

Amendment No. 328

Assembly Amendment to Assembly Bill No. 351

(BDR 35-555)

Proposed by: Committee on Natural Resources, Agriculture, and Mining**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: Amend Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read 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.

WBRD/SGW

Date: 4/20/2005

A.B. No. 351—Requires adoption of certain regulations concerning display and sale of art in state, county and municipal parks.



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.”.

Amend the preamble of the bill, page 1, between lines 3 and 4, by inserting:

“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”.

Amend the preamble of the bill, page 1, between lines 8 and 9, by inserting:

“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”.

Amend the preamble of the bill, pages 1 and 2, by deleting lines 13 through 18 on page 1 and lines 1 through 6 on page 2.

Amend the title of the bill, first and second lines, by deleting:

“requiring the adoption of certain regulations concerning the display and sale of art” and inserting:

“encouraging the adoption of regulations to facilitate the display and sale of artistic expressions protected by the First Amendment”.

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages adoption of regulations to facilitate display and sale of artistic expressions protected by First Amendment in state, county and municipal parks, and recreational and cultural facilities. (BDR S-555)”.