



## 2026 South Dakota Legislature

# House Bill 1107

Introduced by: **Representative Stevens**

1 **An Act to modify restrictions on lands for certain public purposes.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 43-25-18.3 be AMENDED:**

4 **43-25-18.3.** If, upon the hearing in an action pursuant to § 43-25-18.1, it appears  
 5 to the satisfaction of the court that the allegations in the action are true and that, because  
 6 of changed conditions or circumstances since the execution of ~~such an instrument of~~  
 7 conveyance, it is impossible or impractical to continue to hold or use the lands for the  
 8 purposes ~~limited in such conveyance and that the religious, educational, charitable,~~  
 9 ~~benevolent, or public object of the grantor, as set forth in such conveyance, may be~~  
 10 ~~defeated thereby, a decree may be entered authorizing purpose set forth in the~~  
 11 instrument, the court may:

12 (1) Enter a decree modifying, in whole or in part, any direction, limitation, or restriction  
 13 established by the grantor of the instrument, so that the real property may be  
 14 administered, managed, or pledged in any manner the court determines necessary  
 15 to effectively accomplish, as near as possible under existing conditions, the general  
 16 benevolent, charitable, educational, religious, or other public purpose set forth in  
 17 the instrument; or

18 (2) Authorize the grantee to sell ~~such the~~ lands for the highest price obtainable, and  
 19 directing direct that the proceeds of the sale of ~~such the~~ lands shall be reinvested  
 20 in ~~other lands suitable for the use or~~ a manner consistent with the purpose set  
 21 forth in the original ~~conveyance,~~ subject to any reversionary interest or other  
 22 interest in the original conveyance instrument.