Assessment Procedure and Problems in South Dakota

N.J. Anderson

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Assessment Procedure and Problems in South Dakota

Organized and Unorganized Townships in South Dakota, November 1, 1940.

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South Dakota State College
Brookings, South Dakota
Summary

Assessment is of prime importance in the administration of the general property tax. This step is of such importance that all possible effort should be made to establish procedure which will bring about equitable assessment.

If the local assessor should perform his task perfectly there would be little left for either township, county or state boards of equalization to do. On the other hand, when faulty assessment takes place no county or state board of equalization can completely undo all faulty assessment by merely making uniform adjustments throughout an entire assessment district or county.

The general property tax as actually administered is one of the most difficult of all taxes to justify. Its retention can be justified, if at all, only on the grounds that its administration can be improved. Remedies relied upon to bring about improvement should not be half-hearted or superficial.

Problems arising from present assessment methods are as follows:

1. **Some property escapes taxation.** In the interests of justice it is necessary to secure a complete listing of all taxable property. Among the kinds of property which are escaping taxation are such intangibles as stocks, bonds, moneys, and other credits. There is need for more effective checks upon taxable wealth, as a means of preventing the escape of taxable property.

2. **Much inequitable assessment prevails.** By their own admission some township assessors are now directing their efforts toward the assessment of some property at less than true and full value, as a means of “befriending the taxpayers.” Undervaluation makes for unequal valuation. Assessors make their most accurate calculations when they aim at true and full value. Undervaluation creates difficulty for a taxpayer when he seeks to ascertain whether or not he is a victim of discrimination. Among the consequences of inequitable assessment are tax delinquency and the reversion of land to public ownership.

3. **Too much reliance should not be placed upon the board of review as an eliminator of injustice.** In practice, the creation of boards of review has resulted in a disturbing and impractical division of responsibility.

In the light of the experiences of South Dakota and other midwestern and western states, three possible and practical approaches to the solution of some of the existing problems prevail.

1. **Enactment of law permitting the Division of Taxation to exercise more supervision over local assessors through state-appointed and technically competent supervisors working under a Civil Service System.** Such supervisors should give assistance to local assessors by standardizing values within specific classes of property, by instructing assessors in the use of field books, soils maps and land classification and by assisting with actual assessment in situations where property is particularly difficult to assess.

2. **The classification of real property for assessment would facilitate the establishing of equitable assessment.** Whereas South Dakota law provides for the assessment of land at “true and full value,” much land is now either
under-assessed or over-assessed. Land classified in terms of soil type and other physical factors affecting productivity would constitute a reliable, objective approach to assessment at "true and full value."

3. Under an improved assessment system for South Dakota the responsibility for assessing all real and personal property in the county, excepting that which is assessed by the Division of Taxation, could be assigned to a full-time county assessor. It is logical that one official in each county, selected in accordance with prescribed qualifications, should be able to assess property throughout the county equitably. If this system is adopted, the county commissioners should appoint this assessor, subject to the approval of the Division of Taxation. The appointed assessor should be subject to removal for failure to properly perform the duties of his office. A more adequately trained personnel supplied with soil maps, field notes, data on sales value, leases, mortgages and other supplementary material could be expected to improve upon present assessment procedure.

Acknowledgements

The South Dakota Office of the Bureau of Agricultural Economics has given valuable assistance. Information pertaining to the extent of disorganization in township government throughout South Dakota has been assembled and made available for this study. That office has also given encouragement and financial assistance to research pertaining to land classification. To Louis E. Joy, former Research Assistant, and other staff members much credit is due for practical suggestions and helpful criticisms. The assistance of the Hand County Extension Service, the County Land Use Planning Committee and the community committees is gratefully acknowledged. The Agronomy department of South Dakota State College and the Soil Conservation Service have assisted by assembling information essential to land classification. County auditors and commissioners, assessors and other county officials have cooperated generously. The Works Projects Administration furnished clerical workers and office supervision for the assembling of information and the preparation of charts through official project numbers 165-1-74-158, and 665-74-3-137.
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Assessment Problems and Procedure in South Dakota

Norris J. Anderson

Introduction

The initial step in administering the general property tax is assessment. It is the foundation upon which other stages in property tax administration are based. "The assessor is the most important official in the administration and application of the tax. This is true because the work of the assessor is primary and the work of others is either doing that which the assessor has failed to do or perfecting that which he has initiated. If the local assessor should perform his task perfectly, there would be little left for either township, county or state boards of equalization to do."

New interest in assessment problems reveals a growing recognition of the importance of this step. There is a rather general recognition of the existence of inequitable assessment. While boards of equalization are created by law no such board can completely undo all the faulty assessment under its jurisdiction.

Data and comment contained in this publication should not be interpreted as an all-out criticism of persons engaged in the administration of the general property tax. In a majority of cases where weaknesses appear in the administration of the property tax the fundamental defect is usually one inherent in the system, not in the individual upon whom rests the responsibility for making the system work. The revision of law pertaining to assessment will be necessary in order to eliminate fundamental weaknesses.

The purpose of this study is to present information concerning the administration of the general property tax in South Dakota and to indicate probable weaknesses in the present system of assessment. The equalization of assessed values, which follows assessment in administrative procedure, is not stressed because it holds a position secondary to assessment. The importance of equalization diminishes with improvements in the assessment system.

In a state so largely agricultural it is fair to assume that more than half of the necessary revenue for local government will somehow be extracted from owners of real and personal property, by means of a property tax, for some time to come. It becomes extremely important, therefore, to distribute the tax load as equitably as possible. Hence this emphasis upon the importance of establishing equitable assessment.

The necessary improvements in property tax administration seem to have been retarded, at least in part, because of a lack of information concerning the problems involved. An effort has been made in this study to assemble pertinent facts on assessment, and opinion among those who have contact with the administrative procedure, as a means of answering questions that the public asks relative to these problems. Consequently the emphasis is upon the present situation and its weaknesses rather than upon proposals for change. It is believed that an investigation more detailed and com-

prehensive than this should precede conclusive recommendations. In the light of investigations completed to date, the lines of remedy suggested in this bulletin are considered suitable, but are not in any sense offered as the final word.

**Present Assessment Methods**

Provisions of the South Dakota law pertaining to the size of assessment districts and the selection of assessors are as follows:

"Each organized civil township, incorporated town and city shall constitute an assessor's district in which an assessor shall be elected or appointed as provided in the law relating to organized civil townships, incorporated towns and cities."  

"The territory of each county not included in any organized civil township, incorporated town or city, shall constitute an assessor's district in which an assessor shall be elected by the electors thereof in each general election, to serve for a term of two years."

"He (assessor) shall actually view, when practicable, and determine the true and full value of each tract or lot of real property listed for taxation, and shall enter the value thereof. . . ."  

"All property shall be assessed at its true and full value in money. In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which the property would sell at auction or at a forced sale. . . ."

It is apparent that South Dakota law provides for two separate and rather distinct types of assessment procedure. When organized town or township government exists, assessment shall be con-

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2. 57.0303 South Dakota Code, 1939.
3. 57.0302 Ibid.
4. 57.0331 Ibid.
5. 57.0334 Ibid.

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Fig. 1. Organized and Unorganized Townships in South Dakota, November 1, 1940.
Assessment Problems and Procedure in S. D.

ducted by a locally-elected town or township assessor. In those counties in which some township government has been disorganized, or in which certain township areas have remained unorganized, assessment shall be conducted by a county assessor either elected or appointed, depending upon certain conditions within the area.

The extent of the unorganized township area in South Dakota as of Nov. 1, 1940, is shown in Fig. 1.

Problems Arising From Present Assessment Methods

Failure to get all personal property on tax rolls. The extent to which a tax system distributes the tax load equitably represents one of the reliable tests that may be applied to tax systems. In the interests of justice it is necessary to establish an assessment procedure which assures the securing of a complete listing of all taxable property. In this respect the present method of assessment in South Dakota is defective.

Among the kinds of property which are escaping taxation are such intangibles as stocks, bonds, moneys and other credits. Ownership of money and credits ranks among the better indicators of tax-paying ability, yet in securing a complete listing of this form of wealth the present assessment procedure is quite ineffective. South Dakota law pertaining to the listing of moneys and credits is as follows:

"Every person of full age and sound mind, being a resident of this state shall list his moneys and credits. . . . Monies and credits subject to taxation shall be listed and assessed every year with reference to their value on the first day of May next preceding the assessment. . . . Money in possession shall be listed and entered at the full amount. . . ."

The total valuation of moneys and credits reported to assessors in South Dakota for the years 1919 to 1940 inclusive is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1919</td>
<td>$110,896,049.00</td>
</tr>
<tr>
<td>1920</td>
<td>104,673,631.00</td>
</tr>
<tr>
<td>1921</td>
<td>79,747,567.00</td>
</tr>
<tr>
<td>1922</td>
<td>65,833,151.00</td>
</tr>
<tr>
<td>1923</td>
<td>73,169,434.00</td>
</tr>
<tr>
<td>1924</td>
<td>71,387,337.00</td>
</tr>
<tr>
<td>1925</td>
<td>77,162,884.00</td>
</tr>
<tr>
<td>1926</td>
<td>74,036,542.00</td>
</tr>
<tr>
<td>1927</td>
<td>69,742,660.00</td>
</tr>
<tr>
<td>1928</td>
<td>81,054,747.00</td>
</tr>
<tr>
<td>1929</td>
<td>81,086,808.00</td>
</tr>
<tr>
<td>1930</td>
<td>77,806,468.00</td>
</tr>
<tr>
<td>1931</td>
<td>74,784,592.00</td>
</tr>
<tr>
<td>1932</td>
<td>62,869,612.00</td>
</tr>
<tr>
<td>1933</td>
<td>54,091,872.00</td>
</tr>
<tr>
<td>1934</td>
<td>47,675,553.00</td>
</tr>
<tr>
<td>1935</td>
<td>44,403,230.00</td>
</tr>
<tr>
<td>1936</td>
<td>44,375,754.00</td>
</tr>
<tr>
<td>1937</td>
<td>43,022,113.00</td>
</tr>
<tr>
<td>1938</td>
<td>39,224,807.00</td>
</tr>
<tr>
<td>1939</td>
<td>32,142,030.00</td>
</tr>
<tr>
<td>1940</td>
<td>32,336,211.00</td>
</tr>
</tbody>
</table>

In the State banks of South Dakota there were deposits totalling $28,369,155.00 on June 29, 1940. In the 41 National banks operating in South Dakota on the same date deposits totalled $44,558,000.00, for a combined total of deposits to the amount of $72,927,155.00 in all banks. In addition there were stocks, bonds and other taxable securities not represented in bank deposits, which when taken into account would seem to...

indicate a vast discrepancy between the actual and the reported intangible property.

In discussing the assessment of intangible wealth by local assessors Dr. Harold M. Groves of the University of Wisconsin says, "intangible property such as moneys and credits have seldom if ever been assessed with even tolerable efficiency."

**The need for effective checks.** In those counties in which assessment responsibility is placed largely in the hands of township assessors effective checks upon property ownership are seldom used. County assessors frequently use sale contracts, chattels and such other information regarding property ownership as is available from the records of the county offices, as a means of checking upon the efficiency of assessment. The failure to use effective checks may result in penalizing the honest taxpayer who reports accurately the worth of his property. County assessors are in a position to verify the amount of property reported because of ready access to county records and other information. County assessors are retained for longer periods of time than township assessors and thus become more thoroughly acquainted with the complex problems pertaining to assessment.

There is need for a scientific approach to the determination of true and full value of agricultural land. An effective check upon the true value of land has been introduced in adjoining states where scientific property classification has become a part of the permanent policy relating to assessment. Land should be evaluated at a level justified by its capacity to produce income. It is highly probable that the land classification approach to the assessment of land may be more effectively used by county assessors than by township assessors.

**Inequitable assessment.** Experience reveals that undervaluation makes for unequal valuation. Assessors make their most accurate calculations when they aim at true and full value. Undervaluation creates difficulty for a taxpayer when he seeks to ascertain whether or not he is a victim of discrimination. He must compare his assessment not with statutory standard but with his neighbor's assessments. The law notwithstanding, some assessors in South Dakota, by their own admission, are now arbitrarily directing their efforts toward the assessment of property at less than true and full value, as a means of "befriending the taxpayers."

In speaking of the current situation Dr. Jens P. Jensen of the University of Kansas comments as follows: "It may be said of local (township) assessment that the assessment area is too small where it is less than the county in size. The prevailing method of electing the assessor is faulty in that it places in office men who are often untrained, unskilled, and likely to be politically influenced in their work toward either a low assessment ratio for their districts or toward assessments favoring particular interests. The compensation of the assessor is almost invariably too low, except in the larger cities where the assessment functions have expanded to require a permanent department of assessment."

In South Dakota locally-elected township assessors who perform the very important task of assessing property work approximately 30 days per year, or less, are paid from $35 to $100. There is little opportunity for securing training, and the compensation supplies little incentive. Such supervision as the Division of Taxation can exercise is limited by law. Furthermore, the Division of Taxa-

tion is forced to work at long range. Under these circumstances its supervision must be confined largely to the preparation and distribution of an assessment handbook. In the absence of adequate supervision problems must continuously be solved by trial and error. Mistakes are expensive. Inequitable assessment becomes a chronic condition.

Inequitable assessment of agricultural land may result from a lack of information concerning the differences between the poorer and better grades of land. In the absence of a reliable approach to the determination of true and full value, and because of the lack of reliable information about land differences, two alternatives confront the local assessor, both of which may be faulty. (1) Uniform or blanket assessment within individual townships is not uncommon. Local assessors with a minimum of information find it difficult to justify variations in assessment levels unless differences in land values are conspicuous. Injustices do occur, for adjoining tracts may vary widely in full value. Blanket assessment results in under-assessment of the better land and over-assessment of the poorer land. In all assessment procedure sound business practice should be followed by making a careful appraisal of each ownership unit. The Federal Land Bank and other lending agencies observe this practice in land appraisal for loans. The business of establishing equitable assessment of agricultural land is no less worthy. (2) Arbitrary judgment in determining variations in assessment levels among adjoining tracts may also be unsound and undesirable. A system which compels a resort to the estimation of true and full value gives rise to controversy. Local boards of equalization are confronted with problems in adjustment which would not arise if assessment were definitely objective.

Consequences of inequitable assessment. One of the results of inequitable assessment is tax delinquency. When real estate is assessed at a level above its real worth, calculated in terms of productive capacity, land ownership is discouraged. In certain areas within South Dakota, tax delinquency has become extremely serious during the past 10 years. Drouth is, of course, one of the contributing factors. However, drouth is not an uncommon occurrence in the Great Plains. As a means of determining the extent to which property taxes are paid, a survey of the tax delinquency situation was made during 1940 and the early months of 1941 which included 45 counties of South Dakota. The results of the survey appear in Table 1.

Table 1. Percentage of Tax Delinquency in South Dakota, by Counties, 1940.

<table>
<thead>
<tr>
<th>Percentage Range</th>
<th>Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 percent of taxable land or less</td>
<td>5 counties</td>
</tr>
<tr>
<td>6 to 15 percent</td>
<td>17 counties</td>
</tr>
<tr>
<td>16 to 25 percent</td>
<td>10 counties</td>
</tr>
<tr>
<td>26 to 35 percent</td>
<td>7 counties</td>
</tr>
<tr>
<td>36 to 45 percent</td>
<td>4 counties</td>
</tr>
<tr>
<td>46 percent and over</td>
<td>2 counties</td>
</tr>
</tbody>
</table>

In 23 of the counties reporting, 16 percent or more of the taxable land was delinquent. In 30 percent of the counties reporting delinquency ranged above 26 percent. In two of the counties reporting 65 percent or more of taxes on agricultural real estate were delinquent. In one county only 8 percent of the land area of the county was taxable on January 1, 1941.

In 64 percent of the counties rentals received from county-owned land were lower than the per-acre tax levied upon other taxable land of like value in the same county. This situation discourages land ownership. Obviously, if per-acre taxes are higher than lease rates operators find it more profitable to lease coun-
ty-owned land. Such condition would indicate a need for lower assessed valuations and tax rates on agricultural land. The proportion of taxes borne by agricultural land has been too heavy when viewed in terms of the earning capacity of land.

Fluctuation in the value of land creates new problems for assessors and boards of equalization. There is need for a new approach to the determination of true and full value in order that assessed valuations may, at intervals, be properly adjusted to the earning capacity of agricultural land.

**Duties of the county board of equalization as defined by law.** "The county commissioners, or a majority of them, with the county auditor shall constitute a board of equalization. . . . Such board shall meet for the purpose of equalizing assessments of property, annually, on the first Tuesday in July, at the office of the auditor and may continue in session and adjourn from time to time, not exceeding 15 days."

**Evaluation of Assessment Procedure in South Dakota**

**Relative effectiveness of county and township assessors.** In approximately one-half of the counties of South Dakota, township government is partially or wholly unorganized. There are, therefore, many counties in which both the county and the township assessor systems are in operation. Under these conditions a rather effective comparison of the two systems is possible. The need for equalization among the townships assessed by township assessors, as compared with the amount of equalization found necessary by the county commissioners in those areas assessed by a county assessor, constitutes one possible approach to the problem of measuring the efficiency of the two systems. In two-thirds of the counties under study the number of adjustments which county commissioners find it necessary to make in assessed valuations is greater in the organized townships assessed by locally-elected assessors. Hughes and Haakon counties are typical of a larger number of counties. In 1938 the Hughes county commissioners found it necessary to make changes in the assessment of real estate in 60 percent of the territory served by township assessors, whereas equalization was necessary in 38 percent of the area assessed by a single county assessor.

In Haakon county, at the present time, there are 18 organized townships, with 30 whole and 7 fractional townships unorganized. In 1937 the county commis-
sioners, meeting as a board of equalization, made changes in the assessment of real estate in eight of the organized townships, whereas no change was made in the 30 whole and 7 fractional townships assessed by the county assessor. Included among the latter are some of the most densely populated townships in the county. In 1938 changes were made in the assessment of real estate in five of the organized townships, while again there was no change in the assessment of the unorganized area. In 1940 equalization was found necessary in approximately half of the area assessed by township assessors, but was necessary in less than 10 percent of the unorganized portion of the county.

The cost of assessment. A comparison of the costs of the two systems, the township and the county assessor system, is difficult to secure except in those counties of western and central South Dakota where the two systems are in use. Butte, Perkins, Tripp, Jackson, Jones, Lyman, Fall River, Harding and Haakon counties report the county assessor system to be the less costly. Butte county, for instance, reports assessment costs of approximately $1.50 per ownership unit in the area assessed by the county assessor, while the cost per ownership unit in organized townships approximates $4.00 per unit. Lawrence and Meade counties report the costs of the two systems to be approximately the same. The apparent cost advantage of the county assessor system in South Dakota is substantiated by the experience of other states in which the two systems are in use.

Consensus. Opinion of county commissioners and auditors throughout South Dakota has been sampled by the questionnaire method. All counties of the state were solicited for opinion. Response has been received from 51 counties. Some of the questions asked and the answers subsequently received are as follows:

1. With reference to the results of assessment under the present system, do the county commissioners of your county find it difficult to make adjustments among the assessment returns submitted by the township assessors?
   Yes—58 percent of counties responding.
   No—42 percent of counties responding.

2. If so, would the enlarging of the assessment district seem to you to be one logical approach to a remedy?
   Yes—65 percent of counties.
   No—35 percent of counties.

3. The following explanation of property classification, assessment and equalization procedure followed in Utah appears in a letter recently received from the Utah State Tax Commission. “Agricultural lands are classified in each county by a committee of experienced farmers. This work is generally done under the direction of the State Tax Commission and in cooperation with the county assessors of the state. In this classification no attempt is made to determine values. After the classification for the entire county is completed, the assessed valuation for each class of land is determined by a committee composed of the county commissioners, the county assessor and one member of the State Tax Commission. Thus we attempt in some measure to equalize assessment levels among counties before assessment is made instead of afterwards.” What is the reaction of your county commissioners to the above approach?
   Favorable—63 percent of counties.
   Unfavorable—12 percent of counties.
   Indifferent—3 percent of counties.
4. Do you believe that a classification of the agricultural land of your county, in terms of soil type and other factors affecting productivity, would be helpful in determining the proper assessed valuation of land?
   Yes—76 percent of counties.
   No—21 percent of counties.
   Indifferent—3 percent of counties.

5. Which do you believe could use the classification approach to the problem of establishing equitable assessment of agricultural land the more satisfactory, the county assessor or numerous locally-elected township assessors?
   County assessor—89 percent of counties.
   Township assessor—11 percent of counties.

NOTE: The answers to Question 5 came from county commissioners and auditors who have had first-hand contact with the problems arising in the present system. It is not to be expected that 89 percent of the voters of South Dakota are sufficiently acquainted with the problems of assessment to recognize the need for change in the procedure.

County auditors and commissioners were asked to list both advantages and disadvantages of the county assessor system. The most commonly cited advantages of the county assessor are:
1. All assessment within one county should be under one headship. More equitable assessment would result. Such deputy (township) assessors as are needed should be appointed by the county assessor and should work under his supervision.
2. If a county assessor is appointed on a merit basis and made a full-time official in the county, he would have the entire year in which to study problems and arrive at equitable values.
3. The work of the local (township) assessor is too often affected by close personal contacts with neighbors and close friends. When local government becomes too local it becomes too personal and ceases to be impartial. The county assessor appointed by the county commissioners under a merit system would be less hampered by the handicaps now bearing upon township assessors.
4. It is easier to train one county assessor than numerous (from 15 to 65) township assessors.

Potter county, in which township government has been discontinued and in which the county assessor system is in operation, reports as follows:
"We have had the same (county) assessor for 12 years. We have one set of books and only one man to contact in case of error. He knows the assessment of the whole county and is well able to equalize."

The most commonly cited elements of weakness in the county assessor system are the following:
1. With reference to the assessment of real estate the county assessor system seems definitely superior but personal property presents a more serious problem. So many deputies would be necessary that the potential advantages of the county assessor system might be inoperative.
2. Men with sufficient training and/or experience to serve as county assessors are not available.
3. The county assessor might have difficulty in maintaining an acquaintance with local conditions in some of the larger counties of South Dakota.
4. Too much power would be placed in the hands of one man.

County officials were asked to add comment concerning important aspects of present assessment procedure which
could and should be improved. The following are a few of the suggestions:

1. "All legal limits on levies should be removed, thus enabling assessors and boards of equalization to assess land at 'true and full value.' At the present time assessed valuations in some local subdivisions of government with heavy indebtedness have been fixed at higher levels, knowingly, in an attempt to raise sufficient revenue to meet current expenses and debt retirement needs. Assessing land at true value would be better policy in the long run and less disturbing to taxpayers. Let the tax rate fall where it may."

2. "Payment of taxes should be made in the year in which property is assessed, instead of one year later."

3. "All land in South Dakota should be classified for assessment purposes, then assessed every three to five years."

4. "The township assessor has no training for his job. The present system is still horse and buggy days. Are we ever going to get sense enough to catch up with the times in our laws?"

5. "The entire assessment system is in error and a multitude of injustices prevail. A lot of property is not assessed and the greater percent is either under-assessed or over-assessed. Politics are too prominent in the present system and should be eliminated by all means."

6. "Exemptions should be simplified or eliminated."

7. "Should legalize voluntary reporting of personal property but make its adoption optional with the county."

AUTHOR'S NOTE: Voluntary reporting of personal property, a system commonly referred to as the honor system, is in reality practised now throughout South Dakota. The common practice among township assessors is to record the property as reported by the taxpayer. Little attempt is made by the assessor to "actually view (the property) when practical." The principle underlying voluntary reporting is also in common application in the administration of the income tax. Checks upon the correctness of the taxpayer's reports are necessary. Montana law relating to the assessment of personal property legalizes voluntary reporting, then authorizes the county commissioners of any county to publish the results of assessment following the application of the so-called honor system. Thus a rather effective check is placed in the hands of the county commissioners, the use of which is optional.

8. "The (county) assessor should be responsible for listing all property (real and personal) by classes. The Division of Taxation should then set the value of each class of land and should also set standards for personal property."

AUTHOR'S NOTE: In Wyoming and some other states standards are set by the State Tax Commission for both personal and real property before assessment. In the case of real estate an average is set for each county. Specific tracts within the county may be assessed either above or below the average. Thus, equalization largely precedes assessment under Wyoming law.

Assessment Procedure in Other States

Certain problems relating to the administration of the general property tax are common to many states. A review of the approaches made by other states to the solution of such problems may be helpful to those interested in South Dakota's administration of the property tax.
**Wisconsin.** Wisconsin law provides for the retention of the locally elected assessor and for the exercise of considerable supervision over local assessment by the State Tax Commission. This system of state supervision and control over local assessment is probably the most developed in the United States. In the execution of these duties the State Tax Commission is assisted by a staff of 11 supervisors of assessment, each of whom is responsible for a district composed of a limited number of counties, and each supervisor has an office within the district. The supervisors are chosen by the Tax Commission under the merit system and are paid by the state. The elected supervisor—still employed in some states—is less effective because his responsibility is divided between the Tax Commission and those who elect him.

The supervisors in Wisconsin hold annual meetings for the purpose of instructing local assessors. Analysis of property by classification is explained and its importance in promoting exact assessment is emphasized. Assessors are encouraged to compare their estimates of the same or similar properties. The supervisor then works in the field with the local assessors, sometimes singly and sometimes in groups. Particular attention is given to assessors who are new at their work. The supervisor is available at all times for consultation and advice. It is very apparent that supervision has helped greatly to improve assessments in Wisconsin. Supervision follows this general pattern in many states, which provide for supervision, but it is almost universally a badly neglected aspect of property tax administration.

**Iowa.** In Iowa township assessors are elected for two-year terms. J. Lloyd Spaulding of the Agricultural Economics subsection of Iowa State College has described the procedure and the experiences of the local assessors in such a way as to make clear the existing problems, as follows: "The (township) assessors receive their instructions from the county auditor at a meeting in December before going into assessment proper. The State Tax Commission provides a representative to assist in giving the instructions. However, the assessors do not all carry away the same idea as to how to do the work.

"If it is conceivable that an assessor might assess the properties within his township on a comparable basis, to expect all assessors to have exactly the same notions as to values of different grades of land or buildings is out of the question. . . . The township assessor is also subject to influence which may tend to result in discriminations in assessments. Consistent objectors receive the cuts in valuation. . . ."

"The procedure in intertownship equalization has little justification. It is impossible to rectify errors in assessment by adjusting average assessed valuations of a township. The situation may be made even less equitable by intertownship equalization. A sound first appraisal by the assessor is indispensable. The criterion of soundness in the assessment of land is its proximity to value based upon its income-yielding ability." 11

Mr. Spaulding makes the following suggestions for improvement in the Iowa system: "To bring order into the assessment procedure, the paramount need is for centralization of the system of assessment. The county is a frequently suggested unit for the task of assessment. Under such a plan the county rather than the township becomes the responsible unit of government for the selection of a full-time assessor.

"A second type of approach would

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be for the State Tax Commission to assume supervision over the local assessors. This would be done by field men who would be responsible for checking work of the local assessors, providing them with information as to sales values, assessment technique and other assistance." This is the alternative chosen by Wisconsin.

**Colorado.** The responsibility for assessing property in Colorado is divided between the full-time county assessor and the State Tax Commission. The county assessor not only makes the assessment but writes the tax rolls, extends the tax and delivers the completed rolls to the treasurer for collection. A one dollar per schedule cost, paid by the taxpayer, covers these services. Boulder county, with a population of 37,000 in 1940, has approximately 15,000 tax schedules. The present assessor has held office for 18 years and has become thoroughly acquainted with the county and its special problems. District meetings are held annually at which the county assessors with the cooperation and assistance of the State Tax Commission set assessment standards for real estate, livestock, farm machinery and improvements on farm land. The county assessor is elected for a two-year term and is responsible to the county commissioners and the State Tax Commission. He appoints his part-time deputies, usually varying in number from 1 to 10 depending on the size and population of the county. The county assessor is responsible for personally instructing and supervising the deputy assessors who are wholly responsible to the county assessor.

By means of property classification, building schedules, livestock value schedules, mortgage reports and sale contracts, the county assessor's office can be conducted in much the same manner as the affairs of any successful business. Good results are obtained. The county assessor's office becomes a source of complete information concerning taxation. When assessment has been completed for a specific year the results are compiled, classified and abstracted, later published in booklet form and circulated among taxpayers.

**Wyoming.** A full-time county assessor is made responsible for conducting assessment procedure in Wyoming. A form of county government has been established which consolidates the duties of the register of deeds, the clerk of courts, and the county auditor, in the hands of a single county official. Thus the county assessor is not to be considered one more official added to an already long list of county officers. Rather, he replaces one of the above-named officials.

All county records in Wyoming are audited at least once per year by auditors employed by the state, selected on a civil service basis and removable only by the State Supreme Court.

The use of the so-called honor system in the assessment of personal property is optional with the county. At present four of the state's 24 counties use this method of assessing personal property. Blank forms are sent to each resident taxpayer who submits under oath a list of his personal property. Crook county reports that after the adoption of this system, the evaluation of this kind of property increased in the county by $275,000.00 in 1938, approximately $200,000.00 more in 1939 and an additional $250,000.00 in 1940.

**Montana.** The initiation of a new method in the assessment of agricultural land in Montana occurred in 1919. Under provisions of the 1919 law all farm land was to be classified as irrigated, non-irrigated tillable, grazing, timber and
mineral lands, for tax purposes. The county commissioners were authorized to employ appraisers to survey and classify the lands and to levy funds for paying the cost of such classification. The 1919 law required that the classifications be "full, completed, and accurate" and that they "be used as the basis upon which land values be fixed for purposes of assessment and taxation." With minor exceptions, the classifications established under the provisions of this law have been the basis of tax assessment of farm lands ever since, although changes have been made in the values placed upon the different grades with changing economic conditions and price levels. However, in recent years county assessors and commissioners have begun to realize that the old classification is in need of revision, and that assessments must be based on more recent classifications made by competent soil scientists, combined with crop yield and carrying capacity experiences in more recent seasons.

Montana law provides that local assessment shall be under the supervision of a county assessor who is expected to assess all property in his county at its "full and true value" as of March 1. The methods followed in the various counties for assessing such property vary greatly. In some counties a rather careful house-to-house canvass is made annually. In other counties such a canvass is made only every other year or less frequently. In some, no canvass is made at all, but each taxpayer is put on his honor to report the amount and kinds of property in his possession on blanks sent out from the assessor's office. Approximately 10 counties have used this system, usually referred to as the honor system. In the remaining counties the assessor divides the county into districts and notifies the population in each district to meet him or his deputy at a certain time and place in that district designated for the purpose of taking the assessments.

The county assessor is a full-time county official, elected for a term of four years. He is responsible to the county commissioners and the State Board of Equalization. Annual meetings of the county assessors of the state are held at which assessment standards are fixed. Thus equalization on a state-wide basis precedes assessment.

In discussing the relative merits of the county assessor and the locally-elected township assessor, Dr. R. R. Renne of the Department of Agricultural Economics, Montana State College, says: "County assessors are better able to assess on an impersonalized basis. The volume of work in the average township and the remuneration involved are too small to secure the best ability and the best application to the job."

Kansas. Real property shall, according to Kansas law, be assessed once every four years. Personal property is assessed every year. There may be an assessment of real estate in any even-numbered year in any county, provided the county commissioners order such assessment.

In each county the (county) assessor is responsible for all property not assessed by the State Tax Commission. In many cases the county clerk is the county assessor ex-officio. In those counties where population exceeds 65,000 the law provides for the election of a full-time county assessor. In counties having 200 or more producing oil wells and an assessed valuation of $100,000,000.00 or more, the county commissioners may appoint a full-time county assessor. In any county of 65,000 population or less, in which the county clerk is ex-officio the county assessor, the county may upon the petition of 10 percent of the voters, vote on the question of electing a full-time assessor.
Assessment Problems and Procedure in S. D.

In 1940 the Kansas Legislative Council (Legislative Interim Committee) submitted a recommendation for a revision of the entire Kansas tax code. Among the recommendations are the following:

1. "That the county be made the unit of assessment."

2. "That the office of a full-time county assessor be established in each county, the assessor to be appointed for a four-year term by the board of county commissioners on the basis of his qualifications for the office."

3. "That systematic or scientific rules, procedures and practices be adopted and used in the assessment and valuation of real estate."

"It is the county assessor's duty to instruct his deputies upon all matters relating to values. He has the right to advise the deputies what the values should be, and to correct clerical errors found in the returns of deputy assessors, but does not have a right to coerce them in fixing value. The county assessor also has the power to assess, after the regular assessment period, any property omitted by the deputy assessors. If, in the opinion of the county assessor, the valuation returned by the deputy assessor does not conform to statutes—that is, 'true value in money'—it is his job to return the statements to the assessor and ask that the necessary changes be made therein. Should the deputy assessor refuse to make changes, it is the county assessor's duty to bring the matter to the attention of the board of county commissioners.

"The deputy assessors, working under the direction of the county assessor, deserve first mention in the discussion of property tax administration. The law provides that the county assessor appoint the township trustee as deputy assessor for the township in which the trustee is an official. In the case of first and second class cities, which comprise separate assessment districts, the county assessor, with the consent of the county board of commissioners, appoints such number of deputies as will be necessary to make the assessment. The deputy assessors receive $5 per day in the country and $4 per day in the city for the time actually spent at their duties. The duty of the deputy assessor is to assess all property subject to taxation in his district at its 'true value in money.' The assessor himself is to determine the actual value after having viewed the property. Much depends upon the man who acts as deputy assessor. If the importance of the function which he performs were more generally realized, more attention would be given to his special fitness for the job and he would be given greater recognition for his services.

"The deputy assessors officially begin work March 1, and property is listed and taxed 'as of March 1.' In general, personal property is to be listed and taxed in the assessment district where it is located March 1. Money and credits, aside from those pertaining to a business, are listed at the owner's residence, while those pertaining to a business are assessed at the place of business.

"During the assessment period the county assessor requires that the deputies furnish him, as often as may be desired, the real-estate assessments and the personal property statements of persons assessed, so that he may prepare the assessment roll, which must be completed not later than the Saturday preceding the third Monday in May each year."

Utah. As previously mentioned, Utah has adopted the county as the assessment unit, and the county assessor as the full-time official in charge of all

matters pertaining to the assessment of real and personal property. The county assessor is elected for a term of four years, and he appoints his own part-time deputies. The suggestion has been made that the office be appointive rather than elective. The assessor is responsible to the county commissioners and to the State Tax Commission. The State Tax Commission reports that the county assessor system is a means of establishing more equitable assessment than could be readily established under a system in which the township were the assessment unit.

Classification of agricultural land has become a part of the procedure in Utah. All land is classified in each county by a committee of farmers working under the direction of the State Tax Commission and in cooperation with the county assessor’s office. After classification has been completed an evaluation is determined for each class of land, the determination of proper valuation within a specific county to be made by a committee composed of the county commissioners, the county assessor and one member of the State Tax Commission. The participation of the State Tax Commission is a means of equalizing before assessment is made instead of afterwards. Adjustments would be more difficult to make following assessment. The classification approach to the problem of establishing equitable assessment has been found to be practical when used under the supervision of a county assessor.

Dean T. A. Beal of the School of Business, University of Utah, reports the following advantages of the county assessor system, as compared with assessment by elected township assessors: (1) more economical, (2) easier to establish equitable assessment within the county, (3) easier to establish a uniform state system.

Land Classification for Assessment Purposes

Tax delinquency and the reversion of land to public ownership are, in some measure, the result of faulty assessment and excessive taxation. There is also much inequitable assessment in the case of lands on which taxes are paid. Over-assessment of the poorer grades of land is not uncommon. Maladjustments result which are far-reaching. Ranch operators in areas where some range land is of low grade prefer to rent rather than own land, because of the disproportionate tax burden.

There is need for a more systematic approach to assessment involving two major steps. These steps should at all times be considered separate and distinct. (1) Land classification, based upon soil analysis and other supporting information, is helpful in establishing land classes. The mapping of land by soil types and other physical characteristics is involved in this step. (2) The determination of justifiable valuations for each class of land, calculated in terms of average prices and costs of operation. Current income determines immediate paying ability. Because economic conditions change more rapidly than physical conditions it becomes necessary to keep the two types of information separate so the valuation of classes of land may be changed as economic conditions change. This separation of the economic and the physical factors will make it unnecessary to revise the basic information used in land classification except after long intervals.

In order that assessment of land may
Assessment Problems and Procedure in S. D. 19

conform to present South Dakota law which provides for assessment at "true and full value," classification is necessary. There are distinct land differences within present assessment districts which preclude uniform assessment. Adjoining tracts may also vary distinctly in true and full value, yet traditional assessment based upon mere estimates of value frequently ignore real differences. A resort to estimation of value gives rise to controversy.

The land classification approach to the assessment of agricultural land has been made in Hand county. As background for a study of the results of land classification for assessment purposes in that county the last annual (1940) assessment preceding classification is shown in Fig. 2.

The responsibility for conducting assessment in Hand county is divided among 42 elected town and township assessors. From Fig. 2 showing the 1940 assessment of agricultural land two observations may readily be made. (1) Assessment levels in 1940 changed at township boundary lines. Obviously, true and full value does not change at township lines. This illogical change of assessment levels at township boundaries is due largely to law permitting a large number of small assessment districts. Studies made for years previous to 1940 in Hand and other counties reveal similar conditions. (2) More supervision over assessment would be helpful. Individual assessors working separately and with little or no supervision vary widely in their judgment concerning the proper assessed valuation for land. The same variation in judgment exists also with respect to other forms of property. Inequitable assessment results in part from the lack of adequate supervision.

The results of land classification for assessment purposes in Hand county are shown in Fig. 3. Each 160-acre tract is classified in terms of soil type, slope, susceptibility to erosion, availability of well water, nearness to market and other physical factors affecting

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<th>TOWNSHIPS</th>
<th>Assessed Valuation 1940</th>
<th>Per Acre Assessed Valuation asSubmitted by Assessors in 1941</th>
<th>Assessed Valuation Norm Following Land Classification 1941*</th>
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* The "norm" is the assessed valuation per acre recommended by the County Commissioners following the classification of all land in Hand county.
the productivity of land. Township land use planning committees composed of experienced farmers and landowners supplied much of the necessary information. The Soil Conservation Service employed soils technicians for a reconnaissance soil survey. A detailed soil survey would have made possible a more detailed classification of the land. A comparison of the 1940 assessment (Fig. 2) with the results of land classification (Fig. 3) reveals the logic of the land classification approach to the establishing of equitable assessment. Township boundaries are less apparent than in the 1940 assessment. Had a detailed soil survey preceded classification an even more complete erasure of township lines might have occurred.

The extent to which the results of land classification have been applied in the 1941 assessment of agricultural land in Hand county is shown in Table 2. Column 4 shows the assessed valuation per acre recommended by the county commissioners for each township following land classification. Column 5 reveals the final assessed valuation per acre following assessment and review by the township and county boards of equalization. In those townships in which the 1940 assessed valuation and the recom-
mended assessment figure based on land classification were too far apart, it was decided by the boards of equalization that a gradual change over a period of two or three years might be advisable. 13

The information that appears in Table 2 is portrayed graphically in Fig. 4. The selected norm, namely, the assessed valuation per acre recommended by the county commissioners following land classification, is used as a foundation upon which to depict the assessment of 1940 (Graph 1), the assessed valuation per acre as submitted by township assessors in 1941 (Graph 2), and the final assessed valuation after equalization in 1941 (Graph 3).

The following is an account of the experience of North Dakota with land classification.

"Studies in many parts of the country have shown that the appraisal of farm lands for purposes of tax assessment is often quite out of harmony with the production capability of the land. In many cases land of low-income producing power is greatly over-appraised in comparison with land of high-producing power, and vice versa. Although many European countries have developed scientific and orderly methods for appraising farm land in accordance with its production capacity, only recently has the problem been attacked in a systematic way in the United States."

13. Limitation of levy on agricultural land, as provided in Section 57.0514 of the 1939 Code, is also preventing assessment at only true and full value, in some townships.


Practical Remedies for Assessment Weaknesses

Supervision of assessment. The general property tax as actually administered is one of the most difficult of all taxes to justify. Its retention can be justified, if at all, only on the grounds that its administration can be improved. Remedies relied upon to bring about improvement should not be half-hearted or superficial.

If the locally-elected township assessor is retained some system of close supervision seems inevitable. The elimination of the old tendency toward competitive undervaluation is important.
RE-APPRAISAL CARD

Owner's Name: John Doe
Address: 1311 Yale Ave
Location: Lot 13 - Yale Park - Plat 4
Kind of Building: Res
Schedule: 1
Class: 21
Base Factor: 1
Stories: 1
Dimensions: 13 x 16
Sq. Ft.: 212
Factor: 1
Actual: 212
Total: 212
No. of Rooms: 1
Condition: Good

DESCRIPTION OF BUILDINGS

Foundation: Stone
Concrete: None
Ext. Walls: Top Brick
Roof Type: Gable
Dormers: Small
Bays: No
Porches: Front 6 x 8
Rear 3 x 5
Basement: Fllor
Attic Rooms: Finish
Unfinish
Plumbing: Bath 2 Sink 1 Toilet 2
Heat Stove: Hot Water
Finish: Hardwood
Floors: Wood
Fireplace: Wood Mantels
Cabinets: Fix
Tile Walls: No
Floors: No
Lighting: Lamp Drops
Total Additions & Deductions
Net Addition or Deductions
Age: 1938 yrs.
By
Reproduction Value
Depreciation
Reproduction Value Minus Dep.

Remodeled
Garage: 50 C
Remarks:
House Insulated - Weather Stripped. Gas Heat with Blower & Fan

ADD DEDUCT

Fig. 5

Total Appraised 1940
Enactment of law permitting the Division of Taxation to exercise more supervision through state-appointed and technically competent supervisors of assessment working in a civil service system may be necessary. Supervisors should give assistance to assessors by standardizing values within specific classes of property, and they might also be assigned the responsibility for actually assisting with local assessment. In carrying out this work the supervisors should instruct local assessors in the use of field books, maps and land classification systems. Individual assessment problems should be discussed and standards compared. Help might be given in the field where property is particularly difficult to assess. Local assessors could go to the supervisor at any time for consultation and advice.

**Objective valuation of property through classification.** As a means of enabling assessors to more exactly determine and record the value of real property, appraisal forms have been used in some states as devices for making objective valuations. Much guesswork may thereby be eliminated. A sample appraisal form is shown in Fig. 5. Assessors are required to record information indicating the kind of property, a description of improvements, location within a city or assessment district, and other pertinent information helpful in determining justifiable assessed valuation.

The objective approach is also practical in the assessment of agricultural land. Land classification is an example of such approach. In developing this system the information concerning physical characteristics of land should be kept distinctly separate from those of economic origin so that with any changes in economic conditions the necessary adjustments could be made without additional field mapping.

Elements of strength in land classification are as follows:

1. Land classification involves grading land in terms of soil type, susceptibility to erosion, topography and such other physical factors as affect the value of land. It is, therefore, a means of determining justifiable variations in assessment levels and is an aid in establishing equitable assessment.

2. The information assembled for classification gives to the owner, the assessor, loan agencies and other interested parties, an inventory of the agricultural resources of the land.

3. Classification becomes an aid in determining proper sale and rental values for county, state, and privately-owned land—values that will be in keeping with productive capacity.

**Difficulties involved in the use of land classification for assessment purposes in South Dakota at present are as follows:**

1. Accurate and reliable information concerning land resources is not readily available. Detailed soil surveys have been made in the following nine counties of South Dakota: Beadle, Brown, Grant, Hyde, McCook, Douglas, Moody, Union and Walworth. Information concerning topography and erosion are needed to supplement the original surveys.

2. There is a lack of appreciation of the importance of land classification and its relationship to assessment. A law permitting the classification of land for assessment purposes was enacted in 1929. In view of the need for establishing assessment levels which will encourage land ownership, all possible measures which will improve assessment pro-
procedure should receive consideration. Failure to make the classification law operative substantiates the belief that flagrant weaknesses exist in assessment procedure.

3. No training or experience qualifications govern the selection of local assessors. They are elected by popular vote and little attention is given to skill and capacity for land appraisal. Whether or not the potential benefits from land classification can be fully realized without (a) placing a trained supervisor over the local assessor, or (b) replacing the local assessor by a qualified county assessor, remains an unanswered question.

The county unit system of assessment.

Under an improved assessment system for South Dakota the responsibility for assessing all real and personal property in the county, excepting that which is assessed by the Division of Taxation, could be assigned to a full-time county assessor. It is logical that one official in each county, selected in accordance with prescribed qualifications, should be able to assess property throughout the county equitably. The county commissioners should appoint this assessor, subject to the approval of the Division of Taxation. The appointed assessor should be subject to removal for failure to perform properly the duties of his office.

The assessment of real property should be a continuous process of collecting appraisal data. The assessor should continually be alert for information on the market value of land as revealed by land sales, and by the value of the products of the land. He should take into account public improvements and developments which may change the value of the property. The adoption of a system of voluntary reporting of personal property, sometimes referred to as the honor system, should be made optional with the county.

In the smaller counties of South Dakota, and in those more thinly populated, the county assessor could do all of the assessing of real and personal property without assistance. In many counties it would be necessary to employ one or more full- or part-time deputies. For instance, Lawrence county employs a county assessor and three part-time deputies. The county has been divided into four assessment districts. Each district is assessed by one member of the staff, with the county assessor doing the field work in a specific district every fourth year. Thus he maintains a reliable acquaintance with all parts of the county. He instructs each deputy and supervises assessment throughout the county. Comparatively few adjustments are made by the County Board of Equalization. Long tenure has enabled the assessor to become familiar with local problems and with the duties of the office.

The probability of obtaining men qualified by training and/or experience, and the possibility of retaining such qualified assessors for an indefinite period of years, constitute substantial arguments in favor of a county unit system in which the office is filled by appointment. Selection on the basis of well-defined qualifications is extremely important. A more adequately trained personnel supplied with adequate soils maps, field notes, data on sales value, leases, mortgages and other supplementary material could be expected to improve upon present assessment procedure. Land classification coupled with provisions for full-time county assessors equipped with the necessary aids, would be a means of establishing an assessment framework adequate for the establishing of equitable assessment in South Dakota.
FIGURE 2
ASSESSED VALUATION OF LAND IN HAND COUNTY, 1940


S.D. WORK PROJECTS ADMINISTRATION O.P. 665-74-3-137
FIGURE 3
LAND CLASSIFICATION, HAND COUNTY, 1941
Fig. 2. Assessed Valuation of Land in Hand County, 1940
Assessed Valuation Per Acre in Dollars

- Class 1. 12 and over
- Class 2. 11 to 11.99
- Class 3. 10 to 10.99
- Class 4. 9 to 9.99
- Class 5. 8 to 8.99
- Class 6. 7 to 7.99
- Class 7. 6 to 6.99
- Class 8. 5.99 and under
- Class 9. Non-taxable

Fig. 3. Land Classification, Hand County, 1941
Relative Productivity Expressed in Percentages. (Estimate)

- Class 1. 96 to 100
- Class 2. 91 to 95
- Class 3. 86 to 90
- Class 4. 81 to 85
- Class 5. 76 to 80
- Class 6. 71 to 75
- Class 7. 66 to 70
- Class 8. 60 to 65
- Class 9. Below 60

Source:
County Auditor's Office

Prepared by:
S. D. Experiment Station
S. D. Extension Service
U. S. Bureau of Agricultural Economics
Work Projects Administration
O. P. 665-74-3-137. W. P. No. 3741

Data Compiled by:
Hand County Land Use Planning Committees
S. D. Extension Service
U. S. Bureau of Agricultural Economics

Map Prepared by:
S. D. Agricultural Experiment Station
U. S. Bureau of Agricultural Economics
Work Projects Administration
O. P. 165-1-74-158. W. P. No. 4327