

ASSEMBLY BILL NO. 351—ASSEMBLYMAN MORTENSON

MARCH 22, 2005

Referred to Concurrent Committees on Government Affairs and
Natural Resources, Agriculture, and Mining

SUMMARY—Requires adoption of certain regulations concerning
display and sale of art in state, county and municipal
parks. (BDR 35-555)

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

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

AN ACT relating to parks; requiring the adoption of certain
regulations concerning the display and sale of art in state,
county and municipal parks, recreational and cultural
facilities; and providing other matters properly relating
thereto.

1 WHEREAS, The Supreme Court of the United States has
2 recognized that art is a form of expression protected by the First
3 Amendment; and

4 WHEREAS, The Supreme Court of the United States has held
5 that public parks are quintessential public forums where citizens
6 may engage in constitutionally protected expression, subject only to
7 *reasonable* restrictions on the time, place and manner of their doing
8 so; and

9 WHEREAS, The President's Committee on the Arts and the
10 Humanities has found that participation in the arts and humanities
11 unlocks the human potential for creativity and supports a thriving
12 culture that is at the core of a vital society; and

13 WHEREAS, The value of art in society has been well-
14 documented and has contributed greatly to the quality of life; and

15 WHEREAS, The parks of this State have been the hosts for
16 various forms of art in the parks, including such popular programs
17 as the Lake Tahoe Shakespeare Festival at Lake Tahoe State Park,
18 the Theatre Under the Stars program at Spring Mountain Ranch



1 State Park, and art festivals such as the annual Candy Dance arts and
2 crafts festival at Mormon Station State Historic Park; and

3 WHEREAS, These and other programs celebrating arts and
4 culture in Nevada have been well attended and popular with park
5 visitors who appreciate the diversity of programs offered to all
6 Nevada residents throughout the parks of this State; and

7 WHEREAS, The use of the parks for the appreciation and
8 viewing of art has not yet been fully realized but presents continuing
9 opportunities to broaden the visitor base and public enjoyment of
10 Nevada's parks by making art and culture basic components of
11 recreation; now, therefore,

12
13 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
14 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
15

16 **Section 1.** Chapter 407 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. The Administrator shall adopt reasonable regulations*
19 *concerning the display and sale of art in any of the park or*
20 *recreational facilities within the jurisdiction of the Division.*

21 *2. The regulations must include, without limitation,*
22 *reasonable standards for:*

23 *(a) Designating space within a park or recreational facility for*
24 *an artist to display and sell art that he has created; and*

25 *(b) Allocating the designated space among the artists wishing*
26 *to display and sell their work in the park or recreational facility.*

27 *3. The Administrator shall not charge a fee to an artist who*
28 *displays and sells his work in the park or recreational facility.*

29 *4. A person who displays and sells art in a park or*
30 *recreational facility pursuant to the regulations required in this*
31 *section is not immune from criminal liability for his conduct in*
32 *connection with the display and sale of the art.*

33 **Sec. 2.** Chapter 244 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *1. A governmental entity responsible for regulating*
36 *recreational, cultural or park facilities within a county shall adopt*
37 *reasonable regulations concerning the display and sale of art in*
38 *any of the recreational, cultural or park facilities within its*
39 *jurisdiction.*

40 *2. The regulations must include, without limitation,*
41 *reasonable standards for:*

42 *(a) Designating space within a recreational, cultural or park*
43 *facility for an artist to display and sell art that he has created; and*



1 (b) *Allocating the designated space among the artists wishing*
2 *to display and sell their work in the recreational, cultural or park*
3 *facility.*

4 3. *The governmental entity shall not charge a fee to an artist*
5 *who displays and sells his work in the recreational, cultural or*
6 *park facility.*

7 4. *A person who displays and sells art in a recreational,*
8 *cultural or park facility pursuant to the regulations required in*
9 *this section is not immune from criminal liability for his conduct*
10 *in connection with the display and sale of the art.*

11 5. *As used in this section, "governmental entity" includes,*
12 *without limitation, a board of county commissioners, county park*
13 *and recreation commission, and county park commission.*

14 **Sec. 3.** Chapter 266 of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 1. *The governing body of a city shall adopt reasonable*
17 *regulations concerning the display and sale of art in any of the*
18 *recreational, cultural or park facilities within its jurisdiction.*

19 2. *The regulations must include, without limitation,*
20 *reasonable standards for:*

21 (a) *Designating space within a recreational, cultural or park*
22 *facility for an artist to display and sell art that he has created; and*

23 (b) *Allocating the designated space among the artists wishing*
24 *to display and sell their work in the recreational, cultural or park*
25 *facility.*

26 3. *The governing body of a city shall not charge a fee to an*
27 *artist who displays and sells his work in the recreational, cultural*
28 *or park facility.*

29 4. *A person who displays and sells art in a recreational,*
30 *cultural or park facility pursuant to the regulations required in*
31 *this section is not immune from criminal liability for his conduct*
32 *in connection with the display and sale of the art.*

33 **Sec. 4.** Chapter 268 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 1. *The governing body of a city shall adopt reasonable*
36 *regulations concerning the display and sale of art in any of the*
37 *recreational, cultural or park facilities within its jurisdiction.*

38 2. *The regulations must include, without limitation,*
39 *reasonable standards for:*

40 (a) *Designating space within a recreational, cultural or park*
41 *facility for an artist to display and sell art that he has created; and*

42 (b) *Allocating the designated space among the artists wishing*
43 *to display and sell their work in the recreational, cultural or park*
44 *facility.*



- 1 3. *The governing body of a city shall not charge a fee to an*
2 *artist who displays and sells his work in the recreational, cultural*
3 *or park facility.*
- 4 4. *A person who displays and sells art in a recreational,*
5 *cultural or park facility pursuant to the regulations required in*
6 *this section is not immune from criminal liability for his conduct*
7 *in connection with the display and sale of the art.*

