

CHAPTER 56**(HB 514)**

AN ACT relating to the assumption of duties by local elected officers and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 62.010 is amended to read as follows:

- (1) No officer shall enter upon the duties of his office until he takes the oath required of him by law.
- (2) Each person elected to an office shall take the oath of office on or before the day the term of office to which he has been elected begins, ***except in years where the first Monday in January falls upon January 1. In years where the first Monday falls upon January 1, no penalty shall be applied to any officer that fails to take the oath of office, so long as the oath of office is taken within thirty (30) days of the first Monday of January.***
- (3) Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

Section 2. KRS 62.050 is amended to read as follows:

- (1) Except as otherwise provided by statute, no officer required by law to give bond shall enter upon the duties of his office until he gives the bond, ***except in years where the first Monday in January falls upon January 1. In years where the first Monday falls upon January 1, no penalty shall be applied to any officer that fails to give bond, so long as bond is given within thirty (30) days of the first Monday of January.***
- (2) Except as otherwise provided by statute, each person elected to an office who is required to give bond shall give the bond on or before the day the term of office to which he has been elected begins.
- (3) Each person appointed to an office who is required to give bond shall give the bond within thirty (30) days after he receives notice of his appointment.

Section 3. KRS 62.020 is amended to read as follows:

- (1) The official oath of any officer may be administered by:
 - (a) Any state or federal judge, with Kentucky jurisdiction; or
 - (b) ***Any member of the General Assembly for an oath statewide; or***
 - (c) Any county judge/executive, notary public, clerk of a court, or justice of the peace, within his district or county.
- (2) For those officers listed in paragraphs (a), (b), (c), (d), and (e) of this subsection, the person administering the oath shall certify in writing that the oath of office was administered and the date of its administration. The person administering the oath shall file a written certification:
 - (a) In the Secretary of State's office for:
 1. A member of the General Assembly;
 2. An officer elected from the state at large;
 3. An officer elected from a district greater than one (1) county; or
 4. An officer elected from a city whose boundaries extend beyond those of a single county;
 - (b) In the Secretary of State's office for:
 1. An officer appointed cabinet secretary; or
 2. An officer appointed a deputy or assistant to an elected constitutional officer and who is required by separate statute to take the oath of office;
 - (c) In the Governor's office for the Secretary of State and the assistant Secretary of State;
 - (d) In the office of the county clerk for the county from which an officer is elected to countywide office or office for a district within the county. However, the requirements of this paragraph shall not apply when the requirements of paragraph (a) of this subsection apply; and
 - (e) In the office of a circuit clerk for a county clerk within the jurisdiction of that circuit clerk.

Section 4. The provisions of this Act shall apply retroactively to any elected officer required to take the oath of office and execute bond by the first Monday of year 2007.

Section 5. Whereas it is in the interest of the People of the Commonwealth that any disputes concerning the assumption of duties be speedily and efficiently resolved, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 21, 2007.