
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 shall, 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, establish procedures for the
 19 pilot program, including procedures that address the following:

- 20 (1) The selection of participating individuals;
- 21 (2) Site selection and designation of specific areas for
 22 urban art on state-owned property;



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



1 "Urban art" means any painting or artistic work composed in
2 black and white or arrangements of color, including mosaics,
3 murals, stencil art, and other art media and techniques. Urban
4 art excludes:

- 5 (1) Painting or work placed on a structure that is erected
6 for the sole or primary purpose of signage; and
- 7 (2) Graffiti as defined in sections 46-1.5(24)(C) or 577-
8 3.5(a), Hawaii Revised Statutes.

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

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

19 SECTION 3. This Act shall take effect on July 1, 2010.



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, 2050.
(HB494 HD1)

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