

GHQ/SCAP Records(RG 331)
Description of contents

- (1) Box no. 2207
- (2) Folder title/number: (20)
House of Representatives Bills - 12th Diet

(3) Date: Oct. 1951, Nov. 1951

(4) Subject:

Classification	Type of record
310	m, v

(5) Item description and comment:

(6) Reproduction: Yes No

(7) Film no. _____ Sheet no. _____

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

By: Maj. Morris

Note
No.

From: Govt Sec

To: ESS

Date: 24 October 1951

1. Immediate introduction of the attached draft bill in the Diet
is proposed by House of Representatives.

2. Your prompt comment is requested.

1 Incl

Dog Race Bill

F. R.

GOVERNMENT SECTION
BUCK SLIP

10/24 1951

FROM: *RYP*

TO:	INITIAL	DATE
<input type="checkbox"/> CHIEF.....		
<input type="checkbox"/> EX O.....		
<input checked="" type="checkbox"/> Special Assistant Nat'l Affairs.....	<i>ry</i>	
<input type="checkbox"/> Special Assistant, Local Affairs.....		
<input type="checkbox"/> Adm Div.....		
<input type="checkbox"/> Par & Pol Div.....		
<input type="checkbox"/> Public Adm Div.....		
<input type="checkbox"/> Chief Clerk.....		
<input type="checkbox"/> File.....		
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FOR:

- INFORMATION
- NECESSARY ACTION
- ACTION (Prepare Reply)
- APPROVAL
- INITIAL
- COMMENT OR CONCUR
- RETAIN *copy*
- RETURN
- FILE
- BURN

no concern

cy ESS

5 Nov

DOG RACE BILL

1. Recd 24 October, referred to ESS & GS.
2. GS interposed no objection.
3. ESS checknote objection, attached, recd this date.
4. Decision requested.

Disapproved

J.W.

FR
6782

5 Nov 51

Subject: Draft Legislation
Maj Norris

From: Govt Sec

To: ESS

24 October 1951

1.
 1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.
 2. Your prompt comment is requested.

1 Incl
Dog Race Bill.

----- F. R. -----

WFM/KPS/GM/my
G. McCaffrey 26-8532

5 NOV 1951

From: ESS

To: Govt Sec

2.
 1. The alleged purposes of this bill are "to obtain select breeds of dogs and other animals and to contribute to local government financing". For these purposes it would establish dog racing as a local government enterprise through a complicated system of government control and private operation.
 2. Admission fees would be charged and the cloak of charity would be thrown around the scheme by provisions which would permit, but not require operators to add not more than 10 yen per ticket as a contribution to Community Chests - less special expenses. Betting would be permitted.
 3. Operators would be entitled to 25 per cent of the net proceeds from the betting less 3 per cent to be paid to the National Government. The National Government would be required to spend two-thirds of the amount so received to improve the breeds and supply of dogs, prevent contagious animal diseases, conduct veterinarians research, "improve sanitary conditions of domestic animals", preserve wild life and provide for registration of domestic animals.
 4. The local government responsible for the race track, after deducting the National Government's percentage and operating expenses would pay over not less than one-fourth of the balance to the dog improvement association concerned, for the purposes stated in the preceding paragraph, after deducting its expenses.
 5. Dog improvement associations would be incorporated and they in turn would form another corporation, the dog improvement club, which would serve as the private governing body of dog racing.

Draft Legislation

5 NOV 1951

ESS

Govt Sec

2

6. In return for these alleged public benefits the income of dog improvement clubs would be exempted from the National corporation tax. Exemption from local taxes would be given to the race courses, establishments on them, training facilities and courses, the betting tickets, the winnings of bettors, the holding of the races and advertising for dog races.

7. This is a thinly veiled proposal to establish a vicious racket in competition with more wholesome forms of entertainment which would not enjoy the tax exemption privileges proposed for dog racing. Experience in the United States indicates that the establishment of dog racing with its attendant betting seriously reduces the revenue of other forms of the entertainment business, especially theatres and motion pictures, while public relief expenditures increase. The net increase in local government funds would, therefore, probably be negligible.

8. It is difficult to see any substantial public benefit resulting from improvement in the breed of racing dogs. Certainly not enough benefit would result to warrant granting tax exemption to such an enterprise when it is denied to forms of enterprise which unquestionably contribute to the public interest and the national economy. The experience of generations shows that gambling proceeds are an undesirable source of public revenue. The earmarking of the revenues and the authority granted to the National Minister of Agriculture and Forestry over what purports to be a local government enterprise are contrary to the principles of sound public finance and local autonomy.

9. The dubious alleged advantages of this bill are far outweighed by definite disadvantages.

10. It is recommended that clearance of this bill be withheld because:

a. The tax exemptions proposed are contrary to the economic stabilization directive.

b. Approving these exemptions would establish a precedent for other groups who would consider themselves to have as good or better grounds for tax exemption.

c. The earmarking of whatever revenue was received for vague new government functions of doubtful need and value would reduce the funds available for necessary functions and thereby weaken budget stability.

1 Incl
n/c

October 22nd, 1951.

Title of the Bill: Dog Race Bill
(Presented by HARADA Yukimatsu)

I hereby certify that the above mentioned Bill does not violate any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, and that any provision of this Bill, except those providing for exceptions, does not contradict any other law.

Toshio Irie

Chief Legislative Bureau,
House of Representatives.

CS: ESS
GS/WM

Recd GS 10/24/51

House of Representatives

Oct. 22, 1951.

Dog Race Bill

(Presented by HARADA Yukimatsu
and 3 others)

(Purpose of the Law)

Article 1. The object of this law shall be to obtain select breeds of dogs and other animals, raise them in an increased number, and to promote their export, by means of enforcing their ability test, on the one hand, and to establish the rules of a dog race which is held with the end in view to contribute to the local government financing, on the other.

(Performer of Dog Race)

Article 2. A prefecture or a city which has in its area a dog racing course (hereinafter referred to as "city") may perform a dog race (hereinafter referred to as "race") in accordance with the provisions of this law.

2. A race performed by a prefecture and or a city must be limited to such one as is participated by dogs belonging to a dog improvement association established in the prefecture concerned.

3. The dog improvement club may perform a race under the provisions of this law which is participated by dogs belonging to two or more dog improvement associations.

4. No person, other than the prefecture, city, or dog improvement association, who performs a race in accordance with the provisions of the preceding three Paragraphs (hereinafter referred to as "race performer"), shall perform a race which is accompanied with the sale of a betting ticket or other analogous instruments.

(Entrusting of Matters Relating to Race Performance)

Article 3. A prefecture or a city, in performing a race under the provisions of Paragraphs 1 and 2 of the preceding Article, shall entrust such matters pertaining to the race performance as are prescribed by Ministerial Ordinance to a dog improvement association established in the prefecture concerned.

(Prevention of Cruelties to Dogs)

Article 4. A race must not be performed in a manner which is likely to result in the maltreatment of the dogs participating in the race.

2. A dog participating in a race must be examined immediately before the race by a veterinarian who is not an employe of the government or a local public body, and be certified as healthy, free from any effects of drugs, and fit for the race.

(Dog Racing Course)

Article 5. A race must be performed in a dog racing course (hereinafter referred to as "racing course") which registered with the dog improvement club.

2. Each prefecture shall have one racing course only; provided, however, that a prefecture which is designated by the Minister of Agriculture, and Forestry in consideration of the number of dogs entering a race and other relevant circumstances may have two racing courses.

(Promotion Committee)

Article 6. A dog improvement association or the dog improvement club, when performing a race, must appoint a promotion committee, as prescribed by Ministerial Ordinance, which shall be charged with the affairs pertaining to the race.

2. The appointment or dismissal of the members of promotion committee of a dog improvement association shall be subject to the approval of the dog improvement club.

(Admission Fee, etc.)

Article 7. A race performer, when holding a race, must collect an admission fee from visitors.

2. A race performer, when holding a race as prescribed by Ministerial Ordinance, may issue an admission ticket at a price formed by adding to the admission fee as mentioned in the preceding Paragraph a contribution from a visitor to a community fund raising organization.

3. The amount of contribution as mentioned in the preceding Paragraph shall be ten yen or less per admission ticket.

4. An admission ticket issued under the provision of Paragraph 2 must carry a clear indication of the amount of contribution and also a remark stating that such contribution has been collected in accordance with the provision of this Article.

5. A person who has purchased an admission ticket issued under the provision of Paragraph 2 shall be regarded as having made a contribution to a community fund raising organization through such purchase.
6. The dog improvement club must sum up the amount of contribution collected as mentioned in the preceding Paragraph, and immediately hand it over to each community fund raising organization through the medium of the federation of community fund raising organizations.
7. A community fund raising organization, on receiving the amount as mentioned in the preceding Paragraph, must make payment of the expenses, which have been specially incurred by the race performers concerned for issuing an admission ticket as provided for in Paragraph 2, to the dog improvement club through the medium of the federation of community fund raising organizations; and the dog improvement club in turn must hand over the ^{money} to each of the race performers according to the amounts of expenses they have specially incurred for issuing an admission ticket as provided for in Paragraph 2.
8. The amount of expenses as mentioned in the preceding Paragraph shall be determined by the dog improvement club, consulting, through the medium of the federation of community fund raising organizations, with each of the community fund raising organizations.

(Betting Ticket)

Article 8. A race performer may issue betting tickets, priced at ¥20.- each, for sale at face value.

2. A race performer may issue for sale a coupon ticket which is equivalent to five betting tickets as mentioned in the preceding Paragraph.

(Prohibition to Purchase Betting Tickets, etc.)

Article 9. In ^{any} ~~any~~ of the undermentioned cases, a betting ticket shall not be purchased or received by way of transference.

- (1) In case of government employes concerned with the affairs of race and officials of a dog improvement club, in reference to all races;
- (2) In case of prefectural or municipal employes concerned with the affairs of race, in reference to races performed by the prefecture or the city;
- (3) In case of officials of a dog improvement association, members of a promotion committee who are concerned with the affairs of race, trainers and other persons engaged in the operation of race, in reference to such races as they are concerned with.

(Dividend)

Article 10. A race performer shall make payment of a dividend to the holders of winning tickets pro rata the number of such tickets held by them in the amount totalling not less than 75 per cent of the net proceeds from the sale of betting tickets (the gross sale less the amount returnable in accordance with the provision of Article 12; sic passim).

2. In the absence of any holder of a winning ticket, an amount not less than 75 per cent of the net proceeds shall be refunded to the betterers on dogs other than the winner in

the race, pro rata the number of tickets held by such bettors.

3. The formula of computing the amounts payable to the holder of a winning ticket or the holder of an otherwise qualified ticket, as well as the method of payment, shall be prescribed by Ministerial Ordinance.

Article 11. When the payment of a dividend or a refund is made in accordance with the provision of the preceding Paragraph, a fraction of yen, if any, shall be rounded off.

2. The amount accumulated as a result of rounding off the fractions as mentioned in the preceding Paragraph shall be the revenue of the race performer concerned.

(Invalidation of Ticket)

Article 12. In case, after the sale of a betting ticket, any of the circumstances as enumerated in the following items has arisen, the betting ticket shall be null and void.

- (1) Absence of dogs to run a race, or the number of dogs has been reduced to one;
- (2) A race has not materialized;
- (3) Absence of a winning dog in a race.

2. The failure of a dog to run a race as indicated on a betting ticket which has been sold, shall invalidate the betting on the dog as well as on a group of dogs including the said dog under a betting system, wherein a combination of the first and the second place winner in a race in that particular order is to be forecast (hereinafter referred to as "forecasting

system"), or under a betting system, wherein the first place winners in two or more races on a day are to be betted on as a group (hereinafter referred to as "dual winning system"). If, in the case of the forecasting system or the dual winning system where dogs carrying an identical number are grouped together for the betting purpose, only one of the dogs in a group has run a race, the betting on such group shall be treated likewise.

3. In the case of the preceding two Paragraphs, a holder of the relative betting ticket may demand the race performer concerned to refund the par value of the ticket.

(Prescription for Claiming Dividend and Refund)

Article 13. The right to claim the dividend in accordance with the provision of Article 10 or the refund in accordance with the provision of the preceding Article shall be extinguished by prescription, if not exercised for a period of 30 days.

(Dogs Qualified for Racing)

Article 14. A dog entering a race must be a qualified one which has been trained by a trainer as provided for in Article 15 and is registered with the dog improvement club.

2. The dog as mentioned in the preceding Paragraph must not be made to run a race except for such races as are performed by the dog improvement association to which its owner belongs. It is provided, however, that the foregoing provision does not apply to cases where the dog participates in a race performed by the dog improvement club, or the dog

run a race of particular description as prescribed by Ministerial Ordinance.

(Trainer)

Article 15. No trainer, unless he has completed a course as given by the dog improvement club and is registered therewith, shall be allowed to train dogs which participate in a race or to present his own performance in a race.

2. No trainer, unless registered as mentioned in the preceding Paragraph, shall use the title of a trainer.

(Revenue of Race Performer)

Article 16. A race performer may earn as his revenue an amount not exceeding 25 per cent of the net proceeds from the sale of betting ticket.

(Payment to Government)

Article 17. A race performer must make a payment to the National Treasury in the amount equivalent to 3 per cent of the net proceeds from the sale of betting ticket, drawing upon the money to be revenueed by him in accordance with the provision of the preceding Article.

2. Out of the amount paid in accordance with the provision of the preceding Paragraph, the Government must appropriate an amount equivalent to two-thirds thereof for the expenses of raising select breeds, and increasing the supply of dogs and other animals as may be prescribed by Ministerial Ordinance; preventing contagious diseases of

dogs; conducting researches of veterinarian science; improving the sanitary conditions of domestic animals; preserving wild life as designated by Article 69 (Designation of Natural Monument, etc.) of the Cultural Goods Protection Law (Law No.214 of 1950); and making registration of domestic animals.

3. Matters relevant to the application of the preceding Paragraph shall be prescribed by Ministerial Ordinance.

(Uses for Revenue of Race Performer)

Article 18. A prefecture or a city, after deducting the amount to be paid to the Government in accordance with the provision of Paragraph 1 of the preceding Article as well as the expenses required for holding the race from the amount to be revenued by such prefecture or city in accordance with the provision of Article 16, shall hand over to the dog improvement association concerned an amount equivalent to not less than one-fourth of the balance to cover the required expenses for implementing such matters as enumerated in Paragraph 2 of the preceding Article.

2. The dog improvement club, after deducting the amount to be paid to the Government in accordance with the provision of Paragraph 1 of the preceding Article as well as the expenses required for holding the race from the amount to be revenued by the club in accordance with the provision of Article 16, shall use the balance for implementing such matters as enumerated in Paragraph 2 of the preceding Article.

3. Matters relevant to the required expenses for holding a race as mentioned in the preceding two Paragraphs shall be prescribed by Cabinet Order.

(Dog Improvement Association and Dog Improvement Club)

Article 19. A dog improvement association shall be a juridical person to be established under the provision of Article 34 (Establishment of Juridical Person for Public Benefits) of the Civil Code (Law No.89 of 1906), one in each prefecture, for the purpose of performing races, obtaining select breeds of dogs and other animals, increasing their supply, and promoting their export; improving the sanitary conditions of domestic animals; and popularizing the races.

2. A dog improvement association must fulfil the conditions as enumerated in the following items:

- (1) The members of the association shall not be less in number than that prescribed by Ministerial Ordinance.
- (2) Each member shall possess a dog of one or another of the species as prescribed by Ministerial Ordinance, and the total number of dogs owned by all members shall be not less than the number as prescribed by Ministerial Ordinance.
- (3) No official of the association shall come under the following categories:
 - (a) Persons who have been sentenced to punishment of criminal major fine, or heavier, on account of an offence as provided for in this law, the Horse Race Law (Law No.158 of 1948), the Bicycle Race Law (Law No.209 of 1948), the Motor-cycle

Race Law (Law No.208 of 1950), the Motor-boat Race Law (Law No.242 of 1951), or Section 23 (Crimes Relative to Gambling and Lottery), Book II of the Criminal Code (Law No.45 of 1907);

(b) Persons, other than those mentioned in (a), who have been sentenced to punishment of imprisonment without hard labor, or heavier, with a period of not more than two years intervening after the sentence has been served out or the execution of the sentence has been waived.

(c) Person adjudged incompetent or quasi-incompetent.

3. No person shall hold a membership in two or more dog improvement associations at a time.
4. All dog improvement associations throughout the country shall form a dog improvement club and become the members thereof.
5. The dog improvement club shall be a juridical person to be established under the provision of Article 34 of the Civil Code, for the purpose of performing races; making registration of racing courses and dogs entering a race, and of trainers; giving courses to trainers and those who desire to become trainers, coordinating the performance of races; maintaining, training and distributing dogs for races; obtaining select breeds of dogs and other animals as provided for by Ministerial Ordinance, increasing their supply, promoting their export, improving the sanitary conditions of domestic animals; the popularizing the races.

6. No organization, other than the dog improvement club and the dog improvement association, shall use a title containing the words, "dog improvement club" or "dog improvement association," or a title^e analogous thereto.

(Approval for Business Plan, etc.)

Article 20. The dog improvement club must make out a business plan and an estimate of receipts and payments for the next business year, and submit them to the Minister of Agriculture and Forestry for approval before the end of March every year.

2. A dog improvement association must obtain a prior approval of the Minister of Agriculture and Forestry in reference to the uses of the money received under the provision of Paragraph 1 of Article 18.

(Maintenance of Public Order in Racing Course)

Article 21. A race performer or the dog improvement association concerned must take appropriate measures for the conducting of visitors, the prevention of crimes and illicit acts pertaining to races, and the maintenance of respectable atmosphere and healthy state in a racing course, for the purpose of safeguarding the public order in a racing course.

Article 22. A race performer or the dog improvement association concerned may take such measures as mentioned in the following items, when it is deemed necessary for the purpose of ensuring fairness of a race, or for maintaining order in a racing course.

- (1) Withholding a dog from running a race;
- (2) Admonishing an owner or a trainer of a dog, or suspending a trainer from taking a part in a race;
- (3) Refusing a visitor's admission to, or demanding his withdrawal from a racing course.

Article 23. The Minister of Agriculture and Forestry, when he deems it necessary, may cause an official in charge to enter an office of a race performer or a racing course and give directions to the race performer, the dog improvement association, or the promotion committee concerned, in reference to such matter as are necessary for maintaining public order in the racing course or ensuring fairness of the races.

2. In the case of the preceding Paragraph, the Minister of Agriculture and Forestry must furnish the official in charge with a certificate identifying the status of such official, which shall be carried by him and be presented on demand by an interested party.

3. The official as mentioned in Paragraph 1 shall be known as a dog race superintendent.

(Suspension of Sale of Betting Ticket, etc.)

Article 24. In case a race performer or a dog improvement association has acted in violation of this law, or orders issued under this law or measures taken on the basis thereof, or when the necessity to maintain order in a racing course or to ensure fairness of a race so dictates, the Minister of Agriculture and Forestry may, after giving prior admonition

to the race performer or the dog improvement association concerned, order the prohibition or suspension of the performance of a race or of the sale of a betting ticket, or direct other appropriate measures.

2. The Minister of Agriculture and Forestry, when he intends to resort to a measure, other than admonition, must give a public hearing to the race performer concerned, informing him of the date and place of such hearing in advance. However, it is provided, that in case a measure is urgently required, the hearing may be held subsequently.

(Revocation of License for Establishment, etc.)

Article 25. In case a dog improvement association or the dog improvement club comes under any of the following items, the Minister of Agriculture and Forestry may revoke the license for establishment of the juridical person concerned which has been authorized under the provision of Article 34 of the Civil Code.

- (1) Where a dog improvement association or the dog improvement club has ceased to fulfil any of the conditions as enumerated in the items, Paragraph 2, Article 19, or the failure to fulfil such conditions at the time its establishment was licensed has been disclosed;
- (2) Where a dog improvement association or the dog improvement club has violated the provisions of this law, or orders issued under this law or measures taken on the basis thereof.

2. The Minister of Agriculture and Forestry, when he intends to revoke the license for establishment in accordance with the provision of the preceding Paragraph, must give a public hearing to the dog improvement association concerned or the dog improvement club, informing it of the date and place of such hearing in advance.

3. In case a dog improvement association or the dog improvement club comes under item 2 of Paragraph 1, the Minister of Agriculture and Forestry may order the dog improvement association concerned or the dog improvement club to dismiss such officials as have committed the unlawful acts.

(Notification, Report or Inspection)

Article 26. The Minister of Agriculture and Forestry may order a prefecture or city to file a notification or report concerning the opening and closing of a race, the accounts thereof and such other matters as are deemed necessary, or may inspect the books and documents concerned with such race.

2. The Minister of Agriculture and Forestry may order the dog improvement club to file a notification or report concerning the opening and closing of a race, the accounts thereof and such other matters as are deemed necessary, or may direct an officer-in-charge to enter a racing course and other establishments to inspect books, documents and others therein or ask questions of persons concerned.

3. In the case of the preceding Paragraph, the Minister of Agriculture and Forestry shall direct the officer-in-charge to carry an identification card showing his official status and to produce it whenever requested by persons concerned.

Article 27. The Minister of Agriculture and Forestry shall annually audit the accounts of a dog improvement association and the dog improvement club.

2. A dog improvement association and the dog improvement club shall not refuse the auditing mentioned in the preceding Paragraph.

(Registration Fee)

Article 28. The dog improvement club may collect a registration fee determined by Ministerial Ordinance from the applicant for the registration of a racing course, a dog entering the race or a trainer.

(Exemption from Taxation)

Article 29. The corporation tax shall not be imposed on the income of the dog improvement club.

2. The local tax shall not be imposed on the racing courses of the dog improvement club, the establishments within such courses and the facilities for giving the training and courses mentioned in Article 19, Paragraph 5; the construction and maintenance of racing courses by the dog improvement club; the registration, and participation in races, of dogs and trainers; the sale and purchase of betting tickets; the giving and receiving of dividends and racing prizes; the performing and holding of races; and advertisements for the holding of races.

(Affairs Entrusted)

Article 30. Matters concerning the species of dogs entering races; the number of times and the number of days to hold races; descriptions and varieties, methods and performance of races; standards of registration of dogs entering races and trainers, and other registration affairs; training courses to be given by the dog improvement club to those who desire to be trainers; and other particulars necessary

for the enforcement of this law shall be prescribed by Ministerial Ordinance unless provided for in this law.

(Penal Provisions)

Article 31. Any person who comes under any of the following items shall be subject to penal servitude not exceeding one year or a fine not exceeding ¥50,000 or both of them.

- (1) Person who violates the provision of Article 2, Paragraph 4.
- (2) Person who bets property against a large number of people on a race held under this law.
- (3) Person who is prohibited to purchase or receive by way of transference a betting ticket under Article 9, and who responds to the act prescribed in the preceding item.

Article 32. Any person who comes under any of the following items shall be subject to a fine not exceeding ¥50,000.

- (1) Person who sells a betting ticket to another person who he knows is prohibited to purchase such ticket under Article 9.
- (2) Person who violates the provisions of Article 9.
- (3) Person who responds to the act prescribed in item 1 of the preceding Article.
- (4) Person who responds to the act prescribed in item 2 of the preceding Article, and who is not the person prescribed in item 3 of the said Article.

Article 33. In case an officer of a dog improvement association or the dog improvement club, a person engaged in the business of a race, or a trainer concerned with a race, receives or demands or promises, to receive a bribe in connection with his duty or the race with which he is concerned, he shall be subject to penal servitude not exceeding three years.

2. In case the person prescribed in the preceding Paragraph receives or demands or promises to receive a bribe in connection with his duty or the race with which he is concerned, and, as a corolary, commits an illegal act or does not perform such act as he must do, he shall be subject to penal servitude not exceeding five years.

3. In the cases mentioned in the two preceding items, the bribe received shall be confiscated. When the whole or a part of the bribe cannot be confiscated, the value thereof shall be collected supplimentarily.

Article 34. Any person who gives or offers or promises to give the bribe prescribed in Paragraph 1 or 2 of the preceding Article shall be subject to penal servitude not exceeding three years.

Article 35. Any person who violates the provision of Article 15, Paragraph 2, or Article 19, Paragraph 6, shall be subject to a non-penal fine not exceeding ₦10,000.

Article 36. Any person who refuses the entry prescribed in Article 23, Paragraph 1, or Article 26, Paragraph 2, who refuses or obstructs or evades the inspection prescribed in Article 26, Paragraph 2, or makes a false statement, or who violates the provision of Article 27, Paragraph 2, shall be subject to penal servitude not exceeding six months or a fine not exceeding ¥30,000.

Supplementary Provisions

1. This law shall come into force as from the day of promulgation.

2. The dogs imported from foreign countries (excepting those which are in Japan on the date of enforcement of this law) cannot take part in a race during such period as may be determined by Ministerial Ordinance.

3. The Ministry of Agriculture and Forestry Establishment Law (Law No. 153, 1949) shall be partially amended as follows:

The following item shall be added to Article 11, Paragraph 1:

(13) Matters pertaining to the performance of a dog race.

October

1951

To: General Headquarters of the Allied Forces

From: Tokyo-to Governor, Chairman of All Japan
Gubernatorial Council

Subject: Petition concerning dog race

With reference to the subject matter, the statement of demand, the opinion of our council (as per enclosure) has been presented to all organs concerned throughout Japan.

I hereby sincerely solicit on behalf of our council that our above demand will be taken into your favourable consideration and that your esteemed directive be given in line with it when the application on the subject is submitted by the organs above-mentioned.

Seiichiro Yasui

SEIICHIRO YASUI

Tokyo-to Governor
Chairman

All Japan Gubernatorial Council

Statement of Demand concerning Dog -race

The bill of dog race that was laid before the 11th session of the Diet but did not get through the debating stage, is told to be introduced again to the coming session of the Diet.

If the bill of such nature is not intended to be enacted there is nothing to say but if otherwise, the two policies, ie;

1. to project it as the public undertaking and to contribute to the local finance suffering severe indigence, and
2. to maintain the fair management and operation and to project to set up the genuine institution for public recreation

should strongly be upheld and the establishment of the hot bed for activities of so-called boss in the line should be repulsed positively.

The All Japan gubernatorial council hereby heartily long the legislation of the bill in line with the enclosed "gist of bill concerning dog race" so as that there will be no unnecessary vacillation for carrying out the undertaking on the part of the operators as well as demand that the pertinent steps will be taken thereby.

October 4th 1951.

SEIICHIRO YASUI
Tokyo-to Governor
Chairman

All Japan Gubernatorial Council

Distribution: House of Councillors
House of Representatives
President of House of Councillors
Speaker of House of Representatives
Chairman of Standing Committee
Governor of Local Autonomous Government
Chairman of Local Finance Committee
Others

Gist of Bill concerning Dog-race

1. Name: Bill of Dog-race law
2. Purport: To contribute to local finance
3. Operator: To, Do, Fu and Prefecture and Special city
4. Assignment of management and operation of the undertaking:
 - a. In case of assignment, the referring governor and mayor will determine it.
 - b. The character of assigned body will be judicial person for public benefit under supervision of the governor
 - c. The assigned body will only be in charge of management and operation of the undertaking.
5. Number of dog-race course
 - a. 3 or less courses for Tokyo-to
 - b. 1 course for Do, Fu or prefecture
 - c. For Do, Fu and prefecture having special city
1 course for each Do, Fu or prefecture
1 course for special city
 - d. Special cities will as follows:
Yokohama city
Nagoya city
Kyoto city
Osaka city
Kobe city
Fukuoka city
6. Opening days of dog-race
 - a. 12 openings or less a year per dog-race course
 - b. To obtain the permission of the Prime minister for opening under special circumstances
7. Supervising government: Prime minister and governors of local autonomous governments

8. Operator and dog-race course:

The operator may use other dog race course than that under his charge by mutual consultation and agreement with the operator concerned. On this occasion the limited number of opening of dograce course will be increased by number thus used.

9. Pari mutuel ticket:

- a. Win
- b. Place
- c. Double chance
- d. Three chance

10. Operator's proceeds:

- a. 25 % of total sale amount of tickets
- b. When assigned the operation of dog race, to pay the amount not exceeding 5 % of the total sale amount of ticket out of the said amount of 25 % as the necessary expenses.

11. Contribution:

The contribution to the national treasury will not be considered.

12. Registration:

The owner of race dog shall register at the registry of the To, Do, Fu or prefecture government concerned.

13. Training of race dogL

- a. Training will be assumed by the trainer
- b. Trainer shall receive license issued by the To, Do, Fu and prefecture government concerned.

14. Punitive rules:

To adopt the strict punitive policy

15. Way of race and installation:

To provide the most modern installation.
Adopt the leading method

Course will be round and letter S form courses

16. Species of participating dogs

To participate dogs of both indigenous and foreign species.

All Japan Dog Race Union
c/o Osaka Kanko Kogyo K.K.
Room 615, Asahi Bldg.,
#3, 3-chome, Nakanoshima,
Kita-ku, Osaka

November 1951

Government Section
GHQ Far East Command
c/o Daiichi Seimei Bldg.,
Yuraku-cho, Chiyoda-ku,
Tokyo, Japan

Dear Sirs:

We hereby submit our second petition, to emphasize the importance of the matter, in regard to the Dog Race Bill.

We understand that representative members of the National Diet were advised at the meeting held on 8th March 1951 at the Fair Trade Practices Division, E.S.S., with the officers from Legal Section and Government Section attending, that the Dog Race Bill proposed by the Agriculture & Forestry Committee was considered unfavorable and should not be sent to the Diet for deliberation. Nevertheless, as you probably know well, bosses of supporting organizations of the said bill succeeded in placing it on the order of the House of the Representatives, though it was surpressed somehow by the House of Councillors.

They are again at present endeavouring to revive the bill and bring it back to the Diet with some minor changes, by means of giving pressures on the members of the Houses.

Staffs of promoting organizations of the said bill are already under perfect control of powerful local bosses, and would the bill be carried by majority of the Houses, it should certainly bring a dreadful result. Moreover, the excution of dog races based on the subject bill would let bosses enrich themselves more and more, and also allow them to have abundant chances of poking their noses into Local Administration. This could be a fuse that leads the local autonomy, which is on the way to perfect democracy with the great help of the Occupation authorities, to the most regretable destruction.

We persistently oppose to the Dog Race Bill of the Agriculture & Forestry Committee. We support the Bill proposed by the Local Administration Committee, which conforms perfectly with the demands of Nation-Wide Prefectural Governors Committee, erecting high the banner "Contribution to the Local Finance" as our principal purpose.

We will do our utmost in bringing up the dog race to be a pure and healthy sport for all the people of this country, and will fight the obstruction of bosses to the end.

We hereby declare our decision, and wish again for your thorough investigation of the matter. We remain

Yours faithfully,

Teiichi Sugimoto

T. SUGIMOTO
President
(Honorable Chairman,
Kansai Rugby Association)
(Director, All Japan
Rugby Association)

Shoichi Matsuura

S. MATSUURA
Vice-President
(Ex-Manager, Asahi Bldg.)

Kosaku Abe

K. ABE
Managing Director
(Lawyer)

All Japan Dog Race Union
c/o Osaka Kanko Kogyo K.K.
Room 615, Asahi Bldg.,
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Legal Section
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Tokyo

All Japan Dog Race Union
c/o Osaka Kanko Kogyo K.K.
Room 615, Asahi Bldg.,
#3, 3-chome, Nakanoshima,
Kita-ku, Osaka

October 1951

Dear Sirs:

PETITION Re: Dog Race Bill proposed by the
Local Administration Committee, &
its quick approval by the National Diet.

The All Japan Dog Race Union is an organization which has recently been formed in the purpose of obtaining quick approval of the National Diet for the dog race bill submitted by the Local Administration Committee, which has been under deliberation ever since the Second Session, and also of aiming faultless enforcement of the bill after approval.

It is our belief that to purify and foster rationally the speculation spirits of the people would contribute greatly to the improvement of national spirits of the Cultural Japan. From this view point, we strongly oppose to the dog race bill proposed by the Agriculture & Forestry Committee. It is apparent that this proposal would neither bring any advantage to the local finance nor do any good to the citizens, but rather would double the harmful effects of the enterprises of this kind. Although the said bill was disapproved by the last session, it seems that there are some movements lately of bringing it to life again with some minor external changes. We would like to point out why and how we believe the said bill to be a source of harmful effects; and we heartily hope that this could be an aid to quicken the dog race bill proposed by the Local Administration Committee in passing the House through:

a. The reason why we fear that the said dog race bill proposed by the Agriculture & Forestry Committee might allow some vendor-bosses to act as arbitrarily as they please is the existence of Dog Reformation Association and Reformation Club suggested in it. It will clearly be disclosed upon a complete and thorough investigation of the bill that these Dog Reformation Association and Reformation Club have elements enough to make us apprehend of their being potential foundation of abuses, probably far worse than that of the Bicycle Promotion Association based on the Bicycle Race Law. We wish to quote a clause reproaching bicycle races for your information, which was written by Mr. Anjo Sakaguchi, a noted novelist, on the Asahi Press of September 21st 1951:

"They say bicycle races are harmful. But neither the racers nor the audience are to be blamed. The existence of Bicycle Promotion Association and League, which are nothing but groups of mysterious bosses, is the real cause of the abuses."

It will plainly be understood by everyone of every standing that the bill proposed by the Agriculture & Forestry Committee is contained with elements which allow us to suspect that the existence and nature of Dog Reformation Association would be exactly same as that of the above mentioned Bicycle Promotion Association, or probably much more worse than that. Moreover, the races, according to the Act Five of the bill, should be performed at dog race fields registered by Dog Reformation Club (different from the Dog Reformation Association), and this would inevitably place dogs and race-fields under perfect control of bosses.

b. The dog race bill, proposed by the Agriculture & Forestry Committee, is not a proposal which aims the contribution to the local finance as its principal purpose. There are subtractions with limited usages such as for National Treasury, Promotion Association, etc., and actual contribution to the Local finance would be very scarce - in some localities this would even bring losses.

On this particular point, we would like to direct your attention to the fact that our proposal, the Dog Race Bill submitted by the Local Administration Committee, is exactly contrary to the said bill. You will find our bill self-explanatory.

c. The fact that the subject bill, proposed by the Agriculture & Forestry Committee, limits the right of carrying races on to prefectures, neglecting completely the municipal, the body of local autonomy, is, we are sure, because the bill aims to profit only some organizations which would support it.

d. The method of race the subject bill suggests is a very primitive one (to have owners call the dogs to run to the goal), which became a laugh-stock of not only intelligentsia but of all the onlookers when experimental races were staged at various part of the country. We can hardly call this kind of race a dog race; it is nothing but a part of mental tests for dogs.

The race we are planning, based on the Dog Race Bill of the Local Administration Committee, is, needless to say, a real and speedy one using rabbit-car as inducing device. We are confident of your good judgment on the difference between these two.

e. The subject bill declares that dogs of foreign origin should not be used at the races, and that the dogs presently owned only should be used. This, we assume, is because of their intention of profiting only the dog-owners, or dog-mongers as they call them, and their supporting organizations.

It comes out so clearly how frustrated the Bill produced by the Agriculture & Forestry Committee is, and how much potentiality of causing abuses it has, by giving just a few outlines, namely the ones we just mentioned above. We firmly believe that there is no need of our talking ourselves hoarse to explain the differences between the two; the bill proposed by us, Local Administration Committee, and the other one by the Agriculture & Forestry Committee.

We hereby request your thorough investigation of this matter, and wish your kind help in obtaining approval of the National Diet for the bill, Dog Race Bill submitted by the Local Administration Committee, at the earliest date.

We would like to add, to avoid misunderstanding, that this organization, Dog Race Union, is not an excuting organ but an organ for instruction and guidance of dog races, and that our paramount desire is to foster healthy dog races in this country. We remain

Yours Faithfully,

Teiichi Sugimoto
President

Shoichi Matsumura
Vice-President

Lavayer

Kosaku Abe

Managing Director



速達

Legal Section, G H Q, SCAP.

法律局御中

茨城県内

東京都市代田区日夕谷



大阪市北区中之島三丁目三番地
朝日ビルディング内
大阪観光興業株式会社内

全日本ドッグレースユニオン

Legal Section
G.H.Q., Far East Command
Tokyo

All Japan Dog Race Union
c/o Osaka Kanko Kogyo K.K.
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Seiichi Sugimoto
President

Shoichi Matsumura
Vice-President

Lawyer

Kosaku Abe

Managing Director

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:

Maj Norris

2626076 26 November 1951

From: Govt Sec

To:

Date:

1. Immediate ^{House of Representatives} introduction of the attached draft bill in the Diet is proposed by

2. Your prompt comment is requested.

1 Incl

Bill concerning Adjustment
and Exploitation of Major Rivers

F. R.

W.A. Atter, 26-5155
WFM/HR/JCG/WKE/sh

From: ESS

To: Govt Sec

Date: 30 NOV 1951

2.

1. It is recommended that clearance for introduction in the Diet be withheld in the case of the attached draft Bill concerning Adjustment and Exploitation of Major Rivers, presented by members of the House of representatives, for the following reasons:

a. The law empowers a Council, which it sets up for the purpose of drafting plans for the exploitation of major river basins, to commit the Budget to claims for expenditures prior to its formulation, thereby giving an appointive agency the right to make and enforce its policy on the Cabinet and the Diet. This power is conferred in Article 10, which states, "The Cabinet, when in receipt of a report or a recommendation as provided for in Article 6, paragraph 1, from the Council, must pay due respect for such report or recommendation, formulate an exploitation plan, and endeavor to implement the plan by making a special appropriation in the budget as may be required therefor".

b. The law encompasses a vaguely defined and practically unlimited public works program, the cost of which could be largely formulated on the basis of political considerations and might greatly interfere with the carrying out of any stabilization program. In Article 2 "major rivers" covered by the subject law are defined as those referred to in Article 1 of the River Law, which states, "The river in this law shall mean a river which a competent minister has designated as closely connected with public interest". This presumably could apply to any of the 91 rivers at present included in public works programs. The programs encompassed in the subject law is further

Draft Legislation

30 NOV 1951

ESS

Govt Sec

2
Cont'd

amplified in Article 4, by including a varied list of projects such as riparian facilities, sand embankments, reclamation of water areas, canals, protection of seashore, afforestation, irrigation, drainage, land reclamation, water service, sewers, hydroelectric generation, meteorological facilities, flood warning facilities, and "other facilities and works related to matters mentioned in the preceding items."

c. The law permits financial manipulation in the programs involved in contravention of the budgetary policies approved by the Diet and in contravention of other laws, Article 12 states that the State may make free loan or demise ordinary properties to local public entities or special corporations which bear expenses required for carrying out such programs, without regard to the proper safe guards and restrictions on disposition of state property set up in Articles 22 and 28 of the State Property Law; while Article 13 permits the State to reduce the local burden in program expenditures by Cabinet Order and to "grant subsidies to local public entity....., not with standing any provisions of other laws and/or orders to the contrary".

d. The law will come into force as of the date of promulgation, but there are no funds appropriated in the FY51-52 Budget to cover expenditures required for setting up the Council established under the bill.

2. Other undesirable features of the proposed bill are:

a. that it provides for no means of dismissing Council members after they have been appointed, although their appointment would place them in a position of power where their activities would be subject to few safe guards on restrictions.

b. that it places a substantial part of the public works program under the arbitrary authority of an independent Council, without due regard for the various Ministries involved or for the local public entities in whose territories the works would be carried out.

c. that it practically duplicates the activities of similar councils such as those set up under the Multiple Purpose Land Development Law and the Hokkaido Development Law, thereby increasing expense, creating confusion, and contributing to inefficiency in government.

1 Incl
n/s

----- W. F. M. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:		Maj Norris
		26-6076
From: Govt Sec	To: NRS	Date: 19 November 1951
1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.		
2. Your prompt comment is requested.		
1 Incl Bill concerning Adjustment and Exploitation of Major Rivers		
F. R.		

Exploitation of
rivers

NR

2 From: NR To: Govt Sect

J.F. Harrington 26-6291

HBD/JFH/tk

Date: 28 NOV 1951

1. NR agrees that the major rivers of Japan should be exploited to obtain maximum utilization.

1 Incl n/c

----- H.B.D. -----

Explanation of Reverses ^{HR}

GOVERNMENT SECTION
BUCK SLIP

11/19 1951

FROM: *D&P*
TO: _____ INITIAL _____ DATE _____

- _____ CHIEF.....
- _____ EX O.....
- Special Assistant Nat'l Affairs.....
- _____ Special Assistant, Local Affairs.....
- _____ Adm Div.....
- _____ Par & Pol Div.....
- _____ Public Adm Div.....
- _____ Chief Clerk.....
- _____ File.....
- _____
- _____
- _____

FOR:

- _____ INFORMATION
- _____ NECESSARY ACTION
- _____ ACTION (Prepare Reply)
- _____ APPROVAL
- _____ INITIAL
- COMMENT OR CONCUR *No objection up to JG. Wampf.*
- _____ RETAIN
- _____ RETURN
- _____ FILE
- _____ BURN

ESS, NRS

House of Representatives

November 17, 1951.

Bill concerning Adjustment and Exploitation
of Major Rivers

(Presented by FUJIEDA Sensuke and 3 others)

(Object)

Article 1. The object of this law is to provide for a comprehensive and fundamental planning for land conservancy, flood control, and water utilization to be made for each riparian system in regard to major rivers, and to integrate and expedite the works on the basis of such planning for the protection of the river-basin as a whole from, or the elimination of, calamities and for the land exploitation in the river-basin, thus contributing to the prevention or reduction of damages and to the promotion of industries.

(Definition)

Article 2. The wording "major rivers" as used in this law shall be construed to mean such of the rivers defined in Article 1 of the River Law (Law No. 71 of 1896) as may be in need of adjustment and/or exploitation and be designated by Cabinet Order.

2. The wording "major river basin" as used in this law shall be construed to mean such area embracing the riparian system of a major river as may be designated by Cabinet Order.

CS: NRS
ESS
GS/WM

Recd GS
11/19/51

(Plan for Adjustment and Exploitation of Major River)

Article 3. The State, for the purpose of attaining the object as mentioned in Article 1, shall formulate a plan for adjustment and exploitation (hereinafter referred to as "exploitation plan") for each major river basin.

2. An exploitation plan shall consist of a basic plan for adjustment and exploitation (hereinafter referred to as "basic exploitation plan"), and an annual plan for adjustment and exploitation (hereinafter referred to as "annual exploitation plan"), in reference to a major river basin.

(Basic Exploitation Plan and Annual Exploitation Plan)

Article 4. A basic exploitation plan shall form the basis of the program for facilities to be installed and the works to be done in a major river basin, and shall pertain to matters as mentioned in the following items:

- (1) Riparian facilities and works;
- (2) Facilities and works for construction of sand embankment;
- (3) Facilities and works for reclamation of publicly-owned water area;
- (4) Facilities and works concerning canals;
- (5) Facilities and works for protection of seashore;
- (6) Facilities and works for afforestation, forest management and land conservancy;

- (7) Facilities and works for irrigation, drainage, and reclamation of marshes;
- (8) Facilities and works concerning water service, sewer system, and supply of boiler water;
- (9) Facilities and works concerning hydroelectric generation;
- (10) Meteorological facilities;
- (11) Facilities for giving warnings against flood dangers;
- (12) Other facilities and works related to matters mentioned in the preceding items.

2. An annual exploitation plan shall be ^aprogram for each fiscal year for conducting works (including works to repair a damage) on the basis of a basic exploitation plan.

(Establishment of Council for Adjustment and Exploitation of Major Rivers)

Article 5. For the purpose of attaining the object as mentioned in Article 1, there shall be established a Council for Adjustment and Exploitation of Major Rivers (hereinafter referred to as "the Council") in the Prime Minister's Office.

(Affairs in the Charge of the Council)

Article 6. The Council shall investigate and examine matters pertaining to the formulation of an exploitation plan and

also matters required for expending the works conducted on the basis of such plan, and shall report the results or make recommendations thereon to the Prime Minister.

2. The Prime Minister, when deciding upon the draft of a Cabinet Order as provided for in Article 2, paragraph 1, must obtain the views of the Council in advance.

(Organization of the Council)

Article 7. The Council shall be organized with not more than thirty (30) members to be appointed by the Prime Minister from among the persons mentioned in the following items:

- | | |
|---|-----------------|
| (1) Members of the House of Representatives nominated by the House of Representatives | 9 |
| (2) Members of the House of Councillors nominated by the House of Councillors | 6 |
| (3) Officials of the Government Agencies concerned | 7 |
| (4) Persons of learning or experience | not more than 8 |

2. Except for such members of the Council as are appointed from among the officials of the Government Agencies concerned, the term of office of a member shall be two (2) years. However, in the case of a member filling a vacancy, his term of office shall be the remainder of his predecessor's term of office. A member of the Council may be re-appointed.

3. The Council shall have a Chairman. The Chairman shall be appointed by the Prime Minister from among the members of the Council. The Chairman shall preside over the affairs of the Council and shall be the representative thereof. In case the Chairman is prevented from functioning, a member previously nominated by the Chairman shall carry out the Chairman's duties by proxy.
4. The Council may form a temporary sub-committee. The members of a temporary sub-committee shall be appointed by the Prime Minister from among the chiefs of the local public entities concerned or persons recommended by them.
5. A member of the Council or a member of a temporary sub-committee shall be on a part-time service.
6. Except for such matters as are prescribed in the preceding items, matters relevant to the agencies to be charged with secretarial affairs of the Council and the proceedings of the Council meetings, as well as the jurisdiction of a temporary sub-committee and the like, shall be prescribed by Cabinet Order.

(Presentation of Data, etc.)

Article 8. On demand of the Council, an official of the Government Agencies and the local public entities concerned must present the required data, state his views, or give the required explanations.

(Coordination with Multiple Purpose Land Development Plan and Hokkaido Development Program)

Article 9. The coordination of an exploitation plan with the Multiple Purpose Land Development Plan as provided for in the Multiple Purpose Land Development Law (Law No.205 of 1950) and the Hokkaido Development Program as provided for in the Hokkaido Development Law (Law No.126 of 1950) shall be made by the Prime Minister in the light of the views of the Council on the one hand and the Multiple Purpose Land Development Council or the Hokkaido Development Agency on the other.

(Budgetary Appropriation for and Implementation of Exploitation Plan)

Article 10. The Cabinet, when in receipt of a report or a recommendation as provided for in Article 6, paragraph 1, from the Council, must pay due respect for such report or recommendation, formulate an exploitation plan, and endeavor to implement the plan by making a special appropriation in the budget as may be required therefor.

(Reporting to the Diet)

Article 11. The Cabinet must make a report every year to the Diet on the progress of the enforcement of an exploitation plan.

(Free Loaning of State-owned Property, etc.)

Article 12. The State, when it deems it necessary for the use of the works conducted on the basis of an exploitation plan, may make free loan of, or demise, ordinary properties, notwithstanding the provisions of Article 22 or Article 28 of the State Property Law (Law No.73 of 1948), to a local public entity which bears the expenses required for the enforcement of the works conducted on the basis of the exploitation plan or to a special corporation as defined in Article 14 of the said law.

(Exception to General Provisions concerning Expenses)

Article 13. The State, when it deems it necessary for the enforcement of works conducted on the basis of an exploitation plan, may reduce the proportion of the expenses to be borne by a local public entity according to a standard as may be determined by Cabinet Order, or may grant a subsidy to a local public entity in accordance with the provision of Article 16 of the Local Finance Law (Law No.109 of 1948), notwithstanding any provisions of other laws and/or orders to the contrary.

(Corporation of Special Nature)

Article 14. A juridical person to be established in accordance with the provisions of a separate law may enforce a part of the works conducted on the basis of an exploitation plan, or may give aid in the form of investment or otherwise to such persons as enforce a part of the works conducted on the basis of an exploitation plan.

Supplementary Provisions

1. The present law shall come into force as from the day of its promulgation.

2. The Prime Minister's Office Establishment Law (Law No.127 of 1949) shall be partially amended as follows:

In the list given in Article 15, paragraph 1, an entry pertaining to the Council for Adjustment and Exploitation of Major Rivers, as shown below, shall be made next to the section of the Multiple Purpose Land Development Council.

Council for Adjustment and Exploitation of Major Rivers	Conducts the affairs belonging to its jurisdiction under the provisions of the Law concerning Adjustment and Ex- ploitation of Major Rivers (Law No. of 1951)
---	---

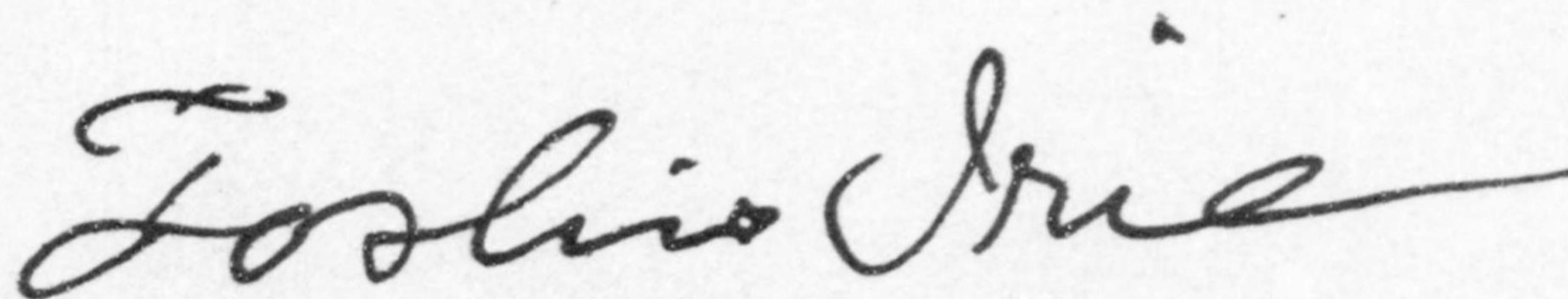
November 17, 1951.

Title of the Bill: Bill concerning Adjustment and Exploitation of Major Rivers.
(Presented by FUJIEDA Sensuke
and 3 others)

I hereby certify that none of the provisions of the above-mentioned Bill is in violation of any Directive issued by the Supreme Commander for the Allied Powers and the Constitution of Japan, nor, except where so specified, conflicts with any other law.

Budgetary Measure:

In the budget for the current fiscal year, there is no specific appropriation for the operation of the Council as stated in the Bill.



Chief, Legislative Bureau,
House of Representatives.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:

From: Govt Sec

To: Transportation Section

Maj Norris

26-6076

Date: 28 November 1951

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Councillors.

2. Your prompt comment is requested.

1 Incl

Proposed Amend to Bill for
Conservation of Aquatic Resources

F. R.

Accepted Reserve

From: Trans 0

To: Govt Sec

Mr Breitenbach 26-3549
Date:

The Transportation Officer interposes no objection to this amendment.

1 Incl
n/c

----- H. T. M. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:

CM
Maj Norris

26-6076

From: Govt Sec

To: NRS

Date: 28 November 1951

1

1. Immediate introduction of the attached draft ~~bill~~^{amendment} in the Diet is proposed by House of Councillors.

2. Your prompt comment is requested.

1 Incl

Proposed Amend to Bill for
Conservation of Aquatic Resources

F. R.

2

From: NRS

To: Govt Sec

W. C. Neville 26-6218
HBD/WCN/te
Date:

1. NR recommends favorable clearance of subject Legislation.

1 Incl w/d

H. B. D.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subjects: Draft Legislation

No.:

Maj Norris

1.

From: Govt Sec

To: ESS

Date: 28 November 1951

26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Councillors.

2. Your prompt comment is requested.

1 Incl

Proposed Amend to Bill for
Conservation of Aquatic Resources

F. R.

2.

010(28 Nov 51)ESS/FIN

From: ESS

To: Govt Sec

Date: 23 DEC

W.K. Etter, 26-6155

WFM/EMR/JCG/WKE/zl

There is no objection to the introduction in the Diet of the attached draft bill for Amendment to Bill for Conservation of Aquatic Resources.

1 Incl

n/c

W. F. W.

*agustin
recones
HR*

GOVERNMENT SECTION
BUCK SLIP

11/29 1951

FROM: *D+P*

TO: _____ INITIAL _____ DATE _____

- _____ CHIEF.....
- _____ EX O.....
- _____ Special Assistant Nat'l
Affairs.....
- Special Assistant,
Local Affairs.....
- _____ Adm Div.....
- _____ Par & Pol Div.....
- _____ Public Adm Div.....
- _____ Chief Clerk.....
- _____ File.....
- _____
- _____
- _____

FOR:

- _____ INFORMATION
- _____ NECESSARY ACTION
- _____ ACTION (Prepare Reply)
- _____ APPROVAL
- _____ INITIAL
- COMMENT OR CONCUR
- _____ RETAIN
- _____ RETURN
- _____ FILE
- _____ BURN

O.K.

ESS, NCS, TRANS

HOUSE OF COUNCILLORS

November 28, 1951.

Proposed Amendment to the Bill for
Conservation of Aquatic Resources

Proposers: Eizo KOBAYASHI (L.)
Shichiro TAKENAKA (PD)
Yoshio KURIYAMA (SD. 2nd Lob.)
Katsumi YAMAGATA (L)

The Bill for Conservation of Aquatic Resources shall be partially amended as follows:

The following two paragraphs shall be added ~~next~~ to Article 4;
~~paragraph 7~~

8. The Minister of Agriculture and Forestry shall beforehand consult with the Minister of Construction in case he wants to determine or authorize the Ministerial Ordinances or Regulations concerning the matters mentioned in paragraph 1, item (4) or item (5) which are related to the river (including stream, water or river whereto the same Law shall be applied mutatis mutandis under Article 5 (Rivers of the same Law, etc. whereto the same Law shall be applied mutatis mutandis). Hereinafter referred to as "rivers, etc.") under Article 1 (River whereto the same Law shall be applicable) of the River Law (Law No. 71, 1896) or to the land (hereinafter referred to as "designated land") designated by the competent Minister under the provision of Article 2 (Designated Land) of the Sand Defence Law (Law No. 29, 1897).

9. The Minister of Agriculture and Forestry shall beforehand consult with the Minister of International Trade and Industry, in case he wants to determine or authorize the Ministerial Ordinances or Regulations concerning the matters mentioned in paragraph 1, item (4).

cs: NRS
ESS
GS/WM
TRANS

Recd CS
11/29/51

The title of Article 18 shall be amended to "(Restrictions on Works, etc.)".

In Article 18 paragraph 1, "within a protected area of waters" shall be amended to "within a protected area of waters (excluding the parts related to the rivers, etc. or to the designated land or the port area (including the area within one hundred metres outside of the same area) provided for in Article 2 paragraph 3 (Definition of Port Area) of the Port Law (Law No.218, 1950) or area of waters (the above areas being hereinafter referred to summarily as "port area" in paragraph 4) provided for in paragraph 1 (port wherein the port area has not been determined) of Article 56 of the same Law,)" and the following three paragraphs shall be added to the same Article:

3. The Minister of Construction or the local administrative agency shall, in case he wants to ^{or to make carried out} carry out any of the works/mentioned in paragraph 1 concerning rivers etc. or designated land or in case he wants to give the permission concerning the same works in accordance with the provisions of Article 17 to Article 19 inclusive ('Permission etc. of Use of River') of the River Law or the permission concerning the same works with respect to the limitation in accordance with the provision of Article 4 (~~Prohibition and Limitation of certain Acts in~~ the Designated Land') of the Sand Defence Law, if the above-mentioned works are to be carried out within a protected area of waters, consult in advance with the Governor of To, Do, Fu or Prefecture or the Minister of Agriculture and Forestry who administers such protected area of waters as provided for in the Cabinet Order.

4. In case the Minister of Transportation or Port Management Body (Port Management Body provided for in Article 2, paragraph 1 (Definition of Port Management Body), Hereinafter the same) wants to conduct ^(of the Port Law)

the work within the area of port area mentioned in paragraph 1, or in case the chief of Port Management Body wants to give the permission under paragraph 1 (Permission of Work within Port Area) of Article 37 of the same Law ^{or} ~~and~~ consent to the consultation under the provision of paragraph 3 (Special Instance concerning the Work of the State etc. within Port Area) of the same ^{Article} ~~Law~~, ^{or} and the Governor of To, Do, Fu or Prefecture wants to give the permission under the provision of paragraph 1, Article 56 of the same Law ^{or} ~~and~~ consent to the consultation under the provision of paragraph 3 (Application Mutatis Mutandis to the Port wherein the Port Area has not been determined) of the same Article or in case the chief of Port Management Body exercises the powers of the Governor of To, Do, Fu or Prefecture under the provision of the Reclamation of Public-Owned Water Law (Law No.57, 1921) in accordance with the provision of paragraph 2 (Relation with the Reclamation of Public-Owned Water Law), Article 58 of the same Law, if the work concerned is to be conducted within the area of protected waters, the Minister of Transportation, the chief of Port Management Body or the Governor of To, Do, Fu or Prefecture, as provided for in the Cabinet Order, shall in advance consult with the Governor of To, Do, Fu or Prefecture or the Minister of Agriculture and Forestry who administers the protected area of waters concerned.

5. In case it is especially necessary for the conservation and nurture of aquatic animals and plants in the protected area of waters, the Governor of To, Do, Fu or Prefecture or the Minister of Agriculture and Forestry ~~who administers the protected area of~~ ~~of waters concerned~~ may give, as provided for in the Cabinet Order,

necessary advice to the Minister of Construction or local administrative agency, or the Minister of Transportation or the chief of the Port Management Body or the Governor of To, Do, Fu or Prefecture concerning the work mentioned in paragraph 1 or the structure... instituted by the same work within the area concerned.

In Article 24 paragraph 7, after "the Minister of Agriculture and Forestry" shall be added "or the said applicant under paragraph 4".

The following proviso shall be added to Article 35:

However, this shall not apply in case where it is possible to bring a suit in accordance with the provision of Article 11 paragraph 5 or Article 24 paragraph 5.

HOUSE OF COUNCILLORS
Thurs. Nov. 29th, 1951

Early clearance is requested.

The proposers will appreciate the opportunity to talk over this amendment, the purport of which can be summarized as follows;

This amendment aims at adjustment of the authority of the Minister of Agriculture and Forestry or prefectural governors as to the protection of aquatic resources, the authority of the Minister of Construction or local administrative agencies as to rivers and the authority of the Minister of Transportation or port management bodies as to ports as well as the authority of the Minister of International Trade and Industry; and aims at amendment of some evident legal mistakes.

HOUSE OF COUNCILLORS

Wed. Nov. 28th, 1951

Title

Proposed Amendment to the Bill for Conservation
Aquatic Resources.

I hereby certify that above-mentioned amendment does not violate any directive issued by the Supreme Commander for the Allied Powers, the Constitution and any laws of Japan.

Kenichi Okuno

Kenichi Okuno
Director, Legislative Bureau,
House of Councillors

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:

1

From: Govt Sec

To: ESS

Maj Norris
26-6076
Date: 20 November 1951

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.

2. Your prompt comment is requested.

1 Incl

Bill for Conservation of
Aquatic Resources
(Revised text #2)

F. R.

2

010(20 Nov 51)ESS/FIN

From: ESS

To: Govt Sec

W. F. M. 26-6155
WFM/HR/JCG/WKE/zl
Date: 24 NOV 1951

There is no objection to the immediate introduction in the Diet of the attached draft Bill for Conservation of Aquatic Resources (Revised Text # 2).

2 Incls

Added 1 incl

2. Bill for Conservation
of Aquatic Resources
(Revised Text)

----- W. F. M. -----

Bill for Conservation of Aquatic Resources
(Presented by ISHIHARA Enkichi)

Revisions are made on

Article 24

Article 32

and

Supplementary Provisions.

CS: ESS

Recd 11/28/57

anadromous fish or such facilities as will take the place of the passage in question, to establish or to work out means for establishing such facilities as are necessary for propagation of anadromous fish or other species of fish in the area concerned.

3. Any person who has received an order as prescribed in the preceding paragraph shall work out a plan for the ordered matters and obtain the approval for the same from the Minister of Agriculture and Forestry as provided for by Ministerial Ordinance.

Article 24. The Minister of Agriculture and Forestry may, when he deems that any structure hinders the passage of anadromous fish, order its owner or occupant to conduct works of eliminating obstacles.

2. When the Minister of Agriculture and Forestry orders works of eliminating obstacles provided for in the preceding paragraph to be conducted, the compensation in accordance with the provision of the next paragraph shall be made in its total amount within the limits of the amount appropriated therefor in the Budget which was passed by the Diet.

3. The Minister of Agriculture and Forestry shall, when he has ordered such works of eliminating obstacles in accordance with the provision of Paragraph 1 make a proper compensation to the person who has the right to such structure. However, in case works of eliminating obstacles are ordered

to be conducted in accordance with the provision of paragraph 1 to the violator of the order as provided for in Article 22 paragraph 2, the compensation shall not be made to him.

4. In case the order for works of eliminating obstacles under the provision of paragraph 1 is issued upon the application by any person interested therein, the said applicant shall make compensation provided for in the provision of the preceding paragraph, as may be determined by the Minister of Agriculture and Forestry.

5. Any person who is dissatisfied with the amount of compensation mentioned in the preceding two paragraphs, may request the increase or reduction of such amount by a lawsuit within ninety days as from the date on which he is given notice of the determination of the amount of compensation.

6. In the lawsuit mentioned in the preceding paragraph, the State shall be the defendant. However, in the case of paragraph 4, the applicant or the person who has right to the structure shall be the defendant.

7. If, in case where the order for the work of eliminating obstacles on a structure is issued in accordance with the provision of paragraph 1, there exists preferential rights, pledge or mortgage on such structure, the Minister of Agriculture and Forestry

shall deposit the compensation money mentioned in paragraph 3 or 4, unless the person having such preferential rights, pledgee or mortgagee has given notice that such deposit is dispensable.

8. The person having the preferential rights, pledgee or mortgagee mentioned in the preceding paragraph may exercise his rights on the compensation money deposited in accordance with the provision of the same paragraph.

(Prohibition of Catching Salmon in Inland Waters)

Article 25. In the inland waters as prescribed in Article 127 of the Fisheries Law, salmon among the fishes of anadromous nature is prohibited to be taken. However, this shall not apply to cases where those persons who have right for the fisheries, or are granted licence for fisheries by the Minister of Agriculture and Forestry or by the governor of To, Do, Fu and Prefecture in accordance with the provisions of Article 65 paragraph 1 of the Fisheries Law and of the Ministerial Ordinance or Regulations issued under the provision of Article 4 of this Law take salmon in accordance with such right or licence.

(Waters not Subject to Public Use)

Article 26. The provisions of Article 22 to the preceding Article inclusive and penal provisions relating thereto may be made applicable by Cabinet Order to the waters which are not subject to public use but connected with those subject to public use or with the waters mentioned in Article 3.

when he installs or repairs any facilities as prescribed in Article 23 paragraph 2;

- (2) Expenses needed by a person other than the State for artificial hatching and plantation of salmon and trout among the fishes of anadromous nature.

Chapter V. Miscellaneous Provisions

(Aquatic Resources Conservation and Guidance Government Officials and Public Officials)

Article 32. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu or Prefecture shall appoint within the limits of the Budget aquatic resources conservation and guidance government officials or aquatic resources conservation and guidance public officials from among the personnel of the Agency or Division to carry out guidance in and dissemination of information on matters concerning the conservation and nurture of aquatic resources and conduct the business relative to the enforcement of this law and orders issued thereunder.

(Cooperation concerning Conservation and Nurture of Aquatic Resources)

Article 33. The Governor of To, Do, Fu and Prefecture may request the cooperation of Fishermen's Cooperative Associations and others for the conservation and nurture of aquatic resources when he deems it necessary to do so for conservation and nurture of aquatic resources.

Supplementary Provisions

1. The day of enforcement of the Law shall be determined by Cabinet Order to come into force within a period not exceeding six months from the day of its promulgation. However, the date of enforcement of the provisions of Article 24, Article 32, Article 34 and Article 37-(3), and the part relating to those violations under Article 37-(3) which are provided for in Article 39 and Article 41 shall be after April 1, 1952.

2. Any person who, at the time of enforcement of this Law, is actually engaged in the business as prescribed in Article 27 shall report thereon to the Minister of Agriculture and Forestry, as provided for by Ministerial Ordinance, within sixty days as from the date of enforcement of this Law.

3. The provisions of Article 40 paragraph 2 and Article 41 shall apply mutatis mutandis to the case of the preceding paragraph.

4. The Fisheries Law shall be partially amended as follows:

In Article 58 paragraph 1, "Article 2 paragraph 1 of the Law for Prevention of Exhaustion of Marine Resources (Law No.171, 1950)" shall be amended to read: "Article 9 paragraph 1 of the Law for Conservation of Aquatic Resources (Law No. of)".

In Article 65 paragraph 1, "propagation and protection of aquatic animals and plants" and item (5) to item (7) inclusive shall be deleted; and in paragraph 4 of the same Article, "and fishing gears and the aquatic animals and plants as mentioned in item (7) of the same paragraph" shall be amended to read: "and fishing gears.....".

Article 68 to Article 71 shall be amended as follows:

Article 68 to Article 71 inclusive shall be deleted.

In Article 73, "The provisions of Article 65 (Ordinances concerning Fisheries Adjustment), Article 68 to Article 71 inclusive (Restrictions on Fishing Methods and Protection of Anadromous Fish) and ... therefor" shall be amended to read: "The provisions of Article 65 (Ordinances concerning Fisheries Adjustment) and... therefor".

In Article 113 paragraph 3 item (2), "5 persons" shall be amended to read: "10 persons."

Article 138 item (6) and Article 139 item (3) shall be deleted.

5. The Law for Prevention of Exhaustion of Marine Resources (Law No. 171 of 1950) shall be abolished.

6. With regard to application of any penal provisions to the acts committed prior to the enforcement of this Law, the former instances shall be followed.

November 20, 1951.

Title of the Bill: Bill for Conservation of
Aquatic Resources
(Revised)
(Presented by ISHIHARA Enkichi)

I hereby certify that none of the provisions
of the above-mentioned Bill is in violation of
any Directive issued by the Supreme Commander for
the Allied Powers and the Constitution of Japan,
nor, except where so specified, conflicts with
any other law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:

Q
Maj Norris

26-6076

1

From: Govt Sec

To: NRS

Date: 17 November 1951

1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.

2. Your prompt comment is requested.

1 Incl

Bill for Conservation of
Aquatic Resources (Revised Text)

for F. R. *6293*

2

From: NRS

To: Govt Sec

William C. Neville, 26-6218

Date: 19 November 1951

NR recommends favorable clearance by Headquarters.

1 Incl

n/c

-----H.B.D.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

No.:		Maj Norris
		26-6076
From: Govt Sec	To: ESS	Date: 17 November 1951
1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.		
2. Your prompt comment is requested.		
* 1 Incl Bill for Conservation of Aquatic Resources (Revised text)		
F. R.		

House of Representatives

Revised as underlined (p.26)

November 16, 1951.

Bill for Conservation of Aquatic Resources

(Presented by ISHIHARA Enkichi)

Contents

- Chapter I. General Provisions (Articles 1-3)
- Chapter II. Conservation and Nurture of Aquatic Resources (Articles 4-33)
 - Section 1. Restrictions on Gathering and Taking of Aquatic Animals and Plants, etc. (Articles 4-13)
 - Section 2. Protected Area of Waters (Articles 14-19)
 - Section 3. Conservation and Nurture of Anadromous Fish. (Articles 20-26)
 - Section 4. Securing of Seeds and Seedlings of Aquatic Animals and Plants (Articles 27-28)
- Chapter III. Investigation of Aquatic Resources (Articles 29-30)
- Chapter IV. Subsidy (Article 31)
- Chapter V. Miscellaneous Provisions (Articles 32-35)
- Chapter VI. Penal Provisions (Articles 36-41)
- Supplementary Provisions

Chapter I. General Provisions

(Object of the Law)

Article 1. The object of this law is to conserve and nurture the aquatic resources and, by means of maintaining the results of the conservation and nurture for the future, to contribute to the development of fishing industry.

(Applicability of the Law)

Article 2. Unless otherwise provided for, the provisions of this Law shall not apply to such areas of waters as are not subject to public use.

Article 3. To an area of waters not subject to public use but forming a body with a contiguous area which is subject to public use, the provisions of this Law shall be applicable.

Chapter II. Conservation and Nurture of Aquatic Resources.

Section 1. Restrictions on Gathering and Taking of Aquatic Animals and Plants, etc.

(Ordinance concerning Restrictions on Gathering and Taking of Aquatic Animals and Plants, etc.)

Article 4. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu or Prefecture, in case he deems it necessary for the purpose of conserving and nurturing aquatic resources, may prescribe Ministerial Ordinance or Regulations on such matters as are mentioned in the following items:

- (1) Restrictions on, or prohibition of, the gathering or taking of aquatic animals and plants;
- (2) Restrictions on, or prohibition of, the sale of possession of aquatic animals and plants;
- (3) Restrictions or prohibition in regard to fishing gears or fishing vessels;
- (4) Restrictions on, or prohibition of, the leaving or leaking of matters injurious to aquatic animals and plants, or the pollution of water in any other manner injurious to aquatic animals and plants;
- (5) Restrictions on, or prohibition of, the taking or removing of objects which are necessary for the conserving and nurturing of aquatic animals and plants;
- (6) Restrictions on, or prohibition of, the transplanting of aquatic animals and plants.

2. The Ministerial Ordinance or Regulations to be prescribed under the provisions of the preceding paragraph may have necessary penal provisions.

3. The penalty which may be prescribed in the penal provisions mentioned in the preceding paragraph shall be penal servitude for a period not exceeding two years, a fine not exceeding fifty thousand yen, detention, a minor fine, or a combination thereof, in the case of Ministerial Ordinance; and penal servitude for a period not exceeding six months, a fine not exceeding ten thousand yen, detention, a minor

fine or a combination thereof, in the case of Regulations.

4. The Ministerial Ordinance or Regulations to be prescribed under the provisions of paragraph 1 may provide for the confiscation of the catch, fishing vessels, fishing gears and the aquatic animals and plants mentioned in item (6) of the same paragraph which may be owned by or in the possession of an offender; and also for the collection of the price for the whole or part of the said articles owned by the offender in case the same can not be confiscated.

5. The Minister of Agriculture and Forestry, when he is to prescribe the Ministerial Ordinance mentioned in paragraph 1, must hear the opinion of the Central Fisheries Adjustment Council.

6. The Governor of To, Do, Fu or Prefecture, when he is to prescribe the Regulations mentioned in paragraph 1, must obtain the approval of the Minister of Agriculture and Forestry.

7. The Governor of To, Do, Fu or Prefecture, when he is to prescribe the Regulations mentioned in paragraph 1, must hear the opinion of the United Sea-Area Fisheries Adjustment Commission which covers all of such areas of waters as established along the coasts of To, Do, Fu or R Prefectures concerned, if the Regulations to be prescribed pertain to an area of waters as provided for in Article 84 paragraph 1 (Establishment of Sea-Area Fisheries Adjustment Commission) of the Fisheries Law (Law No.267 of 1949), (or of the Sea-Area Fisheries Adjustment Commission concerned

in case only one-sea-area is established along the coasts of To, Do, Fu or Prefecture concerned); and the opinion of the Inland waters Fishing Ground Administration Commission, if the Regulations to be prescribed pertain to the inland waters as provided for in Article 127 (Grant of Type 5 Common Fishery in Inland Waters) of the same Law.

(Restrictions on Fishing Method)

Article 5. No aquatic animals or plants shall be gathered or taken by using explosives. However, this shall not apply to hunting of sea-mammals.

Article 6. No aquatic animals or plants shall be gathered or taken by using poisonous substance which may tend to stupefy or kill them. However, this shall not apply to the gathering or taking in the inland waters as provided for in Article 127 of the Fisheries Law which is conducted with the approval of the Minister of Agriculture and Forestry for the purpose of investigation and research.

Article 7. No aquatic animals or plants which have been gathered or taken in violation of the provisions of the preceding two Articles shall be sold or kept in possession.

(Waters not Subject to Public Use)

Article 8. By Cabinet Order, the provisions of Article 4 to the preceding Article inclusive and also the penal provisions in pursuance thereof may be made applicable to the waters not subject to public use but connected with those subject to

~~to~~ public use or with a body of waters mentioned in Article 3.

(Prescribed Number of Licensed Fishing Vessels)

Article 9. The Minister of Agriculture and Forestry, when he deems it necessary for conserving aquatic resources, may determine by Ministerial Ordinance the maximum number of fishing vessels (hereinafter referred to simply as "the prescribed number") which may be employed in each type of fishery and in each area, in reference to the designated high sea fisheries mentioned in Article 52 (Designated High Sea Fisheries) of the Fisheries Law, or to those fisheries for which the licence of the Minister of Agriculture and Forestry is needed under the provisions of the Ministerial Ordinances issued in accordance with the provisions of Article 65 paragraph 1 (Ordinances concerning Fisheries Adjustment) of the same Law and Article 4 of this Law.

2. The Minister of Agriculture and Forestry, in determining the prescribed number mentioned in the preceding paragraph, must take a general view of the current conditions of aquatic resources, the number of persons actually operating the relative type of fisheries and other social and natural conditions.

3. The Minister of Agriculture and Forestry, when he is to determine the prescribed number, must hear the opinion of the Central Fisheries Adjustment Council.

(Cancellation of and Alteration in Licences on Account of the prescribed Number Exceeded)

Article 10. If, at the time of determination of the prescribed number as provided for in the preceding Article, the number of fishing vessels which have received the licences for operating fisheries (including authorizations for commencing fishing operations; hereinafter the same) in the relative type of fisheries and in the relative sea area, exceeds the prescribed number, the Minister of Agriculture and Forestry must designate, in reference to the fishing vessels which are in excess, the date of cancelling the licence in regard to the relative fisheries, or the operation area of the fisheries to be altered and the date of such alteration, in accordance with the standards to be established by Ministerial Ordinance in consideration of the matters mentioned in the following items:

- (1) Number of licensed fishing vessels held by each fisheries operator in the relative type of fisheries and in the relative sea area;
- (2) Conditions of operation, such as the number of trips made by the fishing vessels engaged in the relative fisheries, the location of main operating grounds, the number of operating days, the frequency of net-castings, the quantity of fish catch and others;
- (3) Conditions of labor, such as wages and other allowances;
- (4) Degree of economic dependence of each fisheries operator on the relative fisheries.

2. The Minister of Agriculture and Forestry, when he is to determine the standards mentioned in the preceding paragraph, must hear the opinion of the Central Fisheries Adjustment Council.
3. The Minister of Agriculture and Forestry, when he deems it necessary in making the designation as provided for in paragraph 1, may designate, in reference to fishing vessels licensed in the relative type of fisheries and in the relative sea area but not designated under the provisions of the same paragraph, the operation area to be altered for such fishing vessels and the date of such alteration.
4. The designation as prescribed in paragraph 1 or the preceding paragraph shall be made by Notification.
5. When the Notification mentioned in the preceding paragraph has been made, the licence in reference to the relative fisheries shall be regarded as having been cancelled, or the authorized operation area, as having altered, as of the designated date, irrespective of the term of validity thereof.
6. The designation as prescribed in paragraph 1 or 3 must be made within the limits that the total amount of the compensation as prescribed in the following Article, which shall be made for such designation, does not exceed the amount of the budgetary appropriations decided by the Diet.

(Compensation for Loss)

Article 11. The Government shall give compensation for the loss incurred by the cancellation of licences or the alteration of operation areas as prescribed in paragraph 5 of the preceding Article, to the person who has been subjected to such measure.

2. Losses compensable under the provision of the preceding paragraph shall be those incurred under normal conditions by the measures mentioned in the same paragraph.

3. The amount of compensation payable under the provision of the preceding paragraph shall be determined and notified by the Minister of Agriculture and Forestry, after hearing the opinion of the Central Fisheries Adjustment Council.

4. Methods of paying compensation shall be provided for by Cabinet Order.

5. Any person who is dissatisfied with the amount of compensation notified in accordance with the provision of paragraph 3 may request for the increase of such amount by a lawsuit within a period of ninety days as from the date of notification.

6. The defendant in the lawsuit mentioned in the preceding paragraph shall be the State.

(Measure for Persons Engaged in Fisheries)

Article 12. Any person who has been subjected to the cancellation of licence under the provision of Article 10 paragraph 5 must pay out of the compensation allowed him such amount as shall be determined by Ministerial Ordinance to the persons who were the crew of his licenced fishing vessels and to those who were shore operators for such fishing vessels on the date of the notification mentioned in paragraph 4 of the same Article.

(Limit to Fish Catch)

Article 13. With regard to the designated high-sea fisheries mentioned in Article 52 of the Fisheries Law or to those fisheries which are subject to the approval of the Minister of Agriculture and Forestry under the provisions of the Ministerial Ordinances prescribed in Article 65 paragraph 1 of the same Law and Article 4 of this law, the Minister of Agriculture and Forestry may, when he deems it necessary to do so for conservation of aquatic resources, set a maximum limit to yearly fish catch (hereinafter referred to as "limit to fish catch") according to types of fisheries or kinds of catches and divisions of water areas and advise the persons concerned or their organization to take measures not to take fish beyond such limit.

2. The Minister of Agriculture and Forestry, when he is to set a limit to fish catch as mentioned in the preceding Article, must hear the opinion of the Central Fisheries Adjustment Council.

Section 2. Protected Area of Waters.

(Definition of Protected Area of Waters)

Article 14. A "protected area of waters" in this law shall mean an area of waters which is suitable for spawning by aquatic animals, developments of young fish, or growth of seeds or seedlings of aquatic plants or animals and which is designated by the Minister of Agriculture and Forestry as an area in which necessary measures must be taken for the conservation and nature of aquatic animals or plants.

(Designation of Protected Area of Waters)

Article 15. A protected area of waters shall be designated by the Minister of Agriculture and Forestry in response to the application from the Governor of To, Do, Fu or Prefecture, according to the standards established by the Minister and by hearing the opinion of the Central Fisheries Adjustment Council.

2. The Governor of To, Do, Fu or Prefecture shall, when he applies for the designation mentioned in the preceding paragraph, file an application stating the particular area of waters and the reasons for which the designation thereof is required, together with a plan for administration of such area as provided for in Article 17 paragraph 1.

3. The Governor of To, Do, Fu or Prefecture, when he is to apply for the designation mentioned in paragraph 1, must hear the opinion, in regard to such application, and the

administration plan mentioned in the preceding paragraph, of the Sea-Area Fisheries Adjustment Commission formed for the sea area which embraces the area of waters proposed for designation, if such area of waters constitutes a part of the area of waters as provided for in Article 84 paragraph 1 of the Fisheries Law; and such opinion of the Inland waters Fishing Ground Administration Commission, if such area of waters constitutes a part of the inland waters as provided for in Article 127 of the same law.

4. The Minister of Agriculture and Forestry, in case he recognizes a special need, may designate a protected area of waters in the absence of the application from the Governor of To, Do, Fu or Prefecture as provided for in paragraph 1, according to the standards as prescribed in the same paragraph.

5. The Minister of Agriculture and Forestry, when he designates a protected area of waters under the provision of the preceding paragraph, must determine a plan for administration of such area as provided for in Article 17 paragraph 1.

6. The Minister of Agriculture and Forestry, when he is to designate a protected area of waters under the provision of paragraph 4, must hear the opinion of the Governor of To, Do, Fu or Prefecture who has jurisdiction over the waters which embrace such area in regard to such designation and the administration plan mentioned in the preceding paragraph.

7. The provision of paragraph 3 shall apply mutatis mutandis in case where the Governor of To, Do, Fu or Prefecture is to submit his views to the Minister of Agriculture and Forestry under the provision of the preceding paragraph.

8. The designation of a protected area of waters as prescribed in paragraph 1 or 4 shall be made by the notification of such area and the administrator thereof as provided for in Article 16.

(Administrator of Protected Area of Waters)

Article 16. A protected area of waters shall be administered by the Governor of a To, Do, Fu or Prefecture who has jurisdiction over the waters which embraces such area. However, in cases where the waters embracing such area is under the jurisdiction of two or more Governors or where the jurisdiction thereover is ambiguous, the Minister of Agriculture and Forestry may designate a Governor who shall administer such area or he may administer it himself.

(Plan for Administration of Protected Area of Waters)

Article 17. In a plan for administration of a protected area of waters, there shall be prescribed at least the following matters:

- (1) Kinds of aquatic animals or plants which are to be propagated, and the outline of methods and facilities for such propagation;

- (2) Kinds of aquatic animals or plants of which the gathering or taking are to be restricted or prohibited, and details of such restriction or prohibition;
- (3) Fishing gears or fishing vessels of which the use are to be restricted or prohibited, and details of such restriction or prohibition.

2. ~~The~~The Governor of To, Do, Fu or Prefecture may, with the approval of the Minister of Agriculture and Forestry, alter the plan for administration of such protected area of waters as is administered by him. In such case, the provision of Article 15 paragraph 3 shall apply mutatis mutandis.

3. The Minister of Agriculture and Forestry, in case he recognizes a special need, may order the Governor of To, Do, Fu or Prefecture to alter the plan for administration of such protected area of waters as is administered by the Governor. In such case, the provisions of Article 15 paragraphs 6 and 7 shall apply mutatis mutandis.

(Restrictions on Works)

Article 18. When, within a protected area of waters, a person is to carry out reclamation or dredging work or any other kind of work which alters the quantity of the running water or the water-level in a waterway or river, he must obtain the permission of the Governor of To, Do, Fu or Prefecture who administers such area or the Minister of Agriculture and Forestry, in accordance with the provisions of Cabinet Order.

2. In case any works carried out without the permission mentioned in the preceding paragraph is considered to constitute a serious obstacle to the administration of the protected area of waters, the Governor of To, Do, Fu or Prefecture or the Minister of Agriculture and Forestry may order the operator of such works to alter them or to restore such area to the original state.

(Defrayment of Expenses)

Article 19. Expenses required for the administration of a protected area of waters as made by the Governor of To, Do, Fu or Prefecture on an administration plan, shall be defrayed by the State.

Section 3. Conservation and Nurture of
Anadromous Fish.

(Artificial Hatching and Plantation under State Management)

Article 20. In order to effect propagation of salmon and trout among the fishes of anadromous nature, the Minister of Agriculture and Forestry shall enforce the artificial hatching and plantation thereof.

2. The Minister of Agriculture and Forestry shall determine for every fiscal year a plan for enforcement of the artificial hatching and plantation mentioned in the preceding paragraph.

3. In the plan for the artificial hatching and plantation mentioned in the preceding paragraph, at least the following matters shall be specified:

- (1) A river or rivers in which the artificial hatching or plantation is to be enforced in the fiscal year concerned;
- (2) A place or places where the artificial hatching or plantation is to be enforced and the number of fish to be planted in the fiscal year concerned.

4. The Minister of Agriculture and Forestry shall, when he wants to determine the plan for the artificial hatching or plantation mentioned in paragraph 2, hear the opinion of the Central Fisheries Adjustment Council.

5. The Minister of Agriculture and Forestry may delegate a part of the affairs mentioned in paragraph 1 to the Governor of To, Do, Fu or Prefecture.

(Beneficiaries' Share of Expenses)

Article 21. When those operating fisheries, the object of which is to catch salmon or trout among the fishes of anadromous nature, obtain remarkable benefits from the artificial hatching or plantation to be enforced in accordance with the provision of paragraph 1 of the preceding Article, the Minister of Agriculture and Forestry may cause them to share a part of the expenses required for the enforcement thereof.

(Protection of Passage of Anadromous Fish)

Article 22. The owner or occupant of a structure established in the waters where there is a passage of anadromous fish shall take care of such structure in such a way that it will not obstruct the ascending of anadromous fish.

2. The Minister of Agriculture and Forestry or the Governor of To, Do, Fu or Prefecture may, when he deems the owner or occupant of the structure mentioned in the preceding paragraph to be negligent in the care as provided for in the same paragraph, order such person to take due care in accordance with the provision of the same paragraph.

Article 23. The Minister of Agriculture and Forestry may restrict or prohibit the establishment of any structure within a fixed area of waters when he deems that the passage of anadromous fish is likely to be obstructed thereby.

2. The Minister of Agriculture and Forestry, when he intends to carry out the restriction in accordance with the provision of the preceding paragraph, may effect the same also by ordering a person who wants to establish the structure in question to establish the passage of anadromous fish or such facilities as will take the place of the passage in question, or, in case it is deemed considerably difficult to establish the passage of

anadromous fish or such facilities as will take the place of the passage in question, to establish or to work out means for establishing such facilities as are necessary for propagation of anadromous fish or other species of fish in the area concerned.

3. Any person who has received an order as prescribed in the preceding paragraph shall work out a plan for the ordered matters and obtain the approval for the same from the Minister of Agriculture and Forestry as provided for by Ministerial Ordinance.

Article 24. The Minister of Agriculture and Forestry may, when he deems that any structure hinders the passage of anadromous fish, order its owner or occupant to conduct works of eliminating obstacles.

2. The Minister of Agriculture and Forestry shall, when he has ordered such works of eliminating obstacles in accordance with the provision of the preceding paragraph, make a proper compensation to the person who has the right to such structure. However, in case works of eliminating obstacles are ordered to be conducted in accordance with the provision of the preceding paragraph to the violator of the order as provided for in Article 22 paragraph 2, the compensation shall not be made to him.

3. In case the order for works of eliminating obstacles under the provision of paragraph 1 is issued

upon the application by any person interested therein, the said applicant shall make compensation provided for in the provision of the preceding paragraph, as may be determined by the Minister of Agriculture and Forestry.

4. Any person who is dissatisfied with the amount of compensation mentioned in the preceding two paragraphs, may request the increase or reduction of such amount by a lawsuit within ninety days as from the date on which he is given notice of the determination of the amount of compensation.

5. In the lawsuit mentioned in the preceding paragraph, the State shall be the defendant. However, in the case of paragraph 3, the applicant or the person who has right to the structure shall be the defendant.

6. If, in case where the order for the work of eliminating obstacles on a structure is issued in accordance with the provision of paragraph 1, there exists preferential rights, pledge or mortgage on such structure, the Minister of Agriculture and Forestry shall deposit the compensation money mentioned in paragraph 2 or 3, unless the person having such preferential rights, pledgee or mortgagee has given notice that such deposit is dispensable.

7. The person having the preferential rights, pledgee or mortgagee mentioned in the preceding paragraph may exercise his rights on the compensation money deposited in accordance with the provision of the same paragraph.

(Prohibition of Catching Salmon in Inland Waters)

Article 25. In the inland waters as prescribed in Article 127 of the Fisheries Law, salmon among the fishes of anadromous nature is prohibited to be taken. However, this shall not apply to cases where those persons who have right for the fisheries, or are granted licence for fisheries by the Minister of Agriculture and Forestry or by the governor of To, Do, Fu and Prefecture in accordance with the provisions of Article 65 paragraph 1 of the Fisheries Law and of the Ministerial Ordinance or Regulations issued under the provision of Article 4 of this Law take salmon in accordance with such right or licence.

(Waters not Subject to Public Use)

Article 26. The provisions of Article 22 to the preceding Article inclusive and penal provisions relating thereto may be made applicable by Cabinet Order to the waters which are not subject to public use but connected with those subject to public use or with the waters mentioned in Article 3.