

JAMES H. DOUGLAS
GOVERNOR



State of Vermont
OFFICE OF THE GOVERNOR

May 22, 2008

The Honorable Donald G. Milne
Clerk of the House of Representatives
State House
Montpelier, VT 05633-5401

Dear Mr. Milne:

Pursuant to Chapter II, Article 11 of the Vermont Constitution, I am returning H. 203, *An Act Relating to the Disposition of Property Upon Death, Transfer of Interest in Vehicle Upon Death, and Homestead Exemption*, because of my objections described below.

H. 203 revises and updates Vermont laws that determine the distribution of the assets of a deceased individual. I have no objection to the substance of the bill as I believe it makes positive changes and adds clarity to the rights of survivors and beneficiaries.

Unfortunately, H. 203 contains an anomaly, by operation of its effective date, that inadvertently creates a void in Vermont law for a six month period. It is for this reason that I must reject H. 203. Section 1 of the bill repeals three chapters of Title 14 of the Vermont Statutes Annotated. It then replaces those chapters with its new provisions in section 2 that are expressly made effective for the estates of persons dying after January 1, 2009. There is no effective date expressed in the bill for the remaining sections, including the section that repeals current law. By operation of 1 V.S.A. §212, a law takes effect on July 1 following the date of passage "unless it is otherwise specifically provided."

If H. 203 were signed into law, the repeal of current law will be effective on July 1, 2008 but the provisions that would replace it will not be effective for another six months, or January 1, 2009. Fortunately, this is an error that can be easily corrected and I encourage the General Assembly to take action to do so when it convenes in January, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Douglas".

James H. Douglas
Governor

JHD/psy