

MINUTES OF COMMISSION MEETING

February 15, 2024

Present at the meeting of the New Jersey Law Revision Commission, held remotely, were: Chairman Vito A. Gagliardi, Jr.; Vice-Chairman Andrew O. Bunn; Commissioner Virginia Long; Commissioner Louis N. Rainone; Professor Edward Hartnett, of the Seton Hall University School of Law, attending on behalf of Interim Dean John Kip Cornwell; Professor Bernard W. Bell, of the of Rutgers University Law School, and Grace C. Bertone, of Bertone Piccini, LLP, attending on behalf of Dean Johanna Bond.

In Attendance

Also in attendance was Alex R. Daniel, Esq., from the New Jersey Civil Justice Institute; and John Albright, Assistant Deputy Public Defender.

Minutes

On the motion of Vice-Chairman Bunn, seconded by Commissioner Rainone, the Minutes of the January 25, 2024, meeting were unanimously approved by the Commission.

Prisons and Youth Correctional Facilities

Samuel Silver discussed with the Commission a Draft Final Report addressing anachronistic terms for correctional institutions in New Jersey's penal law. During an examination of New Jersey's statutes pertaining to correctional institutions, Staff noticed the use of the word "quarry" in the adult corrections statute.

Since 1918, N.J.S. 30:4-136, the statute defining State Prison, has included a reference to the existing prison in Trenton as well as all institutions, farms, camps, quarries, and grounds where individuals sentenced to incarceration may be housed. The inclusion of the terms farms, camps, and quarries appeared in the New Jersey statutes in an attempt to address the increasingly overcrowded conditions at the State Prison in Trenton. Although the statute was subsequently amended in 1948, 1963, and 1970, these references remained in NJS 30:4-136.

Enacted in 1948, N.J.S. 30:4-146, defined youth correctional institutions and contained an identical reference to farms, camps and quarries, or grounds where persons sentenced to youth correctional institutions may be housed.

Mr. Silver stated that in connection with this Report, Staff sought comments from twenty-three knowledgeable individuals and organizations. The New Jersey Parole Board and the Juvenile Justice Commission ("JJC") support the removal of the reference to the word quarries in both statutes.

The New Jersey Parole Board recommended that the Commission's proposed modification to N.J.S. 30:4-136 be amended to incorporate a cross-reference to N.J.S 30:1B-8 which is a reference to the eight facilities transferred from the Department of Insututions and agencies to the

Department of Corrections at the time of its creation and also provided for future institutions to be added and includes cross-reference to NJS 30:4-91.2 which allows the Commissioner to designate suitable places of confinement for individuals subject to incarceration.

A parallel recommendation was regarding N.J.S 30:4-146 to include that cross-reference to N.J.S 30:4-91.2 to allow the Commissioner to define future places of confinement. The New Jersey Parole Board and Juvenile Justice Commission further clarified that the Youth Correctional Institution Complex is within the jurisdiction of the Department of Corrections not the Juvenile Justice Commission.

Mr. Silver noted that the Appendix reflects the thoughtful recommendations of the Parole Board and the JJC, which recommends removal of the archaic references to quarries and the direct references to the State Prison and Youth Correctional Institution Complex. The proposed modifications incorporate cross-references to the diverse range of institutions available to the Commissioner of the Department of Corrections.

Commissioner Long recommended the use of a parallel structure in N.J.S. 30:4-136 and 146. Mr. Silver explained that the institutions and agencies that were set forth in N.J.S 30:1B-8, are the eight original institutions and agencies that were transferred to the Department of Corrections at the time the Department was created in 1976. He also noted that it is unclear that the Youth Corrections statute was meant to incorporate those facilities. In response, Commissioner Long suggested that the modification omit the reference to N.J.S. 30:1B-8. Vice-Chairman Bunn agreed with Commissioner Long's recommendation.

On the motion of Vice-Chairman Bunn, seconded by Commissioner Long, the Commission unanimously released the Final Report, as amended.

Meaning of Corporate "Books and Records of Account"

Whitney Schlimbach discussed with the Commission Staff's proposed modifications to N.J.S. 14A:5-28 to clarify the meaning of the phrase "books and records of account." She explained that N.J.S. 14A:5-28 addresses documents that must be maintained by a corporation and documents that may be inspected by shareholders, including the corporation's "books and records of account." That phrase is not defined in the statute but its scope was addressed by the Appellate Division in *Feuer v. Merck & Co., Inc.* 455 N.J. Super. 69 (App. Div. 2018), cert. granted 236 N.J. 227, aff'd 238 N.J. 27.

The Commission had previously requested that Staff reach out to the Corporate and Business Law Study Commission to ascertain whether that Commission was still working in this area. Staff confirmed that the Business Law Study Commission is not working on this topic. Additionally, the New Jersey State Bar Association communicated its support for the Commission's work in this area and expressed a willingness to assist in this area.

There is no clear source for a definition of the phrase "books and records of account" either within or outside of New Jersey. Staff examined the legislative history of the Business Corporation Act and N.J.S. 14A:5-28, the Model Business Corporation Act (MBCA), the common law in New

Jersey, the statutes and common law of other states, and other sources in an attempt to ascertain the meaning of the phrase.

In *Feuer v. Merck & Co., Inc.*, a shareholder requested that the Merck board of directors bring suit against itself and the corporation. The shareholder subsequently requested that he be allowed to inspect documents generated by the Working Group that Merck formed to investigate his request. On appeal, the Appellate Division determined that the documents created in response to the shareholder's request were not subject to shareholder inspection pursuant to either N.J.S. 14A:5-28 or the common law. The Court found that the phrase "books and records of account" has the same meaning throughout 14A:5-28. The phrase is used in subsection one, to describe documents that a corporation must maintain, and subsection four, to describe documents that a shareholder with a proper purpose may inspect. The Court opined that "books and records of account" consist of accounting and financial documents but do not necessarily include all financial documents of a corporation.

Ms. Schlimbach said that the Business Corporation Act was enacted in 1968 and was largely based on the 1960 version of the MBCA, issued by the American Bar Association. Subsection four of N.J.S. 14A:5-28 is almost identical to the parallel section in the 1960 MBCA. She noted that subsequent amendments to the statute have not further clarified the meaning of "books and records of account."

Several versions of the MCBA have been issued by the American Bar Association. The most recent version of the MCBA was issued in 2016 and has been updated through April 2023. Until 1984, the provision that the New Jersey Act was based upon remained virtually the same. In 1984, and all subsequent versions, that provision was split into two sections: one section addressed documents a corporation must maintain, and another addressed the scope of a shareholder's right to inspect corporate documents. The section addressing shareholder inspection permits inspection of many of the same documents as N.J.S. 14A:5-28(4). Instead of "books and records of account," the MBCA permits inspection of "financial statements" and "accounting records."

In New Jersey, *Feuer* is the only case that expressly interprets the phrase "books and records of account" as it appears in N.J.S. 14A:5-28. Various cases, decided both before and after the enactment of the statute, offer illustrations of materials that courts have allowed shareholders to inspect. These cases either delineate the types of documents shareholders are entitled to review or characterize them as materials that offer insights into the financial condition of the corporation.

In *Cain v. Merck & Co.*, 415 N.J. Super. 319 (App. Div. 2010), the Appellate Division interpreted other language in the statute, and clarified that the "minutes" referred to in subsection four should be understood as having the same meaning as in subsection one.

Several states have adopted statutory language like that found in New Jersey. The majority of other states have incorporated language used in more recent versions of MBCA and some have created their own lists of documents and records. Ms. Schlimbach noted that the *Feuer* court approvingly cited cases interpreting the statutory phrase "books and records of account" in Alaska, Missouri, and Pennsylvania. She noted that the New Jersey Legislature expressly relied on the

statutory language of New York and Illinois when it developed the Business Corporation Act. Only two states, Hawaii, and Missouri, have provided any detail regarding the meaning of the phrase in their statutes.

For general guidance regarding the documents that might be included in the definition of “books and records of account,” Staff reviewed the New Jersey Accountancy Act. The Act defines the term “financial statements.” Staff also reviewed the Internal Revenue Service’s (IRS) Guidelines, which set forth categories of documents that a taxpayer should maintain. Ms. Schlimbach advised the Commission that the common elements of these various sources were synthesized to develop the proposed statutory modifications set forth in the Appendix.

Ms. Schlimbach said that proposed language was added to subsection four to clarify that the term “minutes” refers to the minutes of the proceedings of shareholders, board, and executive committees. This construction is consistent with the court’s holding in *Cain*.

A proposed new subsection was added to the end of statute to clarify the meaning of “books and records of account” as used in N.J.S. 14A:5-28. The proposed language first provides a more general definition of the term: documents falling within the scope of “books and records of account” are those prepared in the usual course of operating a business that give the inspector a picture of the financial position and transactions of the corporation. This proposed language was derived from the decision in *Feuer*; the definition of “books of account” in *Black’s Law Dictionary*, which was cited by the *Feuer* Court; the 2016 version of the MBCA; and New Jersey decisions describing documents that a shareholder may inspect as those that show the financial situation of the corporation.

Additional language is also proposed, set forth in italics, which furnishes a more comprehensive, though not exhaustive, list of documents that could potentially be encompassed by the term “books and records of account.” The documents listed were derived from four sources: (1) those commonly identified by New Jersey and other jurisdictions with similar statutory language; (2) those identified in prior New Jersey shareholder inspection statutes; (3) documents mentioned in the 2016 and 1960 MBCA; and (4) categories identified by the IRS guidelines as records to be maintained for tax purposes. The proposed catch-all language was derived from *Kemp v. Sloss-Sheffield Steel & Iron Co.*, a New Jersey Supreme Court case from 1942 examining New Jersey’s common law right of inspection. Staff sought guidance regarding the inclusion of this proposed language.

Alex Daniel of the New Jersey Civil Justice Institute warned that specifying particular examples of books and records of account in the proposed modifications could introduce legal uncertainty and potentially trigger new shareholder litigation by allowing broader requests for books and records. In addition, he stated that it is his understanding that the New Jersey courts have not struggled to identify the materials corporations must produce for inspections pursuant to N.J.S. 14A:5-28(4). Finally, he underscored that the proposed statutory text might encourage wide-ranging requests by plaintiffs seeking to utilize books and records actions to support shareholder litigation.

Commissioner Bell said that the suggested statutory modifications do not presume that a corporation is obligated to retain all the mentioned documents. Emphasizing the absence of a time constraint on a request, he proposed incorporating language mandating a corporation to “maintain records as required by law” could alleviate concerns that the corporation must retain each specified record outlined in the proposed modification. Commissioner Bell added that if a corporation possesses specific records, those records should be accessible to shareholders upon request. In subsection one, he recommended the inclusion of the word “adequate” before “books and records.” Alternatively, he proposed language affirming that “a company is not required to maintain or create these records to the extent that they would not ordinarily create such records on their own.” Commissioner Bell expressed the view that most companies naturally generate many of the listed records as part of their regular business operations. Finally, he noted that the inclusion of the word “may” suggests that the statutory list is permissive rather than mandatory.

Commissioner Hartnett stated that he was not worried that it would lead corporations to create documents. He suggested that in the first sentence the word “and kept” should be added after the word “prepared” to address the issue of document retention. Furthermore, he recommended that the bracketed language be highlighted to potential commenters as a specific area of interest for comments by the Commission. Commissioner Bell stated that instead of the phrase “and kept” that the language should reflect “prepared, kept, and currently maintained” in the usual course of operating the business. Vice-Chairman Bunn stated that the Bell-Hartnett proposal defines the universe of what a corporation must maintain to satisfy the statute.

Chairman Gagliardi asked the Commission about the proposed Bell-Hartnett amendment. The Commission unanimously agreed to the language proposed by Commissioner’s Bell and Hartnett.

Chairman Gagliardi suggested that Staff add language to footnote 132 to indicate to readers that the items set forth in the proposed language are not designed to represent an exhaustive list of items to be kept by a corporation. Commissioner Hartnett added that if the majority of the comments agree with Mr. Daniel, then the bracketed language – suggesting the types of documents to be maintained by a corporation – would likely not be retained in the proposed modification.

On the motion of Commissioner Bell, seconded by Commissioner Long, the Commission unanimously released the work, as amended, as a Tentative Report.

Termination of Parental Rights

Carol Disla-Roa discussed a Memorandum proposing a project to clarify the “best interest of the child” standard in N.J.S. 30:4C-15.1(a), as well as the statutes concerning the appointment of a caregiver as a kinship legal guardian (“KLG”) in N.J.S. 3B:12A-1 to -7. She explained that the Legislature amended these statutes in July 2021.

Those amendments removed the language from the second prong of the “best interest of the child” test that had indicating that harm to the child may include evidence that separating the child from his resource family parents would cause serious and enduring emotional or

psychological harm. The July 2021 amendments also amended the KLG statutes with the goal of making KLG an equally available permanent plan for children in Division custody.

In *N.J. Div. of Child Prot. & Permanency v. A.S.*, the Division (“Division”) appealed from an order “denying termination of parental rights of” the child’s mother, A.S., and “dismissing the Division's guardianship complaint.” During trial, the evidence demonstrated that after numerous instances of abuse and neglect at the hands of his parents, the child (R.T.) was placed with his paternal grandmother who wished to adopt him. In its examination of the amended best interests test, the trial court found that the new statute addressing KLG status changed the analysis of the best interests of the child under prongs three and four of N.J.S. 30:4C-15.1(a).

The trial court found that the Legislature intended to preserve parental rights whenever possible, and therefore held that the Division had failed to prove that KLG was not a viable alternative to the complete termination of the mother’s parental rights under the third prong of the best interests test, “or [that] a termination of parental rights would not do more harm than good under the fourth prong.” The Appellate Division considered the effect of the 2021 amendment on the best interests test, examining both the Legislature’s decision to eliminate language from the second prong, and the alterations made to the KLG statute to make it more accessible.

The Court concluded that even, after the amendments, “a ‘totality of the circumstances’ approach is supported by the Court's longstanding interpretation of N.J.S.A. 30:4C-15.1.” In coming to its holding, the *A.S.* Court relied on an earlier decision in *New Jersey Div. of Child Prot. & Permanency v. D.C.A.* The *D.C.A.* Court held that, notwithstanding the amendment to prong two, under a “totality of the circumstances” approach, courts must still consider the child’s bond with their current family under prong four of the best interests test. The holding was based, in part, on a transcript from an Assembly Health Committee meeting, during which a legislative aide explained that the Legislature intended to “make it clear in the statute that the judge should be considering the totality of the circumstances in every case in evaluating facts and making a particularized decision based on the best interests of each child.”

Finally, Ms. Disla-Roa indicated that, in the recent case of *N.J. Div. of Child Prot. & Permanency v. C.S.R.*, the Court noted that prong three requires a court to consider alternatives to the termination of parental rights, and that such “alternatives may include placement of the child with a relative caretaker... or the establishment of a KLG.” The *C.S.R.* Court found that amendments to the KLG statutes “do not override the clear statutory text in cases involving termination of parental rights and emphasized that the third and fourth prongs of the best interest test were not altered by the July 2021 amendments.

Ms. Disla-Roa said that there is no pending legislation addressing the issue considered by the Court in *A.S.* She added that Staff received a letter from the Office of Parental Representation (OPR) in the Office of the Public Defender objecting to the Commission taking up a project in this area. OPR provided four reasons for its objection to the project.

First, OPR explained that the proposed project seeks to codify unreported Appellate Division decisions and conflates distinct subjects and statutes impacted by the July 2021

amendments. Second, although acknowledging the Court's holding in *D.C.A.*, OPR does not believe Commission action is necessary because the issue addresses the elimination of language from the statute and adding language to prong four would reverse the evolution of the statute for the reasons set forth in the *D.C.A.* opinion.

OPR also considered it inadvisable to consider amendments to the KLG statute based on the unpublished Appellate Division decisions cited in the Memorandum. Finally, OPR said that the Commission should not engage in a project that would make it easier to terminate parental rights, in clear contravention of the law and its expressed purposes. The OPR emphasized that it is happy to discuss this area of the law further with Staff.

Ms. Disla-Roa concluded by requesting authorization to engage in additional research and outreach to determine whether N.J.S. 30:4C-15.1(a) would benefit from a modification reflecting the determinations of the courts in *N.J Div. of Child Prot. & Permanency v. A.S.*, and *N.J Div. of Child Prot. & Permanency v. D.C.A.*

Commissioner Gagliardi began by inviting comments from the public. John Albright of the Office of Parental Representation ("OPR") in the New Jersey Office of the Public Defender, reiterated the four points raised in OPR's letter to Staff objecting to the NJLRC's work in this area. Mr. Albright added that modifying the statute with respect to the categories of evidence available for review under prong four is not only unnecessary, but potentially could lead to a fruitless attempt to codify the many categories of evidence that may be considered under that prong. He also emphasized OPR's objection to codifying unpublished opinions, given that they may not be relied on as the law of New Jersey in litigation, except in limited circumstances. Mr. Albright therefore requested that the Commission not take up work in this area as described in the Memorandum.

Commissioner Long noted that, in her experience, this area of law is a constantly moving target and very difficult. She added that issues raised in unpublished opinions may be considered by the Commission. Vice-Chairman Bunn agreed with Commissioner Long and added that, if there are conflicting unpublished opinions, that may be a reason for the Commission to take up work in this area. He reiterated that this is a difficult area of law but stated that if guidance can be provided regarding how to apply factors, or if additional clarity can be provided regarding the factors to be considered, the project could be worthwhile.

Commissioner Bell provided that the Commission may, at least, alert the Legislature to the confusion that the July 2021 amendments to the statute have seemingly caused. Chairman Gagliardi and Commissioner Hartnett agreed with Commissioner Bell's assessment.

The Commission unanimously authorized research and outreach on this project.

Use of the Term "Maiden Name" in New Jersey Statutes

Samuel Silver stated that a member of the public inquired about the use of the term "maiden name" in the New Jersey statutes and court forms. This request served as the impetus for an examination of the manner in which the term is used in New Jersey's statutes. In the relevant

statutes, the State Registrar is responsible for creating and maintaining a comprehensive and continuous index of all vital records.

Mr. Silver explained with respect to marriage, the Registrar ensures the preservation of both the husband's surname and the wife's maiden name. In the context of adoption, the Registrar records the maiden name of the "female adopting parent" if provided. The maiden name of an individual's mother is considered a personal identifier according to the Code of Criminal Justice, the Civil Service statutes, and the statutes governing Health and Vital Statistics.

In response to a cultural shift marked by the acknowledgment and respect for individual choice and identities, advocates have recommend a change from terms characterized as gender-biased and archaic to those that focus on individual identity. The term maiden name was inherited from the English Common Law. "Surname" reserved from aristocracy, knights, and gentry [sir or sire].

In the United States maiden was referred to an "unmarried girl or woman" who was "chaste." Consistent with the practice in England, women in the United States began to adopt their husbands' names, and children assumed the surnames of their fathers. A woman's "birth name" or "her surname before marriage" came to be referred to as her maiden name.

In 1907, New Jersey Legislature granted the judiciary the discretion to allow a woman to resume the use of her birth name following the dissolution of her marriage. In 1937 reference to maiden name was removed from the statute concerning the use of a name by a wife after divorce, meaning that with the court's permission, a woman was free to use any name used by her before the marriage or restrain her from using the surname of her husband. In the 1970s, the Equal Rights Movement focused on "autonomy in name choice." Retention of their birth name after marriage was thought, by some, to be a symbol of autonomy and "equal partnership in marriage." By the mid-1970s, the common law recognized that any adult or emancipated person was at liberty to adopt any legal name they chose except if they were doing so for fraudulent or criminal purposes. The right to adopt any name extended equally to women.

In 1988 the Legislature modified the statute regarding the right to resume name used prior to marriage. N.J.S 2A:34-21 was rendered gender neutral and allowed an individual to change their name to a name never used previously. In 2006 the statute was modified to include references to civil unions.

Mr. Silver further noted that the presence of the term introduces potential confusion into everyday situations. There are many situations in which individuals may be required to provide their maiden name and are uncomfortable or unwilling to do so. Reasons that are noted in the report include professional accomplishments, licenses, gender change, children with a different last name, etc. He noted that there is no male equivalent to "maiden name" in the United States.

Commissioner Harnett stated that this seems like a great project, but he urged Staff to avoid an argument of women being treated as property under the law of coverture. He explained that

although it was sexist, patriarchal, and limited women's ability to own and control property, there is a difference between being property and having limited property rights.

Commissioner Bell stated that he is happy to remove pejorative terms that cause people offense, but he is concerned about how a change will affect records if other institutions use the word "maiden name" and New Jersey decides to use a different term, it might cause a practical problem.

Laura Tharney said that she heard from William Lim who mentioned that a bill had been introduced in the Legislature this week that requires the replacement of the terms "mother" and "father" with the terms "parent or guardian" in all state forms and documents. She suggested that it seems as though the Legislature is considering issues in this area and making determinations about the extent to which changes of this nature would be problematic or useful. She added that it is Staff's hope that research and outreach would provide more insight. Commissioner Bell suggested that if there were to be an issue with how other institutions keep their forms or records one of the options the Commission could consider is "maiden name or the equivalent," rather than having to create a new term that deals with all the diverse situations.

Vice-Chairman Bunn stated that he approves of this project but encouraged Staff to be careful not to create a situation in which New Jersey forms are not useable across jurisdictions in such a way as to inadvertently put people in jeopardy, including those receiving federal government benefits or social security.

The Commission unanimously authorized research and outreach on this project.

Elements of Leaving the Scene Offense

Ms. Schlimbach discussed a potential project addressing whether N.J.S. 2C:11-5.1, which sets forth the second-degree offense of leaving the scene of a motor vehicle accident that results in the death of another person, should be modified to reflect the holding in *State v. Bell*.

Ms. Schlimbach explained that the *Bell* case involved a motor vehicle accident in which the driver hit two teenagers on bikes and then fled the scene. Both victims later died, and the defendant was indicted on two counts of leaving the scene, one count for each victim's death. The defendant moved to dismiss one count, arguing that the statute punishes drivers for the act of leaving the scene, not the number of deaths. The State argued that the language "knowingly" indicates a Legislative intent to hold the driver responsible for each death caused. The trial court denied the defendant's motion and he pled guilty to both counts. On appeal, the Appellate Division reversed, holding that the statute does not permit a separate charge for each death caused.

The New Jersey Supreme Court then addressed whether a vehicle operator who knowingly is involved in an accident and leaves the scene of that accident can be held criminally responsible for each fatality caused by the accident. The Court reviewed the legislative history of the statute, its language, and interpretations of leaving the scene offenses in other jurisdictions.

The Court noted that, before enactment of the current leaving the scene offense, leaving the scene of an accident was a violation of the motor vehicle code and a third-degree offense. After its enactment, the Legislature amended statute twice to increase penalties for violating the statute but did not change the focus of the offense from fleeing the scene to the number of victims. Ms. Schlimbach added that the *Bell* Court considered the ordinary meaning of the words used in the statute and found no suggestion that the Legislature intended to charge a defendant based on the number of fatalities.

The Court concluded that the interpretation favored by defendant was in line with (1) how other states have interpreted similar leaving the scene offenses; (2) the legislative policy of the original leaving the scene offense – to deter drivers from absconding from motor vehicle accidents; and (3) the doctrine of lenity.

Ms. Schlimbach informed the Commission that, although there are multiple bills pending that deal with N.J.S. 2C:11-5.1, none of them address the issue raised in *Bell*. Rather, they provide for more severe penalties for violating the statute.

Commissioner Long stated she was not opposed to the project, but she was not sure if it was necessary to proceed with this project because it stems from a misinterpretation of the statute by a trial court decision that was remediated by the Appellate Division and the Supreme Court. Commissioner Rainone agreed with Commissioner Long and added that he was concerned that any further amendments to the statute could create another ambiguity in a situation where the statute, along with the Supreme Court decision, already appears unambiguous.

Commissioners Bunn and Hartnett agreed with the previous comments and Commissioner Hartnett added that this is not an area of law where there will be any unrepresented litigants who might need to interpret the statute. Instead, this is a second-degree criminal offense so there will be appointed counsel, if not retained counsel, and professional prosecutors on the other side. Thus, it seems that the people who will have to refer to and interpret the text of the statute will not be misled given the Supreme Court decision.

Commissioner Rainone agreed with all prior statements and emphasized that this law is a guardrail on the prosecution of persons, thus he assumes that the prosecutor's offices clearly understand their limitations on charging based upon the Supreme Court decision.

Given the consensus of the Commission, Chairman Gagliardi concluded that the Commission would not move forward with additional research and outreach for this project.

The Commission unanimously denied authorization for research and outreach on this project.

Miscellaneous

On January 9, 2024, Senate Bill 349, concerning motor vehicles overtaking certain pedestrians and persons operating bicycles and personal conveyances, was introduced in the New Jersey Senate. The bill was transferred to the Senate's Transportation Committee. Samuel Silver

informed the Commission that on January 25, 2024, he had the privilege of appearing before the New Jersey Legislature's Senate Transportation Committee to provide testimony in support of the bill. Senator Diegnan, the sponsor of the bill, thanked the Commission for bringing this issue to the Senate's attention.

Mr. Silver stated that on January 09, 2024, an identical bill, A1490, was introduced in the Assembly. This bill was referred to the Assembly Transportation and Independent Authorities Committee. Mr. Silver confirmed that Staff would continue to monitor the progress of these bills and provide the Commission with updates.

Laura Tharney advised that the response to the distribution of the Commission's 20203 Annual Report had been very positive, and confirmed that the March Commission meeting would be held in the morning, rather than the afternoon.

Adjournment

On motion of Vice-Chairman Bunn, seconded by Commissioner Long, the meeting was unanimously adjourned by the Commission.

The next meeting of the Commission is scheduled for March 21, 2024, at 10:00 a.m. at the Commission's office in Newark, New Jersey.