

Staff Report for 2026 State Board of Equalization

Prepared By: Property Tax Division

File No.: 2026 – REPORT – EMMONS – JOHNSON

County or City: EMMONS COUNTY

Appellant: DALE JOHNSON

Type of Appeal: AGRICULTURAL

Appeal Issue: Mr. Dale Johnson is appealing the values and valuation method applied under North Dakota Century Code § 57-02-27.2(8), on parcel number 12-0000-06082-000, valued at \$74,200; on parcel number 12-0000-06050-000, valued at \$89,600; and parcel number 12-0000-06052-000, valued at \$73,300; all located in Township 135, Range 74, Emmons County, ND.

Analysis: Mr. Johnson's appeal states that he is not arguing about the valuation of soil type assessed for cropland, but that when assessing the valuation of the land, the county should consider the actual use of his land and revise the assessments accordingly. Meaning that the assessment should not be based on soil type and productivity, which is applied uniformly across the county. But rather the county should consider, case by case, if a property owner chooses to not crop lands that would otherwise be supported by the underlying soil type and productivity.

Mr. Johnson cites North Dakota Century Code (N.D.C.C.) § 57-02-27.2(8), which provides: "In determining the relative value of each assessment parcel, the local assessor shall apply the following considerations, which are listed in descending order of significance to the assessment determination:

- a. Actual use of the property for cropland or noncropland purposes by the owner of the parcel.
- b. Soil type and soil classification data from detailed or general soil surveys.
- c. The schedule of modifiers that must be used to adjust agricultural property assessments within the county as approved by the state supervisor of assessments under subsection 9."

Property Tax Division staff reviewed information submitted by Mr. Johnson, Emmons County Director of Tax Equalization Christina Seppanen, and information that was independently researched.

Emmons County values all agricultural land in the county according to the soil productivity, not actual use. While actual use was considered as part of determining how the county was going

to value its agricultural land, county officials prior to 2007 decided to implement soil type and classification for determining how to value ag land.

In the 2025 Legislative Session, House Bill 2367 passed, as shown above. Testimony was given by many emphasizing the modifier portion of the bill. Taking into consideration actual use first, two of the above-mentioned parcels are native grassland and the third has a wildlife easement. A modified breakpoint method is recommended. Using the top non-crop value PI, which is 49 in Emmons County, divided by the number of acres gives a modified dollar per PI. The modified dollar per PI is then multiplied by the PI of the soil to produce a modified value. Any noncrop PI will be left at the reduced rate as it is lower than the modified value. The modified value multiplied by the acreage of the PI would render in a fair and equitable modified value considering the actual use. (Example on last page.)

Summary of Findings: Emmons County values all agricultural land in the county according to the soil productivity, not actual use. While actual use was considered as part of determining how the county was going to value its agricultural land, county officials prior to 2007 decided that using the soil type and classification was how Emmons County would determine ag land value.

In the 2025 Legislative Session, House Bill 2367 passed, as shown above. Testimony was given by many emphasizing the modifier portion of the bill. Taking into consideration actual use first, two of the above-mentioned parcels are native grassland and the third has a wildlife easement. A modified breakpoint method is recommended for the above-mentioned parcels. The formula and examples are included in the full report.

Proposal for Board Review: It is recommended that the State Board of Equalization direct Emmons County to decrease the value of parcel number 12-0000-06082-000 by 46% to an approximate value of \$40,112; parcel number 12-0000-06050-000 by 58% to an approximate value of \$38,056; and parcel number 12-0000-06052-000 by 43% to an approximate value of \$41,547 as shown on the attachment.

Max PI-Break point for Emmons County is 49.
Adjusted Value for PI 49 is \$228.43.
Formula: $228.43/49=4.66$
Each Noncrop PI Point = \$4.66.

Parcel 12-0000-06050-000 SW4 11-135-74					
PI	Sec 11 Acre Breakdown per PI	Current Value per Acre	Modified Noncrop Avg \$ per Acre if PI above 49	Modified Assessed Value per Acre	
52	6.5	\$ 585.87	\$ 242.32	\$ 1,575.08	
51	153.5	\$ 574.90	\$ 237.66	\$ 36,480.81	
	160			\$ 38,055.89	
Current Assessment				\$ 89,600.00	

Parcel 12-0000-06052-000 NE4 12-135-74					
PI	Sec 12 Acre Breakdown per PI	Current Value per Acre	Modified Noncrop Avg \$ per Acre if PI above 49	Modified Assessed Value per Acre	
40	3.9	\$ 187.30	\$ 187.30	\$ 730.47	
43	33.5	\$ 201.01	\$ 201.01	\$ 6,733.84	
86	37.6	\$ 972.92	\$ 400.76	\$ 15,068.58	
83	3.5	\$ 939.75	\$ 386.78	\$ 1,353.73	
98	11.96	\$ 1,105.59	\$ 456.68	\$ 5,461.89	
57	2.6	\$ 641.25	\$ 265.62	\$ 690.61	
52	2	\$ 585.97	\$ 242.32	\$ 484.64	
37	63.5	\$ 173.60	\$ 173.60	\$ 11,023.60	
	158.56			\$ 41,547.36	
Current Assessment				\$ 73,300.00	

Parcel 12-0000-06082-000 N2NE4, SE4NE4, NE4SE4 24-135-74					
PI	Sec 24 Acre Breakdown per PI	Current Value per Acre	Modified Noncrop Avg \$ per Acre if PI above 49	Modified Assessed Value per Acre	
43	1.2	\$ 201.01	\$ 201.01	\$ 241.21	
83	7.6	\$ 939.75	\$ 386.78	\$ 2,939.53	
44	3.6	\$ 205.58	\$ 205.58	\$ 740.09	
52	5.9	\$ 585.97	\$ 242.32	\$ 1,429.69	
26	5.3	\$ 121.07	\$ 121.07	\$ 641.67	
40	27.6	\$ 187.30	\$ 187.30	\$ 5,169.48	
70	31.6	\$ 784.97	\$ 326.20	\$ 10,307.92	
43	7.7	\$ 201.01	\$ 201.01	\$ 1,547.78	
83	11.7	\$ 939.75	\$ 386.78	\$ 4,525.33	
52	14.5	\$ 585.97	\$ 242.32	\$ 3,513.64	
50	3.5	\$ 563.85	\$ 233.00	\$ 815.50	
26	0.2	\$ 121.07	\$ 121.07	\$ 24.21	
39	0.8	\$ 182.74	\$ 182.74	\$ 146.19	
81	6.7	\$ 917.64	\$ 377.46	\$ 2,528.98	
40	29.58	\$ 187.30	\$ 187.30	\$ 5,540.33	
	157.48			\$ 40,111.55	
Current Assessment				\$ 74,200.00	