
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 impacting property values. The
7 legislature finds that the negative impacts of graffiti make it
8 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. Although there
15 are different theories regarding the purpose and effectiveness
16 of urban art projects as a deterrent to graffiti, a popular
17 theory posits that authorized outlets for urban art throughout a
18 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 by taking a positive step
4 toward the reduction of graffiti by expanding opportunities
5 appropriate for this type of creative social expression.
6 Therefore, the purpose of this Act is to create a pilot program
7 for 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
13 have the sole discretion to establish procedures for the
14 program, including procedures that address the following:

- 15 (1) The selection of participating individuals;
16 (2) Site selection and designation of specific areas for
17 urban art on state-owned property;
18 (3) Requirements and guidelines regarding the type and
19 size of urban art and art material to be used;
20 (4) Rights to copyrights for the urban art created under
21 the pilot program;



1 (5) Limitations, as necessary, on access to state-owned
2 property used for urban art, such as requirements for
3 safety and security; and

4 (6) Any other considerations that the state foundation on
5 culture and the arts deems appropriate.

6 (c) The state foundation on culture and the arts shall
7 consult with the historic preservation division of the
8 department of land and natural resources, Historic Hawaii
9 Foundation, and any other stakeholders the state foundation on
10 culture and the arts deems appropriate to review the creation of
11 urban art under the pilot program to ensure that such art does
12 not negatively impact historic property. The review shall
13 proceed in accordance with section 6E-8, Hawaii Revised
14 Statutes. Any urban art proposal that the historic preservation
15 division determines will negatively impact historic property
16 shall not be permitted.

17 (d) As used in this Act:

18 "Urban art" means any painting or artistic work composed in
19 black and white or arrangements of color, including mosaics,
20 murals, stencil art, and other art media and techniques. Urban
21 art excludes:



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

3 (2) Graffiti as defined in sections 46-1.5(24)(C), 577-
4 3.5(a), and 708-823.6(3), Hawaii Revised Statutes.

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

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

15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Janice Woolly
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JAN 18 2013

H.B. NO. 494

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.

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