

House Government Oversight Committee
Proponent Testimony – Mike Rodgers, Director of Policy and Legislation
Ohio Attorney General Dave Yost
March 10, 2022

Chairman Wilkin, Vice Chair White, Ranking Member Brown, and members of the Government Oversight Committee – thank you for allowing me the opportunity to provide proponent testimony on HB 506, legislation that would codify both the office of the Solicitor General and the Tenth Amendment Center within the Office of the Attorney General.

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The principle of federalism – the idea that power is shared among multiple levels of government instead of concentrated into a single level – is indelibly etched into the foundation of our nation through the Tenth Amendment. The Tenth Amendment is unique among the Bill of Rights in that it recognizes the powers of the State, not just the rights of individuals. By preserving power for the State, the Constitution recognizes that some areas of life not enumerated in our founding document probably should be regulated, but they should be regulated by the States to preserve the power of the people to govern themselves. The Tenth Amendment Center serves as a dedicated way to return that power. The task is not new.

The Office of the Ohio Attorney General has always stood as a check against unconstitutional directives from the federal government. But these types of challenges can pull attorneys off other cases at inopportune times, or may lack a consistent message. This is why Attorney General Yost wanted to go a step further and designate existing resources specifically for this task.

The Tenth Amendment Center currently consists of an attorney within the state solicitor’s office whose primary responsibility is to monitor federal executive orders, the myriad of executive regulation notices, and federal rules and statutes for actions that go beyond the authority of the federal government. The office has been busy.

Recent cases filed by our office on behalf of the state of Ohio include an effort to require the census bureau to comply with federal law regarding the delivery of census data, a challenge to federal legislation that impairs the state’s ability to set tax policy, and an action taken against a federal regulation that required all employers of a certain size to require COVID-19 vaccination for their employees or enforce regular testing. In each case, these issues were first ripened through the Tenth Amendment Center.

The Attorney General’s Office supports this bill because we believe in the concept of federalism. HB 506 takes a voluntary best practice and seeks to codify it in the Ohio Revised Code to ensure the goals of the Tenth Amendment Center continue to be supported by this administration and future administrations. We believe in the important role of the Office of the Attorney General in protecting Ohio and the interests of Ohioans against the unfettered expansion of federal authority. Further, we believe that attorneys general nationwide stand as an important bulwark against violations of the Tenth Amendment by the federal government – no matter how well intentioned.

I want to thank Representatives LaRe and Bird for advancing this legislation and I would be happy to take any questions at this time.