

State Representative

House District 1  
Wayne County



**Ron Amstutz**  
Speaker Pro Tempore

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Joint Sponsor Testimony

Representatives Ron Amstutz and Michael Curtin  
House Government Oversight and Accountability Committee  
Monday, December 5, 2016

**HJR 12: Repeal Constitutional Provisions Regarding Courts of Conciliation and a Supreme Court Commission**

Chairman Blessing, Ranking Member Clyde, and fellow committee members thank you for giving Representative Curtin and I the opportunity to introduce you to HJR 12.

I would like to take a few moments to put this recommendation into a bit of context for you. It contains two of 14 reports and recommendations issued to date that deal with 29 existing sections of the Ohio constitution. Nine of the reports and recommendations recommend that no changes be made to the sections reviewed in the reports. Five of the reports and recommendations recommend that provisions either be repealed or modified in some way, or that new provisions be adopted.

The two recommendations that you have before you in HJR 12 propose that votes authorize repeal of two non-functioning and obsolete provisions involving the courts in Article IV. The first repeals Section 19 involving Courts of Conciliation and the second repeals a Supreme Court commission.

As further explanation:

- Eliminates the authority of the General Assembly to establish courts of conciliation; and to eliminate the authority of the Governor to appoint a supreme court commission.
- Both recommendations of the OCMC.
- Eliminate courts of conciliation (23 to 1). Eliminate the Supreme Court commission (24 to 0).

- Courts of conciliation – a product of the 1851 constitution. To allow the resolution of disputes without resorting to the traditional legal process. The General Assembly has never established courts of conciliation; rather it has created arbitration proceedings and other methods for litigants wishing to avoid using the courts.
- Its repeal would not affect current or future alternative dispute resolution provisions under Ohio law. This was also a recommendation of the 1970s Ohio Constitutional Revision Commission.
- Representatives from the Ohio Supreme Court and the Ohio State Bar Association both testified before the Judicial Branch committee of the OCMC that Section 19 is not necessary to allow for alternative dispute resolution, and were comfortable with its repeal.
- Supreme Court Commission – The Judicial Branch committee found it to be obsolete and recommended to entire OCMC that it be repealed. Adopted by Ohio voters in 1875. A topic of discussion at the 1873-74 state constitutional convention. Because of a large backlog of cases before the Ohio Supreme Court. There were two Supreme Court commissions, one beginning in 1876 and the other beginning in 1883. There have been no commissions to provide docket relief to the Ohio Supreme Court since 1885.
- Twice before, Section 22 has been recommended for elimination. Ohio voters rejected one amendment in May 1973. The Ohio Constitutional Revision Commission recommended elimination again, in 1976, but the OGA never got around to putting it back on the ballot.
- In 2011, Issue 1 would have increased judicial retirement age in Ohio to 75, from 70. Same issue would have eliminated supreme court commissions. That issue defeated, largely on the age issue.