

Testimony against SB406 – April 1 2025

Good afternoon, Chair and Committee members. My name is Jim DeGraffenreid (SPELL), and I am Nevada's Republican National Committeeman, here today in opposition to SB406.

While this is presented as a very narrowly tailored bill, if that's the case, then the very fact that this bill is narrowly tailored is an argument against protection of the state treasury being a compelling interest.

If this bill is indeed limited to actual monetary damages relating to tuition and fee estimates for a single quarter of 2020, and if punitive damages are excluded, then it hardly seems that the dollar amounts involved would rise to the level of a compelling state interest. We greatly appreciate the concerns raised by Senator Krasner regarding the state interest, and we agree that the compelling interest of the Treasury is not, in fact, stated in our Constitution.

We have serious concerns over providing immunity for actions taken during 2020 in response to the pandemic, as those actions have since been shown to be excessive and not evidence based. In particular, the actions taken by executive order in Nevada were inconsistent by, for example, closing schools and churches but allowing certain businesses such as liquor stores to remain open. Nevada's response was excessive compared to other states such as Florida and South Dakota, which followed a more evidence based approach rather than the more arbitrary response in Nevada.

Any time that government harms its citizens as Nevada chose to do in 2020, citizens must have the ability to petition for redress of their grievances and damages.

If this is narrowly tailored, then it doesn't arise to the level of a compelling interest, and we are opposed to setting any precedent for other government agencies to seek future immunity for their actions.