

ACT 215

H.B. NO. 3183

A Bill for an Act Relating to Hawaiian Symbols.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the flag of the State of Hawaii is a living symbol of the actual flag adopted by King Kamehameha the First and used as his emblem representing the Kingdom of Hawaii on his own ships sailing the Pacific Ocean. It is a flag rich in history and international significance, having flown for governments representing the unified Kingdom, and subsequently, the Provisional Government of Hawaii after the overthrow of the monarchy, the Republic of Hawaii, the Territory of Hawaii after annexation to the United States, and the State of Hawaii.

The legislature finds that the Hawaiian flag is unique as it was originally the flag of a Kingdom and four subsequent governments, remaining virtually the same throughout this historic period. The legislature further finds that chapter 5, Hawaii Revised Statutes, makes only superficial mention to the Hawaiian flag, neglecting to include important historic facts and other pertinent information on flag protocol.

The purpose of this Act is to give the Hawaiian flag the attention it deserves in the Hawaii Revised Statutes.

SECTION 2. Chapter 5, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§5- State flag. As used in this part, unless the context otherwise required:

“Flag” means any flag, standard, color, ensign, or any picture or representation of either made of any substance or represented on any substance, and of any size, evidently purporting to be, either of, the flag, standard, color, or ensign of the State of Hawaii or a picture or representation, of either upon which shall be shown the Jack, the colors and stripes in any number of either, or by

which the person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the State of Hawaii.

§5- Description of the Hawaiian flag. The official description of the Hawaiian flag as authorized to represent the State of Hawaii on land and sea, and authorized for executive state agencies, second to the stars and stripes of the United States shall be:

- (1) The Hawaiian flag shall consist of eight horizontal stripes, alternately white, red, blue, etc., beginning at the top, having a jack cantoned in the dexter chief angle next to the point of suspension;
- (2) The jack shall consist of a blue field charged with a compound saltire (crossing) of alternate tincture white and red, the white having precedence; a narrow edge of white borders each red side of the saltire;
- (3) A red cross bordered with white is charged (placed) over all;
- (4) The proportion shall be as follows:
 - (A) The fly (length) is twice the hoist (width);
 - (B) The jack is half the hoist (width) in breadth and 7-16 the fly in length;
 - (C) The arms of the red cross with border shall be equal in width to one of the horizontal stripes; the white border shall be one-third the width of the red cross;
 - (D) The arms of the compound saltire (crossing) are equal in width to the red cross, the tinctures white, red, and the border being in the proportion of 3, 2, 1, respectively.

When the Hawaiian flag is flown from the same halyard as the flag of the United States of America is flown, it shall be underneath the national colors.

The Hawaiian flag shall not be used to cover a platform or speaker's desk, nor to drape over the front of a speaker's platform.

When the Hawaiian flag and the flag of the United States of America are displayed on a speaker's platform at the same time, the Hawaiian flag shall be on the left side of the speaker, the speakers left, while the flag of the United States of America is on the right side of the speaker, the speakers right.

When the Hawaiian flag is used to cover a casket, it shall be so placed that the jack is at the head and over the left shoulder. The flag shall not be lowered into the grave or allowed to touch the ground.

To fold the Hawaiian flag ceremoniously, first fold it lengthwise, bringing the striped half up over the jack. Then repeat, with the jack on the outside. Beginning at the lower right, make a series of triangular folds until the flag resembles a cocked hat with only the jack visible.

The Hawaiian flag shall be flown at half-mast by first raising it to the top of the flagpole, and then slowly lowering it to a position one-fourth of the distance down the flagpole, and there leaving it during the time it is to be displayed. In taking the flag down, it shall first be raised to the top of the flagpole, and then slowly lowered with appropriate ceremony.

When the Hawaiian flag is in such condition of repair that it is no longer a suitable emblem for displaying, it shall be totally destroyed, preferably by burning, and that privately; or this shall be done by some other method in keeping with the spirit of respect and reverence that all owe the emblem that represents the Aloha State of Hawaii.

§5- Public display of Hawaiian flag; position. On every occasion of public display of the Hawaiian flag, within the State of Hawaii, it shall occupy the position of honor when displayed in company with the flags of other states,

nations or international organizations; provided, however, that when the United States flag is displayed with the Hawaiian flag, the national flag shall occupy such position of honor.”

SECTION 3. Section 5-10, Hawaii Revised Statutes, is amended to read as follows:

“**§5-10 State song.** (a)¹ The song [“Hawaii Pono’i”] “Hawai’i Pono’i” is adopted, established, and designated as the official song of the State, to be effective for as long as the legislature of the State does not otherwise provide.”

SECTION 4. Section 5-4, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.