



# NORTH DAKOTA OFFICE OF THE STATE AUDITOR

State Auditor Joshua C. Gallion

## North Dakota Lottery

Audit Report for the Years Ended June 30, 2020, and 2019

Client Code 125.10



## **KEY PERSONNEL**

### **State Auditor's Office Staff**

Dustin Walcker, Audit Manager  
Delan Hellman, Lead Auditor  
Alandra Kist, CFE, Auditor  
Josh Hulm, Auditor

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STATE OF NORTH DAKOTA  
OFFICE OF THE STATE AUDITOR  
STATE CAPITOL  
600 E. BOULEVARD AVENUE – DEPT 117  
BISMARCK, NORTH DAKOTA 58505

## ***Independent Auditor's Report***

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Members of the Legislative Assembly

Honorable Wayne Stenehjem, Attorney General

Randy Miller, Director, North Dakota Lottery

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the business-type activities of the North Dakota Lottery, a division of the Office of the Attorney General of the State of North Dakota, as of and for the years ended June 30, 2020 and 2019, and the related notes to the financial statements, which collectively comprise the North Dakota Lottery's financial statements as listed in the table of contents.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe the audit evidence we obtained is sufficient and appropriate to provide a basis for our audit opinions.

## **Opinion**

In our opinion, the financial statements referred to above presents fairly, in all material respects, the respective financial position of the business-type activities of the North Dakota Lottery, as of June 30, 2020 and 2019, and the respective changes in its financial position and its cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Emphasis of Matter**

As discussed in Note 1, the financial statements of the North Dakota Lottery present the financial position, the changes in financial position, and cash flows of only that portion of the business-type activities of the state of North Dakota that is attributable to the transactions of the North Dakota Lottery. They do not purport to, and do not present fairly the financial position of the state of North Dakota as of June 30, 2020 or 2019, or the changes in its financial position, or its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require the management's discussion and analysis, the Schedule of Employer's Share of Net Pension Liability, the Schedule of Employer Contributions (Pension), the Schedule of Employer's Share of Net OPEB Liability, and the Schedule of Employer Contributions (OPEB) be presented to supplement the basic financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries with management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We do not express an opinion or provide any assurance on the

information, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

*Other Reporting Required by Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated October 13, 2020, on our considerations of the North Dakota Lottery's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the North Dakota Lottery's internal control over financial reporting and compliance.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
October 13, 2020

## *Management's Discussion and Analysis*

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The Management's Discussion and Analysis is an overview of the Lottery's financial activity for the fiscal year ended June 30, 2020. The analysis considered in conjunction with the financial statements will provide an objective breakdown of the Lottery's financial activity based on facts, decisions, and conditions that presently face the division.

### *Understanding the Lottery's Financial Statements*

The Lottery Division of the Office of Attorney General is accounted for as an enterprise fund that reports all income, expense, assets, and liabilities using the accrual basis of accounting, similar to a private business entity. In accordance with generally accepted accounting principles, this report consists of three financial statements and explanatory notes. The financial statements include 1) Statement of Net Position; 2) Statement of Revenues, Expenses, and Changes in Net Position; and 3) Statement of Cash Flows. The financial statements highlight the Lottery's operating activity and provide a snapshot of its financial condition.

The Lottery is required by statute to transfer all net proceeds, less the amount allocated to the Compulsive Gambling Prevention and Treatment Fund, amount allocated to the Multi-Jurisdictional Drug Task Force Grant Fund, Lottery's share of a game's prize reserve pool, and reserve funds the division may need for continued operations, to the State Treasurer on at least an annual basis for deposit in the State General Fund.

Most of the assets included on the Statements of Net Position represent current amounts such as cash and accounts receivable from lottery retailers. Most liabilities represent current prizes, including prizes payable to players in North Dakota and prizes payable to the Multi-State Lottery Association (MUSL) to fund grand/jackpot prizes, and an amount due to the State General Fund.

### *Financial Highlights*

Since the Lottery began in March 2004, North Dakota players have won over \$145 million in prizes and Lottery retailers earned over \$21.3 million in sales and bonus commissions. In addition, the Lottery contributed \$104 million to the General Fund, along with \$4 million to the Compulsive Gambling Prevention and Treatment Fund, and \$5.8 million to the Multi-Jurisdictional Drug Task Force Grant Fund.

The Lottery's ticket sales for the fiscal year ended June 30, 2020, were \$24,391,859 as compared to \$35,352,991 for the fiscal year ended June 30, 2019. This reflects a decrease of \$10,961,132 or 31% in ticket sales. The primary reason for the decrease in sales was the Powerball and Mega Millions jackpots did not hit over \$500 million and to a lesser degree, the impact of COVID-19 along with the change to the Powerball starting jackpot from \$40 million to \$20 million.

Total prizes won during the fiscal year ended June 30, 2020, were \$12,669,467, including prizes paid in North Dakota of \$8,738,974 and prizes paid to the MUSL to fund grand/jackpot prizes of \$4,370,395. In addition, North Dakota had expired prizes of \$439,902.

The Lottery optimized the efficiency of its organizational structure, functions, and gaming system features to minimize operating expenses. Expenses such as salaries and fringe benefits, travel,



telephone, and MUSL board dues are generally fixed. Other expenses have a direct incremental relationship to sales increases or decreases such as prizes, retailer commissions, and contractual services.

Total operating expenses for the fiscal year ended June 30, 2020, were \$18,929,003 as compared to \$26,174,686 for the fiscal year ended June 30, 2019. This reflects a \$7,245,683 or 27.7% decrease in total operating expenses. The decrease was primarily due to the low prize expenses incurred from lower jackpots during the fiscal year ended June 30, 2020, along with the incremental relationship in sales for retailer commissions and contractual services.

Income before transfers earned for the fiscal year ended June 30, 2020, was \$5,587,699. The total transfer of funds equated to \$5,220,000. Of that amount, the Lottery transferred \$320,000 to the Compulsive Gambling Prevention and Treatment Fund, and \$800,000 to the Multi-Jurisdictional Drug Task Force Grant Fund. The Lottery transferred the balance of \$4,100,000, to the State General Fund.

- By law, effective July 1, 2015, the Lottery must transfer \$80,000 to the State Treasurer each quarter for deposit in the Compulsive Gambling Prevention and Treatment Fund.
- By law, effective July 1, 2007, the Lottery must transfer \$105,625 to the State Treasurer each quarter for deposit in the Multi-Jurisdictional Drug Task Force Grant Fund. Effective July 1, 2019, the Lottery must transfer \$200,000 each quarter.

## Financial Position

The Lottery's net position (assets and deferred outflows of resources less liabilities and deferred inflows of resources) is one measure of the financial health or financial position. Total net position for the fiscal year ended June 30, 2020, was \$1,675,706. This reflects an increase of \$367,699 or 28.1% in total net position compared to the fiscal year ended June 30, 2019. The total net position restricted for MUSL uses was \$1,434,069. Each year in mid to late July, the Lottery estimates the State General Fund transfer amount. Therefore, the Lottery's net assets will increase or decrease depending on the amount transferred compared to the Lottery's net position. This year the General Fund transfer calculation resulted in an increase of the final balance of the unrestricted net position.



## Overview of the Financial Statements

### Statement of Net Position Summary:

|                                       | <u>June 30, 2020</u> | <u>June 30, 2019</u> | <u>June 30, 2018</u> |
|---------------------------------------|----------------------|----------------------|----------------------|
| <b>Assets:</b>                        |                      |                      |                      |
| Current Assets                        | \$ 6,229,434         | \$ 10,633,899        | \$ 9,088,486         |
| Noncurrent Assets                     | 1,443,133            | 1,438,427            | 1,228,005            |
| <b>Total Assets</b>                   | <u>\$ 7,672,567</u>  | <u>\$ 12,072,326</u> | <u>\$ 10,316,491</u> |
| <b>Deferred Outflows of Resources</b> |                      |                      |                      |
| Deferred Outflows - Pension           | <u>\$ 352,607</u>    | <u>\$ 451,466</u>    | <u>\$ 483,767</u>    |
| <b>Liabilities:</b>                   |                      |                      |                      |
| Current Liabilities                   | \$ 5,123,684         | \$ 9,991,791         | \$ 8,389,715         |
| Noncurrent Liabilities                | 838,881              | 1,155,447            | 1,066,311            |
| <b>Total Liabilities</b>              | <u>\$ 5,962,565</u>  | <u>\$ 11,147,238</u> | <u>\$ 9,456,026</u>  |
| <b>Deferred Inflows of Resources</b>  |                      |                      |                      |
| Deferred Inflows - Pension            | <u>\$ 386,903</u>    | <u>\$ 68,547</u>     | <u>\$ 43,049</u>     |
| <b>Net Position:</b>                  |                      |                      |                      |
| Invested in Capital Assets            | \$ 9,064             | \$ 8,367             | \$ 10,430            |
| Restricted                            | 1,434,069            | 1,430,060            | 1,217,575            |
| Unrestricted                          | 232,573              | (130,420)            | 73,178               |
| <b>Total Net Position</b>             | <u>\$ 1,675,706</u>  | <u>\$ 1,308,007</u>  | <u>\$ 1,301,183</u>  |

### Statement of Revenues, Expenses, and Changes in Net Position Summary:

|                          | <u>June 30, 2020</u> | <u>June 30, 2019</u> | <u>June 30, 2018</u> |
|--------------------------|----------------------|----------------------|----------------------|
| <b>Revenues:</b>         |                      |                      |                      |
| Ticket Sales             | \$ 24,391,859        | \$ 35,352,991        | \$ 31,307,328        |
| Other Operating Revenue  | 114,073              | 158,067              | 213,578              |
| <b>Total Revenues</b>    | <u>\$ 24,505,932</u> | <u>\$ 35,511,058</u> | <u>\$ 31,520,906</u> |
| <b>Expenses:</b>         |                      |                      |                      |
| Prizes                   | \$ 12,669,467        | \$ 18,240,852        | \$ 16,140,645        |
| Retailer Commissions     | 1,145,433            | 1,696,687            | 1,515,922            |
| Retailer Bonuses         | 42,250               | 56,000               | 35,000               |
| Other Operating Expenses | 5,071,853            | 6,181,147            | 5,523,313            |
| <b>Total Expenses</b>    | <u>\$ 18,929,003</u> | <u>\$ 26,174,686</u> | <u>\$ 23,214,880</u> |

Statement of Revenues, Expenses, and Changes in Net Position Summary (Continued):

|  | <u>June 30, 2020</u> | <u>June 30, 2019</u> | <u>June 30, 2018</u> |
|--|----------------------|----------------------|----------------------|
| Nonoperating Revenues                                      | \$ 10,770            | \$ 12,952            | \$ 6,118             |
| Income Before Transfers                                    | \$ 5,587,699         | \$ 9,349,324         | \$ 8,312,144         |
| Transfers to Other Funds                                   | (5,220,000)          | (9,342,500)          | (8,042,500)          |
| Change in Net Position                                     | \$ 367,699           | \$ 6,824             | \$ 269,644           |
| Net Position, Beginning of Year,<br>As Previously Reported | \$ 1,308,007         | 1,301,183            | 1,069,499            |
| Prior Period Adjustment                                    | -                    | -                    | (37,960)             |
| Net Position, Beginning of Year,<br>As Restated            | 1,308,007            | 1,301,183            | 1,031,539            |
| Net Position, End of Year                                  | <u>\$ 1,675,706</u>  | <u>\$ 1,308,007</u>  | <u>\$ 1,301,183</u>  |

Supplemental Information

|                                   | <u>June 30, 2020</u> | <u>June 30, 2019</u> | <u>June 30, 2018</u> |
|-----------------------------------|----------------------|----------------------|----------------------|
| <b>Ticket Sales by Game</b>       |                      |                      |                      |
| Powerball                         | \$ 8,265,491         | \$ 12,769,745        | \$ 14,315,212        |
| Mega Millions                     | 6,094,382            | 11,189,777           | 6,263,412            |
| Hot Lotto                         | -                    | -                    | 1,106,838            |
| 2by2                              | 4,933,954            | 5,235,610            | 4,394,747            |
| Lucky for Life                    | 2,912,440            | 3,469,442            | 3,219,828            |
| Lotto America                     | 2,186,765            | 2,689,458            | 2,008,238            |
| Retailer Credit Adjustments       | (1,173)              | (1,041)              | (947)                |
| <b>Total Ticket Sales by Game</b> | <u>\$ 24,391,859</u> | <u>\$ 35,352,991</u> | <u>\$ 31,307,328</u> |

Potential Factors Affecting Future Sales

The challenge facing the Lottery is to sustain sales and net position by actively promoting sales of tickets for present and new games in a very competitive retail environment.

The Lottery is unique compared to most other state lotteries since the constitution restricts the Lottery to multi-state online games. The Lottery must partner with one or more other government-authorized lotteries to conduct a game. This restriction generally limits the Lottery to games administered by MUSL. MUSL may not have a broad range of games available to fulfill the Lottery's desired product mix or the MUSL's games may become stale. Should MUSL dissolve, although it is not anticipated, the Lottery would not have a source of games to conduct.

## Looking Ahead

The Lottery's goal is to provide a service to the citizens of North Dakota and, while considering the sensitive nature of the Lottery, promote games, and ensure the integrity, security, and fairness of its operation. To accomplish this, the Lottery must offer attractive games that add value to the Lottery's product mix, license retailers that are in convenient locations, create effective annual marketing plans, provide quality customer service to retailers and players, and control operating expenses.

To attract players, games must be interesting to play and have a broad range of player odds and starting jackpot prizes. The MUSL game groups periodically refresh their games by replacing them or re-launching the games with new features or options. Total sales of a game are dramatically affected by the size of the game's jackpot and, to a lesser degree, on the odds of winning a prize. Larger jackpots generate higher sales. However, larger jackpots cannot be predicted or relied upon. Therefore, a variety of games with varying jackpots and odds of winning a prize is necessary to attract players.

For the fiscal year 2021, the Lottery plans to:

- Relaunch the Powerball and Lucky for Life games with new features;
- Increase awareness and usage of the Players Club Mobile Application;
- Increase Pick & Click online play sales;
- Build membership in the Players Club that rewards players for their continued loyalty;
- Continue to review and enhance membership benefits within the Players Club program;
- Continue to develop and conduct innovative marketing promotions and public awareness campaigns;
- Continue to review and enhance security policies and procedures to ensure the integrity and fairness of its operation; and
- Conduct player research/survey.

## Contacting the Lottery

If a person has a question on any information in this report or desires additional information, please write to:

North Dakota Lottery  
Office of Attorney General  
1050 E. Interstate Ave, Suite 200  
Bismarck, ND 58503-5574

## *Financial Statements*

### **Comparative Statement of Net Position**

|   | <b>June 30, 2020</b> | <b>June 30, 2019</b> |
|---|----------------------|----------------------|
| <b>Assets:</b>                                  |                      |                      |
| Current Assets:                                 |                      |                      |
| Cash and Cash Equivalents                       | \$ 5,263,456         | \$ 9,870,335         |
| Cash at Fiscal Agent                            | 194,323              | 390,040              |
| Accounts Receivable                             | 756,937              | 361,439              |
| Prepaid Expenses                                | 14,718               | 12,085               |
| Total Current Assets                            | <u>\$ 6,229,434</u>  | <u>\$ 10,633,899</u> |
| Noncurrent Assets:                              |                      |                      |
| Reserves on Deposit                             | \$ 1,434,069         | \$ 1,430,060         |
| Equipment and Software, Net                     | 9,064                | 8,367                |
| Total Noncurrent Assets                         | <u>\$ 1,443,133</u>  | <u>\$ 1,438,427</u>  |
| <b>Total Assets</b>                             | <u>\$ 7,672,567</u>  | <u>\$ 12,072,326</u> |
| <b>Deferred Outflows of Resources</b>           |                      |                      |
| Deferred Outflows - Pension                     | <u>\$ 352,607</u>    | <u>\$ 451,466</u>    |
| <b>Liabilities:</b>                             |                      |                      |
| Current Liabilities:                            |                      |                      |
| Accounts Payable                                | \$ 134,406           | \$ 240,935           |
| Due to Other State Funds                        | 4,161,040            | 8,618,497            |
| Accrued Payroll                                 | 88,006               | 80,416               |
| Prizes Payable                                  | 300,256              | 785,759              |
| Unearned Revenue                                | 439,976              | 266,184              |
| Total Current Liabilities                       | <u>\$ 5,123,684</u>  | <u>\$ 9,991,791</u>  |
| Noncurrent Liabilities:                         |                      |                      |
| Net Pension Liability                           | \$ 722,420           | \$ 1,048,537         |
| Net Other Postemployment Benefit Plan Liability | 46,147               | 45,941               |
| Compensated Absences Payable                    | 70,314               | 60,969               |
| Total Noncurrent Liabilities                    | <u>\$ 838,881</u>    | <u>\$ 1,155,447</u>  |
| <b>Total Liabilities</b>                        | <u>\$ 5,962,565</u>  | <u>\$ 11,147,238</u> |
| <b>Deferred Inflows of Resources</b>            |                      |                      |
| Deferred Inflows - Pension                      | <u>\$ 386,903</u>    | <u>\$ 68,547</u>     |
| <b>Net Position:</b>                            |                      |                      |
| Net Investment in Capital Assets                | \$ 9,064             | \$ 8,367             |
| Restricted                                      | 1,434,069            | 1,430,060            |
| Unrestricted                                    | 232,573              | (130,420)            |
| <b>Total Net Position</b>                       | <u>\$ 1,675,706</u>  | <u>\$ 1,308,007</u>  |

The accompanying Notes to the Financial Statements are an integral part of this statement.

## Comparative Statement of Revenues, Expenses, and Changes in Net Position

|   | June 30, 2020              | June 30, 2019              |
|---|----------------------------|----------------------------|
| <b>Operating Revenues:</b>                |                            |                            |
| Ticket Sales                              | \$ 24,391,859              | \$ 35,352,991              |
| Other Operating Revenue                   | 114,073                    | 158,067                    |
| Total Operating Revenues                  | <u>\$ 24,505,932</u>       | <u>\$ 35,511,058</u>       |
| <b>Operating Expenses:</b>                |                            |                            |
| Prizes                                    | \$ 12,669,467              | \$ 18,240,852              |
| Retailer Commissions and Bonuses          | 1,187,683                  | 1,752,687                  |
| Contractual Services                      | 2,846,522                  | 3,782,769                  |
| Players Club                              | 325,000                    | 325,000                    |
| Marketing                                 | 564,070                    | 661,075                    |
| Salaries and Benefits                     | 1,087,717                  | 1,087,379                  |
| Operating                                 | 248,544                    | 324,924                    |
| Total Operating Expenses                  | <u>\$ 18,929,003</u>       | <u>\$ 26,174,686</u>       |
| Operating Income                          | <u>\$ 5,576,929</u>        | <u>\$ 9,336,372</u>        |
| <b>Nonoperating Revenues:</b>             |                            |                            |
| Interest Income                           | \$ 10,770                  | \$ 12,952                  |
| Total Nonoperating Revenues               | <u>\$ 10,770</u>           | <u>\$ 12,952</u>           |
| Income Before Transfers                   | <u>\$ 5,587,699</u>        | <u>\$ 9,349,324</u>        |
| <b>Transfers to Other Funds:</b>          |                            |                            |
| Compulsive Gambling Treatment Fund        | \$ 320,000                 | \$ 320,000                 |
| Multi-Jurisdictional Drug Task Force Fund | 800,000                    | 422,500                    |
| State General Fund                        | 4,100,000                  | 8,600,000                  |
| Total Transfers to Other Funds            | <u>\$ 5,220,000</u>        | <u>\$ 9,342,500</u>        |
| Change in Net Position                    | <u>\$ 367,699</u>          | <u>\$ 6,824</u>            |
| <br>Total Net Position- Beginning of Year | <br><u>\$ 1,308,007</u>    | <br><u>\$ 1,301,183</u>    |
| Total Net Position- End of Year           | <u><u>\$ 1,675,706</u></u> | <u><u>\$ 1,308,007</u></u> |

The accompanying Notes to the Financial Statements are an integral part of this statement.

## Comparative Statement of Cash Flows

|  | June 30, 2020         | June 30, 2019         |
|--|-----------------------|-----------------------|
| <b>Cash Flows from Operating Activities:</b>                     |                       |                       |
| Ticket Sales   | \$ 17,617,202         | \$ 26,574,354         |
| Other Revenues   | 79,426                | 44,341                |
| Paid to Prize Winners  | (3,050,262)           | (6,445,129)           |
| Paid to Vendors  | (8,554,268)           | (9,579,800)           |
| Paid to Employees  | (979,478)             | (940,047)             |
| Payments to MUSL Prize Reserve                                   | (38,438)              | (309,764)             |
| Funds Received from MUSL Prize Reserve                           | 34,429                | 97,279                |
| Net Cash Provided by Operating Activities                        | <u>\$ 5,108,611</u>   | <u>\$ 9,441,234</u>   |
| <b>Cash Flows from Noncapital Financing Activities:</b>          |                       |                       |
| Transferred to Compulsive Gambling Treatment Fund                | \$ (320,000)          | \$ (320,000)          |
| Transferred to Multi-Jurisdictional Drug Task Force Fund         | (800,000)             | (422,500)             |
| Transferred to State General Fund                                | (8,600,000)           | (7,300,000)           |
| Net Cash Used in Noncapital Financing Activities                 | <u>\$ (9,720,000)</u> | <u>\$ (8,042,500)</u> |
| <b>Cash Flows from Capital and Related Financing Activities:</b> |                       |                       |
| Purchase of Property and Equipment                               | <u>\$ (3,450)</u>     |                       |
| <b>Cash Flows from Investing Activities:</b>                     |                       |                       |
| Interest Income  | \$ 7,960              | \$ 8,780              |
| Net Cash Provided by Investing Activities                        | <u>\$ 7,960</u>       | <u>\$ 8,780</u>       |
| <b>Cash and Cash Equivalents at Beginning of Year</b>            | <u>\$ 9,870,335</u>   | <u>\$ 8,462,821</u>   |
| <b>Cash and Cash Equivalents at End of Year</b>                  | <u>\$ 5,263,456</u>   | <u>\$ 9,870,335</u>   |

(continued)

Statement of Cash Flows – Continued

|   | <u>June 30, 2020</u> | <u>June 30, 2019</u> |
|---|----------------------|----------------------|
| <b>Reconciliation of Operating Income to Net Cash</b> |                      |                      |
| <b>Provided by Operating Activities:</b>              |                      |                      |
| Operating Income                                      | \$ 5,576,929         | \$ 9,336,372         |
| Adjustments to Reconcile Operating Income to Net Cash |                      |                      |
| Provided by Operating Activities:                     |                      |                      |
| Depreciation  | 2,753                | 2,063                |
| Changes in Assets and Liabilities:                    |                      |                      |
| (Increase) Decrease in Cash at Fiscal Agent           | 195,717              | (126,475)            |
| (Increase) Decrease in Accounts Receivable            | (396,846)            | (8,858)              |
| (Increase) Decrease in Prepaid Expenses               | (2,633)              | (1,363)              |
| (Increase) Decrease in Reserves on Deposit            | 149                  | (209,516)            |
| (Increase) Decrease in Deferred Outflows              | 98,859               | 32,301               |
| Increase (Decrease) in Accounts Payable               | (106,529)            | 82,286               |
| Increase (Decrease) in Due to Other State Funds       | 42,543               | 755                  |
| Increase (Decrease) in Accrued Payroll                | 7,590                | 74                   |
| Increase (Decrease) in Prizes Payable                 | (485,503)            | 181,433              |
| Increase (Decrease) in Unearned Revenue               | 173,792              | 37,528               |
| Increase (Decrease) in Net Pension Liability          | (326,117)            | 84,439               |
| Increase (Decrease) in Net Other Postemployment       |                      |                      |
| Benefit Plan Liability                                | 206                  | 1,170                |
| Increase (Decrease) in Compensated Absences           |                      |                      |
| Payable   | 9,345                | 3,527                |
| Increase (Decrease) in Deferred Inflows – Pension     | 318,356              | 25,498               |
| Total Adjustments                                     | <u>\$ (468,318)</u>  | <u>\$ 104,862</u>    |
| Net Cash Provided by Operating Activities             | <u>\$ 5,108,611</u>  | <u>\$ 9,441,234</u>  |
| <b>Noncash Transactions:</b>                          |                      |                      |
| Interest Revenue on Prize Reserves                    | <u>\$ 4,158</u>      | <u>\$ 2,969</u>      |
| Total Noncash Transactions                            | <u>\$ 4,158</u>      | <u>\$ 2,969</u>      |

The accompanying Notes to the Financial Statements are an integral part of this statement.



## Notes to the Financial Statements

### Note 1. Summary of Significant Accounting Policies

#### Reporting Entity

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, the Lottery should include all component units over which the Lottery exercises such aspects as (1) appointing a voting majority of an organization's governing body and (2) has the ability to impose its will on that organization; or (3) the potential for the organization to provide specific financial benefits to, or impose specific burdens on the Lottery.

Based on the criteria of GASB Statement No. 14, no organization was determined to be part of the Lottery as a reporting entity. The Lottery is a division of the Office of Attorney General, which is part of the primary government of the state of North Dakota.

#### Basis of Accounting and Measurement Focus

The Lottery's activity is accounted for as a proprietary type enterprise fund for the state of North Dakota. A proprietary fund is accounted for using the accrual basis of accounting. Revenues are recognized when they are earned and expenses are recognized when they are incurred.

An enterprise fund is used to account for an activity that is financed and operated in a manner similar to a private business enterprise where the costs of providing goods or services to the public on a continuing basis are financed through the sale of those goods or services. The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. An enterprise fund is accounted for by using the economic resources measurement focus in which all assets and liabilities associated with the operation of the funds are included on the statement of net position. Net position is segregated into investments in capital assets and restricted and unrestricted components. The statement of revenues, expenses, and changes in net position presents increases and decreases in total net position. The statement of cash flows presents the cash flows for operating, investing, capital, and non-capital financing activities.

According to North Dakota Century Code chapter 53-12.1, the Lottery must be self-funded and self-sustaining. As a result, general fund monies of the state may not be used or obligated to pay expenses or prizes of the Lottery.

#### Accounting Standards

The Lottery follows the pronouncements of the GASB, which is the nationally accepted standard-setting body for establishing generally accepted accounting principles for governmental entities.

#### Operating and Nonoperating Revenues

An enterprise fund distinguishes operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the proprietary fund's principal ongoing operation. The

principal operating revenue of the Lottery is sales of tickets. The principal operating expenses of the Lottery are prizes, retailer commissions, contractual services, marketing, MUSL game group dues, and salaries and fringe benefits. All revenue and expenses not meeting the criteria are reported as nonoperating revenues and expenses.

### Cash and Cash Equivalents

Cash and cash equivalents are defined as deposits with the Bank of North Dakota and the State Treasurer. The Lottery does not invest in marketable securities.

### Cash at Fiscal Agent

Cash at fiscal agent is the balance in the bank account held by Scientific Games, Inc. to service Pick & Click on the internet. This account balance consists of ticket sales netted with prize expense, player account withdrawals, discounts and bank fees. As of June 30, 2020 and 2019, the balance was \$194,323 and \$390,040, respectively. During fiscal year ended June 30, 2020 the Lottery changed fiscal agents for Pick & Click. Due to the change, the Lottery recorded funding transactions in the fiscal agent's operations account. Previously, and going forward, these transactions were recorded in the fiscal agent's escrow account and transferred to the operations account when a ticket was purchased.

### Accounts Receivable

Accounts receivable primarily represents prizes due from MUSL and Lottery funds due from retailers for ticket sales, less commissions and prizes on winning tickets paid by retailers. Lottery funds are collected weekly through electronic funds transfer by the Lottery from retailers' bank accounts. The Lottery has not incurred and does not project any bad debts.

### Reserves on Deposit

As of June 30, 2020, the Lottery has \$1,434,069 on deposit with MUSL related to the Prize Reserve Pools and Unreserved Account as compared to \$1,430,060 at June 30, 2019. When both restricted and unrestricted resources are available, which is only applicable for certain MUSL related expenses, it is the Lottery's policy to generally use restricted resources first. See Note 8.

### Prepaid Expenses

The prepaid expenses are primarily dues and postage. There was \$14,718 of prepaid expenses at June 30, 2020, as compared to \$12,085 at June 30, 2019.

### Equipment and Software

Equipment and software are stated at cost, net of accumulated depreciation. Equipment and software with a cost of \$5,000 or more per unit are capitalized and reported in the accompanying financial statements. Depreciation is computed using the straight-line method over the estimated useful lives of the assets, which range from three to ten years.

## Prizes

Prize expense is recorded based on actual drawing results. Prize expense also includes the net prize expense paid to MUSL according to the prize pool rates and game terms disclosed in the Multi-State Lottery Association note to the financial statements.

Prizes payable is the difference between the amounts of prize expense recognized (won) and actual prizes paid (claimed).

Players may redeem winning tickets for up to 180 days after the draw. As of June 30, 2020 and 2019, prizes payable were \$300,256 and \$785,759, respectively. Prizes that expired during fiscal years ended June 30, 2020 and 2019 were \$439,902 and \$696,499, respectively.

## Unearned Revenue

The Lottery recorded a liability for lottery tickets, multi-draw tickets and for Pick & Click sales for draws that will occur after June 30, 2020 and 2019, respectively. The amount related to future ticket sales on multi-draw tickets as of June 30, 2020 and 2019 were \$127,859 and \$118,746, respectively. Future sales for Pick & Click as of June 30, 2020 and 2019 were \$99,169 and \$96,174, respectively.

Sales of uncashed gift certificates for fiscal years ended June 30, 2020 and 2019 were \$6,682 and \$6,446, respectively. Sales of uncashed play central terminal (PCT) vouchers for fiscal years ended June 30, 2020 and 2019 were \$50,331 and \$44,791, respectively. The Lottery classifies uncashed gift certificates and uncashed PCT vouchers as unearned revenue.

During fiscal year ended June 30, 2020 the Lottery changed fiscal agents for Pick & Click. Due to the change, the Lottery recorded funding transactions of \$522,616 in the fiscal agent's operations account. Previously, and going forward, these transactions were recorded in the fiscal agent's escrow account and transferred to the operations account when a ticket was purchased. The Lottery recorded a \$381,650 reduction to the operations account representing net ticket sales for the fourth quarter Pick & Click activity.

## Interfund Balances and Transfers

At June 30, 2020, the Lottery had nominal accounts payable and accounts receivable involving normal business expenses with several state agencies and had net proceeds due to one state fund.

By statute, the net proceeds of the Lottery, less the amount allocated to the Compulsive Gambling Prevention and Treatment Fund, amount allocated to the Multi-Jurisdictional Drug Task Force Grant Fund, Lottery's share of a game's prize reserve pool, and holdback of any reserve funds the division may need for continuing operations, must be transferred to the State Treasurer on at least an annual basis for deposit in the State General Fund. By statute, \$80,000 must be transferred to the State Treasurer each quarter for deposit in the Compulsive Gambling Prevention and Treatment Fund. Prior to July 1, 2019 law required \$105,625 be transferred to the State Treasurer each quarter for deposit in the Multi-Jurisdictional Drug Task Force Grant Fund. Beginning July 1, 2019, by statute, \$200,000 must be transferred to the State Treasurer each quarter for deposit in the Multi-Jurisdictional Drug Task Force Grant Fund. The reserve

funds held by the division are required to be transferred to MUSL for prize reserve pools. The balance of the net proceeds is transferred to the State General Fund.

### Retailer Commissions

Lottery retailers receive a 5% commission on each ticket sold or otherwise provided to players, and for Pick & Click, players may choose to designate to a recipient retailer. Effective January 1, 2006, the Lottery provides retailers a bonus commission, as a sales incentive, for selling jackpot/grand prize and certain high tier prize winning tickets. The Lottery does not provide retailers a commission for redeeming winning tickets. Total retailer commissions for June 30, 2020 and 2019 were \$1,187,683 and \$1,752,687, including bonus commissions of \$42,250 and \$56,000, respectively.

### Marketing and Advertising

Costs incurred for developing creative, including point-of-sale items, research, and media advertising are expensed when incurred which generally is when point-of-sale items are first distributed to retailers or advertising first takes place.

### Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS) and additions to/deductions from NDPERS' fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

### Other Post Employment Benefits (OPEB)

For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the North Dakota Public Employees Retirement System (NDPERS) and additions to/deductions from NDPERS' fiduciary net position have been determined on the same basis as they are reported by NDPERS. For this purpose, benefit payments are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

### Accumulated Unpaid Vacation, Sick Pay, and Compensatory Pay

Annual leave and sick leave are a part of permanent employees' compensation as set forth in Section 54-06-14 of the North Dakota Century Code. Annual leave is earned based on tenure of employment, within a range of a minimum of one working day per month of employment, to a maximum of two working days per month of employment, to be fixed by rules and regulations adopted by the employing unit. In general, accrued annual leave cannot exceed 30 days at April 30 each year, as set by the North Dakota Administrative Code Section 4-7-12-08. Employees are paid for unused annual leave upon termination or retirement.

Sick leave is earned at the rate of one working day per month of employment. There are no limitations on the amount of sick leave that an employee can accumulate. Employees who have ten continuous years of service are paid one-tenth of their accumulated sick leave upon termination or retirement under chapter 54-52 of the North Dakota Century Code. A liability is recognized for that portion of accumulated sick leave benefits that is estimated will be taken as required by the GASB Statement No. 16, *Accounting for Compensated Absences*.

Compensatory leave is earned by employees who work overtime each week in accordance with the Office of Attorney General's policy. Generally, upon termination or retirement, employees are not eligible to receive compensation for their compensatory leave balances.

### Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

### New Accounting Pronouncements

As of July 1, 2017, the Lottery adopted GASB Statement No. 75 (GASB No. 75) Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions. The implementation of these standards requires that governments calculate and report the costs and obligations associated with other postemployment benefit plans (OPEB) other than pension plans in their basic financial statements. Employers are required to recognize OPEB amounts for all benefits provided through the plan, which include the net OPEB liability, deferred outflows of resources, deferred inflows of resources, and OPEB expense. See additional information in Note 7.

During fiscal year 2019, the Lottery adopted GASB Statement No. 83, Certain Asset Retirement Obligations and GASB Statement No. 88, Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements.

The Lottery will implement the following new pronouncements for fiscal years ending after 2020: GASB Statement No. 84, Fiduciary Activities; GASB Statement No. 87, Leases, GASB Statement No. 89, Accounting for Interest Cost Incurred before the End of a Construction Period, GASB Statement No. 90, Majority Equity Interests-an amendment of GASB Statements No. 14 and No. 61, GASB Statement No. 91, Conduit Debt Obligations, GASB Statement No. 92, Omnibus 2020, GASB Statement No. 93, Replacement of Interbank Offered Rates, and GASB Statement No. 95, Postponement of the Effective Dates of Certain Authoritative Guidance. The effect that these GASB Statements will have on future financial statements has not yet been determined.

## Note 2. Deposits

### Custodial Credit Risk

State law generally requires all state funds be deposited in the state owned Bank of North Dakota. North Dakota Century Code (NDCC) Section 21-04-01 provides that public funds belonging to or in the custody of the state shall be deposited in the Bank of North Dakota. Also, NDCC Section 6-09-07 states, “[a]ll state funds ... must be deposited in the Bank of North Dakota” or must be deposited in accordance with constitutional and statutory provisions.

The Lottery deposits at the Bank of North Dakota at June 30, 2020 and 2019 include \$5,263,456 and \$9,870,335, respectively.

These deposits are exposed to custodial credit risk as uninsured and uncollateralized. However, these deposits at the Bank of North Dakota are guaranteed by the state of North Dakota through NDCC Section 6-09-10.

## Note 3. Compensated Absences

A summary of compensated absences follows for 2020 and 2019:

|                                |                  |
|--------------------------------|------------------|
| Balance July 1, 2019           | \$ 60,969        |
| Addition                       | 9,345            |
| Reduction                      | -                |
| Balance June 30, 2020          | <u>\$ 70,314</u> |
| Amount payable within one year | <u>\$ -</u>      |
|                                |                  |
| Balance July 1, 2018           | \$ 57,442        |
| Addition                       | 3,527            |
| Reduction                      | -                |
| Balance June 30, 2019          | <u>\$ 60,969</u> |
| Amount payable within one year | <u>\$ -</u>      |

#### Note 4. Due to / Due from Other State Funds

At June 30, 2020 and 2019, accounts payable due to several state agencies and transfers of net proceeds due to the state general fund are:

|  | June 30, 2020       | June 30, 2019       |
|--|---------------------|---------------------|
| Due to the Department of Transportation      | \$ 385              | \$ 1,585            |
| Due to the Information Technology Department | 3,157               | 5,878               |
| Due to the Office of Management and Budget   | 541                 | 605                 |
| Due to the Office of State Tax Commissioner  | 56,957              | 10,429              |
| Due to Job Service North Dakota              | -                   | -                   |
| Due to the State General Fund                | 4,100,000           | 8,600,000           |
| Total  | <u>\$ 4,161,040</u> | <u>\$ 8,618,497</u> |

#### Note 5. Equipment and Software

A summary of changes in equipment, software, and accumulated depreciation is as follows for 2020 and 2019:

|                        | Equipment        | Software         | Accumulated Depreciation | Net             |
|------------------------|------------------|------------------|--------------------------|-----------------|
| Balance, June 30, 2019 | \$ 58,734        | \$ 32,000        | \$ 82,367                | \$ 8,367        |
| Additions              | 3,450            | -                | 2,753                    | 697             |
| Disposals              | 9,377            | -                | 9,377                    | -               |
| Balance, June 30, 2020 | <u>\$ 52,807</u> | <u>\$ 32,000</u> | <u>\$ 75,743</u>         | <u>\$ 9,064</u> |

|                        | Equipment        | Software         | Accumulated Depreciation | Net             |
|------------------------|------------------|------------------|--------------------------|-----------------|
| Balance, June 30, 2018 | \$ 58,734        | \$ 32,000        | \$ 80,304                | \$ 10,430       |
| Additions              | -                | -                | 2,063                    | (2,063)         |
| Disposals              | -                | -                | -                        | -               |
| Balance, June 30, 2019 | <u>\$ 58,734</u> | <u>\$ 32,000</u> | <u>\$ 82,367</u>         | <u>\$ 8,367</u> |

#### Note 6. Employee Pension Plan

##### General Information about the Pension Plan

##### North Dakota Public Employees Retirement System (Main System)

The following brief description of NDPERS is provided for general information purposes only. Participants should refer to NDCC Chapter 54-52 for more complete information.

NDPERS is a cost-sharing multiple-employer defined benefit pension plan that covers substantially all employees of the State of North Dakota, its agencies and various participating



political subdivisions. NDPERS provides for pension, death and disability benefits. The cost to administer the plan is financed through the contributions and investment earnings of the plan.

Responsibility for administration of the NDPERS defined benefit pension plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system; one member elected by the retired public employees; and two members of the legislative assembly appointed by the chairman of Legislative Management.

### Pension Benefits

Benefits are set by statute. NDPERS has no provision or policies with respect to automatic and ad hoc post-retirement benefit increases. Members of the Main System are entitled to unreduced monthly pension benefits beginning when the sum of age and years of credited service equal or exceed 85 (Rule of 85), or at normal retirement age (65). For members hired on or after January 1, 2016 the Rule of 85 will be replaced with the Rule of 90 with a minimum age of 60. The monthly pension benefit is equal to 2.00% of their average monthly salary, using the highest 36 months out of the last 180 months of service, for each year of service. For members hired on or after January 1, 2020 the 2.00% multiplier was replaced with a 1.75% multiplier. The plan permits early retirement at ages 55-64 with three or more years of service.

Members may elect to receive the pension benefits in the form of a single life, joint and survivor, term-certain annuity, or partial lump sum with ongoing annuity. Members may elect to receive the value of their accumulated contributions, plus interest, as a lump sum distribution upon retirement or termination, or they may elect to receive their benefits in the form of an annuity. For each member electing an annuity, total payment will not be less than the members' accumulated contributions plus interest.

### Death and Disability Benefits

Death and disability benefits are set by statute. If an active member dies with less than three years of service for the Main System, a death benefit equal to the value of the member's accumulated contributions, plus interest, is paid to the member's beneficiary. If the member has earned more than three years of credited service for the Main System, the surviving spouse will be entitled to a single payment refund, life-time monthly payments in an amount equal to 50% of the member's accrued normal retirement benefit, or monthly payments in an amount equal to the member's accrued 100% Joint and Survivor retirement benefit if the member had reached normal retirement age prior to date of death. If the surviving spouse dies before the member's accumulated pension benefits are paid, the balance will be payable to the surviving spouse's designated beneficiary.

Eligible members, who become totally disabled after a minimum of 180 days of service, receive monthly disability benefits equal to 25% of their final average salary with a minimum benefit of \$100. To qualify under this section, the member has to become disabled during the period of eligible employment and apply for benefits within one year of termination. The definition of disabled is set by the NDPERS in the North Dakota Administrative Code.

## Refunds of Member Account Balance

Upon termination, if a member of the Main System is not vested (is not 65 or does not have three years of service), they will receive the accumulated member contributions and vested employer contributions, plus interest, or may elect to receive this amount at a later date. If the member has vested, they have the option of applying for a refund or can remain as a terminated vested participant. If a member terminated and withdrew their accumulated member contribution and is subsequently reemployed, they have the option of repurchasing their previous service.

## Member and Employer Contributions

Member and employer contributions paid to NDPERS are set by statute and are established as a percent of salaries and wages. Member contribution rates are 7% and employer contribution rates are 7.12% of covered compensation. For members hired on or after January 1, 2020 member contribution rates are 7% and employer contribution rates are 8.26% of covered compensation.

The member's account balance includes the vested employer contributions equal to the member's contributions to an eligible deferred compensation plan. The minimum member contribution is \$25 and the maximum may not exceed the following:

- 1 to 12 months of service – greater of 1% of monthly salary or \$25
- 13 to 24 months of service – greater of 2% of monthly salary or \$25
- 25 to 36 months of service – greater of 3% of monthly salary or \$25
- Longer than 36 months of service – greater of 4% of monthly salary or \$25

## Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At fiscal years ending June 30, 2020 and 2019 the North Dakota Lottery reported a liability of \$722,420 and \$1,048,537, respectively for its proportionate share of the net pension liability. The net pension liability was measured as of July 1, 2019 and July 1, 2018, respectively, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date. The North Dakota Lottery's proportion of the net pension liability was based on the North Dakota Lottery's share of covered payroll in the Main System pension plan relative to the covered payroll of all participating Main System employers. At June 30, 2019, the North Dakota Lottery's proportion was 0.061636%, which was a decrease of 0.000496% from its proportion measured as of June 30, 2018, which was 0.062132%.

For the years ended June 30, 2020 and 2019 the North Dakota Lottery recognized pension expense of (\$128,900) and (\$173,191), respectively. At June 30, 2020, the North Dakota Lottery reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

|   | Deferred<br>Outflows of<br>Resources | Deferred<br>Inflows of<br>Resources |
|---|--------------------------------------|-------------------------------------|
| Differences between expected and actual experience  | \$ 428                               | \$ 131,105                          |
| Changes of assumptions  | 269,949                              | 231,775                             |
| Net difference between projected and actual earnings on<br>pension plan investments                             | 12,586                               | -                                   |
| Changes in proportion and difference between employer<br>contributions and proportionate share of contributions | 7,619                                | 21,380                              |
| Employer contributions subsequent to the measurement<br>date (see below)  | 47,049                               | -                                   |
| Total   | <u>\$ 337,631</u>                    | <u>\$ 384,260</u>                   |

The \$47,049 reported as deferred outflows of resources related to pensions resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2021.

At June 30, 2019 the North Dakota Lottery reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

|   | Deferred<br>Outflows of<br>Resources | Deferred<br>Inflows of<br>Resources |
|---|--------------------------------------|-------------------------------------|
| Differences between expected and actual experience  | \$ 2,776                             | \$ 35,673                           |
| Changes of assumptions  | 378,500                              | 14,966                              |
| Net difference between projected and actual earnings on<br>pension plan investments                             | -                                    | 5,101                               |
| Changes in proportion and difference between employer<br>contributions and proportionate share of contributions | 11,203                               | 10,869                              |
| Employer contributions subsequent to the measurement<br>date (see below)  | 45,648                               | -                                   |
| Total   | <u>\$ 438,127</u>                    | <u>\$ 66,609</u>                    |

The \$45,648 reported as deferred outflows of resources related to pensions resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2020.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

**Year ended June 30:**

|            |             |
|------------|-------------|
| 2021       | \$ (21,402) |
| 2022       | (5,575)     |
| 2023       | 29,948      |
| 2024       | 69,165      |
| 2025       | 21,542      |
| Thereafter | -           |

**Actuarial assumptions**

The total pension liability in the July 1, 2019 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation 2.50%

Salary increases:

| Service at<br>Beginning of<br>Year: | State<br>Employee | Non-State<br>Employee |
|-------------------------------------|-------------------|-----------------------|
| 0                                   | 12.00%            | 15.00%                |
| 1                                   | 9.50%             | 10.00%                |
| 2                                   | 7.25%             | 8.00%                 |
| 3                                   |                   |                       |
| 4                                   |                   |                       |
| Age*                                |                   |                       |
| Under 30                            | 7.25%             | 10.00%                |
| 30-39                               | 6.50%             | 7.50%                 |
| 40-49                               | 6.25%             | 6.75%                 |
| 50-59                               | 5.75%             | 6.50%                 |
| 60+                                 | 5.00%             | 5.25%                 |

\*Age-based salary increase rates apply for employees with three or more years of service

|                            |       |                            |
|----------------------------|-------|----------------------------|
| Investment rate of return  | 7.50% | net of investment expenses |
| Cost-of-living adjustments | None  |                            |

The total pension liability in the July 1, 2018 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation 2.50%

Salary increases:

| Service at<br>Beginning of<br>Year: | State<br>Employee | Non-State<br>Employee |
|-------------------------------------|-------------------|-----------------------|
| 0                                   | 12.00%            | 15.00%                |
| 1                                   | 9.50%             | 10.00%                |
| 2                                   | 7.25%             | 8.00%                 |
| 3                                   |                   |                       |
| 4                                   |                   |                       |
| Age*                                |                   |                       |
| Under 30                            | 7.25%             | 10.00%                |
| 30-39                               | 6.50%             | 7.50%                 |
| 40-49                               | 6.25%             | 6.75%                 |
| 50-59                               | 5.75%             | 6.50%                 |
| 60+                                 | 5.00%             | 5.25%                 |

\*Age-based salary increase rates apply for employees with three or more years of service

|                            |       |                            |
|----------------------------|-------|----------------------------|
| Investment rate of return  | 7.75% | net of investment expenses |
| Cost-of-living adjustments | None  |                            |

For active members, inactive members, and healthy retirees, mortality rates were based on the RP-2000 Combined Healthy Mortality Table set back two years for males and three years for females, projected generationally using the SSA 2014 Intermediate Cost scale from 2014. For disabled retirees, mortality rates were based on the RP-2000 Disabled Mortality Table set back one year for males (no setback for females) multiplied by 125%.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation as of June 30, 2019 are summarized in the following table:

| Asset Class                | Target Allocation | Long-Term Expected Real Rate of Return |
|----------------------------|-------------------|--|
| Domestic Equity            | 30%               | 6.25%                                  |
| International Equity       | 21%               | 6.95%                                  |
| Private Equity             | 7%                | 10.15%                                 |
| Domestic Fixed Income      | 23%               | 2.11%                                  |
| International Fixed Income | 0%                | 0.00%                                  |
| Global Real Assets         | 19%               | 5.41%                                  |
| Cash Equivalents           | 0%                | 0.00%                                  |

Best estimates of arithmetic real rates of return for each major asset class included in the Fund's target asset allocation as of June 30, 2018 are summarized in the following table:

| Asset Class                | Target Allocation | Long-Term Expected Real Rate of Return |
|----------------------------|-------------------|--|
| Domestic Equity            | 30%               | 6.05%                                  |
| International Equity       | 21%               | 6.71%                                  |
| Private Equity             | 7%                | 10.20%                                 |
| Domestic Fixed Income      | 23%               | 1.45%                                  |
| International Fixed Income | 0%                | 0.00%                                  |
| Global Real Assets         | 19%               | 5.11%                                  |
| Cash Equivalents           | 0%                | 0.00%                                  |

#### Discount Rate

For PERS, GASB Statement No. 67 includes a specific requirement for the discount rate that is used for the purpose of the measurement of the Total Pension Liability. This rate considers the ability of the System to meet benefit obligations in the future. To make this determination, employer contributions, employee contributions, benefit payments, expenses and investment returns are projected into the future. The current employer and employee fixed rate contributions are assumed to be made in each future year. The Plan Net Position (assets) in future years can then be determined and compared to its obligation to make benefit payments in those years. In years where assets are not projected to be sufficient to meet benefit payments, which is the case for the PERS plan, the use of a municipal bond rate is required.

The Single Discount Rate (SDR) is equivalent to applying these two rates to the benefits that are projected to be paid during the different time periods. The SDR reflects (1) the long-term expected rate of return on pension plan investments (during the period in which the fiduciary net position is projected to be sufficient to pay benefits) and (2) a tax-exempt municipal bond rate based on an index of 20-year general obligation bonds with an average AA credit rating as of the measurement date (to the extent that the contributions for use with the long-term expected rate of return are not met).

For the purpose of this valuation for measurement dates July 1, 2019 and 2018, the expected rate of return on pension plan investments is 7.50% and 7.75%, respectively; the municipal bond rate is 3.13% and 3.62%, respectively; and the resulting Single Discount Rate is 7.50% and 6.32%, respectively.

## Sensitivity of the Employer's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the employer's proportionate share of the net pension liability as of June 30, 2020 calculated using the discount rate of 7.50 percent, as well as what the North Dakota Lottery's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.50 percent) or 1-percentage-point higher (8.50 percent) than the current rate:

|   | <b>1% Decrease<br/>(6.50%)</b> | <b>Current<br/>Discount Rate<br/>(7.50%)</b> | <b>1% Increase<br/>(8.50%)</b> |
|---|--------------------------------|--|--------------------------------|
| North Dakota Lottery's proportionate share of the net pension liability | \$1,035,794                    | \$722,420                                    | \$459,130                      |

The following presents the employer's proportionate share of the net pension liability as of June 30, 2019 calculated using the discount rate of 6.32 percent, as well as what the North Dakota Lottery's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.32 percent) or 1-percentage-point higher (7.32 percent) than the current rate:

|   | <b>1% Decrease<br/>(5.32%)</b> | <b>Current<br/>Discount Rate<br/>(6.32%)</b> | <b>1% Increase<br/>(7.32%)</b> |
|---|--------------------------------|--|--------------------------------|
| North Dakota Lottery's proportionate share of the net pension liability | \$1,424,767                    | \$1,048,537                                  | \$734,586                      |

### Pension Plan Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued NDPERS financial report.

## Note 7. Other Postemployment Benefit Plan (OPEB)

### General Information about the OPEB Plan

#### North Dakota Public Employees Retirement System

The following brief description of NDPERS is provided for general information only. Participants should refer to NDAC Chapter 71-06 for more complete information.

NDPERS OPEB plan is a cost-sharing multiple-employer defined benefit OPEB plan that covers members receiving retirement benefits from the PERS, the HPRS, and Judges retired under Chapter 27-17 of the North Dakota Century Code a credit toward their monthly health insurance premium under the state health plan based upon the member's years of credited service. Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The Retiree Health Insurance Credit Fund is advance-funded on an actuarially determined basis.



Responsibility for administration of the NDPERS defined benefit OPEB plan is assigned to a Board comprised of nine members. The Board consists of a Chairman, who is appointed by the Governor; one member appointed by the Attorney General; one member appointed by the State Health Officer; three members elected by the active membership of the NDPERS system, one member elected by the retired public employees and two members of the legislative assembly appointed by the chairman of Legislative Management.

## OPEB Benefits

The employer contribution for the PERS, the HPRS and the Defined Contribution Plan is set by statute at 1.14% of covered compensation. The employer contribution for employees of the state board of career and technical education is 2.99% of covered compensation for a period of eight years ending October 1, 2015. Employees participating in the retirement plan as part-time/temporary members are required to contribute 1.14% of their covered compensation to the Retiree Health Insurance Credit Fund. Employees purchasing previous service credit are also required to make an employee contribution to the Fund. The benefit amount applied each year is shown as "prefunded credit applied" on the Statement of Changes in Plan Net Position for the OPEB trust funds. Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There were no other benefit changes during the year.

Retiree health insurance credit benefits and death and disability benefits are set by statute. There are no provisions or policies with respect to automatic and ad hoc post-retirement benefit increases. Employees who are receiving monthly retirement benefits from the PERS, the HPRS, the Defined Contribution Plan, the Chapter 27-17 judges or an employee receiving disability benefits, or the spouse of a deceased annuitant receiving a surviving spouse benefit or if the member selected a joint and survivor option are eligible to receive a credit toward their monthly health insurance premium under the state health plan.

Effective July 1, 2015, the credit is also available to apply towards monthly premiums under the state dental, vision and long-term care plan and any other health insurance plan. Effective August 1, 2019 the benefit may be used for any eligible health, prescription drug plan, dental, vision, or long term care plan premium expense. The benefits are equal to \$5.00 for each of the employee's, or deceased employee's years of credited service not to exceed the premium in effect for selected coverage. The retiree health insurance credit is also available for early retirement with reduced benefits.

## OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At fiscal years ending June 30, 2020 and 2019, the Lottery reported a liability of \$46,147 and \$45,941 respectively for its proportionate share of the net OPEB liability. The net OPEB liability was measured as of July 1, 2019 and July 1, 2018, respectively, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of that date. The North Dakota Lottery's proportion of the net OPEB liability was based on the North Dakota Lottery's share of covered payroll in the OPEB plan relative to the covered payroll of all participating OPEB employers. At June 30, 2019, the North Dakota Lottery's proportion was 0.054755%, which was a decrease of 0.003578% from its proportion measured as of June 30,

2018, which was 0.058333%.

For the years ended June 30, 2020 and 2019, the North Dakota Lottery recognized OPEB expense of \$6,219 and \$5,825, respectively. At June 30, 2020, the Lottery reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

|  | Deferred<br>Outflows of<br>Resources | Deferred<br>Inflows of<br>Resources |
|--|--------------------------------------|-------------------------------------|
| Differences between expected and actual experience   | \$ 1,140                             | \$ 1,442                            |
| Changes of assumptions   | 5,500                                | -                                   |
| Net difference between projected and actual earnings on pension plan investments                             | 51                                   | -                                   |
| Changes in proportion and difference between employer contributions and proportionate share of contributions | 752                                  | 1,202                               |
| Employer contributions subsequent to the measurement date (see below)  | 7,533                                | -                                   |
| Total  | <u>\$ 14,976</u>                     | <u>\$ 2,644</u>                     |

\$7,533 reported as deferred outflows of resources related to OPEB resulting from Employer contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the year ended June 30, 2021

At June 30, 2019, the Lottery reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

|  | Deferred<br>Outflows of<br>Resources | Deferred<br>Inflows of<br>Resources |
|--|--------------------------------------|-------------------------------------|
| Differences between expected and actual experience   | \$ 1,375                             | \$ 949                              |
| Changes of assumptions   | 3,770                                | -                                   |
| Net difference between projected and actual earnings on pension plan investments                             | -                                    | 988                                 |
| Changes in proportion and difference between employer contributions and proportionate share of contributions | 885                                  | -                                   |
| Employer contributions subsequent to the measurement date (see below)  | 7,309                                | -                                   |
| Total  | <u>\$ 13,339</u>                     | <u>\$ 1,937</u>                     |

\$7,309 reported as deferred outflows of resources related to OPEB resulting from Employer contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the year ended June 30, 2020.

Other amounts reported as deferred outflows of resources and deferred inflows of resources related to OPEB will be recognized in OPEB expense as follows:

**Year ended June 30:**

|            |          |
|------------|----------|
| 2021       | \$ (793) |
| 2022       | (793)    |
| 2023       | (1,223)  |
| 2024       | (1,144)  |
| 2025       | (634)    |
| 2026       | (191)    |
| Thereafter | (21)     |

**Actuarial Assumptions**

The total OPEB liability in the July 1, 2019, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

|                            |                                  |
|----------------------------|----------------------------------|
| Inflation                  | 2.50%                            |
| Salary increases           | Not Applicable                   |
| Investment rate of return  | 7.25% net of investment expenses |
| Cost-of-living adjustments | None                             |

The total OPEB liability in the July 1, 2018 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

|                            |                                  |
|----------------------------|----------------------------------|
| Inflation                  | 2.50%                            |
| Salary increases           | Not Applicable                   |
| Investment rate of return  | 7.5%, net of investment expenses |
| Cost-of-living adjustments | None                             |

For active members, inactive members, and healthy retirees, mortality rates were based on the RP-2000 Combined Healthy Mortality Table set back two years for males and three years for females, projected generationally using the SSA 2014 Intermediate Cost scale from 2014. For disabled retirees, mortality rates were based on the RP-2000 Disabled Mortality Table set back one year for males (no setback for females) multiplied by 125%.

The long-term expected investment rate of return assumption for the RHIC fund was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of RHIC investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. At June 30, 2020, estimates of arithmetic real rates of return, for each major asset class included in the RHIC's target asset allocation as of July 1, 2019 are summarized in the following table:

| Asset Class                 | Target Allocation | Long-Term Expected Real Rate of Return |
|-----------------------------|-------------------|--|
| Large Cap Domestic Equities | 33%               | 6.00%                                  |
| Small Cap Domestic Equities | 6%                | 7.30%                                  |
| Domestic Fixed Income       | 40%               | 2.07%                                  |
| International Equities      | 21%               | 6.95%                                  |

At June 30, 2019, estimates of arithmetic real rates of return, for each major asset class included in the RHIC's target asset allocation as of July 1, 2017 are summarized in the following table:

| Asset Class                 | Target Allocation | Long-Term Expected Real Rate of Return |
|-----------------------------|-------------------|--|
| Large Cap Domestic Equities | 37%               | 7.15%                                  |
| Small Cap Domestic Equities | 9%                | 14.42%                                 |
| International Equities      | 14%               | 8.83%                                  |
| Core-Plus Fixed Income      | 40%               | 0.10%                                  |

### Discount Rate

At June 30, 2020 and 2019, the discount rate used to measure the total OPEB liability was 7.25% and 7.5%, respectively. The projection of cash flows used to determine the discount rate assumed plan member and statutory/Board approved employer contributions will be made at rates equal to those based on the July 1, 2018, and July 1, 2017, HPRS actuarial valuation reports. For this purpose, only employer contributions that are intended to fund benefits of current RHIC members and their beneficiaries are included. Projected employer contributions that are intended to fund the service costs of future plan members and their beneficiaries are not included. Based on those assumptions, the RHIC fiduciary net position was projected to be sufficient to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on RHIC investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

### Sensitivity of the Employer's proportionate share of the net OPEB liability to changes in the discount rate

The following presents the net OPEB liability of the Plans as of June 30, 2019, calculated using the discount rate of 7.25%, as well as what the RHIC net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.25 percent) or 1-percentage-point higher (8.25 percent) than the current rate

|  | 1% Decrease<br>(6.25%) | Current<br>Discount Rate<br>(7.25%) | 1% Increase<br>(8.25%) |
|--|------------------------|-------------------------------------|------------------------|
| North Dakota Lottery's proportionate share of the net OPEB liability | \$58,901               | \$46,147                            | \$35,230               |

The following presents the net OPEB liability of the Plans as of June 30, 2018, calculated using the discount rate of 7.5%, as well as what the RHIC net OPEB liability would be if it were calculated

using a discount rate that is 1-percentage-point lower (6.5 percent) or 1-percentage-point higher (8.5 percent) than the current rate

|  | <b>1% Decrease<br/>(6.5%)</b> | <b>Current<br/>Discount Rate<br/>(7.5%)</b> | <b>1% Increase<br/>(8.5%)</b> |
|--|-------------------------------|---|-------------------------------|
| North Dakota Lottery's proportionate share of the net OPEB liability | \$58,126                      | \$45,941                                    | \$35,495                      |

#### **Note 8. Multi-State Lottery Association (MUSL)**

The Lottery is a member of MUSL, which administers games on behalf of member lotteries. MUSL administers the Powerball, Mega Millions, Lotto America, and 2by2 games for the Lottery. Each member lottery sells game tickets through its retailers and makes weekly wire transfers to MUSL in an amount equal to the member lottery's share of the jackpot prize liability. If this results in a negative amount, MUSL transfers funds to the Lottery. Lesser prizes are paid directly to the winners by each member lottery. The prize pools for Powerball, Powerplay, Lotto America and All Star Bonus are 50% of each drawing period's sales, after the prize reserve accounts are funded to the amounts set by the game groups. The prize pool for Mega Millions is up to 55% of the Mega Millions and Megaplier sales. The prize pool for 2by2 is 39.5% with the prize expense being 66% and 66% after the free tickets as of June 30, 2020 and 2019, respectively. Up to 5% of sales for Powerball are deducted from the prize pool contribution and placed in one or more prize pool and prize reserve accounts. Up to 5% of sales for Mega Millions are added to the prize pool contribution and placed in one or more prize pool and prize reserve accounts. The Lotto America prize pool and prize reserve deduction is set at 2% when the annuity jackpot is \$3 million or more and less than \$5 million, and 4% when the annuity jackpot is \$5 million or more. The game group places the deducted sales in one or more prize pool and prize reserve accounts.

The prize reserve funds serve as a contingency reserve to protect MUSL from unforeseen prize liabilities and the money in this reserve fund is used at the discretion of the MUSL board of directors. The prize reserve fund monies are refundable to MUSL member lotteries if MUSL dissolves or if a member lottery leaves MUSL. A member lottery leaving MUSL must wait one year before receiving their remaining share, if any, of the prize reserve funds. Any amount remaining in the prize pools at the end of the games is carried forward to a replacement game or expended in a manner as directed by the game group. The MUSL prize reserve account balance and the Lottery's share of that balance are as follows:

|  | June 30, 2020  | June 30, 2019  |
|--|----------------|----------------|
| MUSL prize reserve account                                     | \$ 216,013,865 | \$ 224,229,399 |
| Lottery's share of the MUSL prize reserve account (on deposit) | \$ 1,057,006   | \$ 1,278,759   |

The Lottery also has an unreserved account with MUSL. Interest earned on MUSL funds, and any unclaimed jackpot prizes may be deposited into this account and Lottery board and game group dues and other MUSL related expenses may be paid from this fund.

|  | June 30, 2020 | June 30, 2019 |
|--|---------------|---------------|
| MUSL unreserved account                          | \$ 18,113,814 | \$ 14,137,327 |
| Lottery's share of the MUSL's unreserved account | \$ 377,063    | \$ 151,301    |

A winner of a Powerball, Mega Millions or Lotto America jackpot prize may select that the prize be paid at the cash value of the prize or as an annuity. A Powerball or Lotto America jackpot prize is paid out in 30 installments and a Mega Millions jackpot prize is paid out in 26 installments. If a jackpot winner selects annual installments for Powerball, Mega Millions or Lotto America, MUSL purchases United States government securities to fund awarded prizes. The securities are held in Winner Trust accounts with the member lottery named as the trust beneficiary. MUSL transfers cash to the member lotteries to facilitate the payment of the annual jackpot prize amount. The source of this money is a game group's grand prize pool. The assets and related liabilities are reflected in MUSL's financial statements and, therefore, are not reflected in the Lottery's financial statements. MUSL is responsible for transferring the cash or the annuity installment amounts to the member lottery before the payment to the jackpot prize winner. The Lottery currently is not paying any Powerball, Mega Millions or Lotto America prize winner annuity prize payments. The 2by2 grand prize is paid in a single cash payment. The Powerball, Mega Millions and Lotto America jackpot prizes are divided equally among multiple winning tickets among the participating jurisdictions.

The North Dakota Lottery is a member of the MUSL board and Powerball, Mega Millions, Lotto America, and 2by2 game groups. The Lottery is responsible for its pro-rated share of the MUSL board dues. The MUSL Board dues for fiscal years ended June 30, 2020, and 2019, were \$0, and \$20,000, respectively. MUSL's non-game earnings including interest, web advertising, and trademark license fees decrease the MUSL board dues and game group dues.

During fiscal year ended June 30, 2016, the Lottery was licensed to begin selling the Lucky for Life game as offered by the group of lotteries known as the New England Lotteries. The New England Lotteries consists of the Connecticut Lottery Corporation, the Main State Liquor & Lottery Commission, the Massachusetts State Lottery Commission, the New Hampshire Lottery Commission, the Rhode Island Division of Lotteries and the Vermont Lottery Commission.

If a top prize or second tier prize winner selects annual installments for Lucky for Life, the Lottery is responsible for the purchase of an insurance annuity or other financial instrument to fully fund the respective annuitized prize won in North Dakota. The Lottery has contracted MUSL to purchase annuities following a claim of a lifetime prize that requires the acquisition of an annuity. The Lottery is currently paying one Lucky for Life second tier prize winner annuity prize payments.

The Lottery is assessed dues quarterly in proportion to the Lottery's percentage of Lucky for Life game sales to pay for operating expenses incurred during the assessed quarter. The Lottery is required to engage an independent auditor to conduct agreed upon procedures each year within 180 calendar days of March 31<sup>st</sup> and distributed to all participating lotteries. The New England Lotteries contracted MUSL as the Lucky for Life game administrator.

## **Note 9. Commitments and Contingencies**

The Lottery entered into contracts with:

1. Scientific Games International, Inc. (SGI) of Alpharetta, GA provides an online lottery gaming system; retailer network including retailer training, communications, equipment, ticket stock and management; and an internet lottery service. The contract was signed on February 19, 2014 with an operations date of July 6, 2014 and shall continue through June 30, 2022.

Payments for the fiscal years ended June 30, 2020 and 2019 totaled \$2,846,522 and \$3,782,769, respectively based on 10.473% of ticket sales. The Lottery's future obligation through June 30, 2022 is based on 10.473% of ticket sales. Additionally the Lottery pays SGI an annual minimum fee of \$325,000 to provide the Player's Club Points for Prizes program. In addition, SGI provides other products and services for which the Lottery pays various contracted fees. The total fees paid to SGI for all services for the fiscal years ended June 30, 2020 and 2019 were \$3,171,522 and \$4,107,769, respectively.

2. KKBold of Bismarck, ND provides marketing and related services. Payments for the fiscal years ended June 30, 2020, and 2019 totaled \$404,052 and \$387,493, respectively. The Lottery's future obligation is for actual services requested; there is no minimum fee or retainer fee. The contract can be extended by the state by written notice no later than 30 days prior to the expiration of the original contract. As of June 30, 2017 this contract expired and went through a competitive bid process, the Lottery awarded a new contract to KKBold with a term from July 1, 2017 through June 30, 2020. As of June 30, 2020 this contract expired and was renewed through June 30, 2021.

The Lottery has a contingent gain estimated at \$196,065 at June 30, 2020 from prizes that may be forfeited due to winning players not claiming them within the required time frame. The Lottery did not accrue this contingent gain on these financial statements. The Lottery will recognize the gain when realized. The contingent gain at June 30, 2019 was \$638,343.

## **Note 10. Line of Credit**

In accordance with subsection 2 of section 53-12.1-02 of the North Dakota Century Code, the Lottery has secured a short-term line of credit with the Bank of North Dakota. The law provides that the line of credit be limited to the amount of each cash prize of \$100,000 or more that relates to prize funds known to be due and forthcoming to the Lottery from other government-authorized lotteries through MUSL. The line of credit may not exceed \$1 million in the aggregate. The North Dakota Lottery did not request a credit advance during the fiscal years ending June 30, 2020 and 2019.



## Note 11. Risk Management

The Lottery is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Lottery, as a division of the Office of Attorney General, participates in the same funds/pools established by the state for risk management issues.

The 1995 Legislative Assembly established the Risk Management Fund (RMF), an internal service fund, to provide a self-insurance vehicle for funding the liability exposures of state agencies resulting from the elimination of the state's sovereign immunity. The RMF manages the tort liability of the state, its agencies' employees, and the University System. All state agencies participating in the RMF and their fund contributions were determined using a projected cost allocation approach. The statutory liability of the state is limited to a total of \$250,000 per person and \$1 million per occurrence.

The Office of Attorney General also participates in the North Dakota Fire and Tornado Fund. The office pays an annual premium to the Fire and Tornado Fund to cover property damage to building and office contents. Replacement cost coverage is provided by estimating replacement cost in consultation with the Fire and Tornado Fund.

The Office of Attorney General also participates in the State Bonding Fund in which the office has blanket employee fidelity bond coverage in the amount of \$2 million. The State Bonding Fund did not charge any premium for this coverage at this point.

## Note 12. Lease Commitments

The North Dakota Lottery entered into an operating lease for its office space at 1050 East Interstate Avenue – Suite 200, Bismarck, ND 58503-5574. Lease expenditures for the fiscal year ended June 30, 2020 and 2019 totaled \$52,489 and \$50,464, respectively. The North Dakota Lottery signed an operating lease with a term from July 1, 2017 through June 30, 2021. The future annual rental commitments are as follows:

| Lease Commitments<br>June 30, 2020: |                  | Lease Commitments<br>June 30, 2019: |                   |
|-------------------------------------|------------------|-------------------------------------|-------------------|
| <u>Years Ending</u>                 |                  | <u>Years Ending</u>                 |                   |
| 2021                                | \$ 52,489        | 2020                                | \$ 52,489         |
| Total                               | <u>\$ 52,489</u> | 2021                                | <u>52,489</u>     |
|                                     |                  | Total                               | <u>\$ 104,978</u> |

## ***Required Supplementary Information***

### **Schedule of Employer's Share of Net Pension Liability ND Public Employees Retirement System Last 10 Fiscal Years\***

|      | Employer's<br>proportion of<br>the net<br>pension<br>liability<br>(asset) | Employer's<br>proportionate<br>share of the<br>net pension<br>liability<br>(asset) | Employer's<br>covered-<br>employee<br>payroll | Employer's<br>proportionate share<br>of the net pension<br>liability (asset) as a<br>percentage of its<br>covered-employee<br>payroll | Plan fiduciary<br>net position<br>as a<br>percentage of<br>the total<br>pension<br>liability |
|------|---|--|---|---|--|
| 2020 | 0.061636%   | \$ 722,420   | \$ 641,120                                    | 112.68%   | 71.66%   |
| 2019 | 0.062132%   | 1,048,537  | 638,288                                       | 164.27%   | 62.80%   |
| 2018 | 0.059981%   | 964,098  | 612,316                                       | 157.53%   | 61.98%   |
| 2017 | 0.058897%   | 574,007  | 593,541                                       | 96.71%  | 70.46%   |
| 2016 | 0.062919%   | 427,838  | 560,531                                       | 76.33%  | 77.15%   |
| 2015 | 0.065803%   | 417,667  | 554,314                                       | 75.35%  | 77.70%   |

\*Complete data for this schedule is not available prior to 2015.

The amounts presented for each fiscal year have a measurement date of the previous fiscal year end.

### **Schedule of Employer Contributions ND Public Employees Retirement System Last 10 Fiscal Years\***

|      | Statutorily<br>required<br>contribution | Contributions<br>in relation to<br>the statutorily<br>required<br>contribution | Contribution<br>deficiency<br>(excess) | Employer's<br>covered-<br>employee<br>payroll | Contributions as a<br>percentage of<br>covered-employee<br>payroll |
|------|---|--|--|---|--|
| 2020 | \$ 46,677                               | \$ (47,333)  | \$ (656)                               | \$ 660,805                                    | 7.06%  |
| 2019 | 47,013                                  | (45,765)   | 1,248                                  | 641,120                                       | 7.33%  |
| 2018 | 44,400                                  | (47,399)   | (2,999)                                | 638,288                                       | 6.96%  |
| 2017 | 42,972                                  | (43,789)   | (817)                                  | 612,316                                       | 7.02%  |
| 2016 | 42,577                                  | (42,514)   | 63                                     | 593,541                                       | 7.17%  |
| 2015 | 39,467                                  | (39,467)   | -                                      | 560,531                                       | 7.04%  |

\*Complete data for this schedule is not available prior to 2015.

**Schedule of Employer's Share of Net OPEB Liability  
ND Public Employees Retirement System  
Last 10 Fiscal Years\***

|      | Employer's<br>proportion of<br>the net OPEB<br>liability<br>(asset) | Employer's<br>proportionate<br>share of the<br>net OPEB<br>liability<br>(asset) | Employer's<br>covered-<br>employee<br>payroll | Employer's<br>proportionate share<br>of the net OPEB<br>liability (asset) as a<br>percentage of its<br>covered-employee<br>payroll | Plan fiduciary<br>net position<br>as a<br>percentage of<br>the total<br>OPEB liability |
|------|---|---|---|--|--|
| 2020 | 0.057455%   | \$ 46,147   | \$ 641,120                                    | 7.20%  | 63.13%   |
| 2019 | 0.058333%   | 45,941  | 638,288                                       | 7.20%  | 61.89%   |
| 2018 | 0.056599%   | 44,771  | 612,316                                       | 7.31%  | 59.78%   |

\*Complete data for this schedule is not available prior to 2018.

The amounts presented for each fiscal year have a measurement date of the previous fiscal year end.

**Schedule of Employer Contributions  
ND Public Employees Retirement System  
Last 10 Fiscal Years\***

|      | Statutorily<br>required<br>contribution | Contributions<br>in relation to<br>the statutorily<br>required<br>contribution | Contribution<br>deficiency<br>(excess) | Employer's<br>covered-<br>employee<br>payroll | Contributions as a<br>percentage of<br>covered-employee<br>payroll |
|------|---|--|--|---|--|
| 2020 | \$ 7,456                                | \$ (7,476)   | \$ (20)                                | \$ 660,805                                    | 1.13%  |
| 2019 | 7,487                                   | (7,096)  | 391                                    | 641,120                                       | 1.17%  |
| 2018 | 7,118                                   | (7,422)  | (304)                                  | 638,288                                       | 1.12%  |

\*Complete data for this schedule is not available prior to 2018

## Notes to the Required Supplementary Information

### Changes of benefit terms

The interest rate earned on member contributions will decrease from 7.25 percent to 7.00 percent effective January 1, 2020 (based on the adopted decrease in the investment return assumption). New Main System members who are hired on or after January 1, 2020 will have a benefit multiplier of 1.75 percent (compared to the current benefit multiplier of 2.00 percent). The fixed employer contribution for new members of the Main System will increase from 7.12 percent to 8.26 percent. For members who terminate after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019 or the average salary earned in the three highest periods of twelve consecutive months employed during the last 180 months of employment. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2018.

Beginning January 1, 2020, members first enrolled in the NDPERS Main System and the Defined Contribution Plan on or after that date will not be eligible to participate in RHIC. Therefore, RHIC will become for the most part a closed plan. There have been no other changes in plan provisions since the previous actuarial valuation as of July 1, 2018.

### Changes of assumptions

The Board approved the following changes to the actuarial assumptions beginning with the July 1, 2019 valuation:

- The pension investment return assumption was lowered from 7.75% to 7.50%
- The OPEB investment return assumption was lowered from 7.50% to 7.25%

All other actuarial assumptions and the actuarial cost method are unchanged from the last actuarial valuation as of July 1, 2018.

Amounts reported in 2019 reflect actuarial assumption changes effective July 1, 2018 based on the results of an actuarial experience study completed in 2015. This includes changes to the mortality tables, disability incidence rates, retirement rates, administrative expenses, salary scale, and percent married assumption.



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BISMARCK, NORTH DAKOTA 58505

## *Exhibits*

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### **Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards**

#### Independent Auditor's Report

Members of the Legislative Assembly

Honorable Wayne Stenehjem, Attorney General

Randy Miller, Director North Dakota Lottery

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the business-type activities of the North Dakota Lottery, a division of the Office of the Attorney General of the state of North Dakota as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the North Dakota Lottery's financial statements, and have issued our report thereon dated October 13, 2020.

#### **Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the North Dakota Lottery's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the North Dakota Lottery's internal control. Accordingly, we do not express an opinion on the effectiveness of the North Dakota Lottery's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to

prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the North Dakota Lottery's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the result of that testing, and not to provide an opinion on the effectiveness of the North Dakota Lottery's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

/S/

Joshua C. Gallion  
State Auditor

Bismarck, North Dakota  
October 13, 2020

## **Special Comments Requested by the Legislative Audit and Fiscal Review Committee**

The Legislative Audit and Fiscal Review Committee requires that certain items be addressed by auditors performing audits of state agencies. These items and our responses are as follows:

### ***Responses to LAFRC Audit Questions***

|  |
|--|
| <b>1. What type of opinion was issued on the financial statements?</b> |
|--|

Unmodified.

|   |
|---|
| <b>2. Was there compliance with statutes, laws, rules, and regulations under which the agency was created and is functioning?</b> |
|---|

Yes.

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|--|
| <b>3. Was internal control adequate and functioning effectively?</b> |
|--|

Yes.

|  |
|--|
| <b>4. Were there any indications of lack of efficiency in financial operations and management of the agency?</b> |
|--|

No.

|  |
|--|
| <b>5. Has action been taken on findings and recommendations included in prior audit reports?</b> |
|--|

There were no formal recommendations included in the prior audit report.

|   |
|---|
| <b>6. Was a management letter issued? If so, provide a summary below, including any recommendations and the management responses.</b> |
|---|

No.

## **LAFRC Audit Communications**

- 1. Identify any significant changes in accounting policies, any management conflicts of interest, any contingent liabilities, or any significant unusual transactions.**

None noted.

- 2. Identify any significant accounting estimates, the process used by management to formulate the accounting estimates, and the basis for the auditor's conclusions regarding the reasonableness of those estimates.**

Management's estimate of the useful lives, as described in Note 1, is used to compute depreciation on capital assets. Management's estimate of the net pension liability and net OPEB liability is based on an actuary's calculation in accordance with the employment contracts. We evaluated the key factors and assumptions used to develop the useful lives, net pension liability and net OPEB liability in determining that they are reasonable in relation to the financial statements taken as a whole.

- 3. Identify any significant audit adjustments.**

Significant audit adjustments were not necessary.

- 4. Identify any disagreements with management, whether or not resolved to the auditor's satisfaction relating to a financial accounting, reporting, or auditing matter that could be significant to the financial statements.**

None.

- 5. Identify any serious difficulties encountered in performing the audit.**

None.

- 6. Identify any major issues discussed with management prior to retention.**

This is not applicable for audits conducted by the Office of the State Auditor.

- 7. Identify any management consultations with other accountants about auditing and accounting matters.**

None.

- 8. Identify any high-risk information technology systems critical to operations based on the auditor's overall assessment of the importance of the system to the agency and its mission, or whether any exceptions identified in the six audit report questions to be addressed by the auditors are directly related to the operations of an information technology system.**

ConnectND Finance, Human Resource Management System (HRMS), Games Management System (GMS), and Internal Control System (ICS) are high risk systems critical to the ND Lottery.





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## Governance Communications

October 13, 2020

Honorable Wayne Stenehjem, Attorney General

The Legislative Audit and Fiscal Review Committee

We have audited the financial statements of the North Dakota Lottery for the years ended June 30, 2020 and June 30, 2019 and have issued our report thereon dated October 13, 2020. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards* as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated August 25, 2020. Professional standards require that we provide you with the following information related to our audit.

### **Significant Audit Findings**

#### **Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by North Dakota Lottery are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

#### **Difficulties Encountered in Performing the Audit**

We encountered no significant difficulties in dealing with management in performing and completing our audit.

## **Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. No such misstatements were noted.

## **Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

## **Management Representations**

We have requested certain representations from management that are included in the management representation letter dated October 13, 2020.

## **Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

## **Other Audit Findings or Issues**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention. It should be noted that the retention of the State Auditor is a matter of state law and is not under control of the North Dakota Lottery.

There were no recommendations made in this audit.

## **Other Matters**

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, and the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the

underlying accounting records used to prepare the financial statements or to the financial statements themselves.

This information is intended solely for the use of Attorney General Wayne Stenehjem, the Legislative Audit and Fiscal Review Committee, and management of the North Dakota Lottery and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dust Wal", with a long, sweeping horizontal line extending to the right.

Dustin Walcker  
Audit Manager



Office of the  
State Auditor

NORTH DAKOTA STATE AUDITOR  
JOSHUA C. GALLION

**NORTH DAKOTA STATE AUDITOR'S OFFICE**

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