

Intro. Res. No. 1425-2014
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 4/29/2014

**RESOLUTION NO. 448 -2014, ADOPTING LOCAL LAW
NO. 19 -2014 A LOCAL LAW TO STREAMLINE THE
FUNCTIONS OF CERTAIN OCCUPATIONAL LICENSING
BOARDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on April 29, 2014, a proposed local law entitled, "**A LOCAL LAW TO STREAMLINE THE FUNCTIONS OF CERTAIN OCCUPATIONAL LICENSING BOARDS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 19 -2014, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STREAMLINE THE FUNCTIONS OF CERTAIN
OCCUPATIONAL LICENSING BOARDS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature finds that the work of home appliance repair requires knowledge of instruments and devices that primarily rely on electrical wiring.

This Legislature further finds that while home appliance repair work is currently licensed by the Suffolk County Home Appliance Repair Board, the Suffolk County Electrical Licensing Board also has a high level of expertise in numerous areas of electrical work.

This Legislature therefore finds that in an effort to streamline government functions and reduce redundancy, it would be in the best interest of the County to eliminate the Suffolk County Home Appliance Repair Board and transfer its functions to the Suffolk County Electrical Licensing Board.

This Legislature further finds that the addition of a member to the Electrical Licensing Board who has expertise in home appliance repair would ensure a smooth transition of the oversight of home appliance repair licenses to the Suffolk County Electrical Board.

Now, therefore the purpose of this law is to amend Chapter 563 of the Suffolk County Administrative Code to collapse the Suffolk County Home Appliance Repair Board; transfer the functions of the Home Appliance Repair Board to the Suffolk County Electrical Licensing Board; and modify the composition of the Electrical Licensing Board by increasing the membership from eight to eleven, with at least one member to have a background in home appliance repair.

Section 2. Amendments.

I. Article I of Chapter 563 of the LAWS OF SUFFOLK COUNTY is hereby amended to read as follows:

CHAPTER 563. LICENSED OCCUPATIONS

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ARTICLE III HOME APPLIANCE REPAIR BUSINESSES

§ 563-26. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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BOARD

The [Home Appliance Repair] Electrical Licensing Board, as established in [§ 563-27] Article IX of this Chapter.

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§ 563-27. [Licensing Board.

A. There shall be a Home Appliance Repair Licensing Board, which shall consist of seven members, to be appointed by the County Executive with the approval of the County Legislature. The Board shall be composed of individuals having personal knowledge and interest in the home appliance repair business. The members shall be appointed for terms of three years, except that the initial appointments shall be three members for three-year terms, two members for two-year terms and two members for one-year terms. This staggered system of appointments shall be continued. The Director of Consumer Affairs or his designee, shall be a nonvoting ex official member of the Board.

B. Compensation and meetings. There shall be at least one meeting a month. Each member of the Board shall be compensated at the rate of \$100 for each official meeting which he attends, but in no event shall a Board member receive more than \$1,500 in any calendar year.

C. Powers and duties. The Board shall have the following powers and duties:

- (1) To hold meetings at regular times and places for the efficient discharge of the responsibilities and duties of the Board.
- (2) To make rules for the conduct of its meetings and to keep a minute book of its proceedings, including a record of its examinations and other official actions.
- (3) To examine into the qualifications and fitness of applicants applying for appliance repair licenses pursuant to this article.
- (4) To authorize the Director of Consumer Affairs, or his designee, to issue a certificate of competency and license.
- (5) To conduct meetings and, after a hearing at which all interested parties are afforded a sufficient opportunity to be heard, submit recommendations to the Director of Consumer

Affairs relating to the suspension or revocation of appliance repair licenses or identification cards for cause.

- (6) To keep records of licenses and identification cards issued, suspended or revoked and to make such records available for public inspection.
- (7) To prepare a manual of rules and regulations for the conduct of examinations and to furnish copies thereof to persons desiring same.
- (8) To formulate and recommend to the Director of Consumer Affairs, for adoption or amendment, a code of rules governing the home appliance repair business. Said code shall regulate the work of the licensee to which it applies, including the materials, workmanship and manner of executing such work. Before making such recommendations, the Licensing Board shall confer and meet with representatives of the designated occupation or business and hold a hearing on the proposed rules. Reasonable prior notice of the time and place of such hearing shall be given by publication in the official newspapers of the County.
- (9) To formulate and recommend to the Director of Consumer Affairs, for adoption or amendment, rules and standards for the issuance, suspension and relocation of certificates of competency and licenses, including the conditions for the issuance of same, the type of examination required, the terms and fees and the conditions upon and the circumstances under which the same may be revoked or suspended.]

[§ 563-28]. License required; qualifications.

A. It is unlawful for any person to engage in the business of appliance repair without obtaining a license therefor from the office in accordance with and subject to the provisions of this article, [and] Article I of this Chapter, and Article IX of this Chapter. Every licensee shall maintain an establishment within the State of New York.

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§ 563-~~29~~28. Areas of certification.

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§ 563-~~30~~29. Identification cards for employees; vehicle decals.

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§ 563-~~31~~30. Fees.

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§ 563-~~32~~31. Suspension or revocation of identification cards.

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§ 563-~~33~~32. Temporary license pending issuance of permanent license.

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§ 563-~~34~~33. Exempted operations.

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§ 563-~~35~~34. Procedure for seizure of vehicles of unlicensed businesses.

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§ 563-35. Reserved

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II. Article IX of Chapter 563 of the LAWS OF SUFFOLK COUNTY is hereby amended to read as follows:

CHAPTER 563. LICENSED OCCUPATIONS

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ARTICLE XI. ELECTRICIANS AND PLUMBERS

§ 563-130. Establishment of licensing boards.

A. Licensing boards.

(1) The Electrical Licensing Board shall consist of [eight] eleven members who shall serve for a three-year term. The County Executive, with the approval of the Legislature, shall appoint the [eight] eleven members. At least one member shall have background and knowledge in the home appliance repair business as that term is defined by § 563-26.

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§ 563-131. Powers and duties of licensing boards.

The licensing boards shall have the following powers and duties:

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C. To examine into the qualifications and fitness of applicants applying for licenses under this article. The Electrical Licensing Board shall also have authority to examine into the qualifications and fitness of applicants applying for licenses under Article III of this Chapter.

* * * *

563-134. Licensing boards to be part of [Office of Consumer Affairs] Suffolk County Department of Labor, Licensing and Consumer Affairs.

The Suffolk County Legislature does hereby create, in the [Office of Consumer Affairs] **Suffolk County Department of Labor, Licensing and Consumer Affairs**, the following occupational licensing boards, whose members will be chosen and whose duties will be as hereinbefore provided:

A. An Electrical Licensing Board for the issuance of master and journeyman certificates of competency and licenses in accordance with the provisions hereof to qualified persons engaged in the field of electrical work. The Electrical Licensing Board shall also have authority to issue certifications and licenses, in accordance with the provisions of Article III of this Chapter, for establishments engaged in home appliance repair businesses, as that term is defined by § 563-26.

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Section 3. Transition provision.

The terms of all appointments to the Electrical Licensing Board as of the effective date of this resolution shall not be affected hereby, and the term of the three additional members of said Board shall be for three years from the effective date of this law.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 7. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
____ Underlining denotes addition of new language

DATED: June 3, 2014

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 18, 2014

After a public hearing duly held on July 16 2014
Filed with the Secretary of State on July 25, 2014