

**"CHAPTER 5
EMBLEMS AND SYMBOLS**

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Cross References

Prisoner of war and missing in action designations, see §121-10.5.

" **§§5-1 to 3 REPEALED.** L 1988, c 138, §§2 to 4.

" **§5-4 REPEALED.** L 1990, c 215, §4.

" **§5-5 State seal, description.** The great seal of the State shall be circular in shape, two and three-quarters inches in diameter, and of the design being described, with the tinctures added as a basis for the coat of arms as follows:

Arms. An heraldic shield which is quarterly; first and fourth, stripes of the Hawaiian flag; second and third, on a yellow field, a white ball pierced on a black staff; overall, a green escutcheon with a five-pointed yellow star in the center.

Supporters. On the right side, Kamehameha I, standing in the attitude as represented by the bronze statue in front of Aliiolani Hale, Honolulu; cloak and helmet yellow; figure in natural colors. To the left, goddess of liberty, wearing a Phrygian cap and laurel wreath, and holding in right hand the Hawaiian flag, partly unfurled.

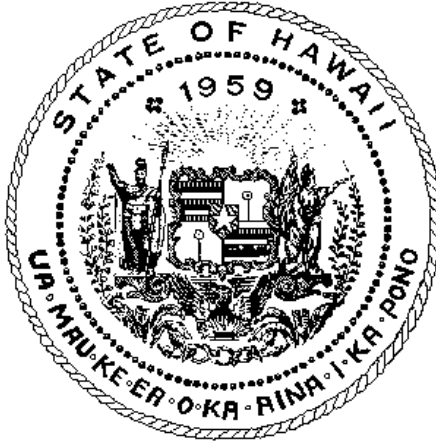
Crest. A rising sun irradiated in gold, surrounded by a legend "State of Hawaii, 1959", on a scroll, black lettering.

Motto. "Ua mau ke ea o ka aina i ka pono" on the scroll at bottom, gold lettering.

Further accessories. Below the shield, the bird phoenix wings outstretched; arising from flames, body black, wings half yellow, half dark red; also eight taro leaves, having on either side banana foliage and sprays of maiden hair fern, trailed upwards. [L 1901, c 16, §1; RL 1925, §143; RL 1935, §7771; RL 1945, §12941; RL 1955, §14-5; am L 1957, c 29, §1; am L 1959, c 272, §2; HRS §5-5]

Note

The seal is the same as that of the Republic of Hawaii, except that the latter was three inches in diameter and had the legend "Republic of Hawaii". See L 1896, p 272, joint resolution; CL §24.



Great Seal of the
STATE OF HAWAII

" **§5-6 Seal; commercial use.** Whoever uses any representation of the great seal or the coat of arms of the State in any advertisement or for any commercial purpose or in any manner likely to give the impression of official State approval shall be guilty of a misdemeanor. The preceding sentence shall not be construed to apply to the use of the seal or the coat of arms in any newspaper, periodical, book or pamphlet wherein the seal or coat of arms is printed for informational purposes only. [L 1967, c 86, §1; HRS §5-6]

" **[§5-6.5] State language.** The Hawaiian language is the native language of Hawaii and may be used on all emblems and symbols representative of the State, its departments, agencies and political subdivisions. [L 1978, c 207, §1]

Law Journals and Reviews

"Officially" What? The Legal Rights and Implications of 'Ōlelo Hawai'i. 30 UH L. Rev. 243.

" **§5-7 State popular name.** The name "The Aloha State" is adopted, established, and designated as the official "popular" name for the State, to be effective so long as the legislature of the State does not otherwise provide. [L 1959, JR 1, §1; Supp, §14-5.1; HRS §5-7]

" **[§5-7.5] "Aloha Spirit".** (a) "Aloha Spirit" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "Aloha", the following unuhi laula loa may be used:
"Akahai", meaning kindness to be expressed with tenderness;
"Lokahi", meaning unity, to be expressed with harmony;
"Oluolu", meaning agreeable, to be expressed with pleasantness;
"Haahaa", meaning humility, to be expressed with modesty;
"Ahonui", meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. "Aloha" is more than a word of greeting or farewell or a salutation. "Aloha" means mutual regard and affection and extends warmth in caring with no obligation in return. "Aloha" is the essence of relationships in which each person is important to every other person for collective existence. "Aloha" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the "Aloha Spirit". [L 1986, c 202, §1]

" **[§5-7.6] Aloha order of merit.** (a) There is established the Aloha order of merit, within the office of the governor for administrative purposes, to honor individuals selected under this section. Individuals conferred the lifetime title of "member of the Aloha order of merit" shall be inducted into the order by the governor after receiving the approval of the legislature by concurrent resolution. Honorees shall have:

- (1) Achieved national or international recognition in their field either by a single event or by the totality of their work that has been either pioneering in their field or that has been outstanding in the long-term; and
- (2) (A) Contributed to the attainment of statehood for Hawaii;

- (B) Devoted themselves to the betterment of the State, embodying the concept of the Aloha Spirit;
- (C) Provided extraordinary service to the State; or
- (D) Brought honor to the State.

(b) Honorees shall be selected by an Aloha order of merit committee. The committee shall consist of three members. Each member shall serve for a term of two years. One member of the committee shall be a member of the senate appointed by the president of the senate, one member of the committee shall be a member of the house of representatives appointed by the speaker of the house of representatives, and one member of the committee shall be appointed by the governor.

(c) Nominations for honorees shall be accepted by the committee from members of the legislature, the governor, and the general public. Nominations shall be in the form and manner prescribed by the office of the governor. The committee shall establish criteria for selection and induction to ensure and maintain the prestige of the order. The committee may select or choose not to select any individual from the nominations received in any given year.

(d) Upon induction or as soon thereafter as may be necessary, the governor may award appropriate mementos to members of the order.

(e) The governor may request a member of the order to serve as an emissary for the people of Hawaii on appropriate occasions. [L 1993, c 231, §2]

" **[§5-7.7] Aloha order of merit location.** There shall be set aside within the Honolulu International Airport an area to exhibit commemorative displays honoring members of the order. The displays may include likenesses of members and descriptions of the meritorious achievements of each member. [L 1993, c 231, §3]

" **§5-8 State tree.** The kukui tree, also known as the candlenut tree (*Aleurites Moluccana*), is adopted, established, and designated as the official tree of the State, to be effective so long as the legislature of the State does not otherwise provide. [L 1959, JR 3, §1; Supp, §14-5.2; HRS §5-8]

" **§5-9 State motto.** The motto "Ua mau ke ea o ka aina i ka pono", is adopted, established, and designated as the official motto of the State. It is translated into English to mean "The

life of the land is perpetuated in righteousness". [L 1959, JR 4, §1; Supp, §14-5.3; HRS §5-9; am L 1979, c 145, §2]

" **§5-10 State song.** The song "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. [L 1967, c 301, §2; HRS §5-10; am L 1990, c 215, §3]

" **[§5-10.5] State musical instrument; 'auana; kahiko.** (a) The 'ukulele is established and designated as the official 'auana musical instrument of the State.

(b) The pahu is established and designated as the official kahiko musical instrument of the State. [L 2015, c 6, §2]

" **§5-11 REPEALED.** L 1988, c 269, §2.

" **[§5-11.3] State insect.** The pulelehua (Vanessa tameamea), also known as the Kamehameha butterfly, is established and designated as the official insect of the State. [L 2009, c 15, §1]

" **[§5-11.5] State fish.** The humuhumunukunukuapua'a (Rhinecanthus rectangulus), also known as the rectangular triggerfish, is established and designated as the official fish of the State. [L 2006, c 67, §2]

" **[§5-12] State marine mammal.** The humpback whale is established and designated as the official marine mammal of the State, to be effective so long as the legislature of the State does not otherwise provide. [L 1979, c 110, §1]

" **[§5-12.2] State land mammal.** The ōpe'ape'a, otherwise known as the Hawaiian hoary bat (Lasiurus cinereus semotus), is established and designated as the official land mammal of the State. [L 2015, c 13, §2]

" **[§5-12.5] State mammal.** The Hawaiian monk seal (*Monachus schauinslandi*) is established and designated as the official mammal of the State. [L 2008, c 72, §2]

Cross References

Taking a monk seal prohibited, see §195D-4.5.

" **§5-13 REPEALED.** L 1985, c 289, §3.

" **[§5-13.5] State individual sport.** Surfing is adopted, established, and designated as the official individual sport of the State. [L 1998, c 174, §2]

" **[§5-14] State team sport.** Outrigger canoe paddling is adopted, established, and designated as the official team sport of the State, to be effective for as long as the legislature of the State does not otherwise provide. [L 1986, c 219, §2]

" **[§5-15] State gem.** The black coral is established and designated as the official gem of the State. [L 1987, c 9, §1]

" **[§5-15.5] State plant.** Kalo (*Colocasia esculenta* (L.) Schott), the Hawaiian word for taro, is adopted, established, and designated as the official plant of the State. [L 2007, c 36, §2; am L 2008, c 71, §1]

Cross References

Hand-pounded poi, see §321-4.7.

" **§5-16 State flower and individual island flowers.** The native yellow hibiscus (*Hibiscus brackenridgei* A. Gray), also known as the Pua Aloalo or Ma'o-hau-hele, is established and designated as the official flower of the State.

The 'ōhi'a lehua (*metrosideros macropus* M. collina), also known as the pua lehua, is established and designated as the official flower of the island of Hawai'i.

The lokelani, also known as the damask rose (*rosa damascena*), is established and designated as the official flower of the island of Maui.

The pua 'ilima from the native dodder shrubs (*sida fallax*) is established and designated as the official flower of the island of O'ahu.

The mokihana from the native tree (*pelea anisata*) is established and designated as the official lei material of the island of Kaua'i.

The pua kukui, also known as the candlenut tree (*aleurites moluccana*), is established and designated as the official lei material of the island of Moloka'i.

The kauna'oa, also known as the native dodder (*cuscuta sandwichiana*), is established and designated as the official lei material of the island of Lāna'i.

The pūpū, also known as the momi, laiki, and kahelelani, is established and designated as the official lei material of the island of Ni'ihau.

The hinahina or native heliotrope (*heliotropium anomalum*, var. *argenteum*) is established and designated as the official lei material of the island of Kaho'olawe. [L 1988, c 177, §1; am L 2000, c 165, §3]

Cross References

Lei Day, see §8-13.

" **[§5-16.5] Official island colors.** The color red is established and designated as the official color of the island of Hawai'i.

The color pink is established and designated as the official color of the island of Maui.

The color golden yellow is established and designated as the official color of the island of O'ahu.

The color purple is established and designated as the official color of the island of Kaua'i.

The color green is established and designated as the official color of the island of Moloka'i.

The color orange is established and designated as the official color of the island of Lāna'i.

The color white is established and designated as the official color of the island of Ni'ihau.

The color gray is established and designated as the official color of the island of Kaho'olawe. [L 2000, c 165, §2]

" **[§5-17] State bird.** The nene (*Branta sandwicensis*), also known as the Hawaiian goose, is established and designated as the official bird of the State. [L 1988, c 178, §1]

" **[§5-18] State flag.** As used in this [chapter], unless the context otherwise requires:

"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. [L 1990, c 215, pt of §2]

" **[§5-18.5] POW/MIA (prisoner of war/missing in action) flag; recognition; use.** (a) The State recognizes the National League of Families' POW/MIA (prisoner of war/missing in action) flag that was recognized by the United States Congress through P. L. 101-355 on August 10, 1990.

(b) The National League of Families' POW/MIA (prisoner of war/missing in action) flag shall be flown on the grounds of the state capitol and on the grounds of the headquarters of the state department of defense on the following days:

- (1) Armed Forces Day, the third Saturday in May;
- (2) Memorial Day, the last Monday in May;
- (3) Flag Day, June 14;
- (4) Independence Day, July 4;
- (5) National POW/MIA Recognition Day, the third Friday in September; and
- (6) Veterans Day, November 11,

and may be flown on the grounds of the state capitol and on the grounds of the headquarters of the state department of defense on other days; provided that if the Hawaiian flag is flown on the same halyard as the flag of the United States of America at those locations, then the POW/MIA (prisoner of war/missing in action) flag may be flown under the flag of the State of Hawaii, and if the Hawaiian flag is flown on a separate halyard as the flag of the United States of America at those locations, then the POW/MIA (prisoner of war/missing in action) flag may be flown under the flag of the United States of America. [L 2010, c 40, §2]

" **[§5-19] 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 speaker's left, while the flag of the United States of America is on the right side of the speaker, the speaker's 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. [L 1990, c 215, pt of §2]

Note

The former Hawaiian flag is described in L 1896, c 10 and CL §23.

Cross References

State flag, see Const. art. XV, §3.

" **§5-20 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. [L 1990, c 215, pt of §2]

" **§5-21 State dance.** Hula is adopted, established, and designated as the official dance of the State. [L 1999, c 83, §2]

" **§5-22 Hawaii medal of honor.** (a) The Hawaii medal of honor may be awarded on behalf of the people of the State of Hawaii to an individual who has been killed in action while:

- (1) Engaged in an action against an enemy of the United States;
- (2) Engaged in military operations involving conflict with an opposing foreign force;
- (3) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;
- (4) Serving in a combat zone as designated by presidential order;

- (5) Serving in direct support of military operations in a combat zone if that service is designated as such by the United States Department of Defense; or
 - (6) Performing duty subject to hostile fire or imminent danger if that duty qualifies the individual for special military pay as determined by the United States Department of Defense.
- (b) A recipient of the Hawaii medal of honor may have the recipient's name entered on the Hawaii medal of honor roll.
- (c) Individuals eligible to receive the Hawaii medal of honor include:
- (1) Members of the Hawaii National Guard who were legal residents of Hawaii and were activated into service at the time they were killed in action;
 - (2) Members of the United States military reserves who were legal residents of Hawaii and were activated into service at the time they were killed in action;
 - (3) Members of the regular United States armed forces who were:
 - (A) Legal residents of Hawaii at the time they were killed in action; or
 - (B) Stationed in Hawaii by a proper order of the United States Department of Defense at the time they were killed in action; and
 - (4) Members of the Hawaii National Guard or United States military reserves who were activated into service, or members of the regular United States armed forces, who:
 - (A) Attended a public or private educational institution in Hawaii at some period during their lives; and
 - (B) Were killed in action.
- (d) The Hawaii medal of honor shall be awarded solely by a concurrent resolution:
- (1) Introduced by:
 - (A) The president of the senate;
 - (B) The speaker of the house of representatives; or
 - (C) The duly authorized representative of the president of the senate or the speaker of the house of representatives; and
 - (2) Adopted by both houses of the legislature. [L 2005, c 21, §2; am L 2013, c 9, §2]

Revision Note

Section was enacted as an addition to chapter 121 but is renumbered to this chapter pursuant to §23G-15.

Cross References

POW/MIA flag; recognition; use, see §5-18.5.