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# A BILL FOR AN ACT

RELATING TO URBAN ART.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Defined in the Hawaii Revised Statutes as "any  
2 unauthorized drawing, inscription, figure, or mark of any type  
3 intentionally created by paint, ink, chalk, dye, or similar  
4 substances," graffiti is a pervasive problem in many communities  
5 throughout the State, causing visual blight, resulting in  
6 unsightly scenery, and negatively impacting property values.  
7 The legislature finds that the negative impacts of graffiti make  
8 it an issue of great concern, and to date, the problem persists  
9 despite community efforts to combat it.

10           The legislature further finds that while these negative  
11 effects cannot be ignored, graffiti is also recognized as a  
12 legitimate artistic genre. As urban art, the graffiti style has  
13 historically been used as social and political commentary and  
14 numerous publications have treated the subject as such.

15 Although there are different theories regarding the purpose and  
16 effectiveness of urban art projects as a deterrent to graffiti,  
17 a popular theory posits that authorized outlets for urban art  
18 throughout a community will mitigate instances of graffiti.



1           The legislature further finds that providing legitimate,  
2 state-owned venues for urban art will enrich the State's  
3 communities in many ways, including reducing graffiti by  
4 expanding opportunities for appropriate creative social  
5 expression.

6           The purpose of this Act is to create a pilot program for  
7 the creation of urban art under the direction of the state  
8 foundation on culture and the arts.

9           SECTION 2. (a) There is established a pilot program under  
10 the direction of the state foundation on culture and the arts  
11 for the creation of urban art on state-owned property.

12           (b) The state foundation on culture and the arts, in  
13 consultation with the department of accounting and general  
14 services, the department of transportation, the department of  
15 land and natural resources, the state historic preservation  
16 division of the department of land and natural resources, and  
17 any other stakeholders deemed appropriate by the state  
18 foundation on culture and the arts, shall establish procedures  
19 for the pilot program, including procedures that address the  
20 following:

21           (1) The selection of participating individuals;



- 1           (2) Site selection and designation of specific areas for  
2           urban art on state-owned property;
- 3           (3) Requirements and guidelines regarding the type and  
4           size of urban art and art material to be used;
- 5           (4) Copyrights for the urban art created under the pilot  
6           program;
- 7           (5) Limitations, as necessary, on access to state-owned  
8           property used for urban art, such as requirements for  
9           safety and security; and
- 10          (6) Any other considerations that the state foundation on  
11          culture and the arts deems appropriate.
- 12          (c) The state foundation on culture and the arts shall  
13          consult with the historic preservation division of the  
14          department of land and natural resources, Historic Hawaii  
15          Foundation, and any other stakeholders that the state foundation  
16          on culture and the arts deems appropriate to review the creation  
17          of urban art under the pilot program to ensure that the art does  
18          not negatively impact historic property. The review of an urban  
19          art proposal shall proceed in accordance with section 6E-8,  
20          Hawaii Revised Statutes. Any urban art proposal for which the  
21          department of land and natural resources provides written non-



1 concurrence, pursuant to section 6E-8(a), Hawaii Revised  
2 Statutes, shall not be permitted.

3 (d) As used in this Act, "urban art" means any painting or  
4 artistic work composed in black and white or arrangements of  
5 color, including mosaics, murals, stencil art, and other art  
6 media and techniques. Urban art excludes:

7 (1) Painting or work placed on a structure that is erected  
8 for the sole or primary purpose of signage; and

9 (2) Graffiti as defined in section 46-1.5(24)(C) or 577-  
10 3.5(a), Hawaii Revised Statutes.

11 (e) The state foundation on culture and the arts shall  
12 report to the legislature no later than twenty days prior to the  
13 convening of the regular session of 2016 on the status of the  
14 pilot program for the creation of urban art and shall submit its  
15 findings and recommendations, including any proposed  
16 legislation, regarding continuation of the program on a  
17 permanent basis. The report shall also include recommendations  
18 to reduce illicit graffiti.

19 (f) The pilot program for the creation of urban art shall  
20 be repealed on June 30, 2016.

21 SECTION 3. This Act shall take effect on July 1, 2030.



**Report Title:**

Urban Art; State Foundation on Culture and the Arts

**Description:**

Establishes a pilot program for the creation of urban art under the direction of the State Foundation on Culture and the Arts, to be repealed on June 30, 2016. Effective July 1, 2030.

(HB2593 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

