

WATER RESOURCES DEVELOPMENT PUBLIC CORPORATION LAW

(Law No. 218 of 1961)

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Chapter I General Provisions

Purpose)

Article 1. The purpose of the Water Resources Development Public Corporation shall be to contribute to the growth of national economy and improvement of national life by executing the projects to develop or utilize water resources under the basic plan for water resources development provided for in the Water Resources Development Promotion Law (Law No. 217 of 1961) (hereinafter referred to as "the basic plan for water resources development")

(Status of Juridical Person)

Article 2. The Water Resources Development Public Corporation (hereinafter referred to as "the Public Corporation") shall be a juridical person.

(Offices)

Article 3. The main office of the Public Corporation shall be located in Tokyo-to.

2. The Public Corporation may, with the approval of the Prime Minister have subsidiary offices at appropriate places.

(Capital)

Article 3-2. The capital of the Public Corporation shall be three hundred million yen, all of which shall be invested by the Government.

2. The Government may, when it deems necessary, make an additional investment in the Public Corporation within the amount appropriated by the national budget.
3. The Public Corporation shall, when the investment has been made by the Government, as provided for in the preceding paragraph, increase the capital by the amount of that investment.

(Registration)

Article 4. The Public Corporation shall effect registration in accordance with the relevant Cabinet Order.

2. The matters required to be registered in accordance with the provisions of the preceding paragraph cannot have effect against a third party until they have been registered.

(Restriction on the Use of Name)

Article 5. No person other than the Public Corporation may use the name of the Water Resources Development Public Corporation.

(Application Mutatis Mutandis of the Provisions of the Civil Code)

Article 6. The provisions of Article 44 (capacity to commit torts) and Article 50 (domicile of juridical persons) of the Civil Code (Law No. 89 of 1896) shall apply mutatis mutandis to the Public Corporation.

Chapter II Officers and Employees

(Officers)

Article 7. The Public Corporation shall have as its officers one president, one vice-president, eight directors or less and two auditors or less.

(Duties and Powers of Officers)

Article 8. The President shall represent the Public Corporation and preside over the business thereof.

2. The Vice-President shall represent the Public Corporation and assist the President in management of the business of the Public Corporation under the direction of the President; he shall act for the President in case where the latter is prevented from attending to his duties and he shall discharge the duties of the President in case where the office of the latter is vacant.
3. The directors shall assist the President and the Vice-President in management of the business of the Public Corporation under the direction of the President, shall act for the President and the Vice-President in case where they are prevented from attending to their duties, and shall discharge the duties of the President and the Vice-President in case where their offices are vacant.
4. The auditors shall audit the business of the Public Corporation.
5. The auditors, when deemed necessary on the basis of the results of their auditing, may submit their opinions to the President or the competent Minister.

(Appointment of Officers)

Article 9. The President and the auditors shall be appointed by the Prime Minister.

2. The Vice-President and the directors shall be appointed by the President with the approval of the Prime Minister.

(Term of Office of the Officers)

Article 10. The term of office of the officers shall be four years. However, the term of office of a substitute officer shall be the remainder of the term of office of his predecessor.

2. The officers may be re-appointed.

(Provisions concerning Disqualification of Officers)

Article 11. No person who falls under any of the following items can be appointed as officer:

- (1) Officials of the National Government or a local public body (except persons in part-time service);
- (2) Such persons engaged in manufacture or sale of commodities or such contractors for construction as has close interests with the Public Corporation in connection with his business; or where the person or contractor concerned is a juridical person, directors thereof (including any person, regardless of his title who has the competence or influence which is equal to or surpasses that of directors);

- (3) Directors of an association of persons engaged in the business referred to in the preceding (including any person, regardless of his title, who has the competence or influence which is equal to or surpasses that of directors).

(Dismissal of Officers)

Article 12. The Prime Minister or the President shall, in case where an officer appointed by him falls under any of the items of the preceding Article, dismiss such officer.

2. The Prime Minister or the President may dismiss an officer he appointed if he deems that the officer falls under any of the following items or is otherwise unsuitable for the post of officer:
 - (1) In case where he is deemed to be incapable of discharging his duties owing to some mental or physical disorder;
 - (2) In case where he has acted in contravention of his duties.
3. When the President intends to dismiss, in accordance with the provisions of the preceding paragraph, an officer whom he appointed, he shall obtain beforehand the approval of the Prime Minister.

(Prohibition of Officer's Concurrently Holding Other Posts)

Article 13. No officer of the Public Corporation shall be directors of any commercial organization or engage himself in any commercial enterprise.

(Restriction on the Right of Representation)

Article 14. With respect to a matter whereupon the interest of the President or the Vice-President conflicts with that of the Public Corporation, neither of them shall have the right of representation, but the auditors shall represent the Public Corporation.

(Nomination of Agent)

Article 15. The President and the Vice-President may nominate from among the directors and employees of the Public Corporation an agent who is authorized to do in or out of court all acts concerning the business of a subordinate office of the Public Corporation.

(Appointment of Employees)

Article 16. The employees of the Public Corporation shall be appointed by the President.

(Status of Officers and Employees)

Article 17. The officers and employees of the Public Corporation shall, in so far as the application of the Criminal Code (Law No. 45 of 1907) and other penal provisions is concerned, be deemed to be persons engaged in public service under the laws and ordinances.

Chapter III Business

(Business)

Article 18. The Public Corporation shall conduct the following business

to attain the purpose specified in Article 1:

- (1) Construction or reconstruction of the following facilities (except those for power generation) under the basic plan for water resources development:
 - a. Establishment for development and utilization of water resources, such as dam, estuarial weir, facility regulating water-level of lake or marsh, multipurpose water channel, exclusive-use irrigation channel;
 - b. Facilities closely related to those enumerated in a.
 - (2) Such operation, maintenance, repair and other management of the facilities as established by the execution of the business mentioned in the preceding item (hereinafter referred to as "facilities for water resources development");
 - (3) Execution of restoration works on damages of facilities for water resources development;
 - (4) Conduct of business incidental to the business specified in the preceding three items.
2. The Public Corporation shall conduct the following business in addition to the business specified in the preceding paragraph:

- (1) Operation, maintenance, repair and other management of the irrigation facilities of Aichi and Toyogawa (the facilities originated from the execution of the business specified in item (1) a and b of paragraph 1 of Article 18 of the former Aichi Irrigation Public Corporation Law (Law No. 141 of 1955) and taken over by the Water Resources Development Public Corporation under the provisions of paragraph 1 of Article 2 of the Supplementary Provisions of the Law for Partial Amendment of the Water Resources Development Public Corporation Law (Law No. 73 of 1968); hereinafter the same).
 - (2) Execution of restoration works on damages for the irrigation facilities of Aichi and Toyogawa.
 - (3) Conduct of business incidental to the business specified in the preceding two items.
3. The Public Corporation may conduct the following business on commission, in so far as they do not hinder the conduct of the business specified in the preceding two paragraphs, provided that in case of the conduct of business specified in items (3) and (4) the Public Corporation must obtain beforehand the approval of the Prime Minister:
- (1) Investigation, survey, design, examination or study concerning the development or utilization of water resources;
 - (2) Construction, reconstruction or management of facilities for power generation of those mentioned in item (1) a of paragraph 1 and execution of restoration works on damages thereof;

- (3) Execution of construction works of facilities for the development or utilization of water resources or works closely related thereto;
- (4) Management of facilities for the development or utilization of water resources.

(Project Execution Principles)

Article 19. In accordance with the relevant Cabinet Orders, the competent Minister shall, on the basis of the basic plan for water resources development, determine the principles on execution of the business specified in item (1) of paragraph 1 of the preceding Article and give guidance of the principles to the Public Corporation through the Prime Minister and at the same time make public notification of the outline of the principles; the same shall apply in case of revising the principles.

2. When the competent Minister intends to determine or revise the project execution principles mentioned in the preceding paragraph, he shall beforehand consult with the heads of the administrative agencies concerned, and hear the opinions of the governors of the interested prefectures.

(Project Execution Plan)

Article 20. When the Public Corporation intends to conduct the business specified in item (1) of paragraph 1 of Article 18, it shall, in accordance with the relevant Cabinet Orders, formulate the project execution plan on the basis of the relevant project execution principles

mentioned in paragraph 1 of the preceding Article, and consult with the governors of the interested prefectures and obtain the approval of the competent Minister; the same shall apply in case of revising the plan.

2. In case where the Public Corporation intends to formulate or revise the project execution plan according to the provisions of the preceding paragraph, if there is a specified person who intends to use the running water, utilizing the facility for water resources development designed under the project execution plan, for the purpose of the municipal or industrial water supply, the Public Corporation shall hear beforehand the opinion of that person in accordance with the relevant Cabinet Order, and shall obtain the consent of the same person on the expenses to be borne, as provided for in paragraph 1 of Article 29, by the person mentioned above for the construction or reconstruction of the facility for water resources development. The same shall apply to the case where there is a specified land improvement district organized by those who intend to use the running water for the purpose of irrigation, utilizing the facility for water resources development designed under the project execution plan.
3. The land improvement district shall, in accordance with the relevant Cabinet Order, secure the decision of the general meeting and obtain the consent of two thirds or more of the members of the district who intend to use the running water prescribed in the same paragraph for the purpose of irrigation, to give the consent prescribed in the preceding paragraph.

4. When the competent Minister has approved a project execution plan under the provisions of paragraph 1 in relation to the business of irrigation and drainage prescribed in item (1) of paragraph 1 of Article 18 (excluding the business related to the facilities specified in item (2) of Article 55 (hereinafter referred to as "specific facilities")), he shall make such public notification of the approval in accordance with the relevant Cabinet Order.

(Succession of Works, etc.)

Article 20-2. The projects corresponding to the business of the Public Corporation fixed by the project execution principles under the provisions of paragraph 1 of Article 19 (hereinafter referred to as "State project of water resources development" in this Article and in Article 30) out of the projects which the Minister of Construction is executing as river works provided for in the River Law (Law No. 167 of 1964) and the projects which the State is executing as land improvement projects, shall be executed by the Public Corporation as its business from the next day of the notification provided for in the next paragraph. The same shall apply to such projects as are proposed by the prefectures concerned to the competent Minister as projects to be executed by the Public Corporation and that corresponding to the business thereof, fixed by the project execution principles under the provisions of paragraph 1 of Article 19 (hereinafter in this Article referred to as "prefectural projects of water resources development") out of the projects which prefectures are executing as land improvement projects.

2. When the competent Minister has authorized the project execution plan provided for in paragraph 1 of the preceding Article with respect to the business of the Public Corporation concerning the project of the State project of water resources development or the prefectural project of water resources development, he shall make public notification of the approval, in accordance with the relevant Cabinet Order.
3. At the time when the Public Corporation has come to execute the State project of water resources development as its own work according to the provisions of paragraph 1, it shall take over the rights and obligations (including the liabilities of the Special Account of the Specified Land Improvement Works concerning the same State project of water resources development to be paid in to the Special Account of the Trust Fund Bureau, but excluding the rights and duties provided for by Cabinet Order).
4. In case where the Public Corporation comes to execute the State project of water resources development as its own work according to the provisions of paragraph 1, when the Minister of Construction is executing such works closely related to the same State project of water resources development (hereinafter referred to as "related works" in this Article) as are connected with power generation, or when the State is executing related works on commission, the Public Corporation shall succeed to all the rights and obligations of the State concerning the related works (excluding the rights and obligations to be provided for by Cabinet Order) at that time when

the Public Corporation comes to execute the same State project of water resources development as its own work. However, this does not apply to the related works executed by the State on commission, which the State cannot obtain the consent of the person whom the State commissioned the works.

5. In case where the Public Corporation succeeds to the rights and obligations of the State according to the provisions of the preceding paragraph, the proviso of paragraph 3 of Article 18 shall not apply to the conduct of business of the Public Corporation concerning the related works.
6. When the Public Corporation has come to execute the prefectural project of water resources development as its own work according to the provisions of paragraph 1, the prefecture concerned and the Public Corporation shall decide, through consultation, the succession to the Public Corporation of the rights and obligations of the same prefecture with respect to the prefectural project of water resources development.
7. When the State project of water resources development, which the Public Corporation has come to execute as its own work according to the provisions of paragraph 1, concerns land improvement works, the Public Corporation shall, in accordance with the relevant Cabinet Order, pay to the National Treasury the sum corresponding to the part of the expenses paid by the State in carrying out the same State project of water resources development, out of the sum of the expenses to be borne under the provisions of paragraph 1 of Article 29, Article 30 or Article 31.

(Application Mutatis Mutandis of the Land Improvement Law)

Article 20-3. In case where the Public Corporation conducts the business related to the irrigation and drainage works provided for in item (1) of paragraph 1 of Article 18 (excluding any business related to specific facilities), the provisions of paragraph 2 of Article 122 of the Land Improvement Law (Law No. 195 of 1949) (compensation for losses incurred in land improvement projects) shall apply mutatis mutandis. In this case, "public notification according to the provisions of paragraph 3 of Article 10, paragraph 8 of Article 48 (including the application mutatis mutandis in paragraph 3 of Article 95-2 and paragraph 5 of Article 96-3), paragraph 4 of Article 87 (including the application mutatis mutandis in paragraph 4 of Article 87-2 and paragraph 6 of Article 87-3), paragraph 4 of Article 95, paragraph 7 of Article 96-2, paragraph 10 of Article 98 or paragraph 12 of Article 99 (including the application mutatis mutandis in paragraph 2 of Article 100-2 (including the application mutatis mutandis in Article 111) and Article 111)" shall read "public notification according to the provisions of paragraph 4 of Article 20 of the Water Resources Development Public Corporation Law (Law No. 218 of 1961)".

(Policy of Facilities Management)

Article 21. The competent Minister may, in accordance with the relevant Cabinet Order, determine a policy of the facilities management concerning the business provided for in item (2) of paragraph 1 and

item (1) of paragraph 2 of Article 18, and indicate it to the Public Corporation. In this case, the competent Minister shall beforehand consult with the heads of the administrative agencies concerned and hear the opinions of the governors of the interested prefectures. The same shall apply to the revision of the policy.

(Regulations of Facilities Management)

Article 22. The Public Corporation shall, in case where it conducts the business prescribed in item (2) of paragraph 1 of Article 18, frame regulations of facilities management in accordance with the provisions of Cabinet Order and on the basis, if any, of the policy of facilities management mentioned in the preceding Article and hold a consultation with the governors of the interested prefectures and the person who gave his consent to the expenses necessary for the construction or reconstruction of the facilities concerned, provided for in paragraph 2 of Article 20, and then obtain the authorization of the competent Minister; the same shall apply to the revision of the regulations.

2. The Public Corporation shall, in accordance with the relevant Cabinet Order, in case where it conducts the business prescribed in item (1) of paragraph 2 of Article 18, frame regulations of facilities management and on the basis, if any, of the policy of facilities management provided for in the preceding Article if the Public Corporation has been directed to follow it, and hold a consultation with the governors of the concerned prefectures, the persons intending

to use the running water, utilizing the concerned facilities for the purpose of power generation, municipal or industrial water supply, and the land improvement district organized by those intending to use the running water, utilizing the concerned facilities for the purpose of irrigation, and then obtain the authorization of the competent Minister. The same shall apply to the revision of the regulations.

3. In case where the competent Minister intends to give the authorization mentioned in the preceding two paragraphs, when the regulations of facilities management concern the dam provided for in Article 44 of the River Law, he shall beforehand consult with the river administrator.

(Exceptions to the River Law)

Article 23. The specific facilities shall be regarded as facilities of river administration provided for in paragraph 2 of Article 3 of the River Law, and the Public Corporation, despite the provisions of Article 9 (the administration of the first rate river) and Article 10 (the administration of the second rate river) of the same law, may construct or reconstruct the specific facilities for river administration or administer the specific facilities thus constructed or reconstructed

2. In case where the Public Corporation constructs or reconstructs the specific facilities or administers the specific facility thus constructed or reconstructed according to the provisions of the preceding paragraph, it may exercise the competence of the river administrator

prescribed in the River Law in accordance with the relevant Cabinet Order.

3. When the Public Corporation intends to start the construction or reconstruction of a specific facility, or when it has completed the works concerned, it shall make public notification thereof in accordance with the relevant Cabinet Order.
4. The provisions of Article 47 (the regulations of dam operation) of the River Law shall not apply to the dam constructed by the Public Corporation.

(Instructions of the Minister of Construction concerning Operation of Specific Facilities)

Article 24. When the Minister of Construction recognizes an urgent need to prevent a flood, he may, in accordance with the relevant Cabinet Order, give instructions concerning the operation of the specific facility to the Public Corporation within the need of the urgency.

(Notice for Prevention of Danger, etc.)

Article 25. In case where the Public Corporation recognizes that a serious change in the state of the running water will be caused by the operation of the facility for water resources development or the irrigation facilities of Aichi and Toyogawa, when deemed necessary to prevent the danger accompanied by it, it shall, in accordance with the relevant Cabinet Orders, notify beforehand to the governors of the interested prefectures, the heads of cities, towns and villages and the chiefs of the police stations concerned and then take necessary measures to make it known to the public.

Chapter IV Expenses for Facilities of Water Resources
Development and Others

(National Grant for Specific Facilities, etc.)

Article 26. The State shall grant to the Public Corporation the expenses for flood control and other expenses prescribed by Cabinet Order out of the expenses necessary for construction or reconstruction of the specific facilities.

2. The scope of the expenses prescribed in the preceding paragraph, the method of calculating the amount of the grant prescribed in the same paragraph, and other matters necessary for the grant prescribed in the same paragraph shall be provided for by Cabinet Order.
3. The prefecture shall pay a part of the amount of money which the State grants to the Public Corporation according to the provisions of paragraph 1.
4. The rate of the share of the prefecture referred to in the preceding paragraph and other necessary matters concerning the money to be borne by the prefecture according to the provisions of the same paragraph shall be provided for by Cabinet Order.

Article 27. The State shall grant to the Public Corporation the expenses for flood control and other expenses prescribed by Cabinet Order out of the expenses necessary for operation, maintenance, repair and other management of the specific facilities and the expenses necessary for restoration works on damages.

2. The scope of the expenses prescribed in the preceding paragraph, the method of calculating the amount of the grant prescribed in the same paragraph and other necessary matters concerning the grant of the same paragraph shall be provided for by Cabinet Order.
3. The prefecture shall bear a part of the amount of money which the State grants to the Public Corporation according to the provisions of paragraph 1.
4. The provisions of paragraph 4 of the preceding Article shall apply mutatis mutandis to the amount of money to be paid by the prefecture provided for in the preceding paragraph.
5. With respect to the application of the State Liability Law for the Expenses of Restoration of Damage to the Facilities of Public Engineering Works (Law No. 97 of 1951), the total amount of the expenses for restoration works on damages prescribed in paragraph 1 of Article 4 (rate of national grant) and Article 4-2 (special rate of State liability to disasters occurring in three successive years) of the same law shall include the expenses provided for in paragraph 2 of Article 4 of the same law as well as the amount granted to the Public Corporation for restoration works on damages (except those provided for by Cabinet Order) according to the provisions of paragraph 1.

Article 27-2. In case of the second rate river, out of the expenses necessary for construction or reconstruction of the specific facilities or the expenses necessary for managing the same facilities, the expenses for flood control and other expenses provided for by Cabinet Order shall be separately provided for by another Cabinet Order, regardless of the provisions of the preceding two Articles.

(Bearing of Expenses)

Article 28. In case where the national grant for construction or reconstruction of the specific facilities provided for in paragraph 1 of Article 26 includes the grant for irrigation, those who use the running water for the irrigation purpose, utilizing the same specific facilities by constructing or enlarging an equipment of exclusive use, shall bear a part of the expenses necessary for the construction or reconstruction of that specific facilities, in accordance with the relevant Cabinet Order.

2. The money to be paid prescribed in the provisions of the preceding paragraph shall, in accordance with the relevant Cabinet Order, be collected and delivered to the State by the governor of the prefecture concerned.

Article 29. The Public Corporation shall, in accordance with the relevant Cabinet Order, make bear the expenses necessary for construction, reconstruction, management and disaster restoration works of the facilities for water resources development concerned to those who use the running water for the purpose of municipal or

industrial water supply, utilizing a facility of a water resources development, or the land improvement district organized by those who use the running water for the irrigation purpose, utilizing a facility of water resources development (except the specific facilities for which grant for irrigation is included in the national grant for its construction or reconstruction mentioned in paragraph 1 of Article 26).

2. The Public Corporation shall, in accordance with the relevant Cabinet Order, make bear the expenses necessary for management and disaster restoration works thereof to those who use the running water, utilizing the irrigation facilities of Aichi and Toyogawa for the use of power generation, municipal or industrial water supply, or the land improvement district organized by those who use the running water, utilizing the irrigation facilities of Aichi and Toyogawa for the purpose of irrigation.

Article 30. The prefecture, which covers a part or the whole of the land which receives the benefit from the irrigation and drainage works executed as the business of the Public Corporation provided for in items (1) to (3) inclusive of paragraph 1 of Article 18 as well as items (1) and (2) of paragraph 2 of Article 18 (except when the grant for irrigation is included in the national grant for the construction or reconstruction of the specific facilities prescribed in paragraph 1 of Article 26; hereinafter the same), shall, in accordance with the relevant Cabinet Order, pay to the Public Corporation a part

of the expenses of the business (including the expenses paid by the State in executing a State project of water resources development when the business concerns the State project which the Public Corporation has come to execute according to the provisions of paragraph 1 of Article 20-2).

(Beneficiary's Charge of Expenses)

Article 31. When there is any person who receives substantial benefits from the construction or reconstruction of a facility for water resources development, the Public Corporation may, in accordance with the relevant Cabinet Order, make him bear a part of the expenses of the construction or reconstruction thereof within the limit of the benefit received.

(Coercive Collection)

Article 32. When there is any person who has failed to pay within the time limit of payment the expense to be borne as provided for in paragraph 1 of Article 28, Article 29 or the preceding Article, the governor of the prefecture concerned or the Public Corporation must press the person to make the payment, designating a time limit.

2. In pressing a person to make payment according to the provisions of the preceding paragraph, the governor of the prefecture or the Public Corporation shall issue a letter of pressing to the person responsible for payment; in this case, the time limit of payment to be designated by the letter must be a day after the lapse of twenty days or more from the day of its issue.

3. If the person responsible for payment who has been pressed under the provisions of paragraph 1 does not pay the expense to be borne by him and the arrears mentioned in paragraph 5 within the designated time limit, the governor, according to the provisions of coercive collection of local taxes, and the Public Corporation, according to the provisions of coercive collection of national taxes and with the approval of the Prime Minister, may institute a process for recovering of taxes in arrears.
4. The order of priority of the collection under the provisions of the preceding paragraph shall be subject to that of the national and local taxes, and its prescription shall be the same as that of the national taxes.
5. When the governor of the prefecture or the Public Corporation has pressed for payment under the provisions of paragraph 1, it may collect arrears at the rate of four sen to one hundred yen per day for the number of days counted from the day following the last day of the time limit of payment up to the day before the day of its complete payment or the day of the seizure of the property. However, this shall not apply to the case where provided otherwise by bylaw of the prefecture or Prime Minister's Office Ordinance.
6. The arrears collected by the governor of the prefecture according to the provisions of the preceding paragraph shall revert to that prefecture.

(Allotment of Expenses to Members of Land Improvement District)

Article 33. In case where a land improvement district bears the expenses under the provisions of Article 29, the expenses to be borne shall be regarded as expenses necessary for the business of the land improvement district, and the provisions of paragraphs 1, 2 and 4 of Article 36 (allotment of expenses), Article 38 (commission of the collection of allotments, etc.) and Article 39 (collection of allotments, etc.) of the Land Improvement Law shall apply thereto.

(Adjustment of Matters involved in the Rights)

Article 33-2. In case where the Public Corporation has conducted the business related to the irrigation and drainage works to be executed as the business prescribed in items (1) to (3) inclusive of paragraph 1 and items (1) and (2) of paragraph 2 of Article 18, the provisions of Article 59 (the beneficial expenses to be redeemed), Article 62 (the claim by members for increase in land rent and others) and Article 65 (the application of the Agricultural Land Law) of the Land Improvement Law shall apply mutatis mutandis thereto. In this case, "land improvement projects" in Article 59 and in paragraph 1 of Article 62 of the same Law shall read "the business related to the irrigation and drainage works to be executed by the Water Resources Development Public Corporation as the business prescribed in items (1) to (3) inclusive of paragraph 1 of Article 18 and items (1) and (2) of paragraph 2 of the same Article of the Water Resources Development Public Corporation Law (excluding

the business related to the specific facilities stipulated in paragraph 4 of Article 20 of the same Law for which the grant for irrigation is included in the national grant for the construction or reconstruction of the same specific facilities as provided for in paragraph 1 of Article 26 of the same Law)"; and "a member" in paragraph 1 of Article 62 of the same Law shall read "the member who has paid the money imposed and collected by the land improvement district under the provisions of paragraph 1 of Article 36 of the Land Improvement Law with the application of the provisions of Article 33 of the Water Resources Development Public Corporation Law."

Chapter V Finance and Accounting

(Business Year)

Article 34. The business year of the Public Corporation shall begin every year on the 1st of April and end on the 31st of March in the following year.

(Authorization of Budget of Revenues and Expenditures, etc.)

Article 35. The Public Corporation shall, before the beginning of each business year, prepare the budget of revenues and expenditures, business plan and funds program for the year and obtain the authorization of the Prime Minister. The same shall apply to the revision of them.

(Settlement of Accounts)

Article 36. The Public Corporation shall complete its settlement of accounts of each business year by the 31st of July in the following business year.

(Financial Statements)

Article 37. The Public Corporation shall prepare its inventory, balance sheet and statement of profit and loss (hereinafter referred to as "financial statements" in the next paragraph) for each business year and submit them to the Prime Minister and obtain his approval within two months after the completion of the settlement of accounts.

2. When the Public Corporation submits the financial statements to the Prime Minister under the provisions of the preceding paragraph, it shall attach to them the report of the final accounts of the business year concerned, prepared according to the division of the budget and written opinions of the auditors on the financial statements and the report of the final accounts.

(Disposal of Profit and Loss)

Article 38. In case where there is any profit in any business year in the account of the profit and loss, the Public Corporation shall use it to cover the loss carried over from the preceding business year, and when there still is a surplus, it must be disposed as the reserve fund.

2. In case where there is any loss in any business year in the account of the profit and loss, the Public Corporation shall cover it by reducing the reserve fund provided for in the preceding paragraph, and when there still remains a deficit, it must be disposed as carried-over deficit.

(Loan and the Water Resources Development Bonds)

Article 39. The Public Corporation may, with the authorization of the Prime Minister, obtain a long or short term loan or issue the Water Resources Development Bonds (hereinafter referred to as "the Bonds")

2. The short term loan provided for in the preceding paragraph shall be redeemed within the business year concerned. However, such part of loan as cannot be redeemed by the shortage of funds may be converted with the authorization of the Prime Minister.
3. The converted short term loan provided for in the proviso of the preceding paragraph shall be redeemed within one year.
4. The obligees of the Bonds under the provisions of paragraph 1 shall be entitled to receive the payment of their debt out of the property of the Public Corporation in preference to other creditors.
5. The order of the preferential right provided for in the preceding paragraph shall be subject to that of the provisions of the Civil Code.
6. The Public Corporation may, with the authorization of the Prime Minister, commission a bank or a trust company with a part or the whole of the business related to the issue of the Bonds.
7. The provisions of Articles 309 to 311 inclusive (rights and duties of commissioned companies) of the Commercial Code (Law No. 48 of 1899) shall apply mutatis mutandis to a bank or trust company commissioned provided for in the preceding paragraph.
8. The necessary matters concerning the Bonds, except those provided for in paragraph 1 and paragraphs 4 to 7 inclusive, shall be provided for by Cabinet Order.

(Loan from the Government, etc.)

Article 40. The government may make a loan of long or short term to the Public Corporation or underwrite the Bonds of the Public Corporation.

(Guarantee of Obligation)

Article 41: The government, regardless of the provisions of Article 3 (prohibition of a contract of guarantee) of the Law concerning the Restriction on the Governmental Financial Aid to Juridical Persons (Law No. 24 of 1946), may make guarantee for the obligation (excluding the obligation for which the Government can make guarantee under the provisions of Article 2 of the Law concerning Special Measures relative to Introduction of Foreign Capital from the International Bank for Reconstruction and Development, etc. (Law No. 51 of 1953)) concerning a long term loan or the Bonds of the Public Corporation, within the amount approved by the decision of the National Diet.

(Redemption Plan)

Article 42. The Public Corporation shall, for each business year, work out a redemption program of the long term loans and the Bonds and obtain the authorization of the Prime Minister.

(Subsidy)

Article 43. The government may, in accordance with the relevant Cabinet Order, subsidize the Public Corporation for a part of the expenses necessary for the business prescribed in item (1) or (3) of paragraph 1 of Article 18 or item (2) of paragraph 2 of the same Article within the limit of the budget.

(Employment of Surplus Money)

Article 44. The Public Corporation shall not employ the surplus money available from the business in any other way than the following:

- (1) Holding of national bonds and other securities designated by the Prime Minister;
- (2) Depositing in a bank and other financial institutions designated by the Prime Minister or in postal savings.

(Restriction on Disposal of Property, etc.)

Article 45. The Public Corporation shall obtain the permission of the Prime Minister when it intends to transfer, exchange or mortgage such important property as provided for by Prime Minister's Office Ordinance.

(Standards of Payment of Salaries and Retirement Allowances)

Article 46. The Public Corporation shall obtain the approval of the Prime Minister when it intends to determine or revise the standards of payment of salaries and retirement allowance for its officers and employees.

(Entrusting to Prime Minister's Office Ordinance)

Article 47. The necessary matters concerning the finance and the accounting of the Public Corporation, besides those provided for in this Law and Cabinet Orders based thereupon, shall be provided for by Prime Minister's Office Ordinance.

Chapter VI Supervision

(Supervision)

Article 48. The Public Corporation shall be supervised by the competent Minister.

2. The competent Minister may, in case where he deems it necessary for the execution of this Law, issue to the Public Corporation orders necessary for its supervision on its business.
3. The Prime Minister may make the necessary adjustment to the supervision by the competent Minister provided for in paragraph 1.

(Report and Inspection)

Article 49. The competent Minister may, in case where he deems it necessary, require the Public Corporation to submit a report and have his officials enter into the office of the Public Corporation to inspect the state of the business, the books, the documents and other necessary things.

2. Any of the officials who make the spot inspection under the provisions of the preceding paragraph shall carry his identification card with him and show it to the persons concerned.
3. The right of entrance for inspection provided for in the preceding paragraph shall not be construed as such bestowed for the purpose of criminal investigation.

Chapter VII Miscellaneous Provisions

(Dissolution)

Article 50. The dissolution of the Public Corporation shall be separately provided for by another law.

(Request for Reinvestigation)

Article 51. Any person who has a complaint against any disposal of the Public Corporation based on the provisions of this Law may make a request for reinvestigation provided for in the Administrative Complaint Reinvestigation Law (Law No. 160 of 1962) to the competent Minister.

(Consultation)

Article 52. The Prime Minister shall beforehand consult with the competent Minister in the following cases:

- (1) When he intends to give the permission or authorization under the provisions of paragraph 2 of Article 3, the proviso of paragraph 3 of Article 18, Article 35 or Article 45;
- (2) When he intends to give the approval provided for in paragraph 1 of Article 37;
- (3) When he intends to issue a Prime Minister's Office Ordinance as provided for in Article 47.

Article 53. The competent Minister shall consult beforehand with the Prime Minister in the following cases:

- (1) When he intends to give the authorization under the provisions of paragraph 1 of Article 20 or paragraph 1 or 2 of Article 22;
- (2) When he intends to issue the order provided for in paragraph 2 of Article 48.

Article 54. The Prime Minister shall consult beforehand with the Minister of Finance in the following cases:

- (1) When he intends to give the permission or authorization under the provisions of the proviso of paragraph 3 of Article 18, Article 35, paragraph 1, the proviso of paragraph 2 or paragraph 6 of Article 39, Article 42, or Article 45;
- (2) When he intends to give the approval provided for in paragraph 1 of Article 37, or Article 46;
- (3) When he intends to make the designation referred to in item (1) or (2) of Article 44;
- (4) When he intends to issue a Prime Minister's Office Ordinance provided for in Article 47.

(Competent Minister)

Article 55. The competent Minister in this Law shall be as follows:

- (1) The Prime Minister, to be in charge of the matters concerning the officers and employees, the finance and accounting and other management affairs;

- (2) The Minister of Construction, to be in charge of the matters concerning the construction, reconstruction, management and other business of the establishments for developing and utilizing water resources, which are provided for by Cabinet Order, such as multipurpose dams, whose aims are extended to the function of flood (including high tide) control and the maintenance or improvement of the normal function of the running water, estuarial weirs and facilities to regulate the water level of lakes or marshes;
- (3) The Minister of Construction, to be in charge of the matters concerning the construction, reconstruction, management and other business of such multipurpose water channels as are connected with the multipurpose dams mentioned in the preceding item, which are provided for by Cabinet Order;
- (4) The Minister of Agriculture and Forestry, to be in charge of the matters concerning the management and other business of the irrigation facilities of Aichi and Toyogawa;
- (5) The Minister of Welfare, the Minister of Agriculture and Forestry, the Minister of International Trade and Industry or the Minister of Construction, in accordance with the relevant Cabinet Order, to be in charge of the matters concerning the construction, reconstruction, management and other business of the establishment for developing and utilizing water resources (including those of multipurpose) provided for in the preceding, such as dams, weirs, and water channels.

Entrusting of Powers of the Prime Minister)

Article 56. The Prime Minister may entrust a part of his powers under the provisions of this Law to the Director-General of the Economic Planning Agency, in accordance with the relevant Cabinet Order.

(Application Mutatis Mutandis of Other Laws and Ordinances)

Article 57. The Immovable Property Registration Law (Law No. 24 of 1899) and other laws and ordinances designated by Cabinet Order shall, as may be provided for by Cabinet Order, apply mutatis mutandis to the Public Corporation, which shall be regarded as an administrative organ of the State.

Chapter VIII Penal Provisions

Article 58. In case where an officer or employee of the Public Corporation has failed to submit the report provided for in paragraph 1 of Article 49 or has submitted a false report or has refused, obstructed or evaded the inspection provided for in the same paragraph, he shall be punished with a fine not exceeding thirty thousand yen.

Article 59. In any of the following cases, violating officer or employee of the Public Corporation shall be punished with a non-penal fine not exceeding thirty thousand yen:

- (1) In case where he has failed to obtain the permission, authorization or approval of the Prime Minister or the competent Minister when it is required by this Law;
- (2) In case where he has failed to effect registration in contravention of the Cabinet Order provided for in paragraph 1 of Article 4;
- (3) In case where he has conducted any other business than that provided for in Article 18;
- (4) In case where he has employed the surplus money of business in contravention of the provisions of Article 44;
- (5) In case where he has violated the order of the competent Minister provided for in paragraph 2 of Article 48.

Article 60. In the application of the preceding two Articles, the Prime Minister or the competent Minister in the provisions of this Law (except the provisions of Article 56) shall include the Director-General of the Economic Planning Agency, if the power is entrusted to him under the provisions of Article 56.

Article 61. Any person who has used the name of the Water Resources Development Public Corporation in violation of the provisions of Article 5 shall be punished with a non-penal fine not exceeding ten thousand yen.