

**MIDYEAR MEETING
OF THE COMMITTEE ON SCOPE AND PROGRAM**

UNIFORM LAW COMMISSION

**Friday, January 18, 2019
Tucson, Arizona**

Minutes

The meeting of the Committee on Scope and Program was convened at 9:00 am on Friday, January 18, 2019, at the Loews Ventana Canyon Hotel in Tucson, Arizona, by Chair Dan Robbins. Committee members Tim Berg, Thomas Hemmendinger, Lyle Hillyard, Lisa Jacobs, Kay Kindred, Ryan Leonard, Craig Stowers, and Karen Washington were present. Also present were Anita Ramasastry, ULC President, Carl Lisman, Chair of the Executive Committee, Steve Wilborn, Vice President, Steve Willborn, ULC Interim Executive Director, Katie Robinson, ULC Legislative Program Director, and Peter Lown from the Uniform Law Conference of Canada. Attending for a portion of the meeting were Commissioners Barbara Atwood, Tom Buiteweg, Barry Hawkins, and Nora Winkelman, and Christopher Robertson, Reporter, Committee to Monitor Developments in Healthcare Law.

Chair Robbins welcomed the committee and discussed the agenda for the meeting. A motion was made and approved accepting the minutes of the Scope and Program Committee meeting held July 21-22, 2018.

Study Committee Reports

- Study Committee on **Declarations of Quarantine**
(Pat Fry, Chair) Scope Liaison Craig Stowers

Commissioner Stowers reported on the progress of this study committee. The committee had previously recommended that a drafting committee be formed to draft legislation to deal with rights of individuals who are subject to quarantine orders, employment security for those individuals, access to social services, and incentives to encourage cooperation with quarantine orders. At the January 2018 midyear meeting of Scope, the Committee on Scope and Program did not approve the recommendation for a drafting committee. Instead, Scope requested that the study committee provide a more comprehensive report for consideration, specifically addressing the criteria for drafting new acts as well as narrowing the scope of drafting. After further discussion, and with no consensus on the scope of any potential act, the Study Committee has concluded that there is not a project that warrants a uniform state law. The committee requests that it be discharged.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Declarations of Quarantine be discharged with a letter of thanks to the committee.

On Jan. 19, 2019, the Executive Committee approved this resolution.

- Study Committee on **Garnishment of Wages in Bank Accounts**
(Anne McGihon, Chair) Scope Liaison Tim Berg

Commissioner Berg reported on the progress of this study committee. The committee had previously recommended that a drafting committee be formed to draft a Uniform Law on Garnishment of Wages in Bank Accounts with the charge to draft state legislation specifically on garnishment of wages in bank accounts, and, if necessary, more generally on exemptions of asset classes from claims of creditors. At the July 2018 midyear meeting of Scope, the Committee on Scope and Program did not approve the recommendation for a drafting committee. Instead, Scope requested that the study committee provide additional information for consideration, including evidence of support from the banking industry and other stakeholders, including non-bank financial institutions, and provide more information regarding the various processes for garnishment which would be considered. The study committee has not yet had the opportunity to address these issues, and requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Data Breach Notification**
(Jim McKay and Nora Winkelman, Co-Chairs) Scope Liaison Karen Washington

Commissioner Washington reported on the progress of this study committee. The committee has met by conference call several times and has prepared and reviewed a comprehensive analysis of current state laws. The committee had previously recommended that a drafting committee be formed on data breach notification. At the July 2018 annual meeting of Scope, the Committee on Scope and Program did not approve the recommendation for a drafting committee. Instead, Scope requested that the study committee provide additional information as to whether the regulated industries, such as retailers, would support a uniform act on this subject or participate in a drafting project. To respond to this request, the committee co-chairs hosted a stakeholders meeting in the fall to assess whether portions of the potential regulated industry that had not participated in the deliberations of the Study Committee would support and participate in a drafting committee for a uniform data breach notification law. With support from those present at the stakeholders meeting, the study committee again recommends appointment of a drafting committee, concluding that this is an area where uniformity is needed, and that there is a reasonable probability that an act would be enacted in a substantial number of states.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Data Breach Notification be formed.

On Jan. 19, 2019, the Executive Committee did not approve this resolution. Therefore, the study committee is discharged with thanks.

- Study Committee to Amend or Revise **Uniform Common Interest Ownership Act** (Bill Breetz, Chair) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the progress of this study committee. The committee has met by conference call twice since the 2018 annual meeting. The committee has created a list of issues for consideration, will continue its review of those issues, and will continue to reach out to potential stakeholders. It is expected that a final report and recommendation will be submitted for consideration at either the July 2019 annual meeting of Scope or the January 2020 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Covenants not to Compete** (Keith Rowley, Chair) Scope Liaison Kay Kindred

Commissioner Kindred reported on the progress of this study committee. The committee has met by conference call once since the 2018 annual meeting, and the committee chair and reporter continue to gather material for the committee's consideration. It is expected that a final report and recommendation will be submitted for consideration at either the July 2019 annual meeting of Scope or the January 2020 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Online Privacy Protection** (Harvey Perlman, Chair) Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on the progress of this study committee. The committee has not yet met, but the committee has engaged a reporter for the project, with the expectation that the reporter will provide the committee with a background memorandum which would give the committee options for an approach to the project. Once the background memorandum is complete, the committee chair will schedule a series of conference calls and outreach to stakeholders will begin. It is expected that a final report and recommendation will be submitted

for consideration at either the July 2019 annual meeting of Scope or the January 2020 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Direct to Consumer Sales of Wine, Beer, and Distilled Spirits** (Steve Frost, Chair) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on the progress of this study committee. The committee has met twice by conference call since the 2018 annual meeting. The committee has created a preliminary list of issues for consideration, and will continue its review of those issues. The committee has also identified the states that have adopted legislation in this area, and the committee members are in the process of reviewing these laws to determine whether uniformity is possible and appropriate. It is expected that a final report and recommendation will be submitted for consideration at either the July 2019 annual meeting of Scope or the January 2020 midyear meeting of Scope. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Extreme Risk Protection Orders** (Barry Hawkins and Cam Ward, Co-Chairs) Scope Liaison Ryan Leonard

Commissioner Leonard reported on the progress of this study committee. Extreme risk protection order provisions are laws which permit law enforcement officers or family members to petition a court to order removal of firearms from an individual who is considered to present a danger to themselves or others. To determine the feasibility of a project in this area, a stakeholders meeting was held with representatives from eleven different groups in attendance. The committee met both prior to the stakeholders meeting and after, at which time the committee voted to recommend both to proceed to drafting and to recommend that such an act be designated as a model act. Although this recommendation was supported by the majority of both commissioners and observers, there were some commissioners who did not vote to support a drafting project.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Extreme Risk Protection Orders be discharged with a letter of thanks to the committee.

On Jan. 19, 2019, the Executive Committee approved this resolution.

Joint Editorial Board Written Reports and Recommendations

- **JEB – Uniform Family Law**
(Barbara Atwood, Chair) – Scope Liaison Kay Kindred

Commissioner Atwood reported on the recommendation from the JEB to appoint a study committee to explore the feasibility of a uniform act governing the disposition of human embryos and gametes at divorce, separation, or death.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on the disposition of human embryos and gametes at divorce, separation, or death.

On Jan. 19, 2019, the Executive Committee approved this resolution.

- **JEB – Uniform Trust and Estate Acts**
(Tom Gallanis, Executive Director) – Scope Liaison Tim Berg

Commissioner Berg reported on the renewed recommendation from the JEB to appoint a drafting committee to revise the Uniform Disposition of Community Property Rights at Death Act. This Act was originally promulgated in 1971 and has been adopted in 15 states. This Act is intended to be enacted only in non-community property states.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Revise the Uniform Disposition of Community Property Rights at Death Act be formed.

On Jan. 19, 2019, the Executive Committee approved this resolution.

Commissioner Berg reported on the JEB’s review of a proposal to address the issue of proxy notification to trust beneficiaries, also known as “virtual representation.” The Scope and Program Committee had first reviewed the proposal at its January 2018 meeting, and had forwarded the proposal to the JEB for its review and consideration. The JEB reached no conclusion as to whether to form a study committee. If there is any interest in the appointment

of a study committee, the JEB recommends that the scope be broader than the fields of trust and estates. After discussion at its July 2018 meeting, the Committee on Scope and Program agreed to table further discussion of this proposal until the January 2019 midyear meeting of Scope.

After further discussion, the Committee on Scope and Program concluded to take no action at this time.

- **JEB – Uniform Real Property Acts**
(Wilson Freyermuth, Executive Director) – Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on the JEB’s review of a proposal regarding eminent domain reform as a result of the Supreme Court’s 2005 decision in *Kelo v. City of New London*. Many states have considered legislative proposals to limit the power of state and local governments to take private property for economic development purposes, though the law varies from state to state. The ULC promulgated the Uniform Eminent Domain Code in 1974.

The Scope and Program Committee had first reviewed the proposal at its July 2018 meeting, and had forwarded the proposal to the JEB for its review and consideration. After its review, the members of the JEB/URPA recommend that the ULC should not pursue further study or effort toward the preparation of a uniform or model law regarding eminent domain.

After discussion, the Committee on Scope and Program accepted the recommendation from the JEB and concluded to take no action at this time.

- **JEB – International Law**
(Michael Houghton, Co-Chair) – Scope Liaison Ryan Leonard

There was no proposal from the JEB, and no new report of the JEB to be considered.

- **JEB – Unincorporated Organization Acts**
(Daniel Kleinberger, Director of Research) – Scope Liaison Lisa Jacobs

There was no proposal from the JEB, and the report of the JEB was accepted.

- **PEB – Uniform Commercial Code**
(Neil Cohen, Director of Research) – Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on the proposal from the PEB to establish a joint committee of the American Law Institute and the Uniform Law Commission to review the Official Text of the Uniform Commercial Code with a view to recommending or possibly drafting amendments or revisions to the UCC to accommodate emerged and emerging technological developments. The PEB further proposes that the joint committee be authorized and encouraged to examine, on a fast track, whether it should proceed to commence a drafting project to amend the UCC to accommodate electronic promissory notes.

After discussion, the Committee on Scope and Program recommended that a committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Joint Committee with the American Law Institute and the Uniform Law Commission be formed to review the Official Text of the Uniform Commercial Code with a view to recommending amendments or revisions to the Code to accommodate technological developments, with priority being given to consideration of possible commercial law rules for electronic promissory notes.

On Jan. 19, 2019, the Executive Committee approved this amended resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Joint Committee with the American Law Institute and the Uniform Law Commission be formed to review the Official Text of the Uniform Commercial Code with a view to recommending amendments or revisions to the Code to accommodate technological developments, with priority being given to consideration of possible commercial law rules for electronic promissory notes. If the Committee determines that a Joint Committee to draft an act on electronic promissory notes is advisable, the Executive Committee authorizes a drafting committee.

Monitoring Committees Reports and Recommendations

- **Committee to Monitor Civil Litigation and Dispute Resolution**
(Mike Getty, Chair) – Scope Liaison Karen Washington

Commissioner Washington reported on the work of the Committee to Monitor Civil Litigation and Dispute Resolution. There was no proposal, and the report of the Monitoring Committee was accepted.

- **Committee to Monitor Healthcare Law**
(Abbe Gluck, Chair) – Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on the work of the Committee to Monitor Healthcare Law. Christopher Robertson, reporter for the Committee to Monitor Developments in Healthcare Law, reported on the Committee's recommendation to appoint a study committee on telehealth. The Monitoring Committee recommends that any study committee focus on questions concerning the doctor-patient relationship through telemedicine, the corporate practice of telemedicine, and a range of newly-emerging issues including the use of mobile health devices and artificial intelligence in medicine.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on telehealth, focusing on formation of the doctor-patient relationship, corporate practice of telemedicine, and broader emerging issues of telehealth, including mobile devices and artificial intelligence.

On Jan. 19, 2019, the Executive Committee approved this resolution.

- **Technology Committee**
(Tom Buiteweg, Chair) – Scope Liaison Tom Hemmendinger

Commissioner Buiteweg reported on the work of the Technology Committee. There was no proposal from the Technology Committee. The Scope and Program Committee, at its July 2018 annual meeting, had referred a blockchain proposal for further review to the Technology Committee. The Technology Committee considered whether there should be a broader blockchain study committee. The Committee continues to believe there should not be. The Committee recommends that it continue its monitoring of blockchain-related issues in general and will continue to review potential blockchain-related topics.

The Technology Committee also continued its consideration about whether to recommend that a study committee be established to consider changes to the current standard for establishing control over transferable records in the Uniform Electronic Transaction Act (UETA) and Articles 3, 7, and 9 of the Uniform Commercial Code in light of emerging new technologies, such as blockchain. Because the Permanent Editorial Board for the UCC has made a formal request for the appointment of a Joint Committee to Review the Code with a view to recommending or possibly drafting amendments or revisions to the Code to accommodate emerged and emerging technological developments, the Technology Committee has no proposal at this time.

- **Committee on Criminal Justice Reform**
(Gail Hagerty, Chair) – Scope Liaison Craig Stowers

Commissioner Stowers reported on the work of the Committee on Criminal Justice Reform. There was no proposal, and the report of the Committee was accepted.

New or Pending Proposals

- **Special Deposits**

(Joseph Sommer, New York Federal Reserve, submitted on his own behalf)
Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on this proposal to create a study committee to explore the possibility of codifying the law of special deposits. Special deposits resemble a prefunded letter of credit with three parties: a funder, a bank, and a beneficiary. Mr. Sommer provided letters of support from the Clearing House and the New York Federal Reserve Bank.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on special deposits.

On Jan. 19, 2019, the Executive Committee deferred action on this resolution until the July 2019 meeting of the Executive Committee.

- **Abuses in Public Records Laws**

(Commissioner Elizabeth Kent) Scope Liaison Craig Stowers

Commissioner Stowers reported on this proposal regarding the abuses in public records laws. State public records laws are analogous to the federal Freedom of Information Act and are intended to allow citizens to keep tabs on their governments.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of state legislation on access to public records.

On Jan. 19, 2019, the Executive Committee did not approve this resolution. Therefore, the proposal is removed from the Scope agenda for further consideration.

- **Technology and Privacy**
(Commissioner Larry Metz) Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on this proposal regarding how technology can be used to invade an individual's privacy. For example, mobile tracking devices, easily purchased online and in stores, can be attached to a car or other object, and the location information they collect can be monitored from afar on a purchaser's computer. At least 18 state legislatures have addressed privacy concerns raised when individuals track the movements of others without their knowledge.

After discussion, the Committee on Scope and Program referred the proposal to the appropriate ULC Committee on Privacy Issues for further review and consideration, and report back to Scope with any updated information.

- **Tort Liability Laws Affecting Highly Automated Vehicles**
(Commissioner King Burnett) Scope Liaison Craig Stowers

Commissioner Stowers reported on this proposal to appoint a study committee on the issue of automobile liability in regard to highly automated vehicles (HAVs). States are responsible for determining liability for cars, including HAVs. States will need to consider how to allocate liability among HAV owners, operators, passengers, manufacturers, and others when a crash occurs.

The ULC Study Committee on Driverless Cars, in its final report dated January 9, 2017, had acknowledged the challenges of comprehensively evaluating prospective tort liability laws and rules that could affect HAV deployment and future evolution. Consequently, the Study Committee agreed that HAV liability and insurance issues would not be addressed by the drafting committee on Highly Automated Vehicles.

At its July 2018 meeting, the Committee on Scope and Program referred the matter to the Drafting Committee on Highly Automated Vehicles for its review. Most members of the drafting committee believe that there was a need for such a study committee, but there was no consensus on whether such a study committee is needed now or should be deferred until after the HAV drafting committee completes its work.

After discussion, the Committee on Scope and Program requested that Commissioner Burnett, with the assistance of ULC staff, continue to monitor developments in state law on this subject, and report back any findings at a future meeting of Scope and Program.

- **Jury Selection and Service**
(Paula Hannaford-Agor, NCSC) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal to form a study committee to update the Uniform Jury Selection and Service Act to reflect contemporary best practices for jury system

management. The Uniform Act was promulgated in 1970 and adopted in eight states. A revised and updated Uniform Act may result in improved representation in jury pools, reduced costs, and improved treatment of citizens during jury service.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed.

The Committee on Scope and Program approved the following resolution:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for or revising the Uniform Jury Selection and Service Act

On Jan. 19, 2019, the Executive Committee approved this resolution.

- **Uniform Law on Elections**
(Commissioner Gene Lebrun) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal to appoint a committee to study election laws and make necessary recommendations to ensure that there are clear, simple, fair, and uniform laws on elections that govern how elections at all levels are conducted. Such a project would be broad and include such important issues as: who is eligible to vote; how to register to vote; voting machines; voting methods; early voting, recounts, and more.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Wage Payment Law**
(William Dunn, American Payroll Association) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal to consider drafting a uniform state law governing wage payments. Currently, wage payments are governed by 54 very different state and territorial laws, and many of these laws are severely out-of-date. A uniform law governing wage payments could modernize and standardize requirements while still protecting employees and establishing reasonable business norms.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

Potential Future Projects

The following topics were discussed and evaluated by Scope to determine if Scope should recommend further research or review on the particular topic.

- **Private Monitoring Devices in Nursing Homes**
(Prof. Tom Simmons, USD) Scope Liaison Kay Kindred

Commissioner Kindred reported on this proposal to establish a study committee on the topic of in-room cameras within nursing homes.

After discussion, the Committee on Scope and Program referred the proposal to the appropriate ULC Committee on Privacy Issues for further review and consideration, and report back to Scope with any updated information.

- **Service and Emotional Support Animals**
(Commissioner Anne Reigle) Scope Liaison Karen Washington

Commissioner Washington reported on this proposal regarding a potential act on service and emotional support animals. Although travel with animals on airlines falls under federal regulation, the majority of laws regulating pets, service animals and emotional support animals are state laws. The Americans with Disabilities Act protects individuals with disabilities, but the use of animals has expanded, and guidelines may be needed for providers of public travel and accommodations in the various states.

After discussion, the Committee on Scope and Program concluded to defer further discussion on this topic until the July 2019 annual meeting of Scope and invites Commissioner Reigle to present her proposal to Scope at that time.

- **Blind Trusts**
(Commissioner Harry Tindall) Scope Liaison Craig Stowers

Commissioner Stowers reported on this proposal regarding a possible uniform act on blind trusts for governmental officials. If a study committee were to be appointed, the committee would need to consider not only trust law but also government ethics rules.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Medical Marijuana**
(Commissioner Sue Ann Derr) Scope Liaison Tom Hemmendinger

Commissioner Hemmendinger reported on this proposal regarding state oversight and regulation of the use of medical marijuana.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Redistricting Commissions**
(Commissioner Roger Henderson) Scope Liaison Lyle Hillyard

Commissioner Hillyard reported on this proposal regarding the creation of redistricting commissions for state legislative and congressional districts.

After discussion, the Committee on Scope and Program concluded to defer further discussion on this topic until the July 2019 annual meeting of Scope. By that time, it is expected that the Supreme Court will have ruled on questions about partisan gerrymandering.

- **3-D Printed Guns**
(James Murray) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal regarding the prohibition of 3-D printed guns.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Honorary Degrees**
(James Murray) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal regarding the regulation of honorary degrees from colleges and universities.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Separated Children and Family Reunification**
(Sylvia Randolph) Scope Liaison Kay Kindred

Commissioner Kindred reported on this proposal regarding efforts to protect children separated from their families by immigration enforcement action.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Amend the UCCJEA to protect victims of domestic violence**
(Candace Barnes) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on this proposal to protect victims of domestic violence by amending the Uniform Child Custody Jurisdiction and Enforcement Act to clarify the definition of “home state.”

After discussion, the Committee on Scope and Program concluded to take no action at this time, and instead referred the proposal to the JEB for Uniform Family Law for further review, with the request that the JEB report back its findings at the July 2019 meeting of the Scope and Program Committee.

- **Pediatric Vision Standards**
(Charles Short) Scope Liaison Ryan Leonard

Commissioner Leonard reported on this proposal to study the need for the creation of uniform vision standards for pediatric vision.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

Other Business

Commissioner Hillyard provided information regarding the 2018 Supreme Court decision in *South Dakota v. Wayfair*, which overturned the earlier decision of *Quill v. North Dakota*, which held that a state could not compel a retailer to collect and remit sales taxes unless that retailer has a physical presence in the state. In *Wayfair*, the court ruled that the correct standard in determining the constitutionality of a state tax law is whether the tax applies to an activity that has "substantial nexus" with the taxing state. In July 2018, the Scope Committee discussed whether the ULC could provide guidance to the states that want legislation to address the Supreme Court case and concluded at that time to take no action. Commissioner Hillyard reports that states still need clarification on how to comply with *Wayfair*, and he has requested that the topic be discussed further at the July 2019 meeting of Scope.

After discussion, the Committee on Scope and Program requested that Commissioner Hillyard continue to monitor developments, and report back any findings at the July 2019 meeting of the Scope and Program Committee.

Having no further business, the Committee on Scope and Program was adjourned.