

(6) Men of learning and experience. (3 members)

2. The term of office of the members prescribed in items 1, 2, 5 and 6 of the preceding paragraph shall be two (2) years; provided that the term of such member as is appointed to fill up a vacancy shall be the remainder of the term of the predecessor. Any member may be re-appointed.

3. The members shall be on part-time service.

(President and His Authority)

Article 7. The Council shall have a President. The President shall be elected by mutual vote from among the members.

2. The President shall preside over the affairs of the Council.

3. When the President is unable to attend to his duties, a member designated in advance by the President shall act for him in the performance of his duties.

(Secretariat)

Article 8. In order to transact the affairs of the Council, there shall be set up in the council a Secretariat.

2. The Secretariat shall have a chief thereof and other necessary personnel. The size of the personnel shall be determined by law.

3. The chief of the Secretariat shall, by order of the President, take charge of the affairs of the Secretariat.



4. Appointment, promotion and discipline of the personnel of the Secretariat and other matters concerning personnel control shall be governed by the provisions of the National Public Service Law (Law No.120 of 1947).

(Request for Submission of Data, etc.)

Article 9. When the necessity arises in connection with the investigation and deliberation provided for in Article 5, the Council may request any appropriate agency of government, a local public entity or others to submit data or cause them to give a report.

2. The Council may despatch its members and make them investigate into conditions of the execution of works based on the annual plan.



(Submission of Opinion by Local Public Entity Concerned)

Article 10. The local public entity concerned or others may offer their opinions to the Council on the consolidated plan or the annual plan.

(Defrayment out of the National Treasury for works.)

Article 11. The State may bear the two-thirds of the work expenses, regardless of the provisions of other laws and ordinances, with regard to such works based on the annual plan as are executed by a local public entity or others in respect to those parts of the following facilities which affect public interests:

- (1) River.
- (2) Seashore embankment.
- (3) Sand-control works.
- (4) Road (as referred to in Article 1 of the Road Law-Law No.58, 1919).
- (5) Harbor.
- (6) Fishing port (as referred to in Article 2 of the Fishing Port Law-Law No. 137, 1950).
- (7) Water-supply works (as referred to in Article 1 of the Water Supply Regulations-Law No.9, 1890).
- (8) Sewerage (as referred to in Article 1 of the Sewerage Law-Law No. 32, 1900).
- (9) Agricultural facilities (as referred to in Article 2 of the Law for Provisional Measures for Subsidy by Treasury for Disasters Rehabilitation Works for Facilities of Agriculture, Forestry and Fishery -- Law No.169, 1950.)



(10) Forestral facilities (as referred to in Article 2 of the Law for Provisional Measures for Subsidy by Treasury for Disasters Rehabilitation Works for Facilities of Agriculture, Forestry and Fishery).

2. With regard to a work for disasters rehabilitation among the works mentioned in the previous paragraph, the State may bear all the expenses required therefor regardless of the provisions of other laws and ordinances.

3. With regard to a work for agrarian disasters rehabilitation, based on the annual plan, the State may bear the two-thirds of the expenses required therefor, regardless of the provisions of other laws and ordinances.

(Special Aids)

Article 12. In case it is deemed necessary for a work based on the annual plan, the State may loan or transfer without compensation its ordinary properties to the local public entity bearing the expenses for the execution of such work, regardless of the provisions of Articles 20, 22 and 28 of the National Property Law (Law No. 73, 1948).



(Exception to Local Loan)

Article 13. In case a local public entity bears wholly or partly the expenses for a work based on the annual plan, such local public entity may cover its expenses with local loan.

(Adjustment with the National Land Development Plan)

Article 14. The adjustment of the multiple purpose land development plan provided for in Article 2 of the Multiple Purpose Land Development Law (Law No. 205, 1950) with the consolidated plan and annual plan in this law shall be made by the Prime Minister after hearing the opinions of the Multiple Purpose Land Development Council and of the Council.



(Enforcement Provisions)

Article 15. The procedures for the enforcement of this Law and other necessary matters for its execution shall be provided for by Cabinet Order.

Supplementary Provisions

1. This Law shall come into force as from the day where the period of thirty (30) days will have elapsed from the day of its promulgation.

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

In the list attached to Article 15, a paragraph concerning the "Miyazaki Prefectural District Disaster Prevention and Elimination Council" shall be added next to the paragraph of the "Nankai District Earthquake Disasters Rehabilitation Counter-measures Council" as follows:

"Miyazaki Prefectural District Disaster Prevention and Elimination Council".... To carry out the matters under its jurisdiction in accordance with the provisions of the Law concerning Prevention and Elimination of Disasters by Typhoons in the Miyazaki Prefectural District. (Law No. , 19 )

3. The Law for the Fixed Number of Personnel in the Administrative Organizations (Law No.126, 1949) shall partially be amended as follows:



On the item of the Prime Minister's Office in the table attached to Article 2, paragraph <sup>1</sup>2, "Office Proper.....2,289" shall be amended as "Office Proper .... 2,309," "Total ... 63,109" as "Total 63,129", and "Grand Total ..... 875,873 persons" as "Grand Total ..... 875,873 persons."



Cap. Norris

The attached papers were submitted by SETOYAMA-- Liberal- who is the proposer of the Bill to Preclude Miyazaki Prefectural District from Avoidable Disasters Caused by Typhoons as an explanation of the Bill for your reference.



An Explanatory Statement on the Reason for  
Presenting to the Diet the Bill to Preclude  
Miyazaki Prefectural District from Avoidable  
Disasters Caused by Typhoons (proposed by SETOYAMA -  
Liberal - on Feb. 6, 1951)  
H.R.

I beg to explain the reason for introducing this bill to the Diet, first touching on its purport, then on further particulars about the necessity of its legislation, and lastly, on its formation as a bill roughly.

First: The purport of the bill.

The Miyazaki prefectural region is geographically open to frequent typhoon attacks and flood damage which is brought in their wake. Even outside of typhoon disaster, excessive rainfalls work an immense amount of harm to this district every year almost beyond comparison with others. These natural disadvantages not only hamper the local economic capacity but also cripple the growth of production in many spheres. The present bill therefore purports to the setup of the Miyazaki Prefectural District Disaster Preclusion Commission which is to solely engage in framing solid annual programs to remedy the said drawbacks by means of all flood-control measures available for the preclusion of avoidable disasters with the special aid of the State so as to secure the welfare of local inhabitants and promote the economic



development of that district, thus conducing to the nation's economic recovery.

Second: Actualities in local disaster.

Now, I wish to give an account of the actual condition of disasters caused by typhoons and heavy rain-falls to Miyazaki Prefecture.

(1) Frequency of typhoon sweep.

Needless to say, flood damage is not necessarily attributable to typhoons. It is also, or more often, caused by mere downpur. In most cases, however, a really dreadful calamity befalls the district when a rainfall is coupled with a typhoon. To know how often Miyazaki district has been swept by typhoons, let us try to compare, by quoting official figures given by weather experts in Kyushu, the frequency of typhoon sweep across Miyazaki Prefecture with remaining prefectures of Kyushu which stands first in Japan to be susceptible of typhoon attacks. During the 63 years from 1888 to 1950, Kyushu prefectures were attacked by typhoons:

Name of Prefecture	Number of Typhoons
Miyazaki	78
Kagoshima	44
Nagasaki	27
Oita	26
Fukuoka	21
Kumamoto	20
Saga	18



Undoubtedly, this statistical table leaves something to be desired as to its reliability, especially with figures in the Meiji era (up to 1912), but we can readily guess that the actual frequency was more painful. Nevertheless, this much is quite sufficient to show how often Miyazaki Prefecture falls a victim to terrible typhoon ravages.

(2) Annual average precipitation in Kyushu prefectures.

In the case of a typhoon sweep, it goes without saying that rain does not fall only along the route of the typhoon. Then, permit me to make mention of abundant rains that visit Kyushu prefectures.

The official figures obtained by the Fukuoka Weather-Station and its branches indicate that the average annual precipitation in all Kyushu during the twenty years from 1926 to 1945 is 1,910.3 millimeters. And, the figures of the same by prefecture are to be given:

Name of Prefecture	Amount of rain (in millimeter)
Fukuoka	1,097.6
Oita	1,696.0
Nagasaki	1,744.7
Saga	1,888.3
Kumamoto	2,038.4
Kagoshima	2,352.4
Miyazaki	2,554.8



They simply illustrate that Miyazaki Prefecture cuts a conspicuous figure among its fellow prefectures in Kyushu that is known as most rainy part of all Japan, rising above the average precipitation record by roundly 34 per cent.

(3) Biggest precipitation figures per day in Kyushu prefectures.

Next, let me pick up the totaled statistical figures regarding the largest amount of rainfall in Kyushu prefectures per day of each month from January to December during the twenty years from 1926 to 1945.

Name of Prefecture	Amount of rainfall (in millimeter)
Fukuoka	1,504.4
Saga	1,518.6
Kumamoto	1,640.2
Kagoshima	1,949.6
Nagasaki	2,062.8
Oita	2,195.5
Miyazaki	3,216.4

They again indicate how remarkably it rains in Miyazaki Prefecture as against all the rest in Kyushu.

(4) Number of cloudbursts in Miyazaki Prefecture.

Further, let us notice how often Miyazaki Prefecture encountered the precipitation in a single day exceeding 100 millimeters during the sixty-four-year period from 1886 to 1949.



Month	Frequency	Month	Frequency
January	1	July	20
February	2	August	37
March	3	September	34
April	8	October	24
May	11	November	9
June	33	December	4

(Total 186; Annual average 3)

(5) Condition of rivers within Miyazaki Prefecture.

I have roughly stated so far on how it rains in Miyazaki Prefecture. What, then, is the condition of rivers which receive such downfalls of rain? Let us turn to it. Figures show:

Rivers to which the River Law is applied	19
Those to which the said law is applied with modification	84
Municipally-controlled rivers	260
Total	363

The aggregate length of theirs reaches 2,341 kilometers. So this prefecture is behind a few as far as the number of rivers is concerned. The fact is, however, that only 77 kilometers out of that considerable length have undergone repair works. Nearly all of them are left to flow in a primeval



state, abandoned to overflow their banks when rain comes, thus preparing the way to serious disaster at any moment.

What is worse, the land in the southern part of this prefecture is made up of singular soil locally called the "shirasu" zone which is liable to help aggravate inundation.

(6) Actualities of typhoon disaster.

Disaster caused by a typhoon is too many-sided for me to run the whole gamut of its ravages. Here I am going to make a slight reference to damage it works to general and agricultural public engineering works.

(A) When we examine the aggregate State subsidies granted to public engineering works for their rehabilitation of disasters suffered by nation-wide prefectures except Hokkaido during the ten years beginning in 1940 and ending in 1949, we find the primary recipients of the sums exceeding 3 billion yen headed by Gumma Prefecture to which 8.2 billion yen was given at the top and with prefectures of Iwate, Miyagi, Tochigi, Akita, Miyazaki, Nagano, Fukuoka, Niigata and Saga following in serial order, and the secondary recipients getting 2 to 3 billion yen including eight prefectures of Ibaraki (coming ahead of this group by obtaining over 2.8 billion yen), Toyama, Kanagawa, Kochi, Kagoshima, Shizuoka, Tokyo (Metropolis)



and Yamagata.

Any district over the land meets some kind of disaster, but none other than Miyazaki is featured by the frequency.

Use the ten years from 1940 to 1949 for example, Miyazaki Prefecture sustained damage from natural calamities every year with the exception of 1944. In this connection, I hope you would be helped to suppose how frequently Miyazaki Prefecture was afflicted by disasters, to such an extent that it had to ask the State grants-in-aid to public engineering works for rehabilitating damage, by a comparative study with other prefectures to which State subsidies were respectively given during the said ten years. As against nine times in the case of Miyazaki, they received:

- Once ..... Saitama, Chiba, Tokyo (Metropolis),  
Ishikawa, Miye, Wakayama, Nagasaki and Kagoshima.
- Twice ..... Aomori, Fukui, Tottori, Saga and Kumamoto.
- Three times ... Iwate, Miyagi, Yamagata, Kanagawa, Yamanashi,  
Aichi, Tokushima and Kochi.
- Four times .... Akita, Fukushima, Ibaraki, Tochigi, Gumma,  
Niigata, Gifu, Hyogo, Okayama and Oita.
- Five times .... Toyama, Nagano, Shizuoka, Shimane and Hiroshima.
- Six times .... Yamaguchi, Ehime and Fukuoka



During the same period, no State aid as asked by the remaining five prefectures of Shiga, Kyoto, Osaka, Nara and Kagawa.

In dealing with disaster-afflicted prefectures, I classified them into the primary and secondary groups. Among the primary group, Saga received State aid twice, Iwate and Miyagi three times, Akita, Fukushima, Tochigi, Gumma and Niigata four times, Nagano five times and Fukuoka six times. Turning on the secondary group, Tokyo and Kagoshima did once, Yamagata and Kochi three times, Ibaraki four times and Shizuoka five times. And, indeed, nine times during the same ten years in the case of Miyazaki. What deplorably and unfortunately "wonderful" showings Miyazaki has made!

(B) Next, let me have a word on the disasters to agriculture and public engineering works. A glance at the expenditures for disaster rehabilitation of agriculture and public engineering works which required the State aid in the ten years from 1940 to 1949 for respective prefectures excepting Hokkaido teaches us, in the item of public engineering work rehabilitation funds worth above 3 billion yen, that Kagoshima came first on the list requiring over 6,135 million yen, followed in order by Yamaguchi, Miyazaki and Nagano. Needing more than



more than 2 billion yen was Oita alone. As participants in the above-one-billion group there were 8 prefectures with Wakayama at the top receiving over 1,924 million yen, followed by Fukuoka, Miyagi, Fukushima, Shimane, Ehime, Saga and Tokushima. Judging from its comparatively vast area, the amount of damage done to farms and public engineering works of Miyazaki is simply enormous. That to Gunma, Iwate, etc. is substantially slight as paralleled with that to Miyazaki.

Let me proceed to the comparison of the actualities in havoc wrought by natural calamities to agriculture and public engineering works in nationwide prefectures outside of Hokkaido with that in Miyazaki Prefecture which did not pass a single year without sustaining a high degree of damage during the eleven-year period from 1940 to 1950. While, the frequency of disasters the other prefectures had as seriously as or even more seriously than Miyazaki during the same period, known in the light of the total amount of Treasury aid to them by fiscal year, was:

- Once ..... Akita, Aichi, Nara, Tokushima and Kagawa.
- Twice ..... Iwate, Saitama, Toyama, Ishikawa,  
Shiga, Kyoto, Wakayama and Nagasaki
- Three times .... Yamagata, Fukushima, Chiba, Gifu,  
Shizuoka, Miye, Kochi and Kumamoto.



Four times ..... Ibaraki, Tochigi, Nagano, Tottori and Saga.

Five times ..... Miyagi and Kagoshima.

Six times ..... Okayama and Oita

Seven times ..... Niigata, Yamaguchi and Ehime

Eight times ..... Hyogo, Hiroshima and Fukuoka

Nine times ..... Shimane

The remaining seven prefectures of Aomori, Gumma, Tokyo (Metropolis), Kanagawa, Fukui, Yamanashi and Osaka luckily averted serious disasters all that period through.

Viewed from this angle, that what a bitter blow Miyazaki Prefecture is receiving both in the amount and the extent of damage in comparison with other prefectures is believed to have been made clear.

Third: Connection between Miyazaki prefectural finance and its disaster rehabilitation expenditures.

As mentioned afore, serious disasters have been befalling to Miyazaki Prefecture year after year. Quite naturally, the local industrial economy is receiving consequent, terrible blows. The percentage of disaster rehabilitation expens to the total prefectural expenditures of Miyazaki during the period from 1940 to 1949 shows 31 on the average, with 44 in 1949 at the peak and 13 at the bottom in 1944. Under a crushing burden



of restoring loss and rehabilitating damage successively caused by typhoon and other disasters, it is far more than the prefectural finance can afford to fully carry out measures due to a local government in the way of promoting the growth of economy and industry, and fostering the advancement in culture.

By way of comparison, inquiry has so far proved that the percentage shown of 15 other prefectures' defrayals for disaster rehabilitation expenses averaged for the same period is as follows:

Iwate Prefecture	0.339%
Miyagi "	0.315%
Shimane "	0.232%
Saga "	0.210%
Ehime "	0.200%
Yamaguchi "	0.168%
Yamagata "	0.163%
Gifu "	0.108%
Tottori "	0.096%
Fukuoka "	0.092%
Nagano "	0.065%
Osaka " (1940-1948)	0.012%
Kagoshima " (1943-1949)	0.187%
Wakayama " (1945-1949)	0.275%
Kumamoto " (1946-1949)	0.040%

That a considerable percentage is shown in the case of Iwate Prefecture reflects the severe typhoon damage in 1948.



This illustration is held to be fluent enough to bring home the actual situation in Miyazaki to you.

Fourth: Economic capacity of Miyazaki Prefecture.

This being the case, it is thousand pities that the local inhabitants of Miyazaki Prefecture who have been struggling with repeated natural disasters, in spite of their will to strive for their rehabilitation, are gradually losing their power to rise on their feet. As is indicated by the Agriculture-Forestry Ministry's statistics, annual average crop of moist-land rice is denoted at 1.6 "koku" (slightly over 3 bushels), sharing the lowest figures with Kochi Prefecture. According to the Bank of Japan's inquiry into national deposits as of November 30, 1950, Miyazaki is grouped with Tottori and Shimane as prefectures with the poorest rice crop. In point of personal income, the "all-round analytic chart of actual situation" compiled by the National Land All-round Development Office of the Economic Stabilization Board is right in revealing that Miyazaki occupies the bottommost place among all prefectures.

As the case stands, we are desirous of this legislation to achieve the end of the local security and development by exercising special measures for the local disaster preclusion with powerful aids of the State.



Fifth: Outline formation of the bill.

The present bill, in order to preclude the Miyazaki prefectural district from all avoidable disasters, aims at establishing the Miyazaki Prefectural District Disaster Preclusion Commission, consisting of 15 members under the control of the Prime Minister, which is to engage in all-round planning and to prepare annual programs for the said purpose. The State or local public bodies are to execute works under the said annual programs. As to the public works including rivers, etc. enumerated in Article 11, Paragraph 1 of this bill to be carried on by local public bodies are to be subsidized by the State, entirely free from different laws, as much as two thirds of the working expenses. With respect to the disaster rehabilitation works among those enumerated in the said paragraph, the whole amount of the working expenses is to be charged on the State. Besides, two thirds of the working expenses for farmland disaster rehabilitation works are to be charged on the State.

Further, the relations between the national land all-round development program under the National Land All-Round Development Law and the all-round plan and the annual programs under this bill are to be adjusted after the Prime Minister has



consulted the existing National Land All-Round Development  
Commission and the proposed Miyazaki Prefectural District  
Disaster Preclusion Commission.



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

Capt Morris

Note No.

From: Govt Sec

To: ESS

Date: 11 April 1951 <sup>26-607</sup>

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  
Bill for Museum Law

File No: 010(11 Apr 51)ESS/FIN

*W.F.M.*  
WFM/EMR/BNL/CDI/em  
Mr. Yeomans, 26-6148

From: ESS

To: GS

Date: 8 MAY 1951

2

1. Reference is C/N No. 5 from CofS to Chief, ESS; Chief, GS; 30 March 1951, subject: Draft Legislation.

2. Paragraph 1c of reference C/N states that in the review of Diet bills, "should no funds be available, consideration of the bill should be withheld until the next supplementary or regular budget preparation period since the bill, if passed, would be ineffective until that time anyhow."

3. Since there are no funds included in the Japanese Government budget for JFY 1951-52 to carry out the provisions of proposed bill, the concurrence of this Section is withheld at this time.

1 Incl  
n/c

-----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

Capt Morris

Note No. 1.	From: Govt Sec      To: <sup>13/103</sup> Date: 11 April 1961 <sup>26-6076</sup>  1. Immediate introduction of the attached draft bill in the Diet is proposed by <sup>House of Representatives.</sup>  2. Your prompt comment is requested.  1 Incl Bill for Museum Law
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Subject: Bill for Museum Law

From: LS

To: GS

Date: 4 May 1951  
C.J.Smith, 57-3645

2

1. Articles 25 and 26 of the bill provide for State subsidies and other necessary assistance to local bodies that establish museums, "the extent of the expenses and the procedure. . . (to) be provided for by Cabinet Ordinance." In the absence of definitive standards with respect to this potentially excessive delegation by the Diet of its law making power, it is suggested that such assistance be limited to a fixed percentage of the amount required by the local body concerned and that the percentage be stated in the bill itself.

2. Article 29 provides that "The State and the Local Public Entity may, upon inquiry, help the Private Museum in securing necessary materials." The phrase "necessary materials" should be clarified in order to avoid possible conflict with Article 89 of the Constitution, which states that "No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any . . . educational or benevolent enterprises not under the control of public authority."

1 Incl.

w/a

-----A.C.C.-----



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

Note No.	From: Govt Sec	To:	Date:
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by <sup>CIAA</sup> <b>House of Representatives.</b>		
	2. Your prompt comment is requested.		
	1 Incl		
	Bill for Museum Law		
	G. H.		

Copy 26-56876s

11 April 1961

P & P







Government Section  
Buck Slip

4/11 1950

FROM: PTP  
TO: \_\_\_\_\_ INITIAL \_\_\_\_\_ DATE \_\_\_\_\_

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\_\_\_\_\_ INFORMATION  
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\_\_\_\_\_ ACTION (Prepare reply)  
\_\_\_\_\_ APPROVAL  
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March 9, 1951.

Title of the Bill: Bill for Museum Law  
(Presented by WAKABAYASHI Yoshitaka  
and 7 others)

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.

Budgetary Measures:

Expenditures required for the enforcement of this law, according to the investigation conducted by the Social Education Bureau of the Ministry of Education, is estimated at ¥9,000,000 per annum. It is deemed necessary to appropriate it in the supplementary budget for the fiscal year 1951-1952, and to appropriate it in the regular budget for the fiscal year 1952-1953 and the fiscal years to come thereafter.

*Foshio Irie*

Chief, Legislative Bureau,  
House of Representatives.



House of Representatives

April 10th, 1951.

Bill for Museum Law

(Presented by WAKABAYASHI, Yoshitaka  
and 7 others)

Contents

- Chapter 1. General Rules (Articles 1-9)
- Chapter 2. Registration (Articles 10-17)
- Chapter 3. Public Museum (Articles 18-27)
- Chapter 4. Private Museum (Articles 28, 29)
- Supplementary Provisions.

CS: CIE  
ESS  
GS/PA  
LS/LJ

(27)

Recd CS  
4/11/51



## Chapter 1. General Rules

### (Purpose of this Law)

Article 1. The purpose of this Law is to provide, on the basis of the Social Education Law (Law No.207, 1949), for necessary matters concerning the establishment and operation of museums, and to promote a sound development thereof, thereby to contribute to the enhancement of education, science and culture of the nation.

### (Definition)

Article 2. Museums in this Law shall mean the organ (excluding citizens' public halls provided for in the Social Education Law and libraries provided for in the Library Law, (Law No.118 of 1950), established by local public bodies or juridical persons under Article 34 of the Civil Code (Law No.89 of 1896) or by religious corporations, and registered in accordance with the provisions of Chapter 2, with the purpose of collecting, keeping in custody (including rearing; hereinafter the same) and exhibiting materials pertaining to history, art, popular manners and customs, industries, natural science, etc., so that they may be utilized by the general public in an educationally desirable environment, thereby to contribute to the elevation of their cultural attainments, scientific research, recreation, etc.



2. In this Law, public museums shall mean those established by local public bodies and private museums shall mean those established by juridical persons under Article 34 of the Civil Code or religious corporations.

3. "Museum materials" in this Law shall mean materials collected, kept in custody or exhibited by museums.

(Function of Museum)

Article 3. Museums shall endeavor, in order to attain the purposes prescribed in paragraph 1 of the preceding Article, to realize such matters as enumerated in each of the following items:

- (1) Collecting in abundance, taking in custody exhibiting and offering to the general public for their utilization various forms of materials such as reals, specimens, copies, models, figures, bibliographies, devices, charts, photographs, films, records, etc.;
- (2) Establishing branch museums and exhibiting the museum materials at other areas than where museums are located, whereby to offer them to the general public for their utilization;
- (3) Rendering the general public explanation, advice, guidance, etc. necessary for utilization of the museum materials; and establishing such facilities as study rooms, laboratories, shops, librabries, etc., so that they may be available by the general public for the effective use of the museum materials;



- (4) Conducting professional and academic survey and research concerning museum materials;
- (5) Making technical studies about the custody and the exhibition of museum materials;
- (6) Preparing and distributing guide-books, commentaries, catalogs, picture records, annual reports, and reports on surveys and researches;
- (7) Sponsoring and aiding the opening of lecture meetings, short courses, motion picture meetings, and societies for scientific research, concerning museum materials;
- (8) Providing the general public with such means of availing the cultural properties coming under the provision of the Cultural Properties Protection Law (Law No.214 of 1950) and happening to be in the neighborhood where the museum is located, as their commentaries, their lists, etc.;
- (9) Conducting close contacts with other museums, national museums, national science museums, by cooperating each other in exchanging their publications, informations, museum materials, etc.;
- (10) Cooperating with and giving assistance to various facilities concerning education, science or culture such as schools, libraries, research institutes, citizens' public halls.



2. Museums shall, in performing the functions prescribed in the preceding paragraph, pay attention so as to give aid to school education as well as to contribute to the elevation of the actual life of the inhabitants, taking into consideration the circumstances of the district where it is located.

(Art Official and Assistant Art Official)

Article 4. Museums shall have art official as professional personnel.

2. Art official shall collect, take charge of, and exhibit museum materials, and conduct <sup>w</sup>surveys, researches and other professional affairs relating thereto.

3. Art official shall be called "Social science official" or "Natural science official" in accordance with the classification of the professional affairs in which he is engaged.

4. Museums may have the assistant art official as professional personnel to help the art official in his duties.

(Qualification of Art Official and Assistant Art Official)

Article 5. Those who come under any one of the following items shall have the qualification for art official.

(1) Those who have the Master's degree and have obtained credits in professional subjects and credits relating to museum at the university;



- (2) Those who have the Master's degree and have obtained credits in professional subjects at the university, and credits relating to museum in the lecture courses for art official provided for in Article 6.
- (3) Those who have completed two years or more of University courses, have obtained 62 credits or more including those in professional subjects and those relating to Museum, and have experience of three years or more as assistant art official.
- (4) Those who have completed two years or more of university courses, have obtained 62 credits or more in professional subjects, and have experience of three years or more as assistant art official and have obtained credits relating to museum in the lecture courses for art official provided for in Article 6.
- (5) Those who have the experience of six years or more as assistant art officials, and have obtained credits in professional subjects and credits relating to museum in the lecture courses <sup>for art official</sup> provided for in Article 6;

2. Those who are qualified to enter universities as provided for in Article 56, paragraph 1 of the School Education Law (Law No.26 of 1947) shall have the qualification for assistant art official.

3. The credits to be obtained in professional subjects and subjects in relation to Museum at the university or in the training courses for art officials shall be defined



by the Ministry of Education Ordinance by each kind of art officials.

(Training Course for Art Official and Assistant Art Official)

Article 6. The training course for art official shall be conducted by universities entrusted by the Minister of Education.

2. Necessary matters concerning the training course for art officials shall be provided for by Ministry of Education Ordinance.

(Guidance and Advice)

Article 7. The Minister of Education may give the Board of Education of To, Do, Fu or prefectures and the Board of Education of To, Do, Fu or prefectures may give the Boards of Education of cities (including special wards; hereinafter the same), towns and villages as well as private museums, upon request, professional and technical guidance and advice concerning the establishment and operation of museums.

(Desirable Standard)

Article 8. The Minister of Education shall define the desirable standards for the establishment and operation of museums and show them to the general public as well as to the



Boards of Education for the purpose of promoting a sound development of museums.

(Transport of Museum Materials)

Article 9. The provision of Article 8 of the Law Governing Japanese Government Railways Fares and Charges (Law No. 112, 1948) shall apply to fares and charges for transport of the museum materials by the National Railway.

FK



## Chapter 2. Registration

## (Registration)

Article 10. When local public bodies or juridical persons under Article 34 of the Civil Code or religious corporations desire to establish a Museum, they shall have it registered in the Museum ledger prepared by the board of education of To, Do, Fu or the prefectures where the Museum concerned is located.

## (Application for Registration)

Article 11. Those who want to apply for the registration under the preceding regulation shall present to the To, Do, Fu or prefectural board of education the application for registration, of the Museum to be established, with the entry of the following items:

- (1) The establisher.
- (2) The name.
- (3) The location.
- (4) Total dimension of building and land to be of direct use for the Museum.
- (5) Classification of art officials and their number.
- (6) Name of the chief of the Museum.

2. The application for registration under the preceding paragraph shall have the following documents appended relating to the Museum to be established.



- (1) In case of the public museum, a copy of the regulations for its establishment, museum rules, charts showing the buildings and lands for the direct use of the museum, papers relating to the business program and the estimate of the expenditure of the budget, for the year concerned, the catalogue of the museum materials, and the list of the art officials;
- (2) In case of private museum<sup>m</sup>, a copy of the regulations of the juridical person concerned or of the rules or regulations of the subscription, the museum regulations, charts showing the buildings and lands for the direct use of the museum, papers relating to the business program and the estimate of the revenue and expenditure of the budget for the year concerned, the catalogue of the museum materials, and the list of the art officials.

(Examination, etc. of Items Registered)

Article 12. The To, Do, Fu and prefectural board of education shall, in case an application is made for the registration under the preceding Article, examine to see whether the facilities relating to the application concerned satisfy the following requisites; shall, if it finds them satisfy these requisites, register in the museum ledger the matters described under each of the items of paragraph 1 of the preceding Article, and report its effect to the applicant



concerned; and shall, if it find them not satisfy these requisites, report in writing its effect to the applicant concerned with the reasons for rejecting the registration.

- (1) Possessing museum materials necessary for executing the functions described in Article 3.
- (2) Having art officials and other personnel necessary for executing the functions described in Article 3, professional personnels.
- (3) Possessing the buildings and lands necessary for executing the function described in Article 3, Museum, or of the total dimension of the building and the land.
- (4) Being open for the public for 150 days or more throughout the year.

(Cancel of Registration)

Article 13. The To, Do, Fu or prefectural board of education shall, in case it find out that the Museum has come to fail in satisfying the requisites described in each of the items of the same Article or that the application has been made on false basis, cancel the registration relating to the Museum concerned. However this does not apply to cases when the Museum concerned has come to fail in satisfying the said requisites on account of natural disasters and other unavoidable circumstances.

2. The To, Do, Fu or prefectural board of education shall, in canceling the registration in accordance with



the provision of the preceding paragraph, give in advance to the Museum authorities opportunities for explaining its situation.

3. The To, Do, Fu or prefectural board of education shall, after having canceled the registration in accordance with the provisions under paragraph 1, immediately report its effect to the establisher of the Museum concerned.

(Changes of Items Registered, etc.)

Article 14. The establisher of the Museum shall, in case it has changed matters mentioned in items (2) to (6) of Article 11 paragraph 1, and those mentioned in the appended papers as provided for in item (2) of the same Article, immediately report its effect to the To, Do, Fu or prefectural board of education, with the enclosure of the plan of the buildings and the lands of the direct use for the museum or of the building and the land.

2. The To, Do, Fu or prefectural board of education shall, ~~in case the~~ application is made in accordance with the preceding paragraph, immediately examine it and register the matters required to be changed.

(Abolishment of the Museum)

Article 15. The establisher of the Museum shall, in case the Museum is abolished, immediately report the effect to the To, Do, Fu or prefectural board of education.



2. The To, Do, Fu or prefectural board of education shall, in case the report is submitted in accordance with the preceding paragraph, immediately delete the registration of the Museum concerned.

(Mandate to Regulations)

Article 16. Necessary matters for the registration of the Museum shall, excluding those prescribed in this Chapter, be mandatory to the regulations provided for by the To, Do, Fu or prefectural board of education.

(Obligation of Report)

Article 17. The To, Do, Fu or prefectural board of education shall, upon the inquiry of the Minister of Education, report to him necessary matters relating to the Museum registered by the board of education concerned.



## Chapter 3. Public Museum.

## (Establishment)

Article 18. Matter pertaining to the establishment of public museum shall be provided for in the regulations of the local public entity which establishes the Museum concerned.

2. The formation and presentation of the programs relating to the regulations under the preceding paragraph shall be processed following the examples of matters regulated in Article 61 of the Board of Education Law (Law No.170 of 1948).

## (Jurisdiction)

Article 19. Public museums shall be administered by the Boards of Education established by the local public bodies that establish the public museums concerned.

## (Personnel)

Article 20. Each public museum shall have a chief of the museum, professional and such personnel and other as are deemed necessary by the Board of Education of the local public body that established the public museum concerned.

2. The chief of the museum shall take charge of the affairs of the museum, supervise its personnel and endeavor to accomplish the functions of the museum.



(Museum Council)

Article 21. Any public museum may have a museum council.

2. The museum council shall be the organ that responds to the inquiries of the chief of the museum with regard to the operation of the museum, and, may express its opinion to the chief of the museum.

Article 22. The member of the museum council shall be appointed by the Board of Education from among the persons concerned with school and social education as well as the learned and the experienced.

Article 23. The establishment of the museum council, fixing of the number of its members, their term of office and other necessary matters shall be provided for in the regulations of the local public entity which establishes the museum.

2. The regulation of Article 18 paragraph 2 shall be mutatis mutandis applied to the regulations provided for in the preceding paragraph.

3. The regulations of Article 15 paragraphs 3 and 4 and Article 19 of the Social Education Law, shall be mutatis mutandis applied to the member of the Museum Council.

(Free Admission)

Article 24. The public museum shall be opened free to the public. In cases, however, where it is necessary for



the maintenance and operation of the museums concerned, they may charge a necessary amount of admission fee.

(Aids and other Types of Assistance to Public Museums)

Article 25. The State shall, when it deems it necessary to encourage the development of the museums concerned, within the limits of budgetary appropriations, grant to the local bodies that establish the museums promotional subsidies for the expenses required for the establishment and the operation of the museums and other types of necessary assistance.

Article 26. The grant of the aids under the provision of the preceding Article shall be made, taking into consideration the amount of the settled account of the annual expenses for the operation of the museums in the budget of the local public bodies in the preceding fiscal year.

2. As to the extent of the expenses and the procedure of granting the aids under the preceding paragraph, necessary matters shall be provided for by Cabinet Ordinance.

Article 27. In case the State has granted aids provided for in Article 25, and found the aids coming within the purview of any of the following items, it shall stop granting further aids for the year involved; and moreover shall, in case the cancel of registration as prescribed in item (1) is found to have been due to the discovery that the said registration was made on a false application, or in case the aids come within the purview of items (3) or (4), have the already granted aids for the year involved returned:



- (1) When the registration of the Museum is canceled in accordance to the provision of Article 13;
- (2) When the registration of the Museum is deleted in accordance to the provision of Article 15 paragraph 2;
- (3) When the local public entity has violated the term of receiving the promotional subsidy; and
- (4) When the local public entity is receiving the promotional subsidy by illegal means.

#### Chapter 4. The Private Museum

(Relationship with To, Do, Fu or Prefectural Board of Education)

Article 28. The To, Do, Fu or Prefectural Board of Education may, for the purpose of preparing guidance materials or making researches in relation to the Museum, request of the Private Museum to submit necessary reports.

(Relationship with the State and Local Public Entity)

Article 29. The State and the Local Public Entity may, upon inquiry, help the Private Museum in securing necessary materials.



SUPPLEMENTARY PROVISIONS

1. This Law shall come into force as from the day when three months have elapsed since the day of its promulgation.

2. Those who have Master's degree as provided for in Article 5 paragraph 1 item (2) and have obtained credits in professional fields in the university shall include those who have the Master's degree provided for in the former University Ordinance (Imperial Ordinance No. 388 of 1918) or those who are deemed equivalent to them by Ministry of Education Ordinance.

3. Those who have attended for two years or more in universities under Article 5 paragraph 1 item (4) and have obtained 62 credits or more including credits in professional subjects, shall include those who have graduated or finished the preparatory course of universities, the higher course of the high schools, colleges, or various teacher training schools under the regulations of the former University Ordinance, the former High School Ordinance (Imperial Ordinance No. 389 of 1918), the former College Ordinance (Imperial Ordinance No. 61 of 1903), or the former Regulations governing the Organization of Teacher Training Schools (Imperial Ordinance No. 208 of 1946), or those who are deemed equally qualified to them by Ministry of Education Ordinance.

When those to whom the provisions of paragraphs 2 and 3 are applicable become art officials, its classification shall comply with the provisions stipulated in the Ordinance



of the Ministry of Education.

4. . 4. The post of the Assitant Art Official Provided for in Article 5 paragraph 1 items (3) to (5) shall include professional posts in facilities equivalent to the Museum as designated by the Minister of Education.
5. 5. Those who are qualified to enter universities as provided for in Article 5 paragraph 2 shall include those who have graduated or finished the Middle School, the Junior Course of the High School, or the Main Course of the Youths School under the regulations of the former Middle School Ordinance (Imperial Ordinance No. 36 of 1943), the former High School Ordinance or the former Youths School (Imperial Ordinance NO. 254 of 1943), or those who are deemed equally qualified to them by Ministry of Education Ordinance.
6. 6. Those who meet the requirements under any of the Following items shall, regardless of the provision of Article 5, shall be qualified as Art Official for the period of three years since the promulgation of this Law.
- (1) Those who have Master's degree under the former University Ordinance and have engaged for one year or more in professional services in a Museum or facilities equal to the Museum designated by Minister of Education:
  - (2) Those who have graduated or finished the preparatory course of universities, the higher course of the high schools, colleges, or various teacher training schools under the regulations of the former University Ordinance, the former High School Ordinance,



the former College Ordinance or former Regulations governing the Organization of Teacher Training Schools, or schools equivalent to them, and have engaged for three years or more in professional services in a Museum or facilities designated equivalent to the Museum designated by Minister of Education:

- (3) Those who have engaged in professional services for ten years or more in a Museum or facilities equivalent to the Museum designated by the Minister of Education;
- (4) Those who are deemed by the To, Do, Fu or prefectural Board of Education to be equal to those mentioned in the preceding three items.

7. Those who are qualified as Art Official under the provisions of items (3) and (4) of the preceding paragraph shall, in case they have obtained, in the training courses provided for in Article 6 in the period of three years after the enforcement of this Law, the credits in subjects relating to the Museum prescribed by the Ministry of Education Ordinance, be qualified, regardless of the provision of Article 5, as Art Official even after three years have elapsed since the enforcement of this Law.

8. When those to whom the provisions of paragraphs 2, 3, 6 and 7 are applicable are appointed Art Officials, their classification shall comply with the provisions stipulated in the Ordinance of the Ministry of Education.

9. In case of cities, towns and villages where the Board of Education have yet been established at the time



of the enforcement of this Law, "the Boards of Education of the cities (including special wards. Hereinafter the same shall be applicable.), towns and villages" or "the Boards of Education" in Article 7, "the Boards of Education" in Article 8, Article 20 paragraph 1 and Article 22, and "the Boards of Education of the local public entities" in Article 19 shall read "the head of the cities, towns and villages" until the Boards of Education are established.

10. The Local Tax Law (Law No. 226 of 1950) shall be partially amended as follows:

Next to the "other places of similar nature" in Article 75, "(excluding the museums under the Museum Law (Law No. of 1951))" shall be added.

In Article 296, next to "juridical persons under Article 64 paragraph 4 of the Private School Law" "juridical persons under Art. 34 of the Civil Code who establish the Museum provided for in Article 2 paragraph 1 of the Museum Law" shall be added.

In Article 348 paragraph 2 item (8), "and" shall be amended as",", and next to "fixed property used directly for the purpose of the Libraries" "fixed property used directly for the purpose of the museums by juridical persons under Article 34 of the Civil Code or religious corporations" shall be added.



REASON

In view of the present situation of the museums in this country, it is imperative to provide regulations necessary for the establishment and management of museums, for the purpose of directing their healthy development. This is the reason to submit this bill for the Law.

TH



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

Note No.	From: Govt Sec	To:	Date:	Capt Morris 26-6076
1.		ESS	31 March 1951	
	1. Immediate introduction of the attached draft bill the Diet is proposed by <b>House of Representatives.</b>			
	2. Your prompt comment is requested.			
	1 Incl			
	Bill for Partial Amends to Law concerning Undemobilized Persons' Compensation			
2.	010(31 Mar 51)ESS/FIN	To: Govt Sec	A.R.DeAngelis, 26-6148	WFM/EWR/BNL/ARD/zl
	From: ESS		16 APR 1951	
	1. Proposed Bill for Partial Amendment to the Law Concern- ing Undemobilized Persons' Compensation has been reviewed under the same standards as governed the Japanese Government's budget draft and is found to violate the SCAP's budgetary policy.			
	2. A national budget has been passed and only one supple- mentary budget for readjustment purposes can be considered prior to the opening of the fourth quarter.			
	3. No funds have been provided in the JFY 51-52 budget to cover the increased cost of proposed amendment.			
	4. In view of the above, it is recommended that approval of proposed legislation be withheld.			
	1 Incl n/c			
	----- W.F.M. -----			

25



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

Note No.	From: Govt Sec To: <u>IS/L&amp;J</u> Date: <u>31 March 1951</u>	Capt Norris 26-607
1.	<p>1. Immediate introduction of the attached draft bill the Diet is proposed by <b>House of Representatives.</b></p> <p>2. Your prompt comment is requested.</p>	
	1 Incl	
	<p>Bill for Partial Amends to Law concerning Undemobilized Persons' Compensation</p>	

P & P



Subject: Bill for Partial Amendments to Law  
Concerning Undemobilized Persons'  
Compensation

From: LS

To: GS

Date: 5 April 1951  
C. J. Smith, 57-8645

2

1. This Section has no legal objections to the bill, which doubles the lump sum payments presently granted to physically handicapped persons under the basic law.

2. The bill is of primary concern to ESS/Finance.

1 Incl.  
w/d

----- A.G.C. -----



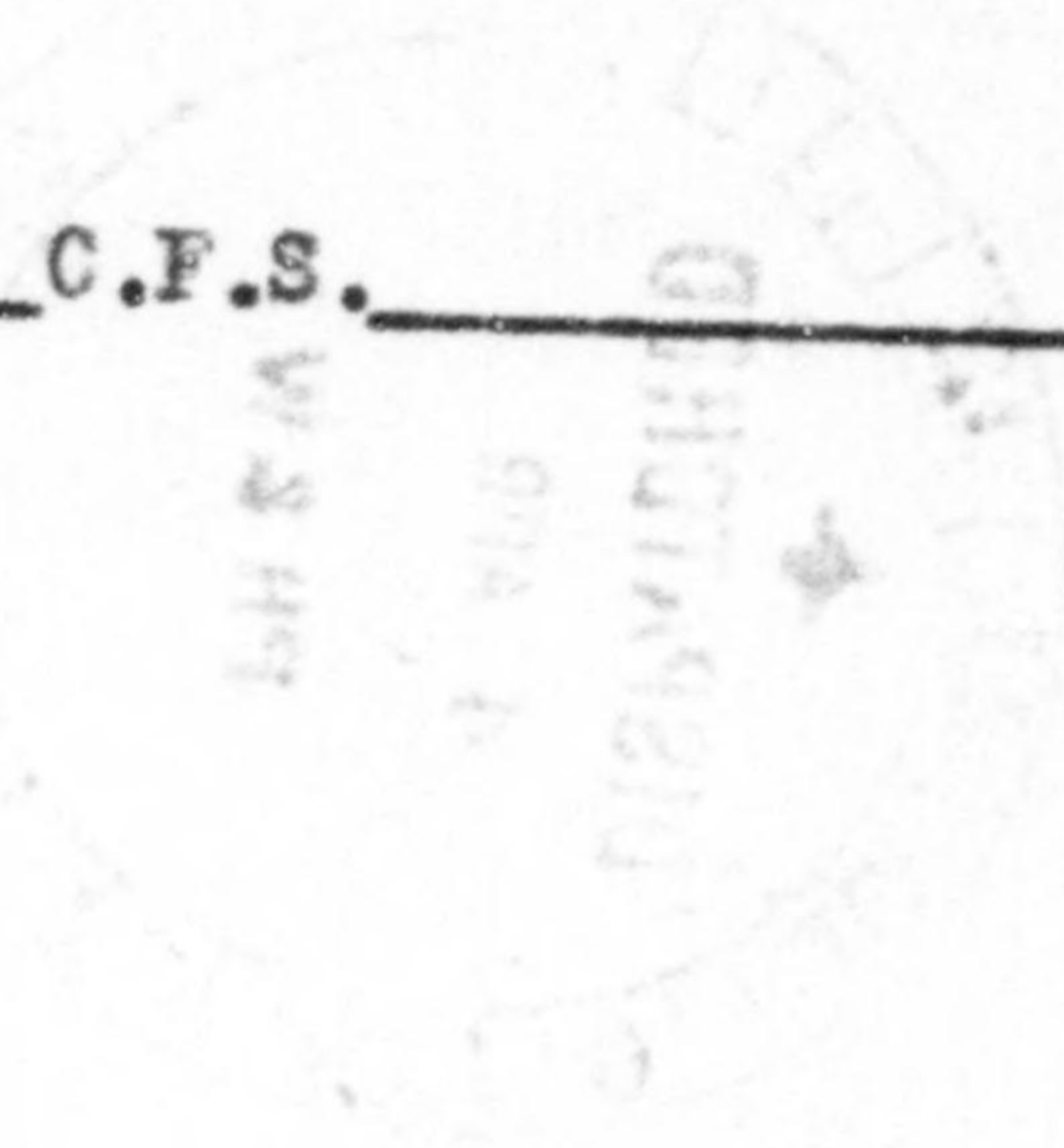
GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: PHW	Date: 31 March 1951	Capt Norris 26-6076
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <b>House of Representatives.</b></p> <p>2. Your prompt comment is requested.</p>			
	<p>1 Incl Bill for Partial Amends to Law concerning Undemobilized Persons' Compensation</p>			
2.	From: PHW	To: Govt Sec	Mr. Anton/ap 26-7057 Date: 3 April 1951	
	<p>PH&amp;W enters no objection to the above-described Bill of Amendments.</p>			
	<p>1 Incl w/d</p>			
	C.F.S.			





March 29th, 1951.

Title of the Bill: Bill for Partial Amendments to  
the Law concerning Undemobilized  
Persons' Compensation.  
(Presented by WAKABAYASHI Yoshitaka  
and 27 others)

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.

Budgetary measures.

According to the statement of the presenter of the bill, the proposed amendments require an expenditure of some 12,000,000 yen. In the budget for the general account for the 1951-52 fiscal year, the appropriation for payments to undemobilized persons, etc., amounting to about 2,289 million yen was earmarked in anticipation of approximately 150,000 persons repatriating from overseas during the 1951-52 fiscal year. However, it is anticipated that those who will actually come back to this country during the year will be less than the expected number, and consequently the expenditure for compensation for undemobilized persons, etc., for the fiscal year will prove considerably in surplus. If this surplus is used for the amendments, the presenter of the bill said, the expenses for the measure will be fully covered by the budget for the same fiscal year.

*Yoshio Inui*

Chief, Legislative Bureau,  
House of Representatives.



House of Representatives

March 29, 1951.

Bill for Partial Amendments to the Law  
Concerning Undemobilized Persons' Compensation  
(Presented by WAKABAYASHI, Yoshitaka  
and 27 others)

The Law concerning Undemobilized Persons' Compensation  
(Law No.182 of 1947) shall be partially amended as follows:

In Article 8-(4), "A lump sum prescribed under Category  
A of the Annexed Table 1" shall be amended as "A lump sum  
equivalent to two times of the lump sum prescribed under  
Category A of the Annexed Table 1."

SUPPLEMENTARY PROVISION

1. This Law shall come into force as from the day of its promulgation and shall apply as from April 1, 1951.
2. The compensation whose cause of payment occurred prior to March 31, 1951 and which has not been paid at the time of enforcement of this Law, shall be paid in accordance with the former provisions.
3. The Law for Partial Amendments to the Law concerning Undemobilized Persons' compensation (Law No.277 of 1948) shall be partially amended as follows:

In Article 4 of the Supplementary Provisions,  
"A lump sum as prescribed under Category A of the  
Annexed Table 1" shall be amended as "A lump sum  
equivalent to two times of the lump sum prescribed  
under Category A of the Annexed Table 1."

CS:

ESS  
LS/KS  
PHW

Recd GS  
3/31/51



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

Capt Morris

Note No.

From: Govt Sec

To: ESS

Date: 26 March 1951

26-6076

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

Bill concerning Disposition of Surplus Assets of Japan Silk Assoc., a Closed Institution, and of Cocoon & Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, & Exemptions Relating to Taxation thereon.



R. M. Gillies, 26-6561

WFM/AMG/ld

10 APR 1951

From: ESS

To: GS

2.

1. Subject Bill treats with disposal of proceeds in CILC from liquidation of raw silk inventories formerly owned by the Raw Silk Association, a Closed Institution. It is proposed that former members of the Japan Raw Silk Association who may be entitled to the residual assets of that closed institution may transfer said assets to the Government. Subject Bill also proposes to transmit to the Government the funds representing the cocoon and raw silk price differential liability which is a tax liability to the National Treasury amounting to approximately ¥1,600,000,000. Art. 3 will require the Government to appropriate an amount equivalent to the sums received for the purpose of promoting the silk industry. No provision is made for the methods of promotion of the silk industry nor is provision made for any specific expenditures.

2. At a meeting with Mr. Yagi, one of the Diet members proposing the Bill, held at his request on 28 Mar 51 it was agreed that subject Bill was inoperable because the bulk of the funds representing the tax liability of the Japan Raw Silk Association have already been paid (approximately ¥1,300,000,000) and the remainder is to be paid at a early date. In order to be operable the subject Bill should be amended to cover only the residual amounts due from association members and, in addition, should be expanded to specify the methods of silk industry promotion.

3. It is recommended that Headquarters withhold clearance of subject Bill pending further developments.

1 Incl  
w/d

----- 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

Note No.	From: Govt Sec	To: IS/LAJ	Date: 28 March 1951
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.</p> <p>2. Your prompt comment is requested.</p>		
	<p>1 Incl Bill concerning Disposition of Surplus Assets of Japan Silk Assoc., a Closed Institution, and of Cotton &amp; Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, &amp; Exemptions Relating to Taxation G. W.</p>		

Capt. Morris  
26-6076

P & P



Subject: Bill Concerning Disposition of Surplus Assets of Japan Silk Association, a Closed Institution, and of Cocoon & Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, & Exceptions Relating to Taxation Thereon.

From: LS

To: GS

Date: 31 March 1951  
R.F.Brunkherst, 57-3502

2. This Section has no legal objections to subject bill.

1 Incl.  
w/d

-----A.C.C.-----



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

Note No.	From: Govt. Sec	To: WRS	Date: 26 March 1951	Capt Morris
1.	<ol style="list-style-type: none"><li>1. Immediate introduction of the attached draft bill in the Diet is proposed by House of Representatives.</li><li>2. Your prompt comment is requested.</li></ol>			
	<p>1 Incl Bill concerning Disposition of Surplus Assets of Japan Silk Assoc., a Closed Institution, and of Cocoon &amp; Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, &amp; Exemptions Relating to Taxation Thereon</p>			

P & P



2

From: HR

To: GS

3 Takahashi - 26-7860  
HGS/MBW/JLG/ST/mhk  
Date:

27 MAR 1951

HR has no comment on the proposed Bill concerning Disposition of Surplus Assets of Japan Silk Association, a Closed Institution, and of Cocoon and Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, and Exceptions Relating to Taxation Thereon.

1 Incl  
w/d

----- H. G. S. -----



Government Section  
Buck Slip

3/26 1950

FROM: W.P.  
TO: INITIAL DATE

CHIEF.....  
EX OFF.....  
DEPUTY CHIEF.....  
Col Wheeler.....  
Chief Adm Div.....  
Stat & Review.....  
Civil Serv Div.....  
Par & Pol Div.....  
 Public Aff Div.....  
Public Adm Div.....  
Admin Asst.....  
Personnel Clerk.....  
Chief Clerk.....  
File.....

For:  
INFORMATION  
NECESSARY ACTION  
ACTION (Prepare reply)  
APPROVAL  
INITIAL  
 COMMENT OF CONCUR  
RETAIN  
RETURN  
FILE OK  
BURN

*No. Concern*



March 24, 1951.

Title of the Bill: Bill concerning Disposition of Surplus Assets of Japan Silk Association, a Closed Institution, and of Cocoon and Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, and Exceptions Relating to Taxation Thereon.  
(Presented by YAGI Ichiro (L) and 2 others)

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.

Article 1 of this Bill constitutes in its form an exception to Article 19-(2) of the Closed Institutions Ordinance issued on the basis of "SCAPIN-1253 (5 October 1946) Closed Institutions vs. Emergency Financial Measures". It is provided in Article 19-(2) that the surplus assets of a closed institution must be distributed to its constituent members in proportion to the amounts of their investments. Meanwhile, Article 1 of this Bill prescribes that in case the members of the Japan Silk Association or the Japan Raw Silk Export Association, both of which are closed institutions, agree to contribute part of the surplus assets receivable by them to the State so that such part may be devoted to expenses for the promotion of silk industry, the special liquidator of the Japan Silk Association or the Japan Raw Silk Export Association may give the sum agreed upon to the State. The right of

the



the members of those associations is not to be infringed  
thereby in any way. Accordingly, I am of the opinion  
that this Bill does not run counter to the purport of  
Article 19-(2) of the Closed Institutions Ordinance.  
For such reason I have certified that the Bill does not  
violate any Directive.

*Saneo Sameshima*

Chief of the Third Division,  
Legislative Bureau,  
House of Representatives.

*for the Chief of the  
Legislative Bureau.*



House of Representatives

March 24, 1951.

Bill concerning Disposition of Surplus Assets of Japan Silk Association, a Closed Institution, and of Cocoon and Raw Silk Price Stabilization Fund Reserved by Japan Silk Control Co., Ltd., a Closed Institution, and Exceptions Relating to Taxation Thereon.

(Presented by YAGI, Ichiro(L) and two others)

(Disposition of Surplus Assets of Association and Exception Relating to Taxation Thereon)

Article 1. The special liquidator of the Japan Silk Association (hereinafter referred to as "the Association"), a closed institution, may contribute to the State out of its surplus assets an amount equivalent to a part of the value thereof, notwithstanding the provisions of Article 19-(2), paragraph 1 (disposition of surplus assets), of the Closed Institutions Ordinance (Imperial Ordinance No. 74 of 1947).

2. The amount which the special liquidator of the Association may contribute to the State under the provisions of the preceding paragraph shall be the total of such of the amounts which are distributable by way of disposition of surplus assets to the members who have agreed to the contribution as have been agreed upon by such members.

CS:  
ESS  
NRS  
LS/AD.  
GS/PA

Recd CS  
3/26/51

26



3. The Special liquidator of the Japan Raw Silk Export Association (hereinafter referred to as "the Export Association"), a closed institution, which is on the membership of the Association, may agree to the contribution provided for in paragraph 1, notwithstanding the provisions of Article 10 (functions of the special liquidator) and Article 19-(2), paragraph 1, of the Closed Institutions Ordinance.

4. That amount of the contribution prescribed in paragraph 1 upon which the special liquidator of the Export Association may agree, in accordance with the provisions of the preceding paragraph, shall be the total of such of the amounts which are distributable by way of disposition of surplus assets to the members who have agreed to the contribution as have been agreed upon by such members (the surplus assets meaning those which in case the deduction prescribed in paragraph 5 is not made, are distributable to the Export Association by the Association by way of disposition of the surplus assets thereof).

5. Those amounts of the contribution prescribed in paragraph 1 which have been agreed upon by the members of the Association shall be deducted from the amounts which are distributable to such members by the Association by way of disposition of surplus assets.

KY.



6. In case the Export Association receives an amount from the Association without the deduction prescribed in the preceding paragraph, those amounts of the contribution prescribed in paragraph 1 which have been agreed upon by the members of the Export Association shall be deducted from the amounts which are distributable to such members by the Export Association by way of disposition of surplus assets.

7. In imposing the special corporation tax on the Association in accordance with Article 57, paragraph 2 (transitional provisions following the abolition of the Special Corporation Tax Law (Law No. 26 of 1940)) of the Law for Partial Amendment to the Income Tax Law (Law No. 107 of 1948), the amount which has been contributed to the State by the special liquidator of the Association under the provisions of paragraphs 1 to 4 inclusive shall be deducted from the value of surplus assets in calculating a liquidation surplus under the former Special Corporation Tax Law.

(Disposition of Cocoon and Raw Silk Price Stabilization Fund and Exception Relating to Taxation Thereon)

Article 2. The cocoon and raw silk price stabilization fund which has been reserved by the Japan Silk Control Co., Ltd. (hereinafter referred to as "the Control Company"), a closed institution, in accordance with the provisions of Article 42, paragraph 1 (reserving of the cocoon and raw silk price stabilization fund), of the former Silk Industry Control Law (Law No. 67 of 1941), shall be delivered to the State instead



of to the Association as provided for by paragraph 9 of the Supplementary Provisions (delivery of the cocoon and raw silk price stabilization fund to the Silk Association designated by the competent Minister) of the Silk Industry Law (Law No. 57 of 1945) and by Ministry of Agriculture and Forestry Notification No. 64 of 1946 (designation of the Silk Association).

2. In imposing the corporation tax on the Control Company in accordance with Article 5 of the Supplementary Provisions (transitional provisions concerning the corporation tax on a liquidation income resulting from dissolution prior to March 31, 1947) of the Corporation Tax Law (Law No. 28 of 1947), and in imposing the business tax thereon in accordance with Article 15, paragraph 2, of the Supplementary Provisions (transitional measures concerning the business tax on a liquidation net profit resulting from dissolution prior to March 31, 1947) of the Law for Partial Amendment to the Special Corporation Tax Law (Law No. 29 of 1947), the cocoon and raw silk price stabilization fund which is delivered to the State by the special liquidator of the Control Company under the provisions of the preceding paragraph shall be deducted from the value of surplus assets in calculating a liquidation income under the former Corporation Tax Law (Law No. 25 of 1940) and a liquidation net profit under the former Business Tax Law (Law No. 33 of 1940) respectively.

(Appropriation to Silk Industry Promotion Expenses)

Article 3. The Government shall appropriate an amount equivalent to the one received by the State under the provisions of the



two preceding Articles to the expenses required for promoting silk industry.

Supplementary Provision

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