

June 25, 1996

REGULATIONS

(Accompanying Decree No. 522) on the reorganization of the agricultural enterprises and organizations.

1. The present regulations determines the possible ways and specialties, defines and regulates basic directions and methods of reorganization of the agricultural enterprises and organisations (since this time-enterprises).

2. Reorganization represents alteration of productive-economic relations in the agricultural sector, processing industries and infrastructures, attended by them, *in the basis of free choice of the forms of ownership and management taking into account the established technological and economic relations*. The key purpose of the reorganization is to raise motivation of the people to the labour on the basis of the personal, collective and state interests.

3. *At the will of the members of the collective bodies, the enterprises can be reorganized into dehkan farms, collective enterprises or joint ventures, cooperatives, joint-stock companies, associations, which are implementing the agricultural production, agricultural produce processing and which are providing for agricultural services, supply and realization.*

In case the collective bodies of the enterprises has taken a decision on the reservation of the former method of management, then it is necessary to reregistrate them together with the land allotment in accordance to the present legislation. The unconditional right of a worker to go out without the agreement of collective body or administration with the allotment of the land must be guaranteed.

4. Reorganization of an enterprise must guarantee reservation of the purpose destination of the land-water resources.

publicity, responsibility, social equality and protectiveness of the workers.

5. The decision on the method and direction of the reorganization and registration of enterprises is taken by the *State commission* for the reorganization of the agricultural enterprises taking into consideration the proposals of the collective bodies of the enterprises and local commissions.

6. *Object of the social-cultural destination of the reorganized enterprises are given to the jamoats.*

7. The interfarming and innerfarming objects of melioration and water exploitation, objects of the road network, gasification, electorfication, water supply, objects of the communications can be transferred to the balance of the proper ministries and departments.

Exploitation of the mentioned objects is implemented for the suitable payment.

8. Evaluation of the cost of the assets of the reorganized enterprise is made by the working commission with the drawing up of the schedule of the inventorization taking into account the balance and actual residual costs in dependance to the location, consumer qualities and other factors.

9. *The financial means on the accounts, other assets, debtor and credit indebtedness of the reorganized state enterprises can be accordingly referred to the incomes and expenditures of the republic budget in he order, established by the ministry of finance of the RT.*

10. Objects and assets, which were built or gained completely or partly at kolhozes at the expence of the state budget. It is evaluated separately. The matter on the transfer of them into posession or their realization is settled by the state commission by the proposal of the local working commissions.

11. The cost of the social-civil objects, objects of the public use and engineering communications.

12. *The right to redeem the assets have the following persons:*

workers of the farms and enterprises, irrespectively of the position, type of work, who are enlisted in the staff at the moment of the reorganization; interimly absent for the valid reason; pensioners, who went for pension directly from that enterprise; persons of the reorganized enterprise who were elected for the election work of different levels; invalids of the 1 and 2 groups, who got invalidity at that enterprise; persons who were called to the military service from that enterprise; persons who were sent to training or improvement of professional skill; the collective body can also take a decision on the insertion of the workers of the social sphere, which is situated within the area of the farm, persons who used to work at the farm during the last years, and also persons, dismissed by the reducement of the number of the workers after the 1 Jan 1993.

13. Large objects (cattle-breeding farms, fodder departments, machine parks, repairing shops, storage farms and others), separation of which according to the productive-technical conditions is impossible and economically unreasonable, are to be redeemed and leased mostly to the workers of those objects.

14. According to the decision of the State commission the assets of the enterprises can be sold on the benefit beneficial conditions. The total amount of the benefits can not exceed 30 percents of the valuation cost of the assets or objects to be redeemed.

15. *Property disputes, emerged during the reorganization of the enterprises, are to be solved by the higher commissions or by Court in accordance with the legislation of the RT.*

16. For the property, obtained into the possession after the reorganization of the enterprises, The Law of the RT "On the property" is used.

17. *In case of the voluntary going out of a member of the newly reorganized enterprise, which was created as a result of the reorganization, he is allotted his property share or a financial compensation, at once or by parts taking into account changes of the economic conditions during the year.*

18. In case of the death of the owner of the property share, his heir at law can become a member of the enterprise. In case of his refusal, he is to receive a proper compensation during the year.

19. Allotment of the land fund of the reorganized enterprise is implemented by the district land committee. During it, a certain part of the land fund is not subject to be allotted, that allows to form a reserve land fund.

20. The land fund which is to be allotted, is granted to be used for organized farms in accordance with the current land legislation of the republic.

21. the reserve land fund is used for development of the rural settlements, productive infrastructure, cultural-sanitation and other goals. Interimly unused land fund cannot be given to the short-term tenure for the cultivation of the agricultural crops.

22. The lands which are allotted for the reorganized kolхозes, sovkhozes and other agricultural enterprises, are to be distributed to shares between their permanent workers, the amount of which is calculated by the district land committee and are to be certified by the proper documentation. When leaving the kolhoz with the view of the creation of a dehkan farm, the worker has the right to receive a land plot from the kolhoz's lands in the amount of his share. The arisen land disputes are considered by the district land committee. In case the claimer is not agreeable to the decision of the land committee he can appeal against it at the court.

23. Allotment of the land shares in life size is implemented in the following order:

in order to receive a land share in natural size, the worker of the reorganized enterprise applies to the district land committee on the allotment of his share;

a worker of the reorganized enterprise has the right to make application on the allotment of a land plot in natural size which is smaller of the square he is to be allotted in accordance with the amount of his share, the remaining part can be compensated with assets or finances.

The district land committee is obliged during the month term to take a decision on the scales of the allotted land plot. The location of such a plot is determined in the order of the sortition within the borders of the land plot, where the claimer used to work.

24. Allotment of the land plots into the possession, which are occupied at the moment of the reorganization under the agricultural crops, except of the herbs, is implemented after the gathering of the crops of the current year.

25. The rational use and protection of lands of the farms, which were created in the process of the reorganization, taking account of the land registration documentation is implemented according to the legislation of the RT.

26. The right to use lands of newly organized farms is annulled in case the lands are not used for production of the agricultural production during the one year, if they are used not to the destination or by methods which cause the loss of the fruitility of the soil and in other cases foreseen by the Land Code" of the RT.

27. *Enterprises, executing scientific-experimental functions, and selective seed-growing, cattle-breeding farms are not subject to reorganization.*