



General Assembly

Substitute Bill No. 5228

February Session, 2024



AN ACT CONCERNING THE PURCHASE OF CERTAIN LANDS AT AGRICULTURAL VALUE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-26bb of the 2024 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2024*):

4 As used in sections 22-26aa to 22-26nn, inclusive, as amended by this
5 act:

6 (a) "Agricultural land" means any land in the state suitable by
7 reference to soil types, existing and past use of such land for agricultural
8 purposes and other relevant factors for the cultivation of plants for
9 production of human food and fiber or production of other useful and
10 valuable plant products and for the production of animals, livestock and
11 poultry useful to man and the environment, and land capable of
12 providing economically profitable farm units, and may include adjacent
13 pastures, wooded land, natural drainage areas and other adjacent open
14 areas;

15 (b) "Commissioner" means the Commissioner of Agriculture;

16 (c) "Department" means the Department of Agriculture;

17 (d) "Development rights" means the rights of the fee simple owner of
18 agricultural land to develop, construct on, sell, lease or otherwise
19 improve the agricultural land for uses that result in rendering such land
20 no longer agricultural land, but shall not be construed to include: (1) The
21 uses defined in subsection (q) of section 1-1, (2) the rights of the fee
22 owner of agricultural land to develop, construct on, sell, give or transfer
23 in any way the property in its entirety, or a portion thereof, provided
24 any such sale, gift or transfer of a portion of the property is of a property
25 that was first subject to a sale, transfer or gift of development rights on
26 or after June 28, 2023, lease the property in its entirety, or a portion
27 thereof, for a term of less than twenty-five years or otherwise improve
28 the agricultural land to preserve, maintain, operate or continue such
29 land as agricultural land, including but not limited to construction
30 thereon of residences for persons directly incidental to farm operation
31 and buildings for animals, roadside stands and farm markets for sale to
32 the consumer of food products and ornamental plants, facilities for the
33 storing of equipment and products or processing thereof or such other
34 improvements, activities and uses thereon as may be directly or
35 incidentally related to the operation of the agricultural enterprise, as
36 long as the acreage and productivity of arable land for crops is not
37 materially decreased and due consideration is given to the impact of any
38 decrease in acreage or productivity of such arable land upon the total
39 farm operation, provided any portion of land that is sold, given or
40 transferred, shall be determined in accordance with regulations adopted
41 pursuant to this chapter, except that new construction or modification
42 of an existing farm building necessary to the operation of a farm on
43 prime farmland, as defined by the United States Department of
44 Agriculture, of which the state has purchased development rights shall
45 be limited to not more than five per cent of the total of such prime
46 farmland, (3) the rights of the fee owner to provide for the extraction of
47 gravel or like natural elements to be used on the farm for purposes
48 directly or incidentally related to the operation of the agricultural
49 enterprise or (4) the existing water and mineral rights, exclusive of
50 gravel, of the fee owner;

51 (e) "Owner" means any person, corporation, limited liability
52 company, partnership, trust, municipal corporation, public utility or
53 any other private or public entity that shall be the fee simple owner of
54 agricultural land or who shall by operation of law have the power to
55 exercise the rights of a fee simple owner;

56 (f) "Municipality" means any city, town, borough, district, or
57 association with municipal powers;

58 (g) "Prime farmland" means soils defined by the United States
59 Department of Agriculture as the best suited to producing food, feed,
60 forage, fiber and oilseed crops;

61 (h) "Restricted agricultural land" means land and the improvements
62 thereon for which development rights are held by the state of
63 Connecticut;

64 (i) "Restriction" means the encumbrance on development uses placed
65 on restricted lands as a result of the acquisition of development rights
66 by the state of Connecticut and may include a provision that provides
67 that a municipality or a nonprofit organization authorized to hold land
68 for conservation and preservation purposes, may acquire, at such
69 municipality's or nonprofit organization's own expense, an option to
70 purchase such restricted lands at agricultural value;

71 (j) "Residences" means single-family residential dwellings and any
72 associated on-site septic disposal system or potable well;

73 (k) "Building" means (1) any permanent structure used for holding
74 animals, (2) roadside stands and farm markets for sale to the consumer
75 of food products and ornamental plants, (3) facilities for the storing of
76 equipment and products or the processing of products, and (4) animal
77 waste storage facilities;

78 (l) "Arable land" means land currently used for the production of
79 crops or pasture and land considered prime and important farmland
80 soil by the United States Department of Agriculture;

81 (m) "Gravel or like natural elements" means rounded or angular
82 fragments of rock and associated soil material;

83 (n) "Economically profitable farm unit" means an acreage of arable
84 land capable of producing a sustained annual gross income of
85 significant value as determined by the commissioner;

86 (o) "The property in its entirety" means the entire acreage of restricted
87 land without division or subdivision;

88 (p) "Persons directly incidental to the farm operation" means any
89 person who participates in the farm operation on the restricted land on
90 a full-time basis and any owner of the restricted land regardless of
91 whether or not he participates in the farm operation on a full-time basis;

92 (q) "Option to purchase at agricultural value" means a preemptive,
93 perpetual option for a municipality or nonprofit organization
94 authorized to hold land for conservation and preservation purposes to
95 purchase restricted agricultural land at its agricultural use value;

96 (r) "Agricultural use value" means the appraised fair market value of
97 restricted agricultural land.

98 Sec. 2. Section 22-26cc of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2024*):

100 (a) There is established within the Department of Agriculture a
101 program to solicit, from owners of agricultural land, offers to sell the
102 development rights to such land and to inform the public of the
103 purposes, goals and provisions of this chapter. The commissioner, with
104 the approval of the State Properties Review Board, shall have the power
105 to acquire or accept as a gift, on behalf of the state, the development
106 rights of any agricultural land, if offered by the owner. Notice of the
107 offer shall be filed in the land records wherein the agricultural land is
108 situated. If ownership of any land for which development rights have
109 been offered is transferred, the offer shall be effective until the
110 subsequent owner revokes the offer in writing. The state conservation

111 and development plan established pursuant to section 16a-24 shall be
112 applied as an advisory document to the acquisition of development
113 rights of any agricultural lands. The factors to be considered by the
114 commissioner in deciding whether or not to acquire such rights shall
115 include, but not be limited to, the following: (1) The probability that the
116 land will be sold for nonagricultural purposes; (2) the current
117 productivity of such land and the likelihood of continued productivity;
118 (3) the suitability of the land as to soil classification and other criteria for
119 agricultural use; (4) the degree to which such acquisition would
120 contribute to the preservation of the agricultural potential of the state;
121 (5) any encumbrances on such land; (6) the cost of acquiring such rights;
122 and (7) the degree to which such acquisition would mitigate damage
123 due to flood hazards. Ownership by a nonprofit organization
124 authorized to hold land for conservation and preservation purposes of
125 land which prior to such ownership qualified for the program
126 established pursuant to this section shall not be deemed to diminish the
127 probability that the land will be sold for nonagricultural purposes. After
128 a preliminary evaluation of such factors by the Commissioner of
129 Agriculture, [he] the commissioner shall obtain and review one or more
130 fee appraisals of the property selected in order to determine the value
131 of the development rights of such property, which may be based, in part,
132 on any option to purchase such property at agricultural value. The
133 commissioner shall notify the Department of Transportation, the
134 Department of Economic and Community Development, the
135 Department of Energy and Environmental Protection and the Office of
136 Policy and Management that such property is being appraised. Any
137 appraisal of the value of such land obtained by the owner and
138 performed in a manner approved by the commissioner shall be
139 considered by the commissioner in making such determination. The
140 value of development rights for all purposes of this section shall be the
141 difference between the value of the property for its highest and best use
142 and its value for agricultural purposes as determined by the
143 commissioner. The use or presence of pollutants or chemicals in the soil
144 shall not be deemed to diminish the agricultural value of the land or to
145 prohibit the commissioner from acquiring the development rights to

146 such land. The commissioner may purchase development rights for a
147 lesser amount provided he complies with all factors for acquisition
148 specified in this subsection and in any implementing regulations. In
149 determining the value of the property for its highest and best use,
150 consideration shall be given but not limited to sales of comparable
151 properties in the general area, use of which was unrestricted at the time
152 of sale.

153 (b) Upon the acquisition by the commissioner of the development
154 rights of agricultural land, the commissioner shall cause to be filed in
155 the appropriate land records and in the office of the Secretary of the
156 State a notice of such acquisition which shall set forth a description of
157 the agricultural land as will be sufficient to give any prospective
158 purchaser of such agricultural land or creditor of the owner thereof
159 notice of such restriction. Upon such filing, the owner of such
160 agricultural land shall not be permitted to exercise development rights
161 with respect to such land, and such development rights shall be
162 considered and deemed dedicated to the state in perpetuity, except as
163 hereinafter provided. If restricted land is to be sold, the owner shall
164 notify, in writing, the commissioner of such impending sale not [more]
165 less than ninety days before transfer of title to the land and shall provide
166 the commissioner with the name and address of the new owner.

167 (c) The commissioner shall have no power to release such land from
168 its agricultural restriction, except as set forth in this subsection. The
169 commissioner, in consultation with the Commissioner of Energy and
170 Environmental Protection and such advisory groups as the
171 Commissioner of Agriculture may appoint, may approve (1) a petition
172 by the owner of the restricted agricultural land to remove such
173 restriction provided such petition is approved by resolution of the
174 legislative body of the town, or (2) a petition by the legislative body of
175 the town in which such land is situated to remove such restriction
176 provided such petition is approved in writing by said owner. Upon
177 approval of such a petition by the commissioner, the legislative body of
178 the town shall submit to the qualified voters of such town the question
179 of removing the agricultural restriction from such land or a part thereof,

180 at a referendum held at a regular election or a special election warned
181 and called for that purpose. In the event a majority of those voting at
182 such referendum are in favor of such removal, the restriction shall be
183 removed from the agricultural land upon filing of the certified results of
184 such referendum in the land records and the office of the Secretary of
185 the State, and the commissioner shall convey the development rights to
186 such owner provided such owner shall pay the commissioner an
187 amount equal to the value of such rights. Such petition shall set forth the
188 facts and circumstances upon which the commissioner shall consider
189 approval, and said commissioner shall deny such approval unless he
190 determines that the public interest is such that there is an overriding
191 necessity to relinquish control of the development rights. The
192 commissioner shall hold at least one public hearing prior to the
193 initiation of any proceedings hereunder. The expenses, if any, of the
194 hearing and the referendum shall be borne by the petitioner. In the event
195 that the state sells any development rights under the procedure
196 provided in this subsection, it shall receive the value of such rights.

197 (d) Whenever the commissioner acquires the development rights of
198 any agricultural land and the purchase price of such development rights
199 is ten thousand dollars or more, said commissioner and the owner of
200 such land may enter into a written agreement which provides for the
201 payment of the purchase price in two or three annual installments, but
202 no interest shall be paid on any unpaid balance of such purchase price.

203 (e) Whenever the commissioner acquires the development rights to
204 any agricultural land, and any municipality in which all or part of the
205 land is situated paid a part of the purchase price from a fund established
206 pursuant to section 7-131q, such municipality and the state may jointly
207 own the development rights. The land may be released from its
208 agricultural restriction in accordance with the provisions of subsection
209 (c) of this section. The commissioner shall adopt regulations in
210 accordance with the provisions of chapter 54 establishing procedures for
211 the joint acquisition of development rights to agricultural land. Such
212 municipality may, additionally, hold an option to purchase such
213 agricultural land at agricultural value.

214 (f) The acquisition of the development rights to any agricultural land
215 by the commissioner shall not be deemed to be ownership of such land
216 and the state shall not be liable for pollution or contamination of such
217 land and no person may bring a civil action against the state for
218 damages resulting from pollution or contamination of such agricultural
219 land.

220 (g) The commissioner may issue a letter of intent requesting the
221 assistance of a nonprofit organization, as defined in Section 501(c)(3) of
222 the Internal Revenue Code of 1986, or any subsequent corresponding
223 internal revenue code of the United States, as from time to time
224 amended, in acquiring the development rights to certain agricultural
225 land. If such organization acquires such rights it may sell them to the
226 commissioner based on a purchase agreement. Such agreement may
227 include reimbursement for reasonable expenses incurred in the
228 acquisition of the rights as well as payment for the rights. The
229 commissioner may enter into joint ownership agreements to acquire the
230 development rights to any qualified agricultural land with any
231 nonprofit organization, as defined in Section 501(c)(3) of the Internal
232 Revenue Code of 1986, or any subsequent corresponding internal
233 revenue code of the United States, as from time to time amended,
234 provided the mission of such nonprofit organization is the permanent
235 protection of agricultural land for the purposes of continued
236 agricultural use. Such joint ownership agreement may include
237 provisions for the reimbursement of reasonable expenses incurred in the
238 joint acquisition of such development rights. Such nonprofit
239 organization may, additionally, hold an option to purchase such
240 agricultural land at agricultural value.

241 (h) In addition to development rights, the commissioner may acquire
242 or accept as a gift the rights of the owner to construct any residences or
243 any farm structures on agricultural land.

244 (i) The Commissioner of Agriculture, pursuant to any cooperative
245 agreement with the United States Department of Agriculture for the
246 disbursement of funds under federal law, may require that any property

247 to which rights are acquired under this section with such funds shall be
248 managed in accordance with a conservation plan which utilizes the
249 standards and specifications of the Natural Resources Conservation
250 Service field office technical guide and is approved by such service.
251 Additionally, such conservation plan shall require the establishment of
252 model pollinator habitat, as described in section 22-90b. Any instrument
253 by which the commissioner acquires such rights and for which any such
254 funds are used may provide for a contingent right in the United States
255 of America in the event that the state of Connecticut fails to enforce any
256 of the terms of its rights acquired under this section which failure shall
257 be determined by the United States Secretary of Agriculture. Such
258 contingent right shall entitle the secretary to enforce any rights acquired
259 by the state under this section by any authority provided under law.
260 Such instrument may provide that such rights shall become vested in
261 the United States of America in the event that the state of Connecticut
262 attempts to terminate, transfer or otherwise divest itself of any such
263 rights without the prior consent of the United States Secretary of
264 Agriculture and payment of consideration to the United States and may
265 further provide that title to such rights may be held by the United States
266 of America at any time at the request of the United States Secretary of
267 Agriculture. In connection with such an agreement, the commissioner
268 may hold the United States harmless from any action based on
269 negligence in the procurement or management of any rights acquired
270 under this section and may assure that proper title evidence is secured,
271 that the title is insured to the amount of the federal cost paid for the
272 interest of the United States of America and that, in the event of a failure
273 of title, as determined by a court of competent jurisdiction, and payment
274 of insurance to the state, the state will reimburse the United States for
275 the amount of the federal cost paid.

276 (j) The commissioner, when acquiring the development rights of any
277 agricultural lands on behalf of the state, may incorporate deed
278 requirements in accordance with the provisions of the federal Farm and
279 Ranch Lands Protection Program, 7 CFR 1491.1, et seq., or under the
280 Agricultural Conservation Easement Program, 7 CFR 1468.1, et seq., or

281 any successive federal farmland protection program.

282 (k) When executed, an option to purchase at agricultural value may
283 be included along with the recorded document evidencing an
284 agricultural restriction on the same land and shall exist in perpetuity,
285 run with the land and bind all future owners of the restricted land. Any
286 municipality or nonprofit organization that acquires such an option to
287 purchase at agricultural value shall be solely responsible for
288 enforcement of the option to purchase at agricultural value, at such
289 municipality's or nonprofit organization's sole cost and expense.

290 (l) Notwithstanding the provisions of subsection (k) of this section,
291 the Department of Agriculture may establish and administer a grant
292 funding program for any municipality or nonprofit organization
293 authorized to hold land for conservation and preservation purposes to
294 acquire options to purchase restricted agricultural lands at agricultural
295 value.

296 Sec. 3. Section 22-26nn of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective October 1, 2024*):

298 (a) The Commissioner of Agriculture may establish a community
299 farms program for the preservation of farmland that does not meet the
300 criteria of the farmland preservation program established pursuant to
301 section 22-26cc, as amended by this act, for reasons of size, soil quality
302 or location but that may contribute to local economic activity through
303 agricultural production. The commissioner may purchase up to one
304 hundred per cent of the value of development rights directly from an
305 eligible owner, or may acquire development rights on qualifying
306 farmland jointly with a municipality, subject to the appraisal and review
307 required by the regulations adopted pursuant to this section. For the
308 purposes of this section, "development rights" and "owner" have the
309 same meanings as provided in section 22-26bb, as amended by this act.

310 (b) If the Commissioner of Agriculture establishes a program in
311 accordance with subsection (a) of this subsection, the commissioner
312 shall, in consultation with the Farmland Preservation Advisory Board

313 established under section 22-26ll, establish criteria for said program.
314 Such criteria shall give preference to farms that produce food or fiber,
315 and at a minimum shall consider (1) the probability that the land will be
316 sold for nonagricultural purposes, (2) the current productivity of the
317 land and the likelihood of continued productivity of such land, (3) the
318 suitability of the land for agricultural use, including whether the soil is
319 classified as locally important soils by the United States Department of
320 Agriculture, and (4) the demonstrated level of community support for
321 preservation of the parcel. The commissioner shall, in consultation with
322 said board, consider mechanisms that encourage continuation of the
323 land in agricultural production to maintain its long-term availability
324 and affordability for future generations of farmers, including, but not
325 limited to, deed restrictions or stewardship requirements.

326 (c) Upon the acquisition by the commissioner of the development
327 rights to agricultural land pursuant to this section, the commissioner
328 shall cause to be filed in the appropriate land records and in the office
329 of the Secretary of the State a notice of such acquisition which shall set
330 forth a description of the agricultural land as will be sufficient to give
331 any prospective purchaser of such agricultural land or creditor of the
332 owner thereof notice of such restriction. Upon such filing, the owner of
333 such agricultural land shall not be permitted to exercise development
334 rights with respect to such land, and such development rights shall be
335 considered and deemed dedicated to the state in perpetuity, except as
336 hereinafter provided. If restricted land is to be sold, the owner shall
337 notify the commissioner, in writing, of such impending sale not [more]
338 less than ninety days before transfer of title to the land and shall provide
339 the commissioner with the name and address of the new owner.

340 (d) The Commissioner of Agriculture shall have no power to release
341 such land from its agricultural restriction, except as set forth in this
342 subsection. The Commissioner of Agriculture, in consultation with the
343 Commissioner of Energy and Environmental Protection and such
344 advisory groups as the Commissioner of Agriculture may appoint, may
345 approve (1) a petition by the owner of the restricted agricultural land to
346 remove such restriction provided such petition is approved by

347 resolution of the legislative body of the town, or (2) a petition by the
348 legislative body of the town in which such land is situated to remove
349 such restriction provided such petition is approved in writing by said
350 owner. Upon approval of such a petition by the Commissioner of
351 Agriculture, the legislative body of the town shall submit to the
352 qualified voters of such town the question of removing the agricultural
353 restriction from such land or a part thereof, at a referendum held at a
354 regular election or a special election warned and called for that purpose.
355 In the event a majority of those voting at such referendum are in favor
356 of such removal, the restriction shall be removed from the agricultural
357 land upon filing of the certified results of such referendum in the land
358 records and the office of the Secretary of the State, and the
359 Commissioner of Agriculture shall convey the development rights to
360 such owner provided such owner shall pay the Commissioner of
361 Agriculture an amount equal to the value of such rights. Such petition
362 shall set forth the facts and circumstances upon which the
363 Commissioner of Agriculture shall consider approval, and said
364 commissioner shall deny such approval unless said commissioner
365 determines that the public interest is such that there is an overriding
366 necessity to relinquish control of the development rights. The
367 Commissioner of Agriculture shall hold at least one public hearing prior
368 to the initiation of any proceedings hereunder. The expenses, if any, of
369 the hearing and the referendum shall be borne by the petitioner. In the
370 event that the state sells any development rights under the procedure
371 provided in this subsection, it shall receive the value of such rights.

372 (e) Whenever the Commissioner of Agriculture acquires the
373 development rights of any agricultural land pursuant to this section and
374 the purchase price of such development rights is ten thousand dollars
375 or more, said commissioner and the owner of such land may enter into
376 a written agreement which provides for the payment of the purchase
377 price in two or three annual installments, but no interest shall be paid
378 on any unpaid balance of such purchase price.

379 (f) Whenever the commissioner acquires the development rights to
380 any agricultural land, and any municipality in which all or part of the

381 land is situated paid a part of the purchase price from a fund established
382 pursuant to section 7-131q, such municipality and the state may jointly
383 own the development rights. The land may be released from its
384 agricultural restriction in accordance with the provisions of subsection
385 (d) of this section. The commissioner shall adopt regulations, in
386 accordance with the provisions of chapter 54, establishing procedures
387 for the joint acquisition of development rights to agricultural land. Such
388 municipality may, additionally, hold an option to purchase such
389 agricultural land at agricultural value.

390 (g) The acquisition of the development rights to any agricultural land
391 by the commissioner shall not be deemed to be ownership of such land
392 and the state shall not be liable for pollution or contamination of such
393 land and no person may bring a civil action against the state for
394 damages resulting from pollution or contamination of such agricultural
395 land.

396 (h) The commissioner may issue a letter of intent requesting the
397 assistance of a nonprofit organization, as defined in Section 501(c)(3) of
398 the Internal Revenue Code of 1986, or any subsequent corresponding
399 internal revenue code of the United States, as from time to time
400 amended, in acquiring the development rights to certain agricultural
401 land. If such organization acquires such rights it may sell them to the
402 commissioner based on a purchase agreement. Such agreement may
403 include reimbursement for reasonable expenses incurred in the
404 acquisition of the rights as well as payment for the rights. The
405 commissioner may enter into joint ownership agreements to acquire the
406 development rights to any qualified agricultural land with any
407 nonprofit organization, as defined in Section 501(c)(3) of the Internal
408 Revenue Code of 1986, or any subsequent corresponding internal
409 revenue code of the United States, as from time to time amended,
410 provided the mission of such nonprofit organization is the permanent
411 protection of agricultural land for the purposes of continued
412 agricultural use. Such joint ownership agreement may include
413 provisions for the reimbursement of reasonable expenses incurred in the
414 joint acquisition of such development rights. Such nonprofit

415 organization may, additionally, hold an option to purchase such
416 agricultural land at agricultural value.

417 (i) In addition to development rights, the commissioner may acquire
418 or accept as a gift the rights of the owner to construct any residences or
419 any farm structures on agricultural land.

420 (j) The Commissioner of Agriculture, pursuant to any cooperative
421 agreement with the United States Department of Agriculture for the
422 disbursement of funds under federal law, may require that any property
423 to which rights are acquired under this section with such funds shall be
424 managed in accordance with a conservation plan which utilizes the
425 standards and specifications of the Natural Resources Conservation
426 Service field office technical guide and is approved by such service.
427 Additionally, such conservation plan shall require the establishment of
428 model pollinator habitat, as described in section 22-90b. Any instrument
429 by which the commissioner acquires such rights and for which any such
430 funds are used may provide for a contingent right in the United States
431 of America in the event that the state of Connecticut fails to enforce any
432 of the terms of its rights acquired under this section which failure shall
433 be determined by the United States Secretary of Agriculture. Such
434 contingent right shall entitle the United States Secretary of Agriculture
435 to enforce any rights acquired by the state under this section by any
436 authority provided under law. Such instrument may provide that such
437 rights shall become vested in the United States of America in the event
438 that the state of Connecticut attempts to terminate, transfer or otherwise
439 divest itself of any such rights without the prior consent of the United
440 States Secretary of Agriculture and payment of consideration to the
441 United States and may further provide that title to such rights may be
442 held by the United States of America at any time at the request of the
443 United States Secretary of Agriculture. In connection with such an
444 agreement, the commissioner may hold the United States harmless from
445 any action based on negligence in the procurement or management of
446 any rights acquired under this section and may assure that proper title
447 evidence is secured, that the title is insured to the amount of the federal
448 cost paid for the interest of the United States of America and that, in the

449 event of a failure of title, as determined by a court of competent
450 jurisdiction, and payment of insurance to the state, the state will
451 reimburse the United States for the amount of the federal cost paid.

452 (k) The commissioner, when acquiring the development rights of any
453 agricultural lands on behalf of the state pursuant to this section, may
454 incorporate deed requirements in accordance with the provisions of the
455 federal Farm and Ranch Lands Protection Program, 7 CFR 1491.1, et
456 seq., or under the Agricultural Conservation Easement Program, 7 CFR
457 1468.1, et seq., or any successive federal farmland protection program.

458 (l) When executed, an option to purchase at agricultural value may
459 be included along with the recorded document evidencing an
460 agricultural restriction on the same land and shall exist in perpetuity,
461 run with the land, and bind all future owners of the restricted land. Any
462 municipality or nonprofit organization that acquires such an option to
463 purchase at agricultural value shall be solely responsible for
464 enforcement of the option to purchase at agricultural value at such
465 municipality's or nonprofit organization's sole cost and expense.

466 (m) Notwithstanding the provisions of subsection (l) of this section,
467 the Department of Agriculture may establish and administer a grant
468 funding program for any municipality or nonprofit organization
469 authorized to hold land for conservation and preservation purposes, to
470 acquire options to purchase restricted agricultural lands at agricultural
471 value.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	22-26bb
Sec. 2	October 1, 2024	22-26cc
Sec. 3	October 1, 2024	22-26nn

ENV Joint Favorable Subst.