

118TH CONGRESS
1ST SESSION

S. 1760

To amend the Apex Project, Nevada Land Transfer and Authorization Act of 1989 to include the city of North Las Vegas, Nevada, and the Apex Industrial Park Owners Association, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 30, 2023

Ms. CORTEZ MASTO introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Apex Project, Nevada Land Transfer and Authorization Act of 1989 to include the city of North Las Vegas, Nevada, and the Apex Industrial Park Owners Association, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Apex Area Technical
5 Corrections Act”.

1 **SEC. 2. APEX PROJECT, NEVADA LAND TRANSFER AND AU-**
2 **THORIZATION ACT OF 1989.**

3 (a) DEFINITIONS.—Section 2(b) of the Apex Project,
4 Nevada Land Transfer and Authorization Act of 1989
5 (Public Law 101–67; 103 Stat. 169)—

6 (1) in the matter preceding paragraph (1), by
7 striking “As used in this Act, the following terms
8 shall have the following meanings—” and inserting
9 “In this Act:”;

10 (2) in each of paragraphs (1), (2), (4), and (5),
11 by inserting a paragraph heading, the text of which
12 comprises the term defined in that paragraph;

13 (3) in paragraph (3), by inserting “COUNTY;
14 CLARK COUNTY.—” before “The term”;

15 (4) in paragraph (6)—

16 (A) by inserting “FLPMA TERMS.—” be-
17 fore “All”; and

18 (B) by inserting “(43 U.S.C. 1701 et
19 seq.)” before the period at the end;

20 (5) by redesignating paragraphs (1), (2), (3),
21 (4), (5), and (6) as paragraphs (7), (6), (4), (5),
22 (2), and (8), respectively;

23 (6) by inserting before paragraph (2) (as so re-
24 designated) the following:

25 “(1) APEX INDUSTRIAL PARK OWNERS ASSOCIA-
26 TION.—The term ‘Apex Industrial Park Owners As-

1 society' has the meaning given the term in the
2 charter document for the entity entitled 'Apex In-
3 dustrial Park Owners Association', which was
4 formed on April 9, 2001, and any successor docu-
5 ments to the charter document, as on file with the
6 Nevada Secretary of State.'; and

7 (7) by inserting after paragraph (2) (as so re-
8 designated) the following:

9 “(3) CITY.—The term ‘City’ means the city of
10 North Las Vegas, Nevada.”.

11 (b) KERR-MCGEE SITE TRANSFER.—Section 3(b) of
12 the Apex Project, Nevada Land Transfer and Authoriza-
13 tion Act of 1989 (Public Law 101–67; 103 Stat. 170) is
14 amended—

15 (1) in the first sentence—

16 (A) by striking “Clark County for the con-
17 nection” and inserting “Clark County, the City,
18 and the Apex Industrial Park Owners Associa-
19 tion, individually or jointly, as appropriate, for
20 the connection”;

21 (B) by striking “Kerr-McGee Site” and in-
22 serting “Kerr-McGee Site and other land con-
23 veyed in accordance with this Act”; and

1 (C) by inserting “(or any successor map
2 prepared by the Secretary)” after “May 1989”;
3 and

4 (2) in the third sentence, by inserting “, the
5 City, or the Apex Industrial Park Owners Associa-
6 tion, individually or jointly, as appropriate,” after
7 “Clark County”.

8 (c) AUTHORIZATION FOR ADDITIONAL TRANS-
9 FERS.—Section 4 of the Apex Project, Nevada Land
10 Transfer and Authorization Act of 1989 (Public Law 101–
11 67; 103 Stat. 171)—

12 (1) in subsection (c), by striking “Pursuant”
13 and all that follows through “Clark County” and in-
14 serting “During any period in which the require-
15 ments of section 6 are met, pursuant to applicable
16 law, the Secretary shall grant to Clark County, the
17 City, and the Apex Industrial Park Owners Associa-
18 tion”; and

19 (2) in subsection (e)—

20 (A) in paragraph (1), by striking the last
21 sentence and inserting “The withdrawal made
22 by this subsection shall continue in perpetuity
23 for all land transferred in accordance with this
24 Act.”; and

25 (B) by adding at the end the following:

1 “(3) MINERAL MATERIALS SALE.—In the case of the
2 sale of mineral materials resulting from grading, land bal-
3 ancing, or other activities on the surface of a parcel within
4 the Apex Site for which the United States retains an inter-
5 est in the minerals—

6 “(A) it shall be considered impracticable to ob-
7 tain competition for purposes of section
8 3602.31(a)(2) of title 43, Code of Federal Regula-
9 tions (as in effect on the date of enactment of the
10 Apex Area Technical Corrections Act); and

11 “(B) the sale shall be exempt from the quantity
12 and term limitations imposed on noncompetitive
13 sales under subpart 3602 of that title (as in effect
14 on the date of enactment of the Apex Area Technical
15 Corrections Act).”.

16 (d) ENVIRONMENTAL CONSIDERATIONS.—Section 6
17 of the Apex Project, Nevada Land Transfer and Author-
18 ization Act of 1989 (Public Law 101–67; 103 Stat. 173)
19 is amended by adding at the end the following:

20 “(d) COMPLIANCE WITH ENVIRONMENTAL ASSESS-
21 MENTS.—Each transfer by the United States of land or
22 interest in lands within the Apex Site or rights-of-way
23 issued pursuant to this Act shall be conditioned on the
24 compliance with applicable Federal land laws, including
25 the National Environmental Policy Act of 1969 (42 U.S.C.

1 4321 et seq.) and the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1701 et seq.).”

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