

CHAPTER.....

AN ACT relating to parks; encouraging the adoption of regulations to facilitate the display and sale of artistic expressions protected by the First Amendment in state, county and municipal parks, recreational and cultural facilities; and providing other matters properly relating thereto.

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

WHEREAS, The Supreme Court of the United States has held that a narrow, succinctly articulable message is not a condition of constitutional protection, which if confined to expressions conveying a particularized message, would never reach the unquestionably shielded painting of Jackson Pollock, music of Arnold Schoenberg, or Jabberwocky verse of Lewis Carroll; and

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

WHEREAS, The Supreme Court of the United States has held that it is unquestioned that the First Amendment protection is not lost simply because the protected expression is sold for profit; and

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

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

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

Section 1. 1. The Legislature hereby encourages:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) Each board of county commissioners, county park and recreation commission and county park commission; and

(c) The governing body of each city or town,
➔ to adopt regulations to facilitate the display and sale of artistic expressions protected by the First Amendment in the public parks,

public recreational and cultural facilities and other public spaces within their respective jurisdictions.

2. The Legislature hereby encourages the Administrator, county commissioners, county park and recreation commissions, county park commissions and the governing bodies to adopt regulations that do not create impediments to artistic expression, but include reasonable standards for:

(a) Designating space within public parks, public recreational and cultural facilities or other suitable public spaces within their respective jurisdictions, including sidewalks, for the display of various forms of artistic expression, including space for an artist to sell art he has created; and

(b) Allocating space within the public park, public recreational or cultural facility or other public space among the artists wishing to display and sell their work in the public park, public recreational or cultural facility or other public space, at the lowest cost possible to encourage artists and the public to participate in, develop and enjoy various forms of art.