

NEIL ABERCROMBIE  
GOVERNOR



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November 9, 2012

The Honorable Sam Slom  
Senator, District 9  
State Capitol, Room 214  
Honolulu, Hawai'i 96813

Dear Senator Slom:

You have requested our review of the appropriateness of the Department of Land and Natural Resources' (DLNR) newspaper publication informing the public on Constitutional Amendment No. 1. Constitutional Amendment No. 1 poses the ballot question: "Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bond to assist dam and reservoir owners to make their facilities compliant with current safety standards?" The publication states that: "At no cost to taxpayers, this benefits public safety, flood control, recreation, agriculture, and ground water recharge." In the middle of the publication is a checked box next to the word "YES."

The DLNR believed that it was properly exercising its authority under Hawaii Revised Statutes sections 179D-6(b)(10) and 179D-25(b)(3) to disseminate information to the public regarding dam safety. We have advised the DLNR that while it is appropriate to expend moneys from the dam and reservoir special fund to disseminate information to educate the public about dam safety, it is not appropriate to advocate that the public should vote "Yes" on Constitutional Amendment No. 1. We are satisfied that the DLNR's actions were the result of a mistake with no evidence of *mens rea* or criminal intent to violate the law.

Very truly yours,

A handwritten signature in black ink that reads "Russell A. Suzuki".

Russell A. Suzuki  
Acting Attorney General

c. DLNR