

# Nevada Families for Freedom

State Affiliate National Eagle Forum

51th Anniversary

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Chair and Committee of the Senate Judiciary,

After listening to the testimony on **SB406 on immunity for our State Universities and Colleges** for the Spring Semester of 2020, we wanted to share our concerns.

We are especially concerned about the amendment which was shared at the hearing and is listed as Section 1 Subsection 5 which *creates* “a compelling state interest in protecting the State Treasury, ensuring the stability and sustainability of education institutions within the State of Nevada, and encouraging the State and its education institutions to respond appropriately to future health crises in compliance with federal, state and local guidance.”

When one considers that the definition of a compelling state interest is a government purpose so important that it can justify a law or policy that *infringes on fundamental rights*, which would require strict scrutiny by the courts, the elevation of these items as a compelling state interest is dangerous. A compelling state interest means the state government can violate our fundamental rights like freedom of speech, religion, assembly and equal protection. Why...to protect the state's treasury, educational institutions and enforce mandates?

This bill sets a dangerous precedent when the Legislature *declares* that protecting the State Treasury, ensuring the stability of educational institutions and encouraging the State and its education institutions to respond appropriately to future health crises are compelling state interests.

We recognize that during the Covid-19 pandemic many fundamental individual rights like freedom of speech, religion, and assembly were infringed, often needlessly, by government edicts. In retrospect there is evidence that many people were irreparably harmed by government edicts and mandates. *To elevate in statute the right of government to violate our fundamental rights is a huge concern.*

There is nothing in the Nevada Constitution that justifies any of these three items being elevated to the level of a compelling state interest, especially over our fundamental rights.

In addition, we have concerns about the very broad aspects of Section 1 Subsection 4 which takes the bill far beyond its stated purposes of covering damages for tuition and fees. It also infringes on an individual's right to sue for damages.

After the Covid-19 experience many people will never have faith in or follow government edicts and mandates again. This bill absolves the government of accountability for their actions claiming they were in “good faith”.

If nothing else, please oppose the Amendment Section 1 new subsection 5 creating a new unjustifiable and dangerous compelling state interest.

Janine Hansen, State President Nevada Families for Freedom

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