

PRESERVATION AND PROMOTION
OF NEVADA'S CULTURAL
RESOURCES



Bulletin No. 89-5

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

SEPTEMBER 1988

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STATE OF NEVADA

SEPTEMBER 1988

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ASSEMBLY CONCURRENT RESOLUTION NO. 36,
STATUTES OF NEVADA, 1987

Assembly Concurrent Resolution No. 36--Committee on
Legislative Functions
FILE NUMBER...152

ASSEMBLY CONCURRENT RESOLUTION--Directing the Legislative Commission to
conduct an interim study of the preservation of Nevada's cultural resources.

WHEREAS, Nevada's cultural resources include the arts, the humanities, its
history, and historical and archeological properties; and

WHEREAS, The preservation of these resources is critical to Nevada's
ability to compete in the areas of education, tourism and economic
diversification; and

WHEREAS, Nevada faces a potential loss of federal money for cultural
purposes; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
CONCURRING, That the Legislative Commission is hereby directed to conduct
an interim study to determine ways to preserve and promote these resources;
and be it further

RESOLVED, That the Legislative Commission may accept and use any gift
or grant of money to aid it in carrying out the study; and be it further

RESOLVED, That the Legislative Commission report the results of its study
and any recommended legislation to the 65th session of the Nevada
Legislature.

REPORT OF THE LEGISLATIVE COMMISSION
TO THE MEMBERS OF THE 65TH SESSION
OF THE NEVADA LEGISLATURE

The following report is submitted in compliance with Assembly Concurrent Resolution No. 36 (File No. 152, Statutes of Nevada, 1987). The resolution directs the legislative commission to study the preservation and promotion of Nevada's cultural resources.

In order to conduct the study, the legislative commission appointed a subcommittee consisting of the following members:

Senator Nicholas J. Horn, Chairman
Assemblyman Courtenay C. Swain, Vice Chairman
Senator Erik Beyer
Assemblyman John C. Carpenter
Assemblyman John B. DuBois
Assemblyman Virgil M. Getto

Legislative counsel bureau staff services for the subcommittee were provided by Fred W. Welden of the research division (principal staff), Royle Melton of the legal division (legal counsel) and Lyndl L. Payne of the research division (subcommittee secretary). A notable amount of assistance was provided by representatives of agencies and organizations throughout the state. Of special significance were the contributions of the following individuals:

Peter L. Bandurraga, Ph.D.
Director
Nevada Historical Society

William L. Fox
Executive Director
Nevada State Council on the Arts

Ronald M. James
Administrator
Division of Historic Preservation and Archeology
State Department of Conservation and Natural Resources

J. Scott Miller
Administrator
Department of Museums and History

Judith Winzeler
Nevada Humanities Committee

The report presents the subcommittee's findings and recommendations, as well as background information relative to the major topics. All supporting documents and minutes are on file in the research library of the legislative counsel bureau.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
September 1988

* * * * *

LEGISLATIVE COMMISSION

Senator Lawrence E. Jacobsen, Chairman
Senator Sue Wagner, Vice Chairman

Senator James I. Gibson
Senator Nicholas J. Horn
Senator Ann O'Connell
Senator John M. Vergiels

Assemblyman Louis W. Bergevin
Assemblyman Joseph E. Dini, Jr.
Assemblyman John B. DuBois
Assemblyman Robert M. Sader
Assemblyman James W. Schofield
Assemblyman Danny L. Thompson

SUMMARY OF RECOMMENDATIONS

Following is a summary of the recommendations approved by the legislative commission's subcommittee to study the preservation and promotion of Nevada's cultural resources.

I. COMPREHENSIVE RECOMMENDATIONS

A. Long-Term Comprehensive Program

1. Initiate a long-term program to develop a network of cultural resource centers and activities in the state.

a. Two Major Facilities - -

Two major facilities are proposed as the initial components of the statewide network. State funding in the amount of \$60 million dollars is proposed for construction of an art museum in Clark County, and the sum of \$40 million is allocated for construction of a cultural center (performing arts/exhibitions) in Washoe County.

b. Ten-Year Plan and Its Implementation - -

The conceptual "backbone" of the proposal is preparation of a plan for preservation and promotion of the state's cultural resources. Based upon this plan, cultural centers and multi-disciplinary projects (in addition to the two major facilities) are to be developed throughout the state over a 10-year period. The initial \$2 million per year during the 10-year period is dedicated to the rural portion of the state, while the remaining revenue is applied statewide.

c. Financing and Promotion - -

Financing for the proposal is to be provided through an increase of 3/4 percent in the statewide room tax.

Promotion of the program takes two approaches. One highlights the fact that the proposal will increase tourism and economic development in the state, while the other emphasizes the increased

"quality of life" for Nevada citizens provided by such cultural developments. (BDR S-183)

B. Other Broad-Based Recommendation

2. Include, in the final report, a statement which expresses recognition of and support for the ongoing activities of the office of volunteerism in the state's office of community services as these activities provide technical assistance, information distribution, training workshops and coordination for volunteers who are vital to the efficient functioning of agencies and nonprofit organizations in the cultural resources field.

II. HISTORIC PRESERVATION AND ARCHEOLOGY

A. Archeological Permitting Process

3. Transfer responsibility for administration of the permitting process for archeological projects from the state department of museums and history to the state division of historic preservation and archeology in the state department of conservation and natural resources; and provide the division with the authority to adopt regulations in order to implement the program. (BDR 33-201)
4. Amend the Nevada Revised Statutes (NRS) to:
 - a. Expand the permitting program so that it applies to activities conducted on all public lands, rather than applying only to lands owned by the Federal Government or the State of Nevada;
 - b. Allow for issuance of emergency permits in cases where delay could cause damage to a site or when the interests of the state would be served by prompt action;
 - c. Increase the requirements for qualifications of persons who may receive permits;
 - d. Require that, as a condition of the permit, all archeological and paleontological specimens and records of the activities must be placed in an acceptable Nevada public repository with which the applicant has a written agreement or, at the

discretion of the granter of the permit, an acceptable repository owned by the applicant;

- e. Provide for revocation of permits under specified conditions; and
- f. Increase the penalties for vandalism to provide that, if damage to a site or building totals more than \$5,000, the violator is guilty of a felony. (BDR 33-201)

B. Planning and Code-Related Recommendations

- 5. Place the responsibility with the division of historic preservation and archeology for:
 - a. Compiling and maintaining a statewide inventory of significant historic, archeological and architectural resources; and
 - b. Designating the repositories where the records comprising this inventory (project reports, site inventory forms and other records of information generated through permitted activities) are to be kept. (BDR 33-203)
- 6. Amend NRS 278.160 to require that local master plans must include a historic preservation plan consisting of at least the following elements:
 - a. An inventory of significant historic, archeological and architectural properties which have been identified;
 - b. Means of encouraging preservation of these properties; and
 - c. Provisions for surveys to identify such properties prior to their development. (BDR 22-206)
- 7. Direct, by resolution, the state public works board and the state fire marshal division in the state department of commerce to use the Uniform Code for Building Conservation and the United States Secretary of the Interior's Standards for Historic Preservation when dealing with the state's historic resources. (BDR R-208)

C. Recommendation Related to Historic Districts

8. Amend NRS 384.005 to allow cities (in addition to counties as prescribed in the existing law) to establish historic districts. (BDR 33-210)

D. Recommendation Associated With the State's Commission on Tourism and Commission on Economic Development

9. Urge, by resolution, the governor to appoint one person on each commission who has a knowledge of the field of historic preservation. (BDR R-211)

E. Staff of the Division of Historic Preservation and Archeology

10. Professionalize the qualifications for the division's administrator by requiring that he or she have a graduate degree (at least a Master's degree) in anthropology, archeology, architectural history, art history, history or a related field and at least 1 year of professional experience in this field. (BDR 33-212)
11. Require that the division's administrator serve as the state historic preservation officer. (BDR 33-212)
12. Express support for the addition of a historic archeologist to the division's staff to handle existing responsibilities in the area of review and compliance, public education, the historical marker program, and overview of the division's grants program in southern Nevada.

III. THE ARTS AND HUMANITIES

A. Education in Arts/Humanities

13. Include, in the final report, a statement encouraging school districts to strengthen the core curricula in their elementary schools to include arts and humanities.

B. Recommendations Dealing With the Arts

14. Adopt model legislation (based upon New York statute) which provides protection against

defacement, changing or reproduction of artworks without permission of the artist. (BDR 52-202)

15. Express support for the concept of a "Percent for Art" program in Nevada through which a specified percentage of the state public works' capital improvement/construction funds would be set aside to buy or commission art for state buildings and to provide for administration of the program.
16. Recommend that the senate committee on finance and the assembly committee on ways and means give consideration to providing an overall (federal/state) budget for the Nevada state council on the arts of approximately \$1 per Nevada citizen, or as close to this figure as is possible.

C. Recommendation Dealing With the Humanities

17. Appropriate from the state general fund to the Nevada Humanities Committee the sum of \$50,000 annually to facilitate the maintenance of its staff and offices in Las Vegas and Reno (to be matched by approximately \$40,000 in additional federal funding). (BDR S-209)

IV. MUSEUMS AND LIBRARIES

A. Recommendations Associated With Facilities of Nevada's Department of Museums and History

18. Include, in the final report, a statement expressing support for the following concepts relative to changes or additions (at the appropriate times) to facilities of the department of museums and history:
 - a. Initiation of a long-term plan to establish the Nevada state museum on a 300-acre parcel of land immediately south of Carson City (in conjunction with development of facilities by the state's division of state parks in the state department of conservation and natural resources);
 - b. Moving of the exhibition element of the Nevada Historical Society to a more accessible structure in downtown Reno;

- c. Relocation of the Las Vegas Museum if its stability at Lorenzi Park is not assured;
 - d. Development of additional exhibit space in a more accessible facility in downtown Las Vegas; and
 - e. Development, protection and study of the archeological sites associated with the Lost City Museum in Overton.
19. Express support for the following concepts associated with new facilities and services of the department of museums and history:
- a. Development of a Boulder City museum to house and operate railroad equipment and emphasize the history of transportation in its many forms as related to Nevada and the region;
 - b. Adoption of a "field services unit" approach to provision of services to outlying areas; and
 - c. Establishment of a "Conservation Lab Unit" to provide protection from deterioration for artifacts and collections in the state.
20. Include, in the final report, a statement expressing support for developing the capability within the department of museums and history to care for and exhibit the state's decorative and fine arts collections, including those of its Native American cultures.

B. Recommendations Related to Libraries and Archives

21. Include a statement in the final report recognizing:
- a. The role of public libraries as purveyors of cultural activities in local communities; and
 - b. The need to establish physical and intellectual control over current and future archival records (valuable government records), including their arrangement and description using professionally accepted methods for their preservation and conservation.

22. Endorse the construction of a new state library and archives facility as planned through appropriations by the 1987 legislature, and endorse creation of a conservation laboratory in the new facility for the preservation of permanently valuable materials.

REPORT TO THE 65TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO
STUDY THE PRESERVATION AND PROMOTION OF
NEVADA'S CULTURAL RESOURCES

I. INTRODUCTION

The 64th session of the Nevada legislature in 1987 adopted Assembly Concurrent Resolution No. 36 which directed the legislative commission to study the preservation and promotion of the state's cultural resources.

The subcommittee which conducted the study held a total of five meetings in Las Vegas, Reno, Elko and Carson City. The members also participated in a factfinding tour of the Seattle/Olympia area of the State of Washington to investigate the manner in which that state is managing its cultural resources. The initial meeting was designed to provide background information concerning the major cultural resources in the State of Nevada and their administration. Recommendations and public input were solicited at the following meetings.

The subcommittee adopted a total of 22 recommendations addressing a broad range of issues associated with the state's cultural resources. The initial, comprehensive recommendation establishes a long-term program for preservation and promotion of Nevada's cultural resources. The remaining recommendations address specific disciplines within the broader topic of cultural resources.

II. COMPREHENSIVE PROGRAM FOR CULTURAL RESOURCES

For a state with a population which only recently reached the 1 million threshold, Nevada has a great variety of cultural resources. The state's rich historical heritage provides an anchor for its cultural base. And traditionally, this historical perspective has provided the direction for most of the state's museums and other cultural activities.

Increased population, however, has led to an expanding demand for experiences associated with the performing/visual arts and the humanities, as well as a broadening of the traditional museum functions. An increase in the realization of the value of education in cultural areas and an expanded use of cultural facilities such as libraries have also accompanied the population growth. In addition,

the extremely significant values of cultural resources in the promotion of economic development and tourism have become more clearly understood in recent years.

A. COOPERATIVE APPROACH

In an attempt to view the state's cultural resources in a comprehensive manner, several of the leading agencies in the field have developed a cooperative approach emphasizing increased communication and cooperative efforts. Representatives of Nevada's department of museums and history, the Nevada state council on the arts, the Nevada Humanities Committee, the Nevada historical society, and the state division of historic preservation and archeology have organized a group which has come to be known as the "Intergovernmental Group" (I-GOV).

In addition to the basic value of increased communication between agencies, the I-GOV has sponsored two statewide conferences known by the name "OASIS." The goals of OASIS are broad, including provision of the opportunity for people who are active in the diverse aspects of cultural resources to meet one another and begin to understand their common interests. The annual conferences have components emphasizing general and technical education, as well as elements designed to provide incentives for cooperative activities of mutual benefit to all of the various cultural resource fields.

B. LONG-TERM COMPREHENSIVE PROGRAM

In reviewing the status of Nevada's cultural resources as a whole, the legislative subcommittee concluded that a long-term, comprehensive program would be necessary to ensure their preservation and promotion.

It became evident that the state is lacking in major arts facilities. It also became clear that the state's historical heritage is rapidly disappearing. Thirdly, it became apparent that the rural portions of the state which contain a large portion of the deteriorating historical structures are also most deficient in cultural amenities.

Further analysis highlighted the fact that development of a state's cultural resources will have a direct, positive impact on enhancement of its tourist industry. Testimony also emphasized the direct link between quality cultural resources and economic development. Virtually every corporate executive who investigates the state as a possible location for his or her business inquires about the cultural

TABLE 1

ECONOMIC IMPACT OF THE ARTS - SELECTED EXAMPLES

Several examples may be cited to document the economic impact of the arts in American cities. While direct "dollar-for-dollar" comparisons may not be valid, the significant point is that major facilities (if designed and managed properly) provide a large, positive and lasting economic benefit to their communities.

Facilities

- Winston-Salem, North Carolina: Construction of a multi-million dollar "cultural block" (performing arts center and local arts council building) is credited with stimulating \$160 million in adjacent downtown construction and investment.
- Dallas, Texas: Property values surrounding the new arts district rose 733 percent following completion of a new art museum.

Arts Events

- Ashland, Oregon: This town of 12,000 people holds an annual Shakespeare festival which draws 300,000 tourists each year.
- Charleston, South Carolina: The Spoleto Arts Festival draws 100,000 visitors, half from out-of-state, and injects \$40 million into local businesses.
- King Tutankhamen Exhibition: The "King Tut" show resulted in local economies gaining \$60.5 million in Toronto, Canada, \$69 million in New Orleans, Louisiana, and \$76 million in New York City, New York (plus an estimated \$34 million spent on shopping by out-of-town visitors). The van Gogh show, by comparison, brought in \$22 million to Toronto.

Relevant Comparisons

- Attendance at the Metropolitan Opera in New York City annually outweighs a dozen years' total attendance at the World Series or Super Bowl. This one arts organization's economic impact is equal to two major league baseball clubs or Georgia Tech University.
- The arts in Baltimore, Denver or Sarasota are equal to a major sports franchise in terms of local dollars generated.
- The economic impact of the Boston Symphony is equal to 20 miles of Florida beach or its three most popular state parks.
- The annual arts economy of New York City could run Florida's state government for 6 months.

Source: "Economic Impact of the Arts - A Sourcebook," National Conference of State Legislatures, 1987, and "Proceedings of the Third International Conference on Cultural Economics and Planning," Akron, Ohio, 1984.

TABLE 2

ROOM TAX RATES FOR VARIOUS CITIES IN THE UNITED STATES			
April 1988			
State/City	Room Tax Rate	State/City	Room Tax Rate
Arizona		Nevada	
Phoenix	7.60%	Las Vegas	7.00%
Tucson	8.00%	Reno	7.00%
California		New Jersey	
Los Angeles	12.00%	Atlantic City	12.00%
Oakland	10.00%	New York	
San Francisco	11.00%	New York	13.24%
Santa Barbara	8.00%	North Carolina	
Colorado		Raleigh	8.00%
Denver	11.80%	Ohio	
Colorado Springs	8.70%	Cleveland	13.00%
Florida		Oklahoma	
Ft. Lauderdale	9.00%	Oklahoma City	9.00%
Miami Beach	11.00%	Oregon	
Orlando	9.00%	Portland	9.00%
Georgia		Pennsylvania	
Atlanta	9.00%	Philadelphia	11.00%
Hawaii		South Carolina	
Honolulu	9.43%	Charleston	7.00%
Idaho		Tennessee	
Boise	11.00%	Nashville	11.75%
Illinois		Texas	
Chicago	12.30%	Austin	13.00%
Louisiana		Dallas	13.00%
New Orleans	11.00% + \$1/room	Houston	14.00%
Maryland		Utah	
Baltimore	11.00%	Salt Lake City	10.35%
Massachusetts		Virginia	
Boston	9.70%	Richmond	9.51%
Minnesota		Washington	
Minneapolis	12.00%	District of Columbia	10.00% + \$1/room
Missouri		Washington	
Kansas City	9.755%	Seattle	13.5% - Going to 16.5%
St. Louis	9.85% + \$1.50/room	Wisconsin	
Montana		Milwaukee	11.00%
Helena	4.00%		

Compiled by: Research Division, Legislative Counsel Bureau
 Method: Telephone Survey of Major Hotels, April 20, 1988

amenities which are available within the community. Table 1 provides examples of the types of economic benefits which have been associated with several cultural resource activities in America.

Rather than simply outlining these needed developments within the State of Nevada, the subcommittee concluded that it was also responsible for identifying a long-term funding source to provide the stable finances necessary to support a comprehensive program. Because of the clear link to increased tourism, it was logical to investigate tourist-generated sources of revenue. The subcommittee concluded that the room tax provides the best visitor-oriented revenue source. Table 2 summarizes the room tax rates being charged in a sample of United States cities.

Analysis concluded that an increase of 3/4 percent in Nevada's comparatively low statewide room tax would provide the finances necessary to support a long-term, comprehensive program for preservation and promotion of the state's cultural resources. Even on a relatively expensive \$80 room, the increase would only amount to an additional 60 cents per night. If a small segment of the tourist population stays 1 additional night because of the enhanced cultural attractions, the 60 cents is recovered and the entire business community profits because the overall amount of money going into the business sector is increased commensurately. In fact, based upon a 3-day/2-night stay, if only one person out of every 66 who visits Nevada stays 1 additional night, the 60-cent cost for all of the others is recovered by the hotel or motel. This calculation does not include the increased profit for all of the other Nevada businesses from this person's staying an extra night. Nor does it include the economic benefits associated with bringing the "new" tourists into the state who come specifically to participate in the cultural activities.

Based upon these findings, the subcommittee adopted the following recommendation:

- Initiate a long-term program to develop a network of cultural resource centers and activities in the state.

a. Two Major Facilities - -

Two major facilities are proposed as the initial components of the statewide network. State funding in the amount of \$60 million dollars is proposed for construction of an art museum in Clark County, and the sum of \$40 million is allocated for

construction of a cultural center (performing arts/exhibitions) in Washoe County.

b. Ten-Year Plan and Its Implementation - -

The conceptual "backbone" of the proposal is preparation of a plan for preservation and promotion of the state's cultural resources. Based upon this plan, cultural centers and multi-disciplinary projects (in addition to the two major facilities) are to be developed throughout the state over a 10-year period. The initial \$2 million per year during the 10-year period is dedicated to the rural portion of the state, while the remaining revenue is applied statewide.

c. Financing and Promotion - -

Financing for the proposal is to be provided through an increase of 3/4 percent in the statewide room tax.

Promotion of the program takes two approaches. One highlights the fact that the proposal will increase tourism and economic development in the state, while the other emphasizes the increased "quality of life" for Nevada citizens provided by such cultural developments. (BDR S-183)

Note: See Appendix A for a detailed discussion of this recommendation. Also note that Appendix B contains examples of projects which might be undertaken through the comprehensive program in addition to the two major facilities.

C. USE OF VOLUNTEERS

Another facet of the comprehensive approach to cultural resources was identified as the use of volunteers to supplement paid staff and provide specialized services. The functions of these volunteers range from sitting on policymaking boards to the offering of expertise in professional fields. They also include major fund-raising activities, as well as providing the more traditionally recognized day-to-day assistance within public agencies and programs.

The office of volunteerism in the state's office of community services provides coordination among leaders of volunteer organizations and activities in the state. Staff

from the office offer technical assistance to volunteer organizations and employers relative to recruitment, administration, and associated matters. Training workshops also are provided. In addition, the office performs the "clearinghouse" function of information distribution and liaison through such means as the statewide volunteerism newsletter, the state conference on volunteerism, and providing the services of a resource information center.

Based upon the fact that volunteerism is so significant to the activities associated with cultural resources, the subcommittee adopted the following recommendation:

- Include, in the final report, a statement which expresses recognition of and support for the ongoing activities of the office of volunteerism in the state's office of community services as these activities provide technical assistance, information distribution, training workshops and coordination for volunteers who are vital to the efficient functioning of agencies and nonprofit organizations in the cultural resources field.

III. HISTORIC PRESERVATION AND ARCHEOLOGY

As previously mentioned, Nevada's prehistory and history form the anchor of its cultural resources.

A. NEVADA'S HISTORIC HERITAGE

The state's archeological and historical traditions are rich and varied. Early man left petroglyphs, campsites and rock shelters dating back at least 10,000 years. Nineteenth century explorers and pioneers opened Nevada's portion of the Great Basin and Mojave Desert as part of the country's western frontier. During this period, Native Americans, homesteaders, miners, railroaders, ranchers and Mormon settlers contributed significantly to the Silver State's heritage.

Today, many elements of the past, such as archeological sites and buildings, are found throughout Nevada. They represent the contributions made by early Nevadans to the state's culture. By studying the past, understanding its spirit, and preserving its message, Nevadans have a better chance of understanding the state's present-day culture and institutions.

Thus the goal of historic preservation is to discover the signs of the past, preserve them and conserve evidence of historic traditions for future generations.

B. THE STATE DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

In 1977, the legislature created the state division of historic preservation and archeology. The charge of the division is to coordinate, encourage and plan historic and archeological preservation in the state.

This mandate is accomplished through coordination with the United States National Park Service which supports the state program on a 50-50 matching basis with funds from the federal Historic Preservation Fund. The state division currently has five staff positions.

Federal funds also are available for identification, recognition and rehabilitation of historic places and structures. Since 1978, more than \$3 million in federal funding has been obtained for these purposes in Nevada.

The state division of historic preservation and archeology administers several programs in order to fulfill its responsibilities. It coordinates activities associated with the National Register of Historic Places which was established by the United States Congress in 1935 and expanded in 1966 to include historic resources of national, state and local significance. There are presently over 170 Nevada buildings, districts and sites listed on the National Register. Designation on this register makes the property eligible for financial assistance and generally encourages its preservation.

The State Register of Historic Places is also administered by the division. Although inclusion on the state register does not make a property eligible for financial assistance, the program functions as a planning and research tool as well as providing recognition of the property's contribution to Nevada culture. In addition, the division is responsible for the state's historic marker program. There are presently 250 historic markers which identify significant cultural sites throughout the state.

The division also coordinates other financial incentives provided through the Federal Government for the preservation of historic places. Grants of up to 70 percent of the project cost are often available for planning, feasibility studies, acquisition, and/or rehabilitation of properties

listed on the National Register of Historic Places. Federal law additionally allows investment tax credits for rehabilitation of historic buildings, as well as favorable depreciation schedules and cost recovery periods.

Based upon the subcommittee's review of the structure and functions of the state division of historic preservation and archeology, the members approved the following recommendations:

- Place the responsibility with the division of historic preservation and archeology for:
 - a. Compiling and maintaining a statewide inventory of significant historic, archeological and architectural resources; and
 - b. Designating the repositories where the records comprising this inventory (project reports, site inventory forms and other records of information generated through permitted activities) are to be kept. (BDR 33-201)
- Professionalize the qualifications for the division's administrator by requiring that he or she have a graduate degree (at least a Master's degree in anthropology, archeology, architectural history, art history, history or a related field and at least 1 year of professional experience in this field. (BDR 33-212)
- Require that the division's administrator serve as the state historic preservation officer. (BDR 33-212)
- Express support for the addition of a historic archeologist to the division's staff to handle existing responsibilities in the area of review and compliance, public education, the historical marker program, and overview of the division's grants program in southern Nevada.

(The division's responsibilities in the area of archeological permitting are discussed in a later section of this chapter entitled "Archeological Permitting Process.")

C. OTHER STATE AGENCIES PERFORMING FUNCTIONS ASSOCIATED WITH HISTORIC PRESERVATION

Several state agencies, other than the state division of historic preservation and archeology, also perform functions which are associated with historic preservation.

For example, the division of state parks in the state department of conservation and natural resources is responsible for preservation, interpretation and administration of several of the state's most significant historical resources. One of the responsibilities of the department of museums and history is to collect, preserve and display historical artifacts. And, the state public works board and the state fire marshal division in the department of commerce approve and oversee many construction projects which deal with historically significant structures.

Several aspects of the topic of tourism are also very closely associated with historic preservation, as well as other aspects of cultural resources. In most states, the major tourist draws are high quality cultural attractions such as historic sites, major museums or significant performing arts events. As previously outlined, the cultural resources of a community have also been identified as important considerations in many business locations and economic development efforts.

Because a portion of the responsibilities of several state agencies relate directly to historic preservation, the subcommittee approved the following recommendations associated with the relevant agency programs:

- Direct, by resolution, the state public works board and the state fire marshal division in the state department of commerce to use the Uniform Code for Building Conservation and the United States Secretary of the Interior's Standards for Historic Preservation when dealing with the state's historic resources. (BDR R-208)
- Urge, by resolution, the governor to appoint one person on each commission who has a knowledge of the field of historic preservation. (BDR R-211)

D. LOCAL AND PRIVATE ENTITIES

As a condition of its federal grant, the state division of historic preservation and archeology provides 10 percent of its allocation to local governments which are approved under the certified local government program. At the present time, three of Nevada's local governments (Carson City, Lyon County and Storey County) participate in the program by virtue of the fact that they have local

preservation programs that include architectural review commissions.

Several other local governments, however, have also been active in historic preservation activities. For example, the City of Reno, Nevada, has compiled a study of resources within the city which are of architectural or historic value.

The Comstock historic preservation district (consisting of portions of two counties) is another substate entity which is directly involved in preservation activities. The district was created by the legislature in 1969. Its commission must review all construction, alteration and demolition proposals and issue "certificates of appropriateness" before the projects may be undertaken. The district is designated as a National Landmark within the National Register of Historic Places, and it is the largest designated historic district in the country.

People who testified before the subcommittee suggested that amendment of two portions of the state statutes would enhance the historic preservation efforts at the local government level. The subcommittee, therefore, adopted the following recommendations:

- Amend Nevada Revised Statutes (NRS) 278.160 to require that local master plans must include a historic preservation plan consisting of at least the following elements:
 - a. An inventory of significant historic, archeological and architectural properties which have been identified;
 - b. Means of encouraging preservation of these properties; and
 - c. Provisions for surveys to identify such properties prior to their development. (BDR 22-206)
- Amend NRS 384.005 to allow cities (in addition to counties as prescribed in the existing law) to establish historic districts. (BDR 33-210)

A wide range of private organizations is also active in the preservation field. Nevada Heritage is a statewide organization composed of approximately 125 active members. And, the Preservation Association of Clark County is another

example of a local organization that functions on a private, nonprofit basis.

Likewise, the specialized preservation field of archeology is represented by several groups in the state. The Nevada Archeological Association is an organization consisting of professional and amateur archeologists from within and outside the State of Nevada. Its current membership represents archeologists who work for the American Museum of Natural History, the University of California, the University of Utah, and private and publicly funded archeological organizations within the state. Archaeo-Nevada is a 60-member group of amateur archeologists who work with the University of Nevada System. And, the Nevada Council of Professional Archeologists is a 50-member organization composed of professional archeologists in the state who earn their living from working in the field of archeology.

All of the referenced local and private entities worked with the subcommittee by providing background information, as well as preparing and evaluating recommendations.

E. THE ARCHEOLOGICAL PERMITTING PROCESS

A significant amount of testimony was brought before the subcommittee relative to the archeological permitting process in the state. It was pointed out that the archeological activities being conducted in Nevada are relevant on a national scale. It was also suggested that the laws and procedures associated with the permitting of archeological excavations are in need of upgrading.

Under existing law, Nevada's archeological permitting process is administered through the state's department of museums and history. There was virtually unanimous agreement among the agencies and professionals in the field that this responsibility should more properly be placed with the state division of historic preservation and archeology.

The professionals were, likewise, unified in their recommendations concerning amendment of the statutes relative to the process of permitting archeological activities. The most significant points included increasing the requirements for qualifications of persons who may receive permits, requiring that all specimens and records of the activities must be placed in an acceptable Nevada public repository or at an approved repository owned by the applicant, and increasing the penalties for vandalism to

provide that the violator is guilty of a felony if the damage exceeds \$5,000.

Relative to penalties, it was pointed out that the penalties under federal law for vandalism occurring on federally managed lands are relatively severe. The penalty for a first offense is up to 1 year's imprisonment, or a fine up to \$10,000, or both. If the damage and rehabilitation costs exceed \$5,000, however, the penalty is up to \$20,000 in fine, or a maximum of 2 years' imprisonment, or both. The penalties for a second or subsequent violation include a fine of up to \$100,000, or imprisonment for not more than 5 years, or both. The federal law also provides for seizure of artifacts and equipment, as well as requiring the violator to pay for repair and restabilization of the damaged archeological properties.

Based upon this background information and the unanimous support from those who testified before the subcommittee, the members adopted the following recommendations:

- **Transfer responsibility for administration of the permitting process for archeological projects from the state department of museums and history to the state division of historic preservation and archeology in the state department of conservation and natural resources; and provide the division with the authority to adopt regulations in order to implement the program.**
(BDR 33-201)
- **Amend the NRS to:**
 - a. **Expand the permitting program so that it applies to activities conducted on all public lands, rather than applying only to lands owned by the Federal Government or the State of Nevada;**
 - b. **Allow for issuance of emergency permits in cases where delay could cause damage to a site or when the interests of the state would be served by prompt action;**
 - c. **Increase the requirements for qualifications of persons who may receive permits;**
 - d. **Require that, as a condition of the permit, all archeological and paleontological specimens and records of the activities must be placed in an acceptable Nevada public repository with which the applicant has a written agreement or, at the**

discretion of the granter of the permit, an acceptable repository owned by the applicant;

- e. Provide for revocation of permits under specified conditions; and
- f. Increase the penalties for vandalism to provide that, if damage to a site or building totals more than \$5,000, the violator is guilty of a felony.
(BDR 33-201)

IV. THE ARTS AND HUMANITIES

The arts and humanities are also primary constituents of the cultural resource field. Both disciplines have experienced unprecedented expansion in the United States over the past 30 years.

A. GROWTH OF THE ARTS IN THE UNITED STATES

Although the arts have traditionally played a significant role in the life of Americans, a notable increase in arts events, institutions and audience participation has been experienced in more recent years. Thousands of new theaters, dance companies, chamber groups, opera companies, and art museums - not to mention community and neighborhood art groups - were established during the 1960's and 1970's.

A combination of social, economic and cultural forces are reputed to have been responsible for this phenomenon: a better educated population with enlarged cultural horizons, a period of strong economic growth and prosperity, and a generation of young artists who have been expressing themselves in uniquely American ways.

In 1985, for the first time, the United States Bureau of Economic Analysis estimated that expenditures for nonprofit performing arts tickets in the Nation exceeded expenditures on tickets for sporting events. And, that relationship held again in the most recent estimates for 1986. Over 40 percent of all Americans attended a performing arts event (ballet, opera, symphony, theatre) in 1986, spending a total of \$3.7 billion on these activities.

The economic impact of this major expansion in the arts sector has not gone unnoticed. Many analyses of these economic relationships have been compiled. The subcommittee became aware of at least the following three sources of relevant information:

"Economic Impact of the Arts - A Sourcebook," National Conference of State Legislatures, May 1987.

"The Arts and Tourism in the United States: A Growing Partnership," Anthony J. Tighe, National Endowment for the Arts, April 1988.

"Art," theme of the January 1988 issue of "State Government News," The Council of State Governments.

The National Endowment for the Arts was a product of the proliferation of arts awareness in the 1960's, and it has played a major role in the continued expansion of the field. Established in 1965, the endowment's goals are (1) to foster excellence, diversity and vitality of the arts in the United States; and (2) to broaden public access to the arts. The endowment's funding level has increased from less than \$10 million in the late 1960's to over \$167 million in 1988.

B. NEVADA'S STATE AND LOCAL ARTS ORGANIZATIONS

Creation of the National Endowment for the Arts led to establishment of state arts agencies in all 50 states and six territories.

The Nevada state council on the arts was created in 1967. The state council's objectives parallel the national goals, and one of the agency's major functions is obtaining funds from the endowment for redistribution through grants and programs to Nevada artists and arts organizations. Table 3 summarizes the state council's programs and services.

As highlighted, the Nevada state council on the arts supports artists and arts organizations on a statewide basis. When compared to the national norm of 1 percent of the workforce being classified as "artists," approximately 2.5 percent of Nevada's population is artists. Estimates indicate that the number of artists in the state will have grown by 290 percent between 1970 and 1990. It is additionally significant to note that Nevada hosts a larger per capita concentration of dancers, musicians and photographers than any other state.

There are currently over 200 nonprofit arts organizations in the state. Approximately half of these belong to the Allied Arts Council in Clark County, Nevada. This council provides coordination and assistance to the organizations through such activities as publication of a monthly magazine and calendar, as well as promoting of the organization's events.

TABLE 3

PROGRAMS AND SERVICES - NEVADA STATE COUNCIL ON THE ARTS

In order to fulfill its mandate, the Nevada state council on the arts administers a variety of programs and services, funded by both the National Endowment and the State of Nevada.

Grants Program: Grants for individual artists and arts organizations are awarded annually on a competitive basis. Artists must be Nevada residents; arts organizations must be nonprofit and tax-exempt.

Artists-in-Residence: Professional artists are placed in educational settings, primarily schools, to share their artistic disciplines with students, teachers and community leaders. Residencies are funded on a matching grant basis and generally last 1 to 3 months.

Folk Arts: This program documents and assists to preserve Nevada's traditional arts through surveys, apprenticeship programs, assistance for local events and maintenance of a statewide folk arts archive.

Community Development: Staff provides services to encourage and assist the development of ongoing local arts programs. Included are on-site workshops, liaison with local governments, and assistance with touring events.

Technical Assistance: Both staff and out-of-state consultants advise artists and arts organizations on board development, marketing, fiscal management, fundraising, grantsmanship and other matters.

Information Services: The council publishes a biannual newsletter (neon) and program brochures, and it distributes a monthly arts news service statewide. A lending library is available, and staff acts as a key networking contact, directing referrals for everything from job opportunities to manufacturing outlets for supplies.

It was clear from the testimony before the subcommittee that the arts are expanding at a rapid rate in the State of Nevada. The subcommittee, therefore, approved the following recommendation concerning artists and their work:

- Adopt model legislation (based upon New York statute) which provides protection against defacement, changing or reproduction of artworks without permission of the artist. (BDR 52-202)

C. FUNDING OF STATE ARTS COUNCILS

As is evident from the previous discussion, state arts councils provide a focal point within each state for the arts-related activities within that state. The councils are especially significant because of their function as a funnel through which federal and state funds may be channeled to local arts organizations and artists.

States have been playing an increasing role in financing their arts councils. In 1985, for the first time, funds appropriated by state legislatures to their arts councils exceeded the federal money available through the national endowment. In 1988, the states appropriated \$244.8 million for their arts programs.

Table 4 provides a compilation of appropriations to state arts councils for 1987 and 1988. While New York State exhibited the largest appropriation at \$54 million, the average for other states was \$3.5 million.

Nevada's statistics were especially interesting. The state's funding increased by 51.3 percent between 1987 and 1988, placing it fourth highest in the Nation for percentage increase. Conversely, however, Nevada still ranked 49th among the 56 states and territories in per capita appropriations for the arts.

The per capita appropriation for Nevada during 1988 was 28.1 cents, as compared to the nationwide average of \$1 per resident. Thus, relative to funding of the Nevada state council on the arts, the subcommittee approved the following recommendation:

- Recommend that the senate committee on finance and the assembly committee on ways and means give consideration to providing an overall (federal/state) budget for the Nevada state council on the arts of approximately

TABLE 4

**STATE ARTS AGENCIES LEGISLATIVE APPROPRIATIONS
FISCAL YEAR 1987 AND 1988**

	Rank	PER CAPITA (cents)		APPROPRIATIONS (\$)		% Change	Line Items
		1988	1987	1988	1987		
Alabama	46	32.6	24.1	1,319,000	969,020	36.1	
Alaska	9	238.8	420.3	1,275,000	2,189,800	-41.7	
American Samoa	12	126.0	133.1	47,000 ¹	47,000	0.0	
Arizona	41	40.0	35.8	1,327,600	1,140,400	16.4	
Arkansas	38	42.8	42.7	1,016,027	1,007,835	0.8	
California	32	50.4	47.7	13,599,000	12,589,000	8.0	
Colorado	47	31.9	50.4	1,040,647	1,628,647	-36.1	
Connecticut	28	62.7	52.5	2,000,000	1,666,166	20.0	
Delaware	15	106.1	97.1	671,300	603,900	11.1	
District of Columbia	1	566.1	378.3	3,544,000 ¹	2,368,000	49.6	
Florida	10	148.5	111.8	17,339,509	12,710,386	36.4	13,515,155
Georgia	33	48.5	45.0	2,960,581	2,687,779	10.1	
Guam	8	259.3	270.0	328,827	323,468	1.6	88,660
Hawaii	3	367.4	216.5	3,902,112	2,282,092	70.9	1,857,500
Idaho	55	19.7	13.3	197,600	134,000	47.4	50,000
Illinois	26	65.6	75.9	7,580,975	8,758,300	-13.4	
Indiana	44	35.8	34.0	1,969,472	1,867,303	5.4	
Iowa	50	25.6	25.4	729,020	731,590	-0.3	250,000 ²
Kansas	51	24.5	22.9	602,707	561,104	7.4	
Kentucky	29	54.5	53.2	2,031,700	1,983,300	2.4	
Louisiana	53	23.7	21.4	1,067,634	960,212	11.1	
Maine	39	40.9	41.5	479,206	482,867	-0.7	
Maryland	13	115.4	108.7	5,151,800	4,776,096	7.8	2,000,000
Massachusetts	2	372.1	313.7	21,698,270	18,265,924	18.7	
Michigan	11	138.6	125.7	12,677,180	11,426,104	10.9	2,689,300
Minnesota	24	71.6	66.0	3,016,200	2,767,647	8.9	965,100
Mississippi	56	16.0	15.8	421,062	411,986	2.2	
Missouri	21	86.1	83.4	4,360,512	4,193,966	3.9	
Montana	20	89.2	102.2	730,423	844,384	-13.4	13,376
Nebraska	43	38.1	36.3	608,323	583,280	4.2	
Nevada	49	28.1	19.1	270,425	178,642	51.3	
New Hampshire	37	43.9	33.8	450,848	337,164	33.7	
New Jersey	7	260.9	177.9	19,876,000	13,453,000	47.7	1,069,000
New Mexico	35	47.8	48.2	706,300	698,800	1.0	
New York	5	303.9	273.2	54,013,775	48,590,702	11.1	
North Carolina	25	70.8	63.5	4,484,984	3,972,491	12.9	
North Dakota	45	32.9	34.8	223,081	238,268	-6.3	
Northern Marianas	4	304.6	215.1	60,000 ¹	40,000	50.0	
Ohio	19	89.2	84.6	9,591,028	9,088,539	5.5	
Oklahoma	31	50.8	46.5	1,678,607	1,535,253	9.3	
Oregon	34	48.1	19.3	1,296,743 ³	517,916	150.3	
Pennsylvania	23	82.3	65.6	9,780,000	7,780,000	25.7	
Puerto Rico	6	297.6	322.2	9,743,941	10,534,600	-7.5	4,959,345
Rhode Island	14	109.8	62.0	1,070,165 ⁴	599,854	78.4	175,000
South Carolina	22	82.9	82.8	2,800,713	2,771,838	1.0	251,500
South Dakota	36	46.4	40.5	328,207	286,873	14.4	
Tennessee	48	31.7	29.0	1,522,600	1,382,500	10.1	580,000
Texas	54	20.3	18.2	3,382,956	2,983,955	13.3	
Utah	18	91.2	98.8	1,517,900	1,626,000	-6.6	
Vermont	27	64.7	49.5	350,200	264,900	32.2	
Virgin Islands	16	97.7	96.3	107,002	103,574	3.3	
Virginia	30	51.5	52.2	2,979,540	2,979,540	0.0	
Washington	42	38.2	38.7	1,704,024	1,705,539	-0.0	
West Virginia	17	97.2	110.0	1,864,330	2,130,353	-12.4	436,500
Wisconsin	52	24.1	24.1	1,151,200	1,148,600	0.2	124,800
Wyoming	40	40.1	33.7	203,457	171,658	18.5	
TOTAL		101.6		\$244,850,713	\$216,082,115	13.3%	\$29,025,236

(1) Pending, not yet final

(2) One-time appropriation

(3) Includes \$743,146 for Challenge grants

(4) Includes \$250,000 from state lottery

11/87

Source: National Assembly of State Arts Agencies, November 1987.

\$1 per Nevada citizen, or as close to this figure as is possible.

In support of this recommendation, the subcommittee noted that the attendance at events funded by the council on the arts has increased steadily in recent years. In 1975, approximately 200,000 people attended events receiving funds from the council. By 1984, the figure had grown to 500,000. Attendance at these events climbed to 640,000 in 1985, and it topped 1 million in 1986.

Testimony also highlighted the fact that the Nevada council has never been appropriated enough state money to match the federal funding which has been available to the state through the national endowment. It was further pointed out that, even with the legislature's increased funding of the council in 1987 and 1988, the local demands for additional arts programming have required the council to reduce the amount of money that can be granted to each local organization.

D. "PERCENT FOR THE ARTS PROGRAM"

Recent years have experienced an increasing trend toward the placement of art in America's public buildings. The impetus has been to make public facilities more than simply functional--to make them attractive and stimulating as well. Over human history, many of the "great" public facilities have been enhanced by the incorporation of artworks. In fact, in many instances the works of art have become more significant than the structures themselves.

To ensure that art and artworks are made integral elements of public facilities, 23 states and the District of Columbia have enacted legislation requiring that certain percentages of capital construction costs for state buildings be allocated to the purchase of artworks. These programs have become known as "percent for the arts programs" or "art in public places programs."

Although the specific elements in these programs vary, the basic components are usually similar. Appendix C contains a chart which highlights the states having "percent for the arts programs." Appendix D is a model act entitled "Allocation for Art for Public Facilities - A Model Act." Both items were compiled by the National Assembly of State Arts Agencies.

As related to this topic, the subcommittee approved the following recommendation:

- Express support for the concept of a "Percent for Art" program in Nevada through which a specified percentage of the state public works' capital improvement/construction funds would be set aside to buy or commission art for state buildings and to provide for administration of the program.

Although the 1987 session of the Nevada legislature did not approve a proposed "percent for the arts" bill, it directed the Nevada state council on the arts to undertake the preliminary actions necessary for the acquisition of artworks to be placed in the new state library and supreme court buildings (Assembly 423, chapter 686). Testimony also indicated that the City of Las Vegas recently created the Las Vegas City Arts Commission and allocated it an initial budget of \$100,000 to place public art in the downtown area. Clark County also recently established the McCarran Art Committee which has an annual budget of \$100,000. This committee is in the process of installing its first piece of art in the McCarran International Airport.

E. THE HUMANITIES IN THE UNITED STATES

The "humanities" is a title which encompasses a broad range of topics dealing generally with the history and development of human culture. In the act that created the National Endowment for the Humanities in 1965, the United States Congress defined the term "humanities" to include the study of:

* * * language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism, and the theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.

Although the humanities have always been significant to the Nation, their stature has been enhanced since the establishment of the endowment. The endowment functions as an independent grant-making agency of the Federal Government to support research, education and public programs in the humanities. Grants are made through five divisions (education programs, fellowships and seminars, general programs, research programs, and state programs) and two

offices, the Office of Challenge Grants and the Office of Preservation.

F. THE NEVADA HUMANITIES COMMITTEE

As an affiliate of the National Endowment for the Humanities, the Nevada Humanities Committee was created as a nonprofit corporation in 1971. Its primary purpose is to increase public understanding and appreciation of the humanities. Federal funds, as well as an increasing amount of private support, are used to provide educational programs, mainly for adult audiences, throughout the state. The goal of these humanities programs is to acquaint Nevadans with their cultural legacy, inspire future study of history and literature, address social and political issues of importance, and generally to enrich the intellectual life of the community.

During its first 14 years of existence after 1971, the Nevada Humanities Committee provided grants in excess of \$2 million to nonprofit organizations, public institutions, local governments and citizens' groups in the state. For 1985 and 1986, the committee received \$700,000 from the national endowment and supported over 1,000 separate activities in 35 different Nevada locations. A total of 113 grants were awarded during this 2-year period.

The committee provides grants in the following program areas:

The General Program: The targeted audience is the general public, and the formats of programs vary;

Education Program: Supports both programs in the schools and courses for teachers;

Exhibit Program: Approximately 10 percent of the grant funds are set aside to support exhibits for museums and historical societies;

Media Program: Approximately 15 percent of the grant funds are designated for media production or support of humanities programming on public radio and television;

Humanist-in-Residence: A person can be employed for a short period of time to work with cultural/educational organizations, particularly those in rural areas that do not have sufficient or properly trained personnel to develop their humanities resources for public programs; and

Research and Publication: Up to six research stipends of \$1,000 are awarded each year, and publications can be supported or partially subsidized.

In addition to its grants programs, the Nevada Humanities Committee carries out several projects directly. In 1987, it initiated a speakers bureau entitled "Humanities on the Road" which allowed 55 separate programs to be presented, primarily to rural audiences. The committee also hosts an annual lecture by a distinguished scholar and compiles "Halcyon: A Journal of the Humanities." This journal provides a forum for local scholars and serves to acquaint the state with the work of its own humanists. A newsletter is published three times per year, and the committee periodically offers workshops and talks by nationally known figures as well as distributing humanities exhibits, films and slide shows.

In the past, the Nevada Humanities Committee has not received any state funding to support its functions. The subcommittee felt that the humanities committee's activities have been impressive and determined that a degree of state funding could be efficiently matched with federal money to enhance the program. Thus, the following recommendation was approved:

- Appropriate from the state general fund to the Nevada Humanities Committee the sum of \$50,000 annually to facilitate the maintenance of its staff and offices in Las Vegas and Reno (to be matched by approximately \$40,000 in additional federal funding). (BDR S-209)

Appendix E is a copy of the Nevada Humanities Committee's two-page request for state funding. It provides a concise explanation of the anticipated use of the requested funds, and it highlights examples of grant projects which have received support in the past 2 years.

G. EDUCATION IN ARTS/HUMANITIES

The relationship between education and the arts/humanities has been emphasized in many states. Educators have recognized the value of visual and interpretive art as an educational tool, and youngsters are being introduced to the pictorial and graphic arts, music and theatre at the elementary school level. Likewise, the broader range of disciplines associated with the humanities has been receiving more emphasis.

According to the educators, pupils should be introduced to the arts and humanities as part of a sequential curriculum during the kindergarten through 12 school years. At the present time, Nevada's state board of education requires one unit of credit in arts and humanities for graduation from high school. However, no specific requirements exist for the elementary school level of education.

Although the subcommittee did not wish to establish such a requirement, the members felt that the following recommendation would be appropriate.

- Include, in the final report, a statement encouraging school districts to strengthen the core curricula in their elementary schools to include arts and humanities.

V. MUSEUMS AND HISTORICAL SOCIETIES

The American Association of Museums defines a museum as "a not-for-profit organization that collects, preserves, interprets and exhibits objects for educational or aesthetic purposes."

At the state level in Nevada, these functions are carried on by the five institutions within the state department of museums and history. Originally, the Nevada historical society in Reno (founded 1904) and the Nevada state museum in Carson City (founded 1939) were separate agencies. During its 1979 session, the legislature combined the two into the Nevada department of museums and history, after already having added the Lost City Museum in Overton and the Virginia and Truckee Railroad Collection in Carson City to the state museum. In 1982 the department completed its present structure by opening a new institution in Las Vegas.

The five institutions collect materials of all types--artifacts, books, manuscripts, photographs, any sort of record--in areas that focus on Nevada and the Great Basin. The primary collections are in history, prehistory, anthropology, natural history and art. It is the main duty of the professional staffs of these museums to collect the materials, house them safely, care for them properly and make them accessible to the public through scholarly research and exhibitions. Most of the institutions of the department have active publication programs, putting out books, cultural resource reports, curriculum supplements, exhibition catalogues, the "Nevada Historical Society Quarterly" and the "Nevada State Museum Newsletter." The

five museums also present a variety of public programs, such as special events and tours, all designed to give the public information about the place and society in which they live and to present this material in an entertaining manner. Thus, the department functions as an important element in the state's educational and tourism infrastructure.

As cultural tourism has become a growing portion of the state's tourism industry, the institutions of the department of museums and history have played a significant role. In 1986, over 470,000 people visited the department's five institutions. Sixty-eight percent of these visitors were from out-of-town and/or out-of-state. In Carson City, the state museum drew a quarter of a million visitors with nearly 85 percent from out-of-state.

In addition to the institutions of the state department of museums and history, there are also 60 to 70 local museums and historical societies throughout the state. In size and sophistication they range from major institutions (such as the William F. Harrah Automobile Collection and the Sierra Nevada Museum of Art in Reno) to all-volunteer organizations (such as the Central Nevada Historical Museum in Tonopah and the Lincoln County Museum in Pioche).

The Northeastern Nevada Museum in Elko, Nevada, provides an excellent example of a high-quality regional museum. The facility, which was enlarged from 6,000 to 21,000 square feet in 1982, supports an attendance of approximately 50,000 people per year. The Northeastern Nevada Museum has won three National Awards of Merit from the American Association for State and Local History. It is also one of only 500 museums in the Nation to have received reaccreditation from the American Association of Museums.

The Clark County Museum is another example of a local Nevada museum which serves more than 30,000 residents and tourists annually. In addition to its traditional responsibilities, the Clark County Museum has assumed the special mission of preserving samples of southern Nevada's architectural heritage through its "Heritage Street" project. The state museum, the Clark County Museum and several agencies of local government are also studying the feasibility of cooperatively developing a historic steam railroad excursion which would connect a proposed state facility in Boulder City with the Clark County Museum.

The plans for the future of the state department of museums and history were outlined in some detail for the

subcommittee. Although most of the elements do not require immediate legislative action, the subcommittee members determined that it would be advantageous to express their support for the basic concepts by approving the following recommendations:

- Include, in the final report, a statement expressing support for the following concepts relative to changes or additions (at the appropriate times) to facilities of the department of museums and history:
 - a. Initiation of a long-term plan to establish the Nevada state museum on a 300-acre parcel of land immediately south of Carson City (in conjunction with development of facilities by the state's division of state parks in the state department of conservation and natural resources);
 - b. Moving of the exhibition element of the Nevada Historical Society to a more accessible structure in downtown Reno;
 - c. Relocation of the Las Vegas Museum if its stability at Lorenzi Park is not assured;
 - d. Development of additional exhibit space in a more accessible facility in downtown Las Vegas; and
 - e. Development, protection and study of the archeological sites associated with the Lost City Museum in Overton.
- Express support for the following concepts associated with new facilities and services of the department of museums and history:
 - a. Development of a Boulder City museum to house and operate railroad equipment and emphasize the history of transportation in its many forms as related to Nevada and the region;
 - b. Adoption of a "field services unit" approach to provision of services to outlying areas; and
 - c. Establishment of a "Conservation Lab Unit" to provide protection from deterioration for artifacts and collections in the state.
- Include, in the final report, a statement expressing support for developing the capability within the

department of museums and history to care for and exhibit the state's decorative and fine arts collections, including those of its Native American cultures.

VI. LIBRARIES, ARCHIVES AND OTHER CULTURAL RESOURCES

A number of additional disciplines join those which have already been discussed in providing cultural resources within Nevada communities. The state and local park systems preserve and interpret history for citizens and visitors to the state. The schools are primary providers of cultural training and opportunities from the basic educational perspective to the housing of major performing organizations and cultural entities at the state's universities. A recommendation concerning the arts and humanities curricula within elementary schools has been described in the chapter entitled "The Arts and Humanities."

The libraries and archives within the state also received considerable attention from the subcommittee.

A. LIBRARIES AND ARCHIVES IN THE STATE

There has been continued recognition in America that public libraries play a significant role in the cultural life of the community--in addition to their educational and information services. The following quotation highlights this point:

The public library is the single most important cultural institution in most communities, and preserving its vitality is unequivocally in the national interest. Inside their walls and through outreach programs, public libraries have traditionally provided services to a wide range of users--reference and research, circulation of materials, reading programs for children, lectures and discussion groups for adults, and so on. Like museums, many libraries have added new services in recent years to meet growing public needs. Libraries, teachers of the humanities, and many readers of library books are learning from each other how books and other library resources can enrich private and community life.

Report of the California
Commission on the Humanities,
"The Humanities in American
Life," 1980, p. 133.

There are currently 26 public libraries and 45 branch libraries in Nevada. All are presenting cultural activities as a portion of their services. Testimony indicated that approximately 5 million items are circulated in libraries every year. Counting universities, schools and public libraries, there are almost 10 million volumes in the state. The expenditure on libraries is approximately \$8 per capita. And, there has been over \$35 million worth of library construction going on within the state over the past 18-month period.

The Nevada state library was established by the legislature in 1865. The archival and public records functions were delineated during the same period. Over the years, these functions have matured and been brought together by legislative action. In 1985, the agency's name was formally changed to the Nevada state library and archives, reflecting the expanded functions and responsibilities.

The 1987 legislature also appropriated money for the completion of plans for construction of a new library/archives building in Carson City. The old state printing office will be incorporated as a museum annex in this structure in order to provide a display area for the state archives. A business research collection and a conservation laboratory also are being planned for the facility.

The subcommittee also received a considerable amount of testimony specifically related to the archives functions in the state. Although the facilities for records protection at the state level have been upgraded substantially in recent years, the archival programs at the local levels are generally less adequate. Testimony indicated that storage for valuable records is often deficient, and provisions for their preservation need to be upgraded.

A limited amount of federal funding is available on a matching basis for support of records projects. The state's participation in a local government records regrant project which would be administered by the Nevada state historical records advisory board was discussed. It was determined that specific recommendations in this area would be somewhat beyond the purview of the subcommittee. The chairman, however, indicated that he would introduce the relevant legislation to ensure that it would receive hearing during the 1989 legislative session.

Based upon this background information, the subcommittee adopted the following recommendations concerning libraries and archives:

- Include a statement in the final report recognizing:
 - a. The role of public libraries as purveyors of cultural activities in local communities; and
 - b. The need to establish physical and intellectual control over current and future archival records (valuable government records), including their arrangement and description using professionally accepted methods for their preservation and conservation.
- Endorse the construction of a new state library and archives facility as planned through appropriations by the 1987 legislature, and endorse creation of a conservation laboratory in the new facility for the preservation of permanently valuable materials.

VII. CONCLUSION

As the population of the State of Nevada continues to grow, the demand for more high-quality cultural resources will also increase. The state is already experiencing major expansions in audience participation in the arts, the humanities, museums and historical attractions.

It has also become evident that cultural events and resources provide major tourist attractions. Likewise, the cultural resource base within the community is a significant consideration for business location and other types of economic development.

Leaders within the cultural field in Nevada have embarked upon a cooperative approach to development of the state's resources. As part of this effort, the recommendations adopted through this interim legislative study form a comprehensive base for consideration during the 1989 legislative session.

It is the subcommittee's conclusion that adoption of the package of recommendations discussed in this report will:

1. Enhance the comprehensive, long-term future of cultural resources in the State of Nevada; and
2. Address many of the more immediate needs of the various disciplines associated with the state's cultural resources.

Taken as a package, the proposals are ambitious. The positive returns in the areas of increased tourism, greater economic development potential, and a higher "quality of life" for Nevada's citizens, however, are substantial. The subcommittee concluded that the necessary expenditure of money and energy will produce economic and social returns which are many times greater than the magnitude of the original investments.

VIII. BIBLIOGRAPHY AND SUGGESTED READINGS

Following is a listing of relevant bibliographic references and suggested readings. Although the list is not comprehensive, the selections were based upon materials that were provided to the subcommittee and research information which appeared to be of special interest.

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IX. APPENDICES

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APPENDIX A

COMPREHENSIVE PROPOSAL FOR PRESERVATION
AND PROMOTION OF NEVADA'S
CULTURAL RESOURCES

AS RECOMMENDED BY THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE TO STUDY THE PRESERVATION AND
PROMOTION OF NEVADA'S CULTURAL RESOURCES

APPENDIX A

COMPREHENSIVE PROPOSAL FOR PRESERVATION AND PROMOTION OF NEVADA'S CULTURAL RESOURCES

May 17, 1988

The following paper outlines a comprehensive proposal for the preservation and promotion of Nevada's cultural resources.

EXECUTIVE SUMMARY

Two Major Facilities

Two major facilities are proposed as the initial components of the statewide network. State funding in the amount of \$60 million is proposed for construction of an art museum in Clark County, and the sum of \$40 million is allocated for construction of a cultural center (performing arts/exhibitions) in Washoe County.

Ten-Year Plan and Its Implementation

The conceptual "backbone" of the proposal is preparation of a plan for preservation and promotion of the state's cultural resources. Based upon this plan, cultural centers and multi-disciplinary projects (in addition to the two major facilities) are to be developed throughout the state over a 10-year period. The initial \$2 million per year during the 10-year period is dedicated to the rural portion of the state, while the remaining revenue is applied statewide.

Financing and Promotion

Financing for the proposal is to be provided through an increase of 3/4 percent in the statewide room tax.

Promotion of the program takes two approaches. One highlights the fact that the proposal will increase tourism and economic development in the state, while the other emphasizes the increased "quality of life" for Nevada citizens provided by such cultural developments.

DESCRIPTION OF PROPOSAL

The goal of this proposal is to develop a viable, promotable statewide network of cultural resource centers and activities in conjunction with local governments and the private sector. The proposal may be categorized in three components, as follows.

Two Major Facilities

Two facilities are proposed as the initial major components within the statewide network. It is proposed that a total of \$100 million be provided for construction of these two major cultural facilities - one in Clark County and one in Washoe County.

A great variety of activities and responsibilities are associated with major cultural resource facilities. The "mix" of construction costs, endowment funding, collections acquisition, preparation for traveling exhibitions, management of ancillary services such as restaurants and gift shops, as well as operations and maintenance of the overall facility and programs is critical. The efficient management of a major facility has been likened to a gyroscope which spins perfectly and stays amazingly upright as long as the elements of its design are in balance.

As part of a 2-year planning effort, the specific elements associated with construction and operation of the two major facilities are to be prescribed. The following descriptions, however, are presented as general parameters for the planning process.

Art Museum in Clark County

A major art museum is proposed for Clark County. It is to be planned in a manner that will facilitate necessary future expansion, and its design is to incorporate adequate open space and landscaping to create a pleasing environment for its location. The architect/designer for the facility is to be chosen through a national competition.

The following statistics provide guidelines for design and construction of the art museum:

TABLE 1

GUIDELINES FOR FINANCES ASSOCIATED WITH CONSTRUCTION OF ART MUSEUM	
<u>Approximate Financing</u>	<u>Category</u>
\$30 million	Construction (150,000 square foot facility at \$200 per square foot)
\$10 million	Collections
\$10 million	Endowment
\$ 5 million	Consulting services and architectural design
<u>\$ 5 million</u>	Outdoor art arena and landscaping
\$60 million	Total financing

It is anticipated that operating expenses for the facility will be approximately \$3 million annually. About one-third of this amount could come through the endowment, while two-thirds would come from other private or public sources.

Cultural Center (Performing Arts/Exhibition) in Washoe County

A major cultural center consisting of a performing arts/exhibition combination is proposed for Washoe County. The same design criteria outlined for the art museum are to apply to this cultural center.

Following are financial figures which provide guidelines for planning and construction of the facility:

TABLE 2
GUIDELINES FOR FINANCES ASSOCIATED WITH
CONSTRUCTION OF CULTURAL CENTER

<u>Approximate Financing</u>	<u>Category</u>
\$20 million	Construction (85,000 square foot facility at \$235 per square foot)
\$12 million	Endowment
\$ 4 million	Consulting services and architectural design
<u>\$ 4 million</u>	Associated outdoor facilities and landscaping
\$40 million	Total financing

Projections indicate that operation and maintenance of the facility would require approximately \$2 million annually. As in the case of the art museum, about one-third of the expense could come from the endowment and two-thirds through other private or public sources.

Ten-Year Plan and Its Implementation

The conceptual "backbone" of the proposal is preparation of a comprehensive plan for preservation and promotion of the state's cultural resources. Based upon this plan, cultural centers and multi-disciplinary projects (in addition to the two major facilities) are to be developed throughout the state over a 10-year period. The initial \$2 million per year during the 10-year period is dedicated to the rural portions of the state, while the remaining revenue is applied statewide.

The plan is to be compiled during the initial 2 years of the 10-year timeframe and updated periodically. It is to include a description of the mechanism through which the

statewide network is to be developed, a grants program, and a detailed list of the initial projects to be undertaken.

The grants program is established to provide a portion of the funding necessary to develop the network. Grants may be made to governmental or private entities. The criteria by which grant proposals will be judged are to be specified in the "Ten-Year Plan," but the review of applications must take into consideration at least the following elements:

- The degree to which the proposal incorporates the various disciplines directly associated with cultural resources;
- Accessibility (as a function of tourism promotion and community benefit);
- Any historic or prehistoric significance which may be associated with a property;
- Potential for multiple use by as many types of cultural organizations as possible;
- Potential for use to supplement formal classroom training in the arts and humanities (especially in rural areas); and
- Support of events which have the potential for recurring on a consistent basis without the necessity of future state support.

At the end of the 10-year period, the basic framework for a statewide network of cultural centers with appropriate programming will be in place. The network will be based upon the concept of multiple use among the disciplines making up the cultural fabric of the communities. While local and private participation will be sought throughout all phases of the program, it is anticipated that the emphasis of the local and private support will be in long-term maintenance and operation of the facilities and programs.

Program After Initial Ten-Year Period

The ongoing planning and grants program is to continue after the initial 10-year period. After this period, however, consideration should be given to allocating the finances to projects in the areas from which the revenue is being generated.

If the two major facilities have not been constructed by the end of the 10-year period, the finances set aside for them are to be returned to the fund for allocation through the planning and grants program.

ADMINISTRATION OF PROGRAM

Establishment of a Commission on Cultural Affairs

It is proposed that a commission on cultural affairs be established to oversee the program.

This commission is to consist of the chairmen of the existing boards and commissions associated with the Nevada state council on the arts, the Nevada humanities committee, the division of historic preservation and archeology in the state department of conservation and natural resources, and the state department of museums and history, plus one gubernatorial appointee who has a working knowledge of the promotion of tourism in Nevada. When activities concerning either of the two major facilities are being conducted, however, the commission's membership is to be supplemented by four additional gubernatorial appointees from the county in which the facility is located. Two of the supplemental appointments from each county must have experience in a major industry within the local area, and the other two supplemental appointments must have participated in cultural resource activities within the local community.

The responsibilities of the commission include oversight of the planning process and recommendation of projects for funding through the grants program. The commission is also responsible for overseeing the construction of the art museum in Clark County and the cultural center in Washoe County.

Staff support for the commission is to be provided through the referenced agencies. Grants to these agencies may be approved in order to support staff responsibilities in carrying out the program. In association with the two major facilities, it is anticipated that substantial funding (in the range of \$750,000) will also be required to contract for the type of professional services necessary to complete the needs assessments, structural layout, location analyses, related studies and plans, and construction oversight.

Submittal of Plan and Approval of Financial Actions

The "Ten-Year Plan" is to be submitted to the governor, the legislative commission and the state board of examiners. The state board of examiners is to be authorized to issue the necessary bonds for implementation of the program and to approve grants and contracts for expenditure of the funds after receiving recommendations from the commission.

Revenue to support the program is to be placed in a special fund in the state treasury. Grants and contracts to carry out the program, however, are to be administered through existing mechanisms within the referenced agencies. The state board of examiners is thus to be responsible for approving transfer of revenue from the special fund into the agencies' funds and its subsequent disbursement.

Administration of Major Facilities After Construction

It is anticipated that the commission on cultural affairs will recommend lease or other means of transferring the two major facilities to appropriate entities for operation after construction is completed. If this approach is chosen, the action should require legislative approval. In order to protect the state's investment in the two facilities, it is recommended that the enabling legislation require provisions for reversion of the property to state control if its management is not effective. It is further recommended that the legislation specify the number of members and the composition of the board of directors of the facilities with gubernatorial appointees possessing specified qualifications constituting approximately half of the board membership.

FUNDING FOR PROPOSAL

Sources of Revenue

It is proposed that the state room tax be increased by approximately 3/4 percent and this revenue be "earmarked" to provide finances to support the program. Basic assumptions include initiation of the tax increase in July 1989. Bonds to finance the program activities are to be issued on a staggered basis as necessary beginning in 1992 after completion of the initial 2-year planning phase.

Attachment "A" is a memorandum which outlines the revenue that should be generated by a 3/4 percent and a 1 percent increase in the room tax. The memorandum also projects a scenario for sale and repayment of bonds.

Room Tax Rates in Other Cities

A survey of major American cities has been conducted in order to determine the room tax rates in these representative localities. Table 3 outlines the results of this survey.

It is notable that all of the rates are equal to or greater than those in Las Vegas and Reno, except the smaller town of Helena, Montana. Significantly, most of the room tax rates are considerably higher than the Nevada rates.

Recovery of Increased Room Tax

Several approaches may be taken when considering the ways that the increased room tax will be recovered.

A 3/4 percent increase in room tax means that the visitor who is staying in an \$80 room will pay an additional 60 cents per night. Thus, based on a 3-day/2-night stay, if one person out of every 66 who visit Nevada stays 1 additional night, the 60 cent per night tax associated with all 66 visitors is recovered. And, this calculation does not include the increased profit for all of the other Nevada businesses from this person's staying an extra night.

A review of the economic impact of other cultural resource facilities in the Nation is also relevant to an analysis of the manner in which Nevada's room tax will be recovered. Attachment "B" provides examples which highlight the economic benefits of the arts within the community.

Of special significance are the increases in property values and investment in areas adjacent to new cultural facilities. Also notable are the local economic gains associated with major shows such as the "King Tut" and van Gogh exhibitions. And, possibly most interesting are the comparisons of the economic impacts of the arts to those of sports franchises and other major generators of local income.

ROOM TAX RATES FOR VARIOUS CITIES
IN THE UNITED STATES

April 1988

State/City	Room Tax Rate	State/City	Room Tax Rate
Arizona		Nevada	
Phoenix	7.60%	Las Vegas	7.00%
Tucson	8.00%	Reno	7.00%
California		New Jersey	
Los Angeles	12.00%	Atlantic City	12.00%
Oakland	10.00%	New York	
San Francisco	11.00%	New York	13.24%
Santa Barbara	8.00%	North Carolina	
Colorado		Raleigh	8.00%
Denver	11.80%	Ohio	
Colorado Springs	8.70%	Cleveland	13.00%
Florida		Oklahoma	
Ft. Lauderdale	9.00%	Oklahoma City	9.00%
Miami Beach	11.00%	Oregon	
Orlando	9.00%	Portland	9.00%
Georgia		Pennsylvania	
Atlanta	9.00%	Philadelphia	11.00%
Hawaii		South Carolina	
Honolulu	9.43%	Charleston	7.00%
Idaho		Tennessee	
Boise	11.00%	Nashville	11.75%
Illinois		Texas	
Chicago	12.30%	Austin	13.00%
Louisiana		Dallas	13.00%
New Orleans	11.00% + \$1/room	Houston	14.00%
Maryland		Utah	
Baltimore	11.00%	Salt Lake City	10.35%
Massachusetts		Virginia	
Boston	9.70%	Richmond	9.51%
Minnesota		Washington	
Minneapolis	12.00%	District of Columbia	10.00% + \$1/room
Missouri		Washington	
Kansas City	9.755%	Seattle	13.5% - Going to 16.5%
St. Louis	9.85% + \$1.50/room	Wisconsin	
Montana		Milwaukee	11.00%
Helena	4.00%		

Compiled by: Research Division, Legislative Counsel Bureau
Method: Telephone Survey of Major Hotels, April 20, 1988

PROMOTION OF THE PROPOSAL

Promotion of the proposal will take two approaches:

1. Increasing tourism and economic development; and
2. Increasing "quality of life."

The advantages of the proposal are significant in both categories, and it may be shown to benefit both areas simultaneously.

Increasing Tourism and Economic Development

Development of the state's cultural resources, especially the major facilities in Clark and Washoe counties, will simultaneously increase:

1. The number of tourists to Nevada; and
2. The tourists' length of stay.

This fact is borne out by the examples previously cited in Attachment "B." The case study of the construction of facilities associated with the Alabama Shakespeare Festival (outlined in Attachment "C") further highlights the positive impact of these types of programs upon the tourist industry.

The state's efforts in economic development will also be enhanced significantly by the cultural resource developments. The corporate executives associated with major businesses considering location in Nevada consistently inquire about the cultural amenities of the state. It is clear that several opportunities to move toward a diversified economy have been lost because of the state's immature cultural climate. Under the current proposal, the state will have taken major strides toward rectifying this situation by the turn of the century.

Increasing "Quality of Life"

In review of the present proposal, several Nevada residents have expressed their belief that its fulfillment would be worth the investment even if the economic ramifications were not positive. They point to the increased "quality of life" associated with the maturing of the cultural climate of the

state. They also highlight the advantages of being able to raise and educate the state's youth in a positive cultural environment.

In promoting the development of their cultural resources, the supporters in several states have identified their programs as "Quality of Life Proposals." They supplement the figures relative to economic benefits with the concepts of positive social benefits.

Summary of Advantages

In summary, the cumulative benefits of the current proposal exhibit the following advantages:

1. Relative to tourism, the proposal:
 - Increases tourists' length of stay in Nevada; and
 - Brings new visitors into the state.
2. Relative to economic development, it:
 - Provides increased amenities that corporate directors are seeking in communities being considered for business relocation.
3. Relative to social benefits, the proposal:
 - Enhances the "quality of life" for Nevada's citizens; and
 - Provides a positive cultural environment in which to raise and educate the state's youth.

ATTACHMENT "A"

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



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April 12, 1988

MEMORANDUM

TO: Fred Welden, Chief Deputy Research Director

FROM: Ted A. Zuend, Deputy Fiscal Analyst *TED*

SUBJECT: Cultural Resources Proposal--Financial Information

Based on Dan Miles' conversation with Senator Horn and the draft outline of the cultural resources proposal, I have prepared two revenue and expense simulations covering the 12-year period of the outline. The first uses a 1 percent room tax rate; the second a 0.75 percent room tax rate. As you will note in the columns entitled "Beginning Fund Balance" the higher rate assumed in the outline generates far more than is necessary to finance the project, while the lower rate appears to be the minimum necessary to meet the cash flow requirements of the proposal.

Following is an explanation of the items on the tables that are not self-explanatory.

1. Endowments--\$10 million for the art museum and \$15 million for the performing arts center are assumed to be made on July 1, 1992, and July 1, 1994, respectively, in advance of the openings of the facilities.
2. Beginning Fund Balance--An estimate of the cash available at the start of each fiscal year. With the lowest beginning balance at almost \$2.5 million using a 0.75 percent tax rate, this suggests that revenues will be more than adequate to meet cash flow requirements.
3. 1% (0.75%) Room Tax Revenues--The 1 percent room tax generated slightly more than \$8.6 million in Fiscal Year 1987. The projections assume a 10 percent increase during the current fiscal year (collections are ahead 10.3 percent through the first eight months), 8 percent increases in each of the next three fiscal years, and 6 percent increases in each of the fiscal years thereafter. The state will not receive revenues from a room tax increase that takes effect on July 1, until September 1. Therefore, in fiscal year 1990 there will be only 10 months of revenue received.

4. Interest on Fund Balance at 7.25%--The state Treasurer is currently earning between 7 and 7.5 percent on state funds. The amount of interest each year is determined by applying the rate to the beginning fund balance and to one-half of the difference between revenues and expenses (because these transactions occur through the course of the year). Interest earned on the endowments is not estimated because it will not be used for planning or bond expenses or grants.
5. Planning Expenses--\$750,000 is estimated in the outline. Because of lags, it is assumed that the majority will be expended during the second fiscal year.
6. \$50 Million Bond Principal and Interest at 8%--Assumes that \$50 million of bonds will be issued sometime in fiscal year 1992. About \$45 million will be used to bring the art museum near completion, while \$5 million will be used for consulting services and architectural design of the performing arts center. It is assumed that the bonds will be for 20 years and that an annual payment of interest on the unpaid balance and one-twentieth of the principal will be made. This is a typical method of repayment, but the bond issue can be structured as the proposed commission on cultural affairs sees fit. Eight percent is roughly the average rate of interest paid on tax-exempt bonds over the past year.
7. \$25 Million Bond Principal and Interest at 8%--Assumes that \$25 million of bonds will be issued sometime in fiscal year 1994. About \$5 million of the proceeds will be used to put the finishing touches on the art museum, while the remainder will complete the construction and landscaping of the performing arts center. The structure of this bond issue is assumed to be the same as that for the \$50 million issue. Principal and interest payments for both bond issues will, of course, continue beyond the time frame of the simulations.
8. Grant Allocations--Under the outline, the commission is to make available \$20 million over a ten-year period for various cultural activities.

This completes the explanation of the simulations. As noted before, a 0.75 percent tax rate should be more than adequate to fund the proposal as outlined. There is one additional source of revenue that is not considered in the simulations. It is the interest that will accrue on the bond proceeds until all payments

Fred Welden, Chief Deputy Research Director
April 12, 1988
Page 3

are made to the suppliers and contractors. While this amount cannot be estimated without knowing the purchasing and construction schedules, the interest will likely amount to several million dollars that the Legislature or commission can use as it chooses.

I trust that this information is helpful to you. Please call me if you have any questions or changes to the proposal as outlined.

TAZ:ca
87MS3/f
cc: Senator Nicholas J. Horn
Dan Miles

1.00RT

CULTURAL RESOURCES PROJECT--REVENUE AND EXPENSE SIMULATION

12-Apr-88

YEAR	ENDOWMENTS	BEGINNING FUND BALANCE	R E V E N U E S			E X P E N S E S				
			1% ROOM TAX REVENUES	INTEREST ON FUND BALANCE AT 7.25%	TOTAL REVENUES	PLANNING EXPENSES	\$50 M BOND PRINCIPAL & INTEREST AT 8%	\$25 M BOND PRINCIPAL & INTEREST AT 8%	GRANT ALLOCATIONS	TOTAL EXPENSES
FY 1990		40	\$9,211,381	\$322,131	\$9,533,492	\$325,000				\$325,000
FY 1991		\$9,208,492	\$11,923,235	\$1,107,448	\$13,030,683	\$425,000				\$425,000
FY 1992	\$10,000,000	\$11,814,175	\$12,877,094	\$1,280,358	\$14,157,451				\$2,000,000	\$2,000,000
FY 1993		\$23,971,626	\$13,649,719	\$1,984,549	\$15,634,269				\$2,000,000	\$2,000,000
FY 1994	\$15,000,000	\$18,105,895	\$14,468,702	\$1,431,558	\$15,900,260		\$6,500,000		\$2,000,000	\$8,500,000
FY 1995		\$23,706,156	\$15,336,825	\$1,922,484	\$17,259,309		\$6,300,000		\$2,000,000	\$8,300,000
FY 1996		\$29,615,463	\$16,257,034	\$2,409,915	\$18,666,949		\$6,100,000	\$3,250,000	\$2,000,000	\$11,350,000
FY 1997		\$37,232,412	\$17,232,456	\$3,027,420	\$20,259,876		\$5,900,000	\$3,150,000	\$2,000,000	\$11,050,000
FY 1998		\$46,742,288	\$18,266,403	\$3,789,016	\$22,055,420		\$5,700,000	\$3,050,000	\$2,000,000	\$10,750,000
FY 1999		\$58,347,708	\$19,362,388	\$4,710,027	\$24,072,415		\$5,500,000	\$2,950,000	\$2,000,000	\$10,450,000
FY 2000		\$72,270,123	\$20,524,131	\$5,807,196	\$26,331,327		\$5,300,000	\$2,850,000	\$2,000,000	\$10,150,000
FY 2001		\$88,751,450	\$21,755,579	\$7,098,811	\$28,854,390		\$5,100,000	\$2,750,000	\$2,000,000	\$9,850,000
FY 2002		\$108,055,840					\$4,900,000	\$2,650,000	\$2,000,000	\$9,550,000

0.75RT

CULTURAL RESOURCES PROJECT--REVENUE AND EXPENSE SIMULATION

12-Apr-88

YEAR	ENDOWMENTS	BEGINNING FUND BALANCE	R E V E N U E S			E X P E N S E S				
			0.75% ROOM TAX REVENUES	INTEREST ON FUND BALANCE AT 7.25%	TOTAL REVENUES	PLANNING EXPENSES	\$50 M BOND PRINCIPAL & INTEREST AT 8%	\$25 M BOND PRINCIPAL & INTEREST AT 8%	GRANT ALLOCATIONS	TOTAL EXPENSES
FY 1990		\$0	\$6,908,621	\$238,663	\$7,147,174	\$326,000				\$326,000
FY 1991		\$6,822,174	\$6,942,426	\$820,420	\$9,762,846	\$426,000				\$426,000
FY 1992	\$10,000,000	\$6,160,020	\$6,857,820	\$739,697	\$10,397,418				\$2,000,000	\$2,000,000
FY 1993		\$14,567,437	\$10,237,289	\$1,164,786	\$11,392,074		\$6,500,000		\$2,000,000	\$8,500,000
FY 1994	\$15,000,000	\$2,449,611	\$10,861,627	\$276,206	\$11,127,733		\$6,300,000		\$2,000,000	\$8,300,000
FY 1995		\$6,277,244	\$11,602,618	\$401,326	\$11,903,944		\$6,100,000	\$3,250,000	\$2,000,000	\$11,350,000
FY 1996		\$6,831,188	\$12,192,776	\$478,766	\$12,671,540		\$5,900,000	\$3,160,000	\$2,000,000	\$11,060,000
FY 1997		\$7,462,729	\$12,924,342	\$637,776	\$13,662,117		\$5,700,000	\$3,060,000	\$2,000,000	\$10,760,000
FY 1998		\$10,264,846	\$13,699,803	\$887,669	\$14,587,471		\$5,500,000	\$2,960,000	\$2,000,000	\$10,460,000
FY 1999		\$14,402,317	\$14,521,791	\$1,238,651	\$15,760,442		\$5,300,000	\$2,860,000	\$2,000,000	\$10,160,000
FY 2000		\$20,012,769	\$16,393,098	\$1,701,894	\$17,094,992		\$5,100,000	\$2,760,000	\$2,000,000	\$9,860,000
FY 2001		\$27,267,761	\$16,316,684	\$2,289,624	\$18,606,308		\$4,900,000	\$2,660,000	\$2,000,000	\$9,560,000
FY 2002		\$36,314,069								

ATTACHMENT "B"

ECONOMIC IMPACT OF THE ARTS - SELECTED EXAMPLES

MAY 1988

Several examples may be cited to document the economic impact of the arts in American cities. While direct "dollar-for-dollar" comparisons may not be valid, the significant point is that major facilities (if designed and managed properly) provide a large, positive and lasting economic benefit to their communities.

The following examples are drawn from "Economic Impact of the Arts - A Sourcebook" (National Conference of State Legislatures, 1987) and "Proceedings of the Third International Conference on Cultural Economics and Planning" (Akron, Ohio, 1984).

Facilities

- Winston-Salem, North Carolina: Construction of a multi-million dollar "cultural block" (performing arts center and local arts council building) is credited with stimulating \$160 million in adjacent downtown construction and investment.
- Saint Louis, Missouri: A \$2 million renovation of the Fox Theatre into a performing arts center resulted in 1 million tickets sold in the first year for a gross income of \$11 million and an estimated impact of 27.5 million new dollars into the local economy annually.
- Dallas, Texas: Property values surrounding the new arts district rose 733 percent following completion of a new art museum.

Arts Events

- Ashland, Oregon: This town of 12,000 people holds an annual Shakespeare festival which draws 300,000 tourists each year.

- Santa Fe, New Mexico: A world-class festival draws 70,000 people annually, 50 percent from out-of-state, each of whom spends at least \$140 a day and stays a week (\$1.75 million).
- Charleston, South Carolina: The Spoleto Arts Festival draws 100,000 visitors, half from out-of-state, and injects \$40 million into local businesses.
- Aspen, Colorado: In 1982, the typical arts visitor (usually attending their music festival) stayed 8.1 nights, spent \$54 a day, or \$1,146 per stay, for a total impact of \$3.2 million.
- Atlanta, Georgia: The Alvin Ailey Dance Company, a modern dance group from New York, was in residence for 1 month and generated \$2.8 million in local business.
- King Tutankhamen Exhibition: The "King Tut" show resulted in local economies gaining \$60.5 million in Toronto, Canada, \$69 million in New Orleans, Louisiana, and \$76 million in New York City, New York (plus an estimated \$34 million spent on shopping by out-of-town visitors). The van Gogh show, by comparison, brought in \$22 million to Toronto.

Overall Arts Impacts

- C i t i e s

New York City	\$ 5.8 billion
Minneapolis-St. Paul	135.8 million
Saint Louis	100.0 million
Baltimore	54.0 million

• S t a t e s

Massachusetts	\$713.0 million
Florida	247.3 million
Connecticut	100.0 million
Iowa	100.0 million
Rhode Island	100.0 million

Interesting Comparisons

- Attendance at the Metropolitan Opera in New York City annually outweighs a dozen years' total attendance at the World Series or Super Bowl. This one arts organization's economic impact is equal to two major league baseball clubs or Georgia Tech University.
- The arts in Baltimore, Denver or Sarasota are equal to a major sports franchise in terms of local dollars generated.
- The Boston Symphony is equal to 20 miles of Florida beach or its three most popular state parks.
- The annual arts economy of New York City could run Florida's state government for 6 months.

ATTACHMENT "C"

A CASE STUDY - THE ALABAMA SHAKESPEARE FESTIVAL

The Alabama Shakespeare Festival Company was established in 1972. It grew in quality and stature through the years. In 1985, the festival moved into new quarters--a \$21.5 million performing arts complex in Montgomery, Alabama.

The new 97,000 square-foot complex features a 750-seat festival stage and a 225-seat theatre, the Octagon. In addition to the two theatres, the complex houses administrative offices; two rehearsal halls; costume, scenery, and properties shops; a gift shop; snack bar; and a box office.

The festival was expanded from a summer festival to year-round operations in 1986. The programs increased from under 100 performances to over 400 performances. The budget grew from \$700,000 to over \$4 million; and audiences increased from 25,000 to over 130,000 people. Initial audience support was highlighted by the fact that over 100,000 tickets were sold before the main summer tickets went on sale. The audience participation represented an increase of over 400 percent as patrons from as far away as California and England purchased tickets.

It is also significant to note that the Montgomery Museum of Fine Arts is currently being planned for location adjacent to the festival's performing arts center.

APPENDIX B

POTENTIAL PROJECTS FOR PRESERVATION AND PROMOTION OF
NEVADA'S CULTURAL RESOURCES

APPENDIX B

POTENTIAL PROJECTS FOR PRESERVATION AND PROMOTION OF NEVADA'S CULTURAL RESOURCES

(In Addition To A Major Art Museum And A Major Performing
Arts/Exhibition Center)

A 10-year program to develop cultural centers and multi-disciplinary programs will promote a wide variety of projects throughout Nevada. The following are a few examples of projects which are ready to benefit from such a program as soon as funding is available. Costs are based upon rough estimates and will be refined during the first 2 planning years of the program. Close coordination with local groups will assist in the development of budgets, matching funds and proposed projects:

Lost City Archeological Site: Funding would provide for the development of excavation of Nevada's most substantial pueblo ruins in coordination with a University of Nevada-Las Vegas field school. Site development would assist the university's training program, make information about Nevada's prehistory available to the general public and increase artifacts for exhibit available to the state facility at Lost City Museum.

Projected cost: \$200,000

Nevada Northern Railroad Complex: This project would fund structural rehabilitation of the major buildings of the Nevada Northern Railroad Complex. It would support the initiation and development of a museum for the complex.

Projected cost: \$250,000

Southern Nevada Jazz Festival: Funding would initiate the development of an annual event which promises to be immensely popular with tourists. It will feature a nationwide broadcast of well-known jazz artists. Current facilities exist to hold the event. Funding would diminish over the first 3 years of the event with local groups eventually assuming all costs.

Program related: \$250,000

Fourth Ward School: Further rehabilitation work on this structure would increase its potential as a community cultural/arts center and would increase museum space. A considerable amount of the estimated \$500,000 rehabilitation project would be paid by other means.

Rehabilitation: \$200,000

Program related: 80,000

Las Vegas Mormon Fort: Land acquisition, archeological excavation and reconstruction of portions of the structure would precede work on an interpretive center concerning the early history of Las Vegas and southern Nevada.

Acquisition/excavation: \$500,000

Construction: 250,000

Program related: 100,000

Archeological Emergency Contingency Fund: This portion of the funds would be set aside to support the excavation of sites on nonfederal land which are faced with imminent destruction. Project proposals would be submitted to the state division of historic preservation and archeology for evaluation of the merits of the project and the appropriateness of the proposed budget. Pending approval of the division and the state board of examiners, excavation would be associated when feasible with the development of field schools, publications directed at public education, and tours of the site where appropriate.

Projected cost: \$250,000

Western Folklife Center: Funding would support the development of this center in Elko, Nevada, which would expand upon the popularity of the Elko Cowboy Poetry Festival. The center could be located in one of the many important historic structures in the area, or it may be necessary to construct a new facility. The center would have national importance and would be a significant addition to northeast Nevada's thriving cultural community.

Projected cost
(without new construction): \$400,000

APPENDIX C

STATE "PERCENT FOR THE ARTS" PROGRAMS

APPENDIX C

STATE "PERCENT FOR THE ARTS" PROGRAMS*

State	Legis- tion Passed	Total Value of Artists Fees	
		Fiscal Year 1986	Fiscal Year 1987
Alaska ¹	1975	\$ 765,000	Not available
Arkansas ²		-0-	-0-
California** ³	1980	(See note #3)	
Colorado	1977	123,170	200,000
Connecticut	1978	450,000	1,154,910
District of Columbia ⁴	1986	(New act)	
Florida	1979	179,380	375,000
Hawaii	1967	537,000	500,000
Illinois ⁵	1977	700,000	700,000
Iowa	1978	N/A	N/A
Maine ⁶	1979	75,900	555,252
Massachusetts ⁷	1981	250,000	250,000
Michigan ⁸	1980	29,120	N/A
Minnesota ⁹	1983	113,810	100,000
Montana ¹⁰	1983	-0-	23,300
Nebraska	1978	73,500	91,092
New Hampshire	1979	33,535	10,000
New Jersey ¹¹	1978	447,000	600,000
New Mexico ¹²	1986	300,000	N/A
Oregon	1975	258,451	521,090
South Carolina** ¹³	1981	-0-	-0-
Utah ¹⁴	1985	(New act)	65,000
Washington ¹⁵	1974	132,686	270,000
Wisconsin	1979	73,425	205,400

*Percent for the arts legislation provides for art through money derived from a specific percentage, often 1 percent of annual capital construction expenditures for state facilities. The money so specified is used to commission and/or purchase art for new and existing facilities.

**See footnotes on the following page.

FOOTNOTES CONCERNING PERCENT FOR THE ARTS PROGRAMS

1. Alaska: Cannot estimate fiscal year 1987 artists fees because of massive cuts in the state budget.
2. Arkansas: Act is "permissive" rather than mandatory. Legislated to be no more than 1/2 percent.
3. California: Statute does not ensure placement of art in public places due to the omission of mandating a state percentage of state funds to be allocated for art, however, the state budget is to include an item for art in state buildings each year.
4. District of Columbia: New program--administration funds are \$150,000.
5. Illinois: Program is administered by the Capital Development Board, a state agency.
6. Maine: Administration appropriation of \$12,800.
7. Massachusetts: Program administered jointly with the State Division of Capital Planning and Operations.
8. Michigan: Administered by Commission on Art in Public Places and State Bureau of Facilities. Administration appropriation of \$187,000 (may be increased).
9. Minnesota: Act is "permissive" rather than mandatory. Administration funds are \$20,000.
10. Montana: Act is "permissive" rather than mandatory.
11. New Jersey: \$355,810 of fiscal year 1986 artists fees will be spent in fiscal year 1987. With this carryover, total artists fees in fiscal year 1987 is \$955,810.
12. New Mexico: 1985-1986 - \$400,000 allocated for Art in Public Places Pilot Program. One percent for art legislation enacted February 1986. Funding to begin July 1987.
13. South Carolina: State has a declaration passed by the Budget and Control Board supporting art in public places but the requirement is not mandated in legislation.
14. Utah: Act is "permissive" rather than mandatory.
15. Washington: Administrative appropriation is determined by the construction project designated to receive 1/2 of 1 percent for art.

Note: Texas has a state statute that does provide for funds for art, but the statute is not mandatory, there are not guidelines for the use of funds, and to date no funds have been allocated.

Source: Data for the listing of Percent for Arts States is compiled from responses to the October 1986 NASAA Annual Survey of States Arts Agency Legislative Appropriations.

Date: October 1986.

APPENDIX D

ALLOCATION FOR ART FOR PUBLIC FACILITIES - A MODEL ACT

APPENDIX D

ALLOCATION FOR ART FOR PUBLIC FACILITIES - A MODEL ACT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF ():

1 Section 1. Title. This Act shall be known and cited
2 as "Allocation for Art for Public Facilities Act."

3 Section 2. Declaration of Legislative Intent and
4 Purpose. The Legislature declares that the State
5 of () has a responsibility for expanding
6 public experience of art, and, it recognizes the
7 necessity of fostering culture and the arts and
8 in developing artists and craftsmen. Art creates
9 a more humane environment: one of distinction,
10 enjoyment, and pride for all citizens. The State
11 recognizes that public art also is a resource
12 which stimulates the vitality and the economy of
13 the State's communities and which provides
14 opportunities for artists and other skilled
15 workers to practice their crafts. The Legislature
16 declares it to be a matter of public policy that a
17 portion of each capital construction appropriation
18 be allocated for the acquisition of works of art
19 to be placed in public places constructed.

20 Section 3. Allocation for Art. a. A State building
21 or State facility constructed, remodeled, or
22 renovated after (), shall include works of
23 art for public display.
24 b. All State agencies or departments shall

25 expend, as a nondeductible item, out of any monies
26 appropriated for original construction, re-
27 modeling, or renovation of any State facility an
28 amount of at least 1% for the purpose of including
29 works of art in said facility.

30 c. Where construction, remodeling or renovation
31 of a State facility is budgeted at under \$250,000,
32 funds appropriated under this Act for art for that
33 public facility may be transferred to the Art for
34 Public Facilities Fund for expenditure by the
35 State Arts Council for art in other State
36 facilities.

37 d. Nothing in this Act shall prohibit additional
38 expenditures for art beyond the amounts provided
39 by specific appropriation.

40 Section 4. Establishment of a Fund. A separate
41 account is established within the State Treasury
42 to be known and maintained as the Art for Public
43 Facilities Fund. The fund shall be used for
44 acquisition for art as provided in this Act and
45 for expenses incurred in the administration of
46 this program. The fund may derive income from:

- 47 a. Appropriations made as provided in this Act.
48 b. Grants, from governmental or other sources.
49 c. Gifts, if the terms of the gift are
50 consistent with the purposes of this Act and
51 other lawful requirements.
52 d. Other appropriations made by the Legislature.

53 Section 5. Administration of the Allocation for Art
54 for Public Facilities Act.

55 a. The State Arts Council shall be responsible
56 for administration of this Act. It shall have the
57 power and authority to contract with artists in
58 such manner as is in conformity with this Act and
59 it shall have authority to make expenditures from
60 the Art for Public Facilities Fund, from the funds
61 available in said Fund. It shall select and
62 appoint each panel provided by this Act and shall
63 have authority to make expenditures for expenses
64 of said panel as provided in this Act.

65 b. The State Arts Council shall keep an inventory
66 of the works of art acquired under this act. It
67 shall also periodically review and examine such
68 artwork, reporting to the Legislature when
69 restoring, repairing or replacing any work of art
70 is necessary and how that should be accomplished.
71 Any costs in this connection will be subject to
72 additional appropriations by the Legislature and
73 shall not be charged against the Art for Public
74 Facilities Fund except where a specific
75 appropriation is made to said Fund for any given
76 restoration, repair or replacement. The costs of
77 administering the program, other than immediately
78 aforementioned, shall be provided by the
79 Legislature in its annual appropriation to the
80 State Arts Council.

81 c. Annually, the State Arts Council shall report
82 to the Legislature all activity under this Act.

83 Section 6. Selection of Works of Art and Artists.

84 a. Artists and their works of art to be acquired
85 under this Act shall be selected by the State Arts
86 Council, with the advice of a panel specifically
87 chosen for each project, pursuant to procedures
88 established by the State Arts Council. Each panel
89 shall contain at least a representative of the
90 architect, a representative of the user, a
91 representative of the community, and a
92 professional artist.

93 b. The acquisition of art under this Act shall
94 be exempt from any and all State bidding
95 requirements. Panel members shall not be paid
96 except for reimbursement for necessary costs and
97 in-state travel expenses. Panel members and
98 members of their families shall not be considered
99 in the selection of an artist. All formal or
100 informal meetings and deliberations by the panel
101 shall be open and public. Cooperation with other
102 local and national art agencies is required.

103 Section 7. Definitions. For the purposes of this
104 article, the following terms have the following 106
105 meanings:

106 ART, ARTWORK, or WORKS OF ART are defined to include,
107 but are not limited to: frescoes, mosaics,
108 sculpture, drawing, painting, photography,

109 calligraphy, graphic art, stained glass, wall
110 hangings, tapestries, fountains, ornamental
111 gateways, monuments, displays, architectural
112 embellishments, crafts, architectural landscaping,
113 landscape gardening, or any work of mixed media by
114 a professional artist, artisan, or craftsperson.

115 CAPITAL CONSTRUCTION and CONSTRUCTION COST shall be
116 synonymous and shall mean cost expended for the
117 actual construction of a given state building or
118 facility, exclusive of the costs for remodeling,
119 reconstruction or renovation.

120 STATE BUILDING, PUBLIC BUILDING, STATE FACILITY,
121 PUBLIC FACILITY shall be synonymous and include,
122 but not limited to, any permanent structure
123 together with all grounds and appurtenant
124 structures which are intended to act as offices,
125 laboratories, workshops, courtrooms, hearing or
126 meeting rooms, storage or other space for carrying
127 on the functions of a state agency; auditoriums,
128 meeting rooms, classrooms or other educational
129 facilities, eating, sleeping, medical, dental,
130 library or museum space for use by the general
131 public. This definition does not include: public
132 highways, bridges, sewers, fishponds, fish
133 hatcheries, service facilities at state parks and
134 highway rest areas, or separate buildings not part
135 of a larger construction project, which are
136 intended solely as storage, warehouse, or

137 maintenance and repair facilities.

138 COUNCIL means the State Arts Council or the State Arts
139 Commission.

140 ARTIST is defined to include, but is not limited to,
141 any practitioner generally recognized by his peers
142 or by critics as a professional who produces works
143 of art. This definition does not include the
144 architect of the subject public building under
145 construction or any member of that architect's
146 firm.

147 ARCHITECT means any person or firm retained to design,
148 or prepare plans or specifications for any part of
149 the public construction project, including, but
150 not limited to, landscape, interior, electrical,
151 plumbing, heating, utility, engineering, or
152 fixture design.

153 STATE AGENCY or DEPARTMENT means the agency of State
154 Government to which funds have been appropriated
155 or allocated by the Legislature for the
156 construction, remodeling, reconstruction or
157 renovation of any public building or other public
158 facility.

159 CONSTRUCTION is defined to include, but is not limited
160 to, original construction, remodeling, or
161 renovation

162 ACQUISITION includes acquisition by purchase, lease, or
163 commission.

164 USER means the designated person, agency, department,

165 or entity having principal administrative
166 responsibility for the actual utilization of a
167 proposed state facility.

168 REPRESENTATIVE OF THE COMMUNITY means a person, or
169 representative of a group or groups, which would
170 be reasonably expected to utilize the building or
171 facility.

172 Section 8. Artist's Rights.

173 a. The State shall receive the rights to sole
174 ownership and public display of all art acquired
175 under this Act, subject to the following
176 intangible rights retained by the artist:

177 1) the right to claim authorship of the work of
178 art;

179 2) the right to reproduce such work of art,
180 including all rights to which the work of art
181 may be subject under copyright laws,
182 including but not limited to derivative and
183 publishing rights but excluding right to
184 public display. Such rights may be limited
185 by written contract.

186 3) If provided by written contract, the right to
187 receive a specified percentage of the
188 proceeds if the work of art is subsequently
189 sold by the State to a third party other than
190 as part of the sale of the building in which
191 the work of art is located.

192 4) If agreed between the State and the artist,

193 the artist may extend to his heirs, assign-
194 nees, or personal representatives any of the
195 above rights until the end of the 20th year
196 following the death of such artist.

197 b. The artist shall retain as absolute the follow-
198 ing rights:

199 1) the right to have the artist's name
200 associated with the work;

201 2) the right to prevent degradation, mutilation,
202 or aesthetic ruining of the work.

203 c. Prior to the execution of a contract for artwork
204 to be acquired pursuant to this Act, the artist
205 shall be informed in writing of the rights
206 specified in subsections a. and b.

207 Section 9. Other Works of Art. Nothing in this Act
208 shall be construed as precluding the placement or
209 purchase of other works of art. Nor shall
210 anything in this Act be construed as precluding
211 the use of ornamental detailing, or other
212 architectural, functional or structural garnishing
213 in constructing public buildings or facilities.
214 Works of art acquired pursuant to this Act are to
215 be in addition to such embellishments.

216 Section 10. Severability. In the event any section,
217 subsection, sentence, clause or phrase of this Act
218 shall be declared or adjudged invalid or unconsti-
219 tutional, such adjudication shall in no manner
220 affect the other sections, subsections, sentences,

221 clauses, or phrases of this Act, which shall
222 remain of full force and effect, as if the
223 section, subsection, sentence, clause or phrase so
224 declared or adjudged invalid or unconstitutional
225 were not originally a part hereof. The
226 "Legislature" hereby declares that it would have
227 passed the remaining parts of this Act if it had
228 known that such part or parts hereof would be
229 declared or adjudged invalid or unconstitutional.
230 Section 11. Repealer. All laws and parts of laws in
231 conflict with this Act are hereby repealed.

APPENDIX E

NEVADA HUMANITIES COMMITTEE PROPOSAL



MAIN OFFICE: P. O. BOX 8029 · RENO, NEVADA 89507 · TELEPHONE: (702) 784-6587

Southern Office: 4765 Brussels Avenue · Las Vegas, Nevada 89109 · Telephone: (702) 798-0337

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Wilbur S. Shepperson
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A. Wilber Stevens
Las Vegas
Felix Stumpf
Reno
John C. Unrue
Las Vegas
Herman Van Bellen
Henderson

Judith Winzeler
Executive Director
Reno
William Marion
Assistant Director
Las Vegas
Farida Mahan
Secretary
Reno

A Proposal to the Legislative Commission's
Sub-Committee on Cultural Resources

The Nevada Humanities Committee respectfully requests an appropriation from the State's general fund of \$50,000 annually to facilitate the maintenance of its staff and offices in Las Vegas and Reno.

The Nevada Humanities Committee was formed in 1971 as a state affiliate of the National Endowment for the Humanities. Over the past seventeen years it has brought nearly four million dollars into the state through federal grants and limited support from the private sector. With the current decreased level of federal funding the NHC is embarking upon a private fundraising program but also urgently requires legislative support.

The National Endowment for the Humanities was created in 1965 as a twin agency of the Arts Endowment. And while each federal dollar granted to Nevada has been matched with cash and/or in-kind services, the state committee has not enjoyed official legislative support. The last three re-authorization acts of Congress, (1976, 1980, 1985) have continued to treat the Arts and Humanities as twins and have also suggested greater state direction and financing of the Humanities councils. The governor is now involved in the selection of the committee and the director regularly files reports with the governor's office. It is timely and proper, therefore, for the NHC to receive an appropriation. Indeed some twenty state legislatures have thus far elected to help direct and finance their state humanities organizations.

State funds would be used to pay the salaries of the director and assistant director and to maintain their respective offices at Reno and Las Vegas. These two offices are able to directly service some eighty-five percent of the people of Nevada. In addition to the projected federal grant of \$310,000 for fiscal 89-90, the state funds would be matched with approximately \$40,000 additional federal dollars.

The NHC is an agent for bringing the full, rich, developing inheritance of the state to Nevadans and to the attention of the nation. Over the past two years the NHC has fostered 154 projects throughout Nevada which have included over a thousand separate programs. While a majority of the events took place in Las Vegas and Reno, forty-eight separate communities sought and received

AFFILIATE OF THE
NATIONAL
ENDOWMENT
FOR THE
HUMANITIES

humanities assistance. In recent years the NHC participated in producing four films on the state shown on national television. It has created small museums like the one in the Eureka Sentinel building in Eureka, and the Fourth Ward School at Virginia City. It has assisted with a score of exhibits, developed along with the Nevada Bar Association the successful public school program on the bicentennial of the American Constitution, helped to finance the publication of Nevada books at the University of Nevada Press, underwrote numerous radio programs, and in general promoted education and preservation, culture and tourism.

Perhaps equally as important, the NHC provides assistance and often plays a key role in helping other agencies secure grants. For example, the NHC participated in Access to Excellence (personally introducing Nevada organizations to federal grant officers); in the Teacher-Scholar program (whereby sabbaticals are given to Nevada public school teachers with federal dollars); in the Bicentennial Book Shelf (whereby seven Nevada libraries received federal grants); with the American Folklife Center (to study Paradise Valley ranching and create a major Nevada exhibit at the Library of Congress); and with the Western Folklife Center (to found and develop the Cowboy Poetry Gathering at Elko).

Diversity provides the strength for the Nevada Humanities Committee. With a board composed of half university-community college faculty and half public members, with geography and population carefully balanced (six members from greater Las Vegas, five from greater Reno, four from rural), with assistance available to all libraries, museums, historical societies, service clubs, etc. within the state, with seventeen years of experience, the NHC is in contact with more broadbased cultural groups than any other agency within the state. Modest state assistance is vital if the commission is to continue to tap resources for the understanding and building of a greater Nevada.

Judith Winzeler
Executive Director

Wilbur S. Shepperson,
Chairman

4/21/88

APPENDIX F

SUGGESTED LEGISLATION

<u>Bill Draft Requests</u>	<u>Page</u>
BDR 22-206 Requires inclusion of plan for preservation of historical properties in master plans.....	85
BDR 33-201 Makes various changes relating to preservation of prehistoric and historic sites in Nevada.....	89
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SUMMARY--Requires inclusion of plan for preservation of historical properties in master plans. (BDR 22-206)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to master plans; requiring the inclusion of a plan for the preservation of historical properties; and providing other matters properly relating thereto.

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

Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, [shall] *must* include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, underground

water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan [shall] *must* also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan [shall] *must* also indicate the maximum tolerable air pollution level.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public funds in order to provide for the economical and timely execution of the various components of the plan.

(d) *Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties, a statement of methods to encourage the preservation of those properties and provisions for surveys to identify such properties before their development.*

(e) Housing. Survey of housing conditions and needs and plans and procedure for improvement of housing standards and for the provision of adequate housing.

[(e)] (f) Land use plan. An inventory and classification of natural land types and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.

[[f)] (*g*) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

[[g)] (*h*) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

[[h)] (*i*) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor.

[[i)] (*j*) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

[[j)] (*k*) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

[[k)] (*l*) Solid waste disposal plan. Showing general plans for disposal of solid waste.

[[l)] (*m*) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of street naming or numbering, and house numbering, with recommendations concerning proposed changes.

[(m)] (n) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

[(n)] (o) Transportation plan. Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, [shall be deemed to prohibit] *prohibits* the preparation and adoption of any such subject as a part of the master plan.

SUMMARY--Makes various changes relating to preservation of prehistoric and historic sites in Nevada. (BDR 33-201)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to historic preservation; transferring the responsibility for the preservation of prehistoric and historic sites; increasing the penalties for defacement of prehistoric or historic sites; increasing the requirements for issuing a permit to explore prehistoric or historic sites; and providing other matters properly relating thereto.

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this act.

Sec. 2. *"Administrator" means the administrator of the division.*

Sec. 3. *"Advisory board" means the advisory board for historic preservation and archeology.*

Sec. 4. *"Director" means the director of the state department of conservation and natural resources.*

Sec. 5. *"Division" means the division of historic preservation and archeology of the state department of conservation and natural resources.*

Sec. 6. *"Historic" means after the middle of the 18th century.*

Sec. 7. *"Historic site" means a site, trail, landmark or monument of historical significance pertaining to the white man's history of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.*

Sec. 8. *"Inventory" means to conduct an investigation of the surface of a historic or prehistoric site pursuant to the requirements recognized by professional organizations which conduct such work.*

Sec. 9. *"Prehistoric" means before the middle of the 18th century.*

Sec. 10. *"Prehistoric site" means any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, quarries, natural caves or burial ground.*

Sec. 11. *"Repository" means an institution approved by the administrator which permanently stores and provides curatorial services for scientific or historical collections and records.*

Sec. 12. *The administrator may adopt regulations to carry out the provisions of sections 2 to 29, inclusive, of this act.*

Sec. 13. *A person shall not inventory or excavate a historic or prehistoric site on federal, state or other public lands or remove any object therefrom unless he is the holder of a permit issued pursuant to the provisions of sections 2 to 29, inclusive, of this act.*

Sec. 14. 1. *A person must secure, from the administrator, or an agent designated by the administrator, a permit for the inventory or excavation of any state, federal or other public lands within the boundaries of the State of Nevada.*

2. *If the land to be inventoried or excavated is owned or held by the United States, the person also must secure a permit from the proper authorities pursuant to the provisions of 16 U.S.C. §§ 431 to 433, inclusive.*

Sec. 15. *The administrator may designate any state board, department or institution as an agent to issue permits.*

Sec. 16. 1. *To qualify as the recipient of a permit, the applicant must demonstrate:*

(a) That the inventory or excavation is undertaken for the benefit of a reputable museum, university, college or other recognized scientific or educational institution, with a view of increasing knowledge.

(b) That the gathering is made for permanent preservation in a repository.

(c) That he possesses sufficient knowledge and scientific training to make such an inventory or excavation.

(d) The location of the site where he proposes to inventory or excavate.

(e) That he has complied with the provisions of this chapter and any regulations adopted pursuant thereto.

(f) The adequacy of the repository in which he is required to deposit any specimens collected pursuant to section 18 of this act.

(g) If he has undertaken any previous inventories or excavations, his compliance with the requirements recognized by professional organizations which conduct such work.

2. The administrator may prescribe regulations to carry out such inventories or excavations.

Sec. 17. Upon granting the permit, the administrator shall immediately notify the sheriff in the county in which the permit is to be exercised and personnel of the Nevada highway patrol controlling the state roads of the district embracing the site in which the permit is to be exercised.

Sec. 18. The administrator shall, before issuing a permit to an applicant, require the applicant to agree to deposit all archeological and paleontological specimens collected and all records relating to their collection in a repository.

Sec. 19. The administrator may limit a permit as to time and location. A permit must not be granted:

1. For a period of more than 1 year.
2. For inventory or excavation in a larger area than the applicant can reasonably be expected to explore fully and systematically within the time set forth in the permit.
3. For the removal of any ancient monument, structure or site which can be permanently preserved under the control of the State of Nevada in situ, and remain an object of interest, if desired by the state, for a park, landmark or monument for the benefit of the public.

Sec. 20. A permit may be renewed for an additional period upon application by the holder of the permit if the work contemplated by the permit has been diligently prosecuted.

Sec. 21. 1. The administrator may issue a permit to an applicant who has not completed the application for a permit if a delay would result in

damage to an archeological or paleontological site or where the interests of the state would be served by such action.

2. If a permit is issued to an applicant pursuant to subsection 1, the applicant must submit a completed application within 30 days after the permit is issued. The administrator shall revoke the applicant's permit if the applicant fails to submit a completed application within the time required by this subsection.

Sec. 22. *The administrator may revoke a permit if the holder of the permit does not:*

- 1. Begin work within 6 months after the effective date of the permit;*
- 2. Pursue diligently such work after it is begun;*
- 3. Meet the requirements recognized by professional organizations which conduct archeological or paleontological inventories; or*
- 4. Comply with any conditions set forth in the permit.*

Sec. 23. *After the close of each season's work, within a reasonable time designated in the permit, every holder of a permit shall furnish to the administrator a report containing a detailed account of the work done, material collected and other pertinent data.*

Sec. 24. *A holder of a permit may collect specimens of petrified wood, subject to the limitations of NRS 206.320.*

Sec. 25. *Sections 2 to 29, inclusive, of this act do not prevent any person from photographing objects of interest which are located on a historic or prehistoric site.*

Sec. 26. *The division of state parks of the state department of conservation and natural resources, and personnel thereof, the sheriffs in their respective counties, the Nevada highway patrol and all other peace officers are charged with the enforcement of sections 2 to 29, inclusive, of this act. Those persons charged with the enforcement of sections 2 to 29, inclusive, of this act, may, at any time, examine the permit of any person claiming privileges granted pursuant to sections 2 to 29, inclusive, of this act and fully examine all work done under the permit.*

Sec. 27. *Any object of antiquity taken, or collection made, on historic or prehistoric sites covered by sections 2 to 29, inclusive, of this act without a permit must be seized by the proper law enforcement officers, who shall notify the administrator of the action. The object or collection so taken must be forfeited to the state and placed in a repository designated by the administrator.*

Sec. 28. *1. It is unlawful for any person to commit vandalism upon any historic or prehistoric sites, natural monuments, speleological sites and objects of antiquity, or to write or paint or carve initials or words, or in any other way deface, any of those objects, Indian paintings or historic buildings.*

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense proportionate to the value of the property damaged or destroyed.

Sec. 29. *Except as otherwise provided in section 28 of this act, any person violating any of the provisions of sections 2 to 29, inclusive, of this act is guilty of a misdemeanor.*

Sec. 30. *NRS 381.015 is hereby amended to read as follows:*

381.015 As used in NRS 381.010 to [381.227] 381.190 , inclusive.

"director" means the director of the Nevada state museum.

Sec. 31. NRS 383.011 is hereby amended to read as follows:

383.011 As used in this chapter, unless the context otherwise requires [:

1. "Administrator" means the administrator of the division.

2. "Advisory board" means the advisory board for historic preservation and archeology.

3. "Director" means the director of the state department of conservation and natural resources.

4. "Division" means the division of historic preservation and archeology of the state department of conservation and natural resources.] , *the words and terms used in sections 2 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 32. NRS 381.195, 381.197, 381.199, 381.201, 381.203, 381.205, 381.207, 381.209, 381.211, 381.213, 381.215, 381.217, 381.219, 381.221, 381.223, 381.225 and 381.227 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

381.195 Definitions.

381.197 Permit required to investigate, explore or excavate historic or prehistoric site.

381.199 Applicant for permit required to secure state and federal permits.

381.201 Director may designate agents to issue permits.

381.203 Qualifications of applicant for permit; contents of application; regulations.

381.205 Notice to certain officers when permit granted.

381.207 Percentage of articles, implements and materials found or discovered by certain holders of permits to be given to state institutions and political subdivisions.

381.209 Permit: Limitations and conditions.

381.211 Permit: Renewal.

381.213 Permit: Conditions for voiding.

381.215 Report of holder of permit to director.

381.217 Collections of petrified wood authorized; limitations.

381.219 Collection of certain minerals and artifacts and photography not prohibited.

381.221 Enforcement by division of state parks, sheriffs and other peace officers.

381.223 Seizure and forfeiture of object of antiquity taken without permit.

381.225 Acts of vandalism unlawful.

381.227 Penalty.

SUMMARY--Requires division of historic preservation and archeology of the state department of conservation and natural resources to maintain inventory of historic, archeological and architectural resources and to designate repositories. (BDR 33-203)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to cultural resources; requiring the division of historic preservation and archeology of the state department of conservation and natural resources to maintain an inventory of historic, archeological and architectural resources; requiring the designation of repositories for the materials of the inventory; and providing other matters properly relating thereto.

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

Section 1. NRS 383.021 is hereby amended to read as follows:

383.021 1. The division of historic preservation and archeology is hereby created.

2. The division shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the state, including programs to survey, record, study and preserve or salvage objects, localities and information of historic, prehistoric and paleoenvironmental significance.

(b) *Compile and maintain an inventory of historic, archeological and architectural resources in Nevada deemed significant by the administrator.*

(c) *Designate repositories for the materials that comprise the inventory.*

(d) Administer the revolving account for archeology pursuant to NRS 383.115 to 383.118, inclusive.

SUMMARY--Authorizes cities to create historic districts. (BDR 33-210)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to historic districts; authorizing cities to create such districts;
and providing other matters properly relating thereto.

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

Section 1. NRS 384.005 is hereby amended to read as follows:

384.005 1. Any county *or city* may establish a historic district, the boundaries of which do not include the Comstock historic district, for the purpose of promoting the educational, cultural, economic and general welfare of the public through the preservation, maintenance and protection of structures, sites and areas of historic interest and scenic beauty.

2. Before establishing any historic district, the board of county commissioners *of a county or the governing body of a city* shall hold a public hearing after giving notice of the time and the place of the hearing in a newspaper of general circulation in that county *[.] or city*. The notice must be published once a week for 3 consecutive weeks and include the purpose of the hearing and the boundaries of the proposed district. At the hearing any person

may appear in support of or in opposition to the establishment of the proposed district.

3. Within 15 days after the hearing, the board *or governing body* shall:

- (a) Establish the historic district and fix its boundaries; or
- (b) Determine not to establish the historic district.

4. If the historic district is established, the board *or governing body* may adopt any ordinances it determines are in the best interest of the historic district in accordance with the purposes expressed in subsection 1. An ordinance establishing a historic district must:

(a) Contain criteria which substantially achieve the preservation and rehabilitation of buildings of historic significance to the district; and

(b) Provide for a designated review board with the power to review proposed alterations to structures within the district.

5. This section is not intended to discourage the exploration, development or extraction of mineral resources.

Sec. 2. NRS 37.038 is hereby amended to read as follows:

37.038 1. Before any person, other than a government or public utility, may exercise the right of eminent domain to take any real property within a historic district organized under chapter 384 of NRS, he must first obtain the approval of the board of county commissioners of the county *or the governing body of the city* in which that real property is situated. This consent must not be withheld if the person seeking to exercise the right of eminent domain shows that:

- (a) The property will be put to a public use;

(b) The property is necessary for that public use; and

(c) The intended public use will be of great public benefit to the immediate community or area in which the real property is situated and not significantly harmful to historic landmarks or features.

2. In any subsequent judicial proceeding to condemn that real property, the determinations of the board of county commissioners *or the governing body* whether the property will be put to a public use and whether it is necessary for that use are prima facie evidence of those facts, respectively, unless the court specifically finds that the determinations were:

(a) Arbitrary and capricious; or

(b) Not supported by substantial evidence.

SUMMARY--Revises provisions relating to administrator of division of historic preservation and archeology of state department of conservation and natural resources. (BDR 33-212)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: No.

AN ACT relating to historic preservation; changing the requirements for the administrator of the division of historic preservation and archeology of the state department of conservation and natural resources; designating the administrator as the ex officio state historic preservation officer; and providing other matters properly relating thereto.

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

The administrator is hereby designated as the ex officio state historic preservation officer for the purposes of 16 U.S.C. § 470a. If a vacancy occurs in the office of the administrator, the director shall designate himself or another person to act as the state historic preservation officer until the vacancy is filled.

Sec. 2. NRS 383.031 is hereby amended to read as follows:

383.031 The administrator of the division:

1. Must [be selected with special reference to his training, experience, capacity and interest in historic preservation or archeology, or both.

2.] *hold a graduate degree in anthropology, archeology, architectural history, art history, history or a closely related field.*

2. *Must have at least 1 year of professional experience in historic preservation and archeology.*

3. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

SUMMARY--Provides protection for artists against display of altered or reproduced works of art. (BDR 52-202)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to artists; creating a cause of action for an artist whose work is displayed or published, without consent, in a defaced, mutilated or altered form; providing an artist with the right to claim or disclaim authorship; defining residual ownership rights after the transfer of a work of art or the transfer of the right to reproduce a work of art; and providing other matters properly relating thereto.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:*

1. *"Artist" means a person who creates a work of art.*
2. *"Reproduction" means a copy, in any medium, of a work of art, that is represented as the work of art as created by the artist.*

3. "Work of art" means any original creation of visual or graphic art in any medium including painting, drawing, photographic print or sculpture of a limited edition of not more than 300 copies. The term does not include sequential imagery such as that in motion pictures.

Sec. 3. *An artist may:*

1. *Claim authorship of his work of art. The right to claim authorship includes the right of the artist to have his name appear on or with his work of art.*

2. *Disclaim authorship of his work of art if necessary to protect his reputation from damage. It is presumed necessary for an artist to protect his reputation from damage if his work of art is displayed, published or reproduced in this state, without his consent, in a defaced, mutilated or altered form and damage to his reputation is reasonably foreseeable.*

Sec. 4. 1. *Except as otherwise provided in subsection 3, if damage to the reputation of an artist is reasonably foreseeable, a person shall not, without the consent of that artist, publish or display in public, in this state, the artist's work of art or a reproduction of the artist's work of art, in a defaced, mutilated or altered form and represent it as the work of the artist.*

2. *An artist who is injured by a violation of subsection 1 may bring an action for damages, together with reasonable attorney's fees and the costs of the action as are authorized under NRS 18.110.*

3. *Defacement, mutilation or alteration of a work of art which is caused by the passage of time or the inherent nature of the materials used in the creation of the work of art does not give an artist the right to disclaim*

authorship pursuant to section 3 of this act or a cause of action under subsection 2, unless the defacement, mutilation or alteration of the work of art is the result of negligent conservation. For the purposes of this subsection, "conservation" means those acts taken to preserve and protect a work of art or to slow its deterioration.

4. A change in a work of art that is an ordinary result of a medium of reproduction does not constitute defacement, mutilation or alteration.

Sec. 5. *An artist may waive, in writing, his rights under this act.*

Sec. 6. 1. *When ownership of a work of art is transferred from the artist who created it or his heirs, the right of reproduction remains with the artist or his heirs until it passes into the public domain by act or operation of law or is expressly transferred in writing.*

2. When an exclusive or nonexclusive right of reproduction is transferred by the owner of such right, it must be presumed that ownership of the physical work of art remains with the owner of the work of art unless it is expressly transferred in writing with the right of reproduction.

3. For the purposes of this section "right of reproduction" means the right to reproduce, display and distribute copies of a work of art. The term includes the right to prepare variations of the original work of art.

SUMMARY--Directs state public works board and state fire marshal to use certain standards when dealing with historic resources.
(BDR R-208)

CONCURRENT RESOLUTION--Directing the state public works board and the state fire marshal to use certain standards when dealing with historic resources.

WHEREAS, The preservation of Nevada's historic resources is of utmost concern to residents of Nevada; and

WHEREAS, Care must be taken not to destroy or damage needlessly Nevada's treasures from the past through carelessness or lack of knowledge; and

WHEREAS, To ensure preservation of Nevada's historic resources for future generations, all available precautions must be taken; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That the state public works board and the state fire marshal division in the department of commerce are hereby directed to use the Uniform Code for Building Conservation and the United States Secretary of the Interior's Standards for Historic Preservation when dealing with the state's historic resources; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the of the to the state public works board and the state fire marshal.

SUMMARY--Urges Governor to appoint persons knowledgeable in historic preservation to Commission on Tourism and Commission on Economic Development. (BDR R-211)

CONCURRENT RESOLUTION--Urging the Governor to appoint one person with knowledge in the field of historic preservation to the Commission on Tourism and one to the Commission on Economic Development.

WHEREAS, Fascination and interest in Nevada's colorful past is continuously expressed by visitors to Nevada; and

WHEREAS, Careful restoration and preservation of Nevada's historic resources can only improve the economy of Nevada; and

WHEREAS, Preservation of Nevada's historic resources must be pursued diligently by persons knowledgeable in this field; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That this Legislature urges the Governor of the State of Nevada to appoint one person with knowledge in the field of historic preservation to the Commission on Tourism and one to the Commission on Economic Development; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the of the to the Governor of the State of Nevada.

SUMMARY--Provides for preservation and promotion of cultural resources.

(BDR S-183)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to cultural resources; providing for the issuance of general obligation bonds to fund certain facilities related to the promotion of cultural resources; creating the commission for cultural affairs; defining its duties; requiring counties and cities to impose an additional tax on transient lodging to preserve and promote cultural resources; and providing other matters properly relating thereto.

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

Section 1. 1. The state board of examiners shall issue general obligation bonds of the State of Nevada to provide the money necessary for:

(a) The planning and construction of an art museum in Clark County, in a face amount of not more than \$60,000,000.

(b) The planning and construction of a cultural center and exhibition hall for the performing arts in Washoe County, in a face amount of not more than \$40,000,000.

2. The money raised by the issuance of the bonds authorized by this section must be deposited with the state treasurer and credited to the fund for the preservation and promotion of cultural resources.

3. The bonds may be issued at one time or from time to time.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

5. The legislature finds and declares that the issuance of bonds pursuant to this section is necessary for the protection and preservation of the cultural resources of this state and for the purpose of obtaining the benefits thereof, and constitutes an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the constitution of the State of Nevada.

Sec. 2. 1. The commission for cultural affairs is hereby created. Except as otherwise provided in section 3 of this act, the commission consists of:

- (a) The chairman of the Nevada state council on the arts;
- (b) The chairman of the Nevada humanities committee;
- (c) One representative appointed by the advisory board for historic preservation and archeology from among its membership;
- (d) The chairman of the board of museums and history; and
- (e) A representative of the general public who has a working knowledge of the promotion of tourism in Nevada, to be appointed by the governor.

2. The commission shall elect from its membership a chairman who shall serve for a term of 2 years. Any vacancy occurring in this position must be

filled by election of the members of the commission for the remainder of the unexpired term.

3. The commission shall:

(a) Establish within 2 years of its formation and revise every 5 years thereafter, a 10-year plan to:

(1) Preserve and promote Nevada's cultural resources; and

(2) Develop a network of cultural centers and activities in this state.

(b) Oversee the planning and construction of an art museum in Clark County.

(c) Oversee the planning and construction of a cultural center and exhibition hall for the performing arts in Washoe County.

4. The commission may transfer the responsibility for operating and maintaining the art museum and the cultural center and exhibition hall to local community representatives of the arts, or other persons or organizations which it deems appropriate.

Sec. 3. 1. When the commission is to consider matters concerning the planning and construction of the art museum in Clark County or the cultural center and exhibition hall for the performing arts in Washoe County, the commission must be supplemented by four additional members to be appointed by the governor. The additional members must represent:

(a) Clark County when matters concerning the planning and construction of the art museum in Clark County are considered; and

(b) Washoe County when matters concerning the planning and construction of the cultural center and exhibition hall for the performing arts in Washoe County are considered.

2. Two of the additional members of the commission must be appointed by the governor on the basis of their experience in the business affairs of the local area. The other two additional members must be chosen by the governor on the basis of their participation in activities promoting the cultural resources of the local area.

Sec. 4. 1. The commission for cultural affairs shall meet quarterly, or at more frequent times if it deems necessary, and may, within the limitations of its budget, hold special meetings at the call of its chairman.

2. The commission shall prescribe rules for its own management and government.

3. Three members of the permanent members of the commission constitute a quorum, but a majority of the members of the commission is necessary to consider the particular business before it and to exercise the power conferred on the commission.

4. Each member of the commission is entitled to receive the per diem allowance and travel expenses provided by law, to be paid for out of the fund for the preservation and promotion of cultural resources.

5. Administrative services required by the commission must be provided by the members of the staff of the various agencies represented by the members of the commission.

Sec. 5. 1. The 10-year plan prepared by the commission for cultural affairs must include:

(a) A description of the means by which a statewide network of cultural centers and activities is to be developed;

(b) A program for awarding financial assistance to develop a network of cultural centers and activities; and

(c) A detailed list of the initial projects to be undertaken.

2. The plan must be submitted to:

(a) The governor;

(b) The legislative commission; and

(c) The state board of examiners.

Sec. 6. The commission for cultural affairs may, in establishing the program for awarding financial assistance:

1. Award financial assistance to governmental or private entities.

2. Establish the conditions an entity must satisfy to receive an award of financial assistance.

3. Specify the criteria by which proposed projects will be judged. The criteria must include, but not be limited to, a consideration of the degree to which a proposed project:

(a) May become a recurring event without the necessity of future state financial support;

(b) Will be accessible to the community;

(c) Will promote tourism in the state;

(d) Will promote or preserve some historic or prehistoric feature of Nevada;

(e) Will have multiple uses for many types of cultural organizations;

(f) Will supplement training in the classroom in the arts and the humanities; and

(g) Incorporates the various disciplines directly associated with cultural resources.

Sec. 7. 1. There is hereby created in the state treasury the fund for the preservation and promotion of cultural resources. The commission for cultural affairs is responsible for the administration of the fund. All money received and held by the state treasurer for that purpose must be deposited in the fund.

2. The commission may only expend money in the fund for:

(a) The planning and construction of an art museum in Clark County and a cultural center and exhibition hall for the performing arts in Washoe County;

(b) The retirement of the bonds issued by the state for the planning and construction of an art museum in Clark County and a cultural center and exhibition hall for the performing arts in Washoe County; and

(c) Projects identified in the commission's plan to promote and preserve the state's cultural resources located in counties other than Clark and Washoe in an amount not to exceed \$2,000,000 per year. Not more than \$20,000,000 may be used for this purpose in any 10-year period.

3. Any reserve in the fund may be allocated to the preservation and promotion of cultural projects throughout the state.

4. The money in the fund must be invested as the money in other state funds is invested. All interest earned on the deposit or investment of the money in the fund must be credited to the fund.

5. Claims against the fund must be paid as other claims against the state are paid.

Sec. 8. The board of county commissioners of each county and the city council or other governing body of each incorporated city shall, in addition to any other tax levied, levy a tax at a rate of three-fourths of 1 percent of the gross receipts from the rental of transient lodging in that county or city upon all persons in the business of providing lodging.

Sec. 9. The proceeds from the taxes levied pursuant to section 8 of this act must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the preservation and promotion of cultural resources.

Sec. 10. A tax levied pursuant to section 8 of this act must be collected and administered pursuant to:

1. NRS 244.335, if levied by the board of county commissioners of a county.

2. NRS 268.095, if levied by the governing body of a city.

Sec. 11. The planning and construction of an art museum in Clark County must be funded from the fund for the preservation and promotion of cultural resources in the following approximate amounts:

- | | |
|-----------------------------|--------------|
| 1. Construction | \$30,000,000 |
| 2. Acquisition of art | \$10,000,000 |

3. Endowment\$10,000,000
4. Consulting services and architectural design\$5,000,000
5. Outdoor art arena and landscaping\$5,000,000

Total expenditures may not exceed \$60,000,000.

Sec. 12. The planning and construction of a cultural center and exhibition hall for the performing arts in Washoe County must be funded from the fund for the preservation and promotion of cultural resources in the following approximate amounts:

1. Construction\$24,000,000
2. Endowment\$12,500,000
3. Consulting services and landscaping\$3,500,000

The total expenditure may not exceed \$40,000,000.

Sec. 13. 1. Section 1 of this act becomes effective on July 1, 1991.

2. This section and sections 2 to 12, inclusive, of this act become effective upon passage and approval.

SUMMARY--Makes appropriation to Nevada Humanities Committee.
(BDR S-209)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Contains
 Appropriation.

AN ACT making an appropriation to the Nevada Humanities Committee for
costs to maintain staff and offices in Reno and Las Vegas; and
providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the state general fund to
the Nevada Humanities Committee for the costs of maintaining staff and offices
in Reno and Las Vegas:

For the fiscal year 1988-89	\$50,000
For the fiscal year 1989-90	50,000

Sec. 2. The sums appropriated by section 1 of this act are available for
either fiscal year. Any balance of those sums must not be committed for

expenditure after June 30, 1989, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.