

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2399  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 2399 entitled:

"A BILL FOR AN ACT RELATING TO URBAN ART,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a director of a state department to permit an individual or individuals to create urban art on property owned in fee simple by the State that is under the jurisdiction of the director's department; and
- (2) Require a director who authorizes urban art, in consultation with the State Foundation on Culture and the Arts, to select individuals to create the urban art.

Your Committees received testimony in support of this measure from one individual. Your Committees received testimony in opposition to this measure from the Outdoor Circle. Your Committees received comments on this measure from the State Foundation on Culture and the Arts and Historic Hawaii Foundation.

Your Committees find that urban art, which includes graffiti and tagging, is a form of social commentary and a vehicle of personal expression by young generations of city youth who are continuously looking for ways to have their voices heard. This measure is an effort to turn a problem into a service that



benefits the community through assigning specific locations, art supplies, and procedures whereby young potential artists can express themselves without violating the law.

Your Committees consider this a viable solution by government officials to encourage urban art, in the spirit of public murals and street art, which have successfully engaged urban populations and diverse audiences in communities around the world.

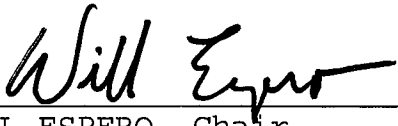
Your Committees have amended this measure by:

- (1) Deleting the proposed new chapter on urban art and replacing it with the establishment of a pilot program for the creation of urban art under the direction of the State Foundation on Culture and the Arts;
- (2) Requiring the State Foundation on Culture and the Arts to establish procedures that permit an individual or individuals to create urban art on property owned in fee simple by the State;
- (3) Requiring the State Foundation on Culture and the Arts to consult with the Historic Preservation Division of the Department of Land and Natural Resources to review any proposal to create urban art to determine if the urban art may cause an adverse effect to a historic property, and if the Historic Preservation Division determines that a proposal would adversely affect a historic or cultural property, the urban art shall not be permitted;
- (4) Repealing the pilot project to create urban art on June 30, 2015;
- (5) Requiring the State Foundation on Culture and the Arts to report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2015 on the status of the pilot project to create urban art and any recommendation to extend the project on a permanent basis; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.




As affirmed by the records of votes of the members of your Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2399, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2399, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committees on Economic Development and Technology and Public Safety, Government Operations, and Military Affairs,



WILL ESPERO, Chair



CAROL FUKUNAGA, Chair





