repeals the sunset date of Act 208, SLH 2010, to make permanent the registration requirements for guards or any other employee acting in a guard capacity. While the Board completed what seemed a daunting task, the registration of approximately 9,000 guards, there is still work to be done to continue the Legislature's vision.

The Board strongly opposes the following:

- Section 2, page 3, line 3. The Board feels strongly that the four-hour requirement should be changed from an annual requirement to a biennial requirement, and believes that four hours every two years is sufficient to ensure that guard employees are kept abreast of current trends in the guard industry and to refresh employees on important training concepts included in their initial eight-hour training curriculum. Major industry members contacted concurred with the Board's position.
- Section 3, page 4, lines 6-15. The section provides an exemption for persons employed exclusively and regularly by one employer for the sole purpose of preventing the loss of property due to theft where there exists an employer-employee relationship. While the Board has not had an opportunity to discuss this new provision, it did determine at its August 15, 2013 meeting that loss prevention agents were acting in a guard capacity and accordingly were subject to the requirements of HRS section 463-10.5. Further, it will be unclear as to which employees will fall under this exemption. As written, a guard employee of a guard agency who only performs loss prevention contracts may be exempt. This matter will be placed on the Board's April 10, 2014 meeting agenda for discussion.
- Section 6, page 5, line 5. As currently written, the effective date this Act shall take effect is July 1, 2112. This date is problematic as it jeopardizes

the repeal of the continuing education requirement effective June 30, 2014, and will not ensure the delay until June 30, 2016. The Board is requesting for an effective date of June 29, 2014.

For these reasons, the Board strongly prefers the passage of Senate Bill No. 2486, S.D. 1.

Thank you for the opportunity to testify on Senate Bill No. 2486, S.D. 1, H.D. 1.



Executive Officers:
Stanley Brown, ConAgra Foods - Chairperson
John Schilf, RSM Hawaii - Vice Chair
Derek Kurisu, KTA Superstores - Treasurer
Lisa DeCoito, Aloha Petroleum - Secretary
Lauren Zirbel, Executive Director

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TO:
HOUSE COMMITTEE ON FINANCE
Rep. Luke, Chair
Rep. Nishimoto and Rep. Johanson, Vice Chairs

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: March 27, 2014
TIME: 4pm
PLACE: Conference Room 308

RE: SB 2486

Position: Support

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers and distributors of food and beverage related products in the State of Hawaii.

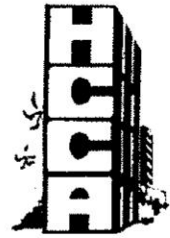
We support this measure as amended by the House Committee on Consumer Protection & Commerce.

Retailers employing loss prevention agents to protect their property were previously exempted from these types of requirements. These exemptions existed, and made sense, because it was understood that retailers have the greatest vested interest in making sure that loss prevention or asset protection personnel that they employ adhere to the highest professional standards and have the best training to meet the needs of their employer. The exemption for loss protection agents removes an unnecessary financial burden for businesses, which is good for Hawaii businesses and for Hawaii consumers.

Thank you for the opportunity to testify.



**Hawaii Council of Associations
of Apartment Owners**
DBA: Hawaii Council of Community Associations
1050 Bishop Street, #366, Honolulu, Hawaii 96813



March 26, 2014

LATE

Rep. Sylvia Luke, Chair
Rep. Scott Nishimoto, Vice-Chair
Rep. Aaron Johansen, Vice-Chair
House Committee on Finance

Re: SB2486, SD1 HD1 RELATING TO PRIVATE GUARDS
Hearing: Thurs., March 27, 2014, 4 p.m., Conf. Rm. #308

Chair Luke, Vice-Chairs Nishimoto and Johansen and Members of the Committee:

I am Jane Sugimura, President of the Hawaii Council of Associations of Apartment Owners (HCAAO dba HCCA).

HCAAO was a member of the task force appointed pursuant to Act 208 to assist the Board of Private Detectives and Guards (the "Board") implement the provisions of that law. Accordingly, we are familiar with the issues being addressed by this bill and HCAAO is in agreement with the testimony of the Board in connection with this bill. HCAAO opposes the recent amendment that would require 4 hours of continuing education annually. We agree with the Board that 4 hours biennially or 8 hours biennially would be preferable than requiring guards who are employed by condominium and community associations to take continuing education on an annual basis. Therefore, we ask that you amend this bill to remove that requirement. We take no position on the amendment to section 3 of the bill (i.e., exemption of loss-prevention employees in retail establishments from this bill)

Thank you for the opportunity to testify on this matter.

Jane Sugimura
President