

**COMMITTEE ON LEGISLATION
MINUTES: FEBRUARY 16, 2010**

LEGISLATION

MEMBERS:

Chair: Nonna; Legislators: Myers, Ryan, Rogowsky, A. Williams, Jenkins **BY PHONE:** Burton

IN ATTENDANCE:

CE: G. Oros, K. Delgado **Consumer Protection:** J. Gascione **LAW:** E. Cipolla **BOL:** B. DeSoye, P. Pepe, J. Sold, M. Montalto **Guests:** J. Ryan, M. Klein, P. Jahnige, V. Graff, T. Urtz, P. Brodhagen, C. Rubeo

With a quorum present, the Committee on Legislation was called to order at 1:40 p.m.

Technology-based consumer pricing option

Chairman Nonna gave a history of the proposed law from the previous session.

John Gascione, Acting Commissioner of the Office for Consumer Protection, stated that it is important to remember that there will be shelf tag requirements which will provide the pricing at the location of the item. He stated that his department will still handle all of the consumer complaints regarding pricing in the stores.

Former Commissioner of Consumer Protection Gary Brown, who spoke to the Committee via conference call, stated that the current statute has not been successful in changing retailer behavior as it currently stands to reduce the number of unmarked items on shelves.

Terry Grosselfinger, Director of Consumer Protection for Rockland County stated that the retail industry embraced waiver program when it was passed in Rockland. He said they have had 99 & 100% accuracy rate for pricing on the scanners, and they have met and exceeded their revenue projections in this area for the past two years.

Committee members explained that this law would not apply to Yonkers & Mount Vernon because they both have an existing pricing law.

Legislator Rogowsky asked about the a super refund in the law. Mr. Brown stated that the concept of a super refund is to be used in the case that a consumer is overcharged based on the scanner price, they would be refunded an additional amount of what they originally paid. Mr. Grosselfinger stated that most of the cases of pricing error he has seen in Rockland are in the shelf price, not in the computerized scanner price. The employees sometimes forget to adjust the shelf price when a sale is in effect.

A discussion ensued regarding the difference between price check scanners and price scanners, and how the scanner at the register is not the same as a price check scanner because consumers do not have access to it.

The Committee agreed to change the language to consistently say “price check scanner”. The Committee also agreed to change the number of days to correct an incorrect scanner from 5 days to 10 days.

Pat Brodhagen of the Food Industry Alliance introduced several members of the industry and stated that the Food Industry Alliance still supports this bill and thanks the Committee for reintroducing it.

Moved by Legislator Jenkins and seconded by Legislator Williams agenda item number three, technology based consumer pricing option was signed out for all purposes with a vote of 6-0. Legislator Burton asked via phone conference that the minutes reflect that had he been present he would have voted in favor of the item.

Boards & Commissions

Moved by Legislator Myers and seconded by Legislator Williams Dr. Doug Aspros was appointed to the Board of Health with a vote of 6-0. Legislator Burton asked via phone conference that the minutes reflect that had he been present he would have voted in favor of the appointment.

Moved by Legislator Myers and seconded by Legislator Rogowsky Kevin Cheverko was appointed the Acting Commissioner of the Department of Correction with a vote of 6-0. Legislator Burton asked via phone conference that the minutes reflect that had he been present he would have voted in favor of the appointment.

Moved by Legislator Rogowsky and seconded by Legislator Myers Lawrence Soule was appointed the Director of the Budget Department with a vote of 6-0. Legislator Burton asked via phone conference that the minutes reflect that had he been present he would have voted in favor of the appointment.

Moved by Legislator Jenkins and seconded by Legislator Myers Dr. Orlando Adamson, Patrick McCoy, Michael Staib, and Dr. Melvin Weiss were appointed as voting members of the Westchester County Health Care Corporation with a vote of 6-0. Legislator Burton asked via phone conference that the minutes reflect that had he been present he would have voted in favor of the appointment.

Moved by Legislator Rogowsky seconded by Legislator Myers the Committee minutes of February 1, 2010 were approved with a vote of 6-0.

Moved by Legislator Jenkins seconded by Legislator Myers the Committee on Legislation adjourned at 2:38 p.m. with a vote of 6-0.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST