

ASSEMBLY BILL NO. 22—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE PUBLIC EMPLOYEES’
BENEFITS PROGRAM)

PREFILED NOVEMBER 7, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Public Employees’
Benefits Program. (BDR 23-311)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Public Employees’ Benefits Program;
revising provisions governing the awarding of certain
contracts of the Program; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, the State Purchasing Act governs the purchasing of
2 services, supplies, materials and equipment by agencies of the Executive
3 Department of the State Government, which are known as using agencies under the
4 Act. (Chapter 333 of NRS) Unless the Administrator of the Purchasing Division of
5 the Department of Administration is responsible for administering the contract,
6 each proposal received for a request for a contract of a using agency under the Act
7 is required under existing law to be evaluated by the chief of the using agency, or a
8 committee appointed by the chief of the using agency. Under existing law, the chief
9 of the using agency or the committee, if appointed, is required to: (1) consider and
10 assign a score for each factor disclosed in the request for proposals; and (2) award
11 the contract based on the total assigned scores. (NRS 333.335)

12 Existing law also creates the Board of the Public Employees’ Benefits Program
13 and requires the Board to establish the Public Employees’ Benefits Program to
14 provide a program of group life, accident or health insurance for the benefit of state
15 officers and employees and other authorized participants. (NRS 287.041, 287.043)
16 Under existing law, the Program is subject to the provisions of the State Purchasing
17 Act and the Board is required to act as the chief of the using agency for the
18 purposes of the evaluation of proposals for and award of contracts of the Program
19 under the Act. (NRS 287.04345) Because the Board is a public body subject to the
20 Open Meeting Law, existing law addresses the compliance of the Board with the



21 Open Meeting Law when the Board is carrying out its duty as chief of the using
22 agency, including requiring the Board to review the results of any evaluation of
23 proposals for a contract in a closed meeting and to award the contract or cancel or
24 modify and reissue the request for proposals in an open meeting. (NRS 241.015,
25 287.04345) This bill: (1) transfers the duty to act as the chief of the using agency
26 for the Program from the Board to the Executive Officer of the Program; and (2) as
27 a result of the transfer of this duty, eliminates the requirements in existing law
28 relating to the exercise of this duty by the Board under the Open Meeting Law.

29 If a committee to evaluate proposals for a contract of the Program is appointed
30 under existing law, the committee is: (1) required to consist of not less than two
31 members; and (2) authorized to include any number of the members of the Board.
32 (NRS 287.04345, 333.335) This bill requires the appointment of a minimum of one
33 member of the Board to such an evaluation committee, if established.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 287.04345 is hereby amended to read as
2 follows:

3 287.04345 1. The Program is subject to the provisions of
4 chapter 333 of NRS.

5 2. The ~~[Board]~~ *Executive Officer* shall act as the chief of the
6 using agency for the purposes of NRS 333.335.

7 3. If a committee to evaluate proposals for a contract for the
8 Program is established pursuant to NRS 333.335 ~~[, any number of~~
9 ~~members]~~ :

10 (a) *At least one member* of the Board ~~[may]~~ *must* be appointed
11 to the evaluation committee. ~~[If one or more members of the Board~~
12 ~~are appointed to an evaluation committee:~~

13 ~~—(a)]~~ (b) No action or deliberation regarding any business of the
14 Board other than the confidential review of the proposals pursuant
15 to NRS 333.335 may be taken or conducted by the evaluation
16 committee.

17 ~~[(b)]~~ (c) Except as otherwise provided in paragraph ~~[(a)]~~ (b), a
18 meeting of the evaluation committee is not subject to chapter 241 of
19 NRS.

20 ~~[4. The Board shall review the results of any evaluation of~~
21 ~~proposals for a contract for the Program pursuant to NRS 333.335 in~~
22 ~~a closed meeting.~~

23 ~~—5. The Board shall take the following actions only in an open~~
24 ~~meeting:~~

25 ~~—(a) Award the contract pursuant to NRS 333.335;~~

26 ~~—(b) Cancel the request for proposals; or~~

27 ~~—(c) Modify and reissue the request for proposals.]~~

28 **Sec. 2.** This act becomes effective upon passage and approval.

