

Corporal for using excessive force in arresting a person that was intoxicated. The Civil Service Commission upheld that city action, but this person appealed to District Court and eventually appealed all the way to the State Supreme Court where they did rule in favor of Columbus and the Columbus Civil Service Commission, but it was very expensive to the City of Columbus and immediately they launched into another similar action with another police officer that subsequently went to the penitentiary. The Civil Service Commission in Columbus is fortunate in that they have an attorney on their Civil Service Commission. He sits on the commission and most of these commissions are just lay persons, so they had an attorney. But, quite frankly, they stated that the second time they went into this business, they couldn't make heads or tails out of the Civil Service laws so they just threw up their hands in despair. We heard in committee the Fremont Police Department fired an officer for sleeping on duty and he was fired by the mayor. He was fired by the city administrator, by the chief of police and the city council. They all fired him. And when asked why, they said that given the confusion with Civil Service statutes they wanted to make sure they did it right and cover all the bases. Without making much more of a case as to why this is needed, I would invite Senator Chambers and Senator Beutler and Senator Vickers and some of the wordsmiths in this body to look at the bottom of page 1, the last two lines. This defines who the appointing authority is. And I think all of you would probably break into a cold sweat knowing that we have something like this in our statutes. It says, "Appointing power shall mean every person or group of persons who acting singly or in conjunction as a mayor, city manager, council, commission or otherwise are vested by law with power and authority to select or appoint." Acting singly or in conjunction, and you can read the interpretations of that about however you would like to. This act is 42 years old. It was written in 1943. Times do change and I won't go into a lot of detail as far as the Equal Employment Opportunity Commission, affirmative action plans and so forth that did not exist in 1943. We will discuss that more on Select File, I am sure, and at this point I would just urge you move the bill and we will talk about it some more the next time. Thank you.

SENATOR BEUTLER: Senator Rupp, there are no other lights on. Unless you wish to make further comments, we will proceed to vote on the advancement of the bill. All those