

## **MINUTES OF COMMISSION MEETING**

**June 15, 2023**

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 Bernard W. Bell, attending on behalf of Dean Rose Cuison-Villazor; and Grace Bertone, of Bertone Piccini, LLP, attending on behalf of Dean Kimberly Mutcherson.

### **In Attendance**

Anthony DellaPelle, Esq., a partner at McKirdy, Riskin, Olson, DellaPelle, PC, was in attendance. Also in attendance was Peter H. Wegener, a partner at Bathgate, Wegener & Wolf.

### **Preliminary Matters**

Vice-Chairman Andrew Bunn informed the Commission that he will be relocating to the State of Florida and becoming a full-time resident in July 2023. He expressed his gratitude for the opportunity to serve as a member of the Commission and highlighted his positive experiences working alongside his fellow Commissioners and the Commission's Staff. In light of his impending move, he submitted his resignation to the Majority Leader of the New Jersey Legislature. He advised the Commission that he will continue to fulfill his responsibilities as a Commissioner until his successor is appointed by the Legislature.

Commissioner Long expressed that while another Commissioner may be appointed, Vice-Chairman Bunn's unique contributions cannot be replicated. Commissioners Rainone, Bell, and Bertone shared the same sentiment. Chairman Gagliardi acknowledged Vice-Chairman Bunn's invaluable involvement with the Commission. The Chairman opined that the Commission and the people of the State of New Jersey have greatly benefited from Vice-Chairman Bunn's dedicated service, and that his absence will be deeply felt.

### **Minutes**

The Minutes of the May 18, 2023, Commission Meeting were unanimously approved on the motion of Commissioner Rainone, seconded by Commissioner Bunn.

### **Unemployment Benefits for Individuals Wrongfully Incarcerated**

In *Haley v. Board of Review, Department of Labor*, the New Jersey Supreme Court examined whether pretrial detention premised on charges that are subsequently dismissed is, automatically, a disqualifying separation from work within the meaning of the Unemployment Compensation Law.

Samuel Silver indicated that the Commission proposed modifications to N.J.S. 43:21-5 to clarify that separation from employment as a result of wrongful incarceration is reviewed as if the employee left work voluntarily. The proposed modifications now include a statutory presumption that: (1) the dismissal of the individual's charges; (2) the grand jury's decision not to indict; or (3) a finding of not guilty after a trial, shall be presumptive evidence that the individual did not

voluntarily leave work. This presumption may be rebutted through an examination of the totality of the circumstances surrounding the individual's separation from employment.

The Commission Staff solicited input from various knowledgeable individuals and organizations. Allan Marain, Esq., advocated for the adoption of Justice Albin's dissent in the *Haley* case. Commissioner Bell previously requested that footnote fifty-seven be revised to reflect the Commission's position on Mr. Marain's recommendations. The footnote was changed to indicate that the Commission's decision not to adopt the recommendations was not based on their merits but because they were inconsistent with the New Jersey Supreme Court ruling in *Haley*.

Before the meeting, Commissioner Bell proposed an amendment to his previous statement to clarify that the Commission does not object to Mr. Marain's proposal nor has it extensively studied the proposal. Additionally, he proposed language to reflect that the Commission believes that Mr. Marain's proposal should be directed to the Legislature, as it falls under the purview of their policy discretion to address such matters.

Mr. Silver reported that during the May 18, 2023, Commission meeting, Commissioner Hartnett proposed the removal of proposed subsection (a)(1)(A) from the Draft Final Report. This subsection incorporated language taken directly from N.J.A.C. 12:17-9.1(e)(1)-(10). The removal of this subsection necessitated the removal of the cross-reference to proposed subsection (a)(1)(A)(i) - (ix) in subsection (a)(1)(B) and the cross-reference to subsection (a)(1)(A)(x) in subsection (a)(1)(C).

In the revised Appendix, subsection (a)(1)(A) sets forth the totality of the circumstances test used to determine whether an individual voluntarily left work. Subsection (a)(1)(B) sets forth the presumption applicable to cases involving individuals who are incarcerated. Proposed introductory language reads "in cases involving incarceration" followed by language that sets forth the situations that implicate the: (1) dismissal of charges; (2) grand jury decision not to indict; (3) or a finding of not guilty after trial, shall be presumptive evidence that the individual did not voluntarily leave work.

Commissioner Long questioned the use of the phrase "presumptive evidence" in subsection (a)(1)(B) and suggested the use of the term "presumption" instead. In response, Mr. Silver explained that the choice of the phrase "presumptive evidence" was made after reviewing statutes that contained rebuttable presumptions and employed language previously adopted by the Legislature.

Commissioner Bell and Commissioner Bunn both agreed with Commissioner Harnett's proposed amendments.

With the modifications proposed by Commissioner Bell and Commissioner Hartnett, and on the motion of Commissioner Bell, seconded by Commissioner Long, the Commission unanimously released the work as a Final Report.

### **Eminent Domain Actions and Interest Rates**

Whitney Schlimbach discussed with the Commission a Draft Final Report concerning

interest rates on just compensation awards in eminent domain actions. She provided an overview of the Eminent Domain Act in Title 20 (“Act”), which establishes a standardized process for exercising eminent domain authority and includes a general repealer provision in N.J.S. 20:3-50. Within the Act, N.J.S. 20:3-32, provides that the court must determine the amount of interest on a just compensation award through an expedited procedure. Additionally, various New Jersey statutes, including N.J.S. 27:7-22 governing highways, grant certain entities the power of eminent domain and often specify a fixed interest rate.

In the case of *State by Commissioner of Transportation v. St. Mary’s Church*, 464 N.J. Super. 579 (App. Div. 2020), the Appellate Division ruled that the general repealer provision in the Eminent Domain Act effectively invalidated the six percent fixed interest rate provision in N.J.S. 27:7-22. In response to this decision, the Commission issued a Tentative Report in February 2023, which recommended revisions to N.J.S. 27:7-22 and nine other eminent domain statutes to align with the St. Mary’s holding. Additionally, the Tentative Report proposed modifications to N.J.S. 20:3-32 to provide clarity on the process of determining interest rates for just compensation awards.

The Department of Transportation initiated condemnation proceedings against property owned by St. Mary’s Church. During the legal dispute, St. Mary’s Church contended that the fixed interest rate of six percent specified in N.J.S. 27:7-22 should be applied. The Commissioner of Transportation argued that the interest rate determined by New Jersey Court Rule 4:42-11 should be used instead. The trial court ultimately ruled that the Eminent Domain Act did not repeal the provision for the fixed interest rate outlined in N.J.S. 27:7-22, thereby imposing the mandatory six percent interest rate as required by the statute.

After an examination of the statutory language, other provisions within the Eminent Domain Act, and the legislative intent underlying its development, the Appellate Division concluded that the Legislature intended to repeal the fixed interest rate provision in N.J.S. 27:7-22. This determination was based upon the Legislature’s decision to grant courts the discretion to calculate the interest rate in N.J.S. 20:3-32. The court determined that the fixed interest rate provision in N.J.S. 27:7-22 had been effectively repealed.

Ms. Schlimbach explained that the Appellate Division’s interpretation of the method for calculating interest rates outlined in N.J.S. 20:3-32 was established in the case of *Wayne Township v. Cassatly*, 137 N.J. Super. 464 (App. Div. 1975). In *Cassatly*, the Court explicitly stated that the statute grants judges the flexibility to determine the interest rates. The Court held that relevant factors to consider include the prevailing commercial interest rates, prime rates, and applicable legal rates of interest. The court is to select a rate that best compensates the condemnee for the loss of use of the entitled compensation. The language used in *Cassatly* has consistently been referenced in subsequent cases as the standard for determining the appropriate interest rate on just compensation awards. Ms. Schlimbach mentioned that courts have also considered the interest rate established by N.J. Court Rule 4:42-11, which governs the rates of interest for pre- and post-judgment in tort actions.

There are several other eminent domain statutes that impose a fixed interest rate on just compensation awards. Some impose a six percent interest rate, like N.J.S. 27:7-22, while others require courts impose the “legal” rate of interest. The “legal” rate of interest was defined by the *Cassatly* court as “the rate permitted to be contracted under the usury statute,” in N.J.S. 31:1-1. Seven statutes enacted prior to the Act impose a six percent interest rate and fall clearly within the scope of the *St. Mary’s* holding. Two statutes enacted prior the Act specify the “legal” rate of interest. Because these two statutes impose a fixed interest rate, that provision would be impliedly repealed by the Act under the reasoning of the decision in *St. Mary’s*.

Outreach was conducted to various knowledgeable and interested organizations and individuals regarding the proposed modifications in the Tentative Report, and comments were received from three private attorneys practicing in the area of eminent domain law.

Anne Babineau, an attorney with Wilentz, Goldman & Spitzer, expressed the view that “it would be a good thing to clarify the inconsistency” highlighted by the court in the *St. Mary’s* case between the Eminent Domain Act and other eminent domain statutes. Peter Wegener, a partner with Bathgate, Wegener & Wolf, P.C., and Anthony F. DellaPelle, with McKirdy, Riskin, Olson & DellaPella, P.C., separately submitted comprehensive comments on the proposed modifications. Ms. Schlimbach summarized the positions of these two commenters. She noted that both attorneys endorsed the proposed modifications to N.J.S. 27:7-22 and other relevant eminent domain statutes in accordance with the *St. Mary’s* ruling. However, they strongly opposed the inclusion of a reference to New Jersey Court Rule 4:42-11 in N.J.S. 20:3-32. Both Mr. Wegener and Mr. DellaPelle cited constitutional concerns and both proposed alternative language if the Commission believed that modification of N.J.S. 20:3-32 was necessary.

Ms. Schlimbach drew the Commission’s attention to the Appendix, which outlined the proposed modifications. Specifically, regarding N.J.S. 27:7-22 and the nine additional eminent domain statutes, the recommended modifications encompassed two key changes. First, they entailed the removal of the fixed interest rate provision, regardless of whether it imposed a six percent rate or the legal rate of interest. Second, the modifications introduced a cross-reference to N.J.S. 20:3-32, clarifying that interest rates should be calculated in accordance with the provisions of the Eminent Domain Act.

Regarding N.J.S. 20:3-32, the Appendix presented two options. The first option reflects the commenters’ standpoint and reinstates the statute’s original language, and accounts for the constitutional concerns raised by the commenters. This approach also addresses the potential risk of adding language that could restrict the court’s discretion, contrary to the determination in *St. Mary’s* that the Act intended to grant courts the flexibility to calculate and impose interest rates that best compensate the condemnee. The second option acknowledges the commenters’ perspectives while retaining the modifications that clarify the process of calculating interest rates on just compensation awards. The new modifications explicitly state that the sources mentioned in the statute are not the exclusive criteria to consider.

Ms. Schlimbach stated that Comments were received from Commissioner Hartnett prior to the meeting in which he provided support for the first option.

Anthony DellaPelle, Esq., expressed his appreciation to the Commission for involving him in the project and confirmed his active involvement in interest rate disputes related to eminent domain actions. He indicated that he has observed an increasing prevalence of pre-judgment interest disputes as part of eminent domain proceedings in recent years. Mr. DellaPelle attributed this rise in disputes to the Covid-19 pandemic and the issue of judicial vacancies in New Jersey. As cases are ongoing for longer periods of time, the significance of pre-judgment interest intensifies. He emphasized that any legislative action in this area should not diminish the discretion of the trial judge, who is capable of examining evidence on the matter. Mr. Wegener shared Mr. Della Pelle's sentiment on this issue.

Commissioner Rainone asked whether the court invalidated the six-percent interest rate or if it has ever been declared unconstitutional. He pointed out that this rate has been in effect for a considerable period. Mr. Wegener responded by stating that the absence of a constitutional challenge does not automatically mean that the interest rate is constitutional. With regard to including a reference to the Court Rule, he explained that the Rule considers the interest rate paid by municipalities for cash management, which differs from the commercial rates paid by mortgage holders. He added that the property owner is obligated to repay the bank at the interest rate specified in the loan agreement. Additionally, Mr. Wegener highlighted that the Court Rule has no direct connection to the concept of a "taking" in eminent domain cases.

Commissioner Bell said that pre-judgment interest is linked to the time value of money rather than the property's appreciation. He sought clarification on the distinction between the time value of money in a personal injury case compared to an eminent domain case. He also expressed concern regarding the potential for two similar cases within the state to result in different awards.

Mr. DellaPelle emphasized that the primary objective of an eminent domain case is to fully compensate the property owner, enabling them to acquire a similar property to the one taken by the government. He shared an example from a case of a taking in which the initial government offer was \$1,000. After seven years of legal proceedings, however, the property owner was ultimately awarded \$475,000. In that case, the judge applied the prime rate, which is subject to change over time, to ensure that the property owner received full compensation. Mr. DellaPelle emphasized that the judge must determine the interest amount that accomplishes this objective. Commissioner Bell acknowledged that this approach appears to be a fact-based determination supported by evidence.

Commissioner Rainone pointed out that in eminent domain cases, disputes can arise regarding the date of valuation. The interest rate does not address the issue of valuation date; instead, it relates to the owner's loss of use of the money, without compensating for property appreciation. Mr. Wegener explained that in order to fully compensate the property owner, the court takes into consideration that the owner has been making payments on a purchase money mortgage. He noted that this raises constitutional concerns. Mr. DellaPelle cautioned against judges relying solely on the determinations of other judges, as it could lead to improper outcomes rather than achieving fairness and justice.

Chairman Gagliardi stated that it appears that the commenters prefer option number one. Commissioner Bell stated that he prefers option two because it is more likely to produce a consistent result. He suggested removing subparagraph four, which refers to the Court Rule. Commissioners Rainone and Bertone concurred with Commissioner Bell. Commissioner Long expressed her support for Commissioner Bell's position, acknowledging the commenters and their concerns. Mr. Wegener also concurred with Commissioner Bell. Vice-Chairman Bunn stated that he is respectful of the commenters and their position and would prefer not to do violence to this area of practice. He added that a hearing without guidance any guidance for the judge seems problematic and he therefore supports option number two.

With the modifications proposed by Commissioner Bell, and on the motion of Commissioner Rainone, seconded by Commissioner Bell, the Commission unanimously released the work as a Final Report.

### **Definition of Minor**

Samuel Silver discussed a Draft Tentative Report focused on clarifying the definition of the term "minor" within New Jersey's sexual offender registration law, commonly referred to as "Megan's Law." Mr. Silver emphasized that the goal of Megan's Law is to safeguard children from the risks associated with individuals who commit sexual offenses. Individuals convicted of a sex offense against a minor are required to register with the designated agency. The Act, however, does not provide a definition for the term "minor."

In *State v. Farkas*, 2022 WL 803466 (App. Div. Mar. 17, 2022), the Appellate Division considered whether the seventeen-year-old victim of criminal sexual contact was a minor. If so, the defendant would have been required to comply with the requirements of Megan's Law. The *Farkas* Court examined the definition of "minor" found in secondary sources as well as the definition of "adult" in Title 9. The Court also reviewed the definitions of "emancipated" and "unemancipated minor." The Court determined that in New Jersey, a minor is a person under the age of eighteen.

Mr. Silver stated that the *Farkas* Court did not address the two inconsistent definitions of the term "minor" found in Title 2C, the New Jersey Code of Criminal Justice ("Code"). In the Human Trafficking statute, N.J.S. 2C:13-10(e), the term is defined as "a person who is under the age of 18 years of age." In New Jersey's Act concerning the licensing of and other provisions relating to firearms, the Act defines "minor" as "a person under the age of 16."

The proposed modification to N.J.S. 2C:7-2 is based upon the Appellate Division's discussion of the definition of the term "minor" in *State v. Farkas*. Mr. Silver noted that there are no bills pending that seek to amend the language of N.J.S. 2C:7-2(b)(2).

Mr. Silver indicated that Commissioner Hartnett submitted comments prior to the meeting and stated that the Report "looks good." Chairman Gagliardi stated that the modifications and project appear straightforward and concurred with Commissioner Hartnett.

The Report was unanimously released as a Tentative Report on the motion of Commissioner Long, seconded by Commissioner Bertone.

## **Tort Claims Act Notice of Claim Applied to Third-Party Contribution and Indemnification Claims**

Whitney Schlimbach discussed with the Commission an Update Memorandum regarding the applicability of the notice of claim provision in the Tort Claims Act (TCA) to third-party contribution and indemnification claims made against public entities. The TCA includes a ninety-day notice of claim provision in N.J.S. 59:8-8, which pertains to tort claims filed against public entities.

In *Jones v. Morey's Pier, Inc.*, 230 N.J. 142, 154 (2017), the Supreme Court addressed, for the first time, whether the notice of claim deadline applies to third-party contribution and indemnification claims against a public entity. The *Jones* Court held that such claims are subject to the notice requirement which commences when a plaintiff's cause of action accrues. In January 2019, the Commission authorized Staff to conduct research and outreach on this issue.

In *Jones*, the parents of an eleven-year-old child who tragically died after falling off a Ferris wheel during a school trip filed a lawsuit against Morey's Pier two years after the incident. The defendants from Morey's Pier, in turn, filed contribution and indemnification claims against the child's school, which was a public entity. None of the parties involved had filed a notice of claim as required by N.J.S. 59:8-8. When the child's school sought summary judgment based on the failure to comply with the notice of claim requirement, the trial court denied the motion. The Appellate Division subsequently denied the school's motion for leave to appeal.

The Supreme Court examined the legislative intent behind the TCA and the language of N.J.S. 59:8-8, which pertains to the notice of claim requirement. The Court analyzed the TCA's purpose of granting public entities with broad, yet not absolute, immunity. It emphasized that the notice requirement outlined in N.J.S. 59:8-8 served as a strict limitation on the liability of public entities.

The Court described N.J.S. 59:8-8 as expansively phrased and noted that it did not clearly exempt any claims from its notice requirement. The Court found that interpreting the language to exclude certain claims would undermine the purpose of the TCA and construed the language to allow a finding of liability against public entities only when permitted under the TCA.

The Court reviewed the two diverging lines of cases in the lower courts. In one line of cases beginning with *Markey v. Skog*, 129 N.J. Super. 192 (Law Div. 1974) (the "*Markey*" line), courts determined that a defendant must comply with ninety-day deadline in N.J.S. 59:8-8 but held that contribution and indemnification claims do not accrue until the defendant has overpaid his share of the judgment. In the other line of cases beginning with *Cancel v. Watson*, 131 N.J. Super. 320 (Law. Div. 1974) (the "*Cancel*" line), courts held that the third-party claims for contribution and indemnification against public entities were barred unless a notice of claim was served within ninety days of the incident giving rise to the underlying cause of action.

The *Jones* Court aligned with those cases holding that the ninety-day requirement in N.J.S. 59:8-8 is applicable to all claims, including contribution and indemnification claims. The *Jones* Court held that the Morey defendants' contribution and indemnification claims against the school

were barred because the defendants had not served a notice of claim upon the school within ninety days of the accident.

Two subsequent appellate division decisions relied upon the *Jones* decision to dismiss third-party claims for contribution against public entities. These dismissals were predicated upon the courts' determination that the defendant's notice of claim had not been filed within ninety days of the accrual of the plaintiff's cause of action.

Ms. Schlimbach also noted the legislative activity involving this issue. Beginning in 2016, a total of three bills have been introduced on this subject. Notably, companion bills to eliminate the notice of claim provision entirely were introduced in both the 2018 and 2022 legislative session. A third bill, introduced in the 2016 legislative session, sought to extend the time to file a notice of claim for third-party claims to ninety days after the original notice of claim had been filed. None of these bills have been enacted and there are no bills pending in the legislature that address the notice provision in N.J.S. 59:8-8.

Ms. Schlimbach shared with the Commission comments received from Commissioner Hartnett prior to the meeting in which he expressed his uncertainty regarding the Commission's role in this project because he did not believe that there was a need for the Commission to take any action. He acknowledged the validity of the argument for treating contribution and indemnity claims differently but considered it to be a policy disagreement that was beyond the Commission's purview. Commissioner Long concurred with Commissioner Hartnett's comments.

Commissioner Bell expressed his approval of the Supreme Court's decision, acknowledging its merit. He noted that the outcome, however, was not readily apparent from a straightforward interpretation of the statute. Commissioner Bell said that part of the Commission's responsibility is to codify aspects of a statute that might not be intuitively understood. Vice-Chairman Bunn agreed with Commissioner Bell and emphasized that given the tight statutory timeframe, it would be beneficial to provide clarity to lawyers and litigants. Chairman Gagliardi concurred with Commissioner Bell and Vice-Chairman Bunn. He stated that modifying the statute would assist those who may not be aware of the legal nuances in this area of law. He further emphasized that since the Court had already rendered its opinion, the Commission's role would be to enhance the accessibility of the Court's decision for legal practitioners and the general public, rather than making a policy determination.

Commissioner Rainone opined that attorneys who practice in this area will know who to serve but added that it is better to clarify the statute since no one wants a plaintiff to lose their claim based upon a technicality.

The Commission authorized Staff to continue its work in this area with discretion to consider the distribution of risk if Staff believes that this requires attention.

### **Farms, Camps and Quarries as used in N.J.S. 30:4-136 and N.J.S. 4-146**

Mr. Silver discussed a Memorandum proposing a project to address the anachronistic terms farms, camps, and quarries as used in New Jersey's statutes. He explained that, during an

examination of New Jersey’s corrections statutes, Staff noticed the use of the word “quarry” in the adult corrections statute and examined both the historical and current use of these terms.

Since 1918, the statute defining “State Prison,” N.J.S. 30:4-136, has included the existing prison in Trenton as well as all institutions, farms, camps, quarries, and grounds where individuals sentenced to incarceration may be kept. The statute defining youth correctional institutions, N.J.S. 30:4-146, contains an identical reference to farms, camps and quarries, or grounds where persons sentenced to youth correctional institutions may be kept. The Department of Corrections (“DOC”) still maintains correctional farms and camps, but does not maintain a prison quarry. It appears, therefore, that the statutory references to quarries may be anachronistic.

The inclusion of the terms farms, camps, and quarries in the definition of “State Prison” in New Jersey is not supported by substantial historical context. Reports from the early 1900s shed some light on their incorporation. Two significant aspects appear to have played a role: the discontinuation of contract labor and the challenge of prison overcrowding.

The Convict Labor Commission was tasked with formulating “a comprehensive plan for the initiation and use of the labor of all convicts on public roads, in public parks, in forestry and in other ways to be the public benefit, not in competition with free labor.” The Prison Labor Commission had “executive authority and control of the prisoners in their working hours” and recommend “changes in the law and [the] adjustment of authority and responsibility.”

In the spring of 1912, laws authorizing the use of prisoner labor on public roads were enacted in order to alleviate the overcrowded prison system. In 1913, a prison farm in Cumberland County was established with the purpose of housing “a considerable portion of the state convicts” who could clear and work the land as a farm, thus “materially reducing the population within the prison walls at Trenton.” By 1917, New Jersey had established four “road camps” that employed prisoners on the roads of the state and established the Mercer County Workhouse Quarry, which was utilized to process rock into subbase material for the county road department and Essex County Penitentiary, at which the prisoners engaged in quarry-type work.

In 1918, the Legislature enacted statutes governing correctional institutions and reformatories that provided a definition of “State Prison” which is virtually identical to the definition in the current statute. Despite amendments in 1948, 1963 and 1970, the references to “farms,” “camps,” and “quarries” remained.

In 1976, the DOC was established to “provide for the custody, care, discipline, training and treatment of adult offenders committed to State correctional institutions or on parole . . . .” The DOC was provided with authority over the state’s correctional facilities and any satellite facilities, including farms and camps. In 2021, there were 239 prisoners housed at the Bayside Farm Complex; sixty-four inmates housed at the Jones Farm, which was closed in November 2022; and forty-five inmates were housed at the East Jersey Camp. There is no current reference to any inmates being housed at a quarry.

There are no bills currently pending that seek to amend the language in N.J.S. 30:4-136 or N.J.S. 30:4-146.

Commissioners Bunn, Bell, Bertone, and Long expressed support for the proposed project. The Commission authorized the Staff to move forward with additional research and outreach on this subject.

### **Miscellaneous**

On October 27, 2022, Assembly Bill A2351, based largely on the Commission's work in the area of elective spousal share, was unanimously passed by the Assembly with a vote of 71-0-0. Subsequently, it was received in the Senate on November 03, 2022. Ms. Tharney reported that on June 12, 2023, she attended and provided testimony when S2991, also based largely on the Commission's work in the area of elective spousal share, was considered by the Senate Judiciary Committee (with amendments) and released from committee.

Ms. Tharney also stated that on June 16, 2022, A1316, based on the Commission's work concerning unemployment compensation for individuals who leave work for offers of other employment which are rescinded, was passed by the Assembly. The Senate version of the bill was referred to the Senate Labor Committee. Ms. Tharney advised the Committee of the Commission's support for the continued progress of the bill.

Lastly, Ms. Tharney provided an update to the Commission regarding the efforts to improve the Zoom video conference experience. She explained that the Commission has taken steps to enhance the meeting experience for all participants by purchasing a fifty-inch internet-capable television and camera. The goal of these technical improvements is to achieve a more seamless and efficient virtual meeting environment for the Commission.

### **Adjournment**

On the motion of Commissioner Bertone, seconded by Commissioner Long, the meeting was unanimously adjourned.

The next meeting of the Commission is scheduled for July 20, 2023, at 4:30 p.m. and will be a remote meeting – held via Zoom.