



Financial Statements  
June 30, 2023 and 2022  
**Ag PACE Fund**

## AG PACE FUND

### Table of Contents

---

|   | <u>Exhibit</u> | <u>Page</u> |
|---|----------------|-------------|
| <b>INDEPENDENT AUDITOR’S REPORT</b>   |                | 1           |
| <b>MANAGEMENT’S DISCUSSION AND ANALYSIS</b>   |                | 4           |
| <b>FINANCIAL STATEMENTS</b>   |                |             |
| Balance Sheets  |                | 8           |
| Statements of Revenues, Expenditures and Changes in Fund Balance  |                | 9           |
| Notes to Financial Statements   |                | 10          |
| <b>EXHIBITS</b>   |                |             |
| 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 <i>Government Auditing Standards</i> | A-1            | 13          |
| Schedule of Findings and Responses  |                | 15          |
| Independent Auditor’s Comments Requested by the North Dakota Legislative Audit and Fiscal Review Committee  | A-2            | 16          |
| Independent Auditor’s Communication to the Governor of North Dakota and the Legislative Assembly  | B-1            | 19          |



## Independent Auditor's Report

Governor of North Dakota  
and the Legislative Assembly  
State of North Dakota  
Bismarck, North Dakota

### Report on the Audit of the Financial Statements

#### *Opinion*

We have audited the financial statements of the Ag PACE Fund (the Fund), a special revenue fund of the State of North Dakota, as of and for the years ended June 30, 2023 and 2022, and the related notes to the financial statements, as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the Fund, as of June 30, 2023 and 2022, and the respective changes in its financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

#### *Basis for Opinion*

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Fund, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### *Emphasis of Matter*

As discussed in Note 1, the financial statements of the Fund are intended to present the financial position and the changes in financial position of only that portion of the State of North Dakota that is attributable to the transactions of the Fund. They do not purport to, and do not, present fairly the financial position of the State of North Dakota as of June 30, 2023 and 2022, and the changes in its financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

### ***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for 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 Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit 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 Fund's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 7 be presented to supplement the basic financial statements. Such information is the responsibility of management and although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic 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 of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic 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 September 20, 2023 on our consideration of the Fund's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely 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 the effectiveness of the Fund's 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 Fund's internal control over financial reporting and compliance.



Bismarck, North Dakota  
September 20, 2023

**AG PACE FUND  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2023, 2022 AND 2021**

---

The management discussion and analysis of the Ag PACE Fund's financial performance provides an overview of the Ag PACE Fund's financial activities for the fiscal years ended June 30, 2023, 2022, and 2021. Please read it in conjunction with the financial statements of the Ag PACE Fund.

**FINANCIAL HIGHLIGHTS:**

The purpose of the Ag PACE (Agriculture Partnership in Assisting Community Expansion) Fund is to buy down the interest rate on loans to on-farm businesses. The program is available to businesses which may include nontraditional agriculture, manufacturing, processing, value-added processing, targeted service industries, or other activities calculated to provide income. Other activities include the financing of subsurface field tiling projects, the purchase of irrigation equipment, the purchase of equity shares issued by a new or expanding value-added processing business, the purchase of capital improvements for retention of livestock, or the purchase of capital improvements for dairy operations.

The Ag PACE Fund recognizes two rates: Yield Rate and Borrowing Rate. The yield rate is the rate charged by the lead lender for the loan. The borrowing rate is the rate charged to the borrower. The interest differential is the difference between the yield rate and the borrowing rate. This difference is paid to the lead lender under an agreement among the lead lender, the borrower, and the Bank of North Dakota on behalf of the Ag PACE Fund.

The Ag PACE Fund provides buydown dollars, to the extent available, to reduce the borrower's interest rate by a maximum of four percent (4%) and may not be less than one percent (1%). The maximum buydown amount per borrower may not exceed a biennium cap of \$20,000 with a lifetime cap of \$60,000. In order to receive buydown funds in excess of \$20,000, the applicant must have a net worth of less than \$1,500,000.

Ag PACE loans are made by a lead lender in participation with Bank of North Dakota. Currently there are 431 Ag PACE loans outstanding. The total principal outstanding is \$69,006,362, of which Bank of North Dakota participates in \$26,601,541. The remaining amount of buydown interest to be paid by this Fund on these loans is \$4,753,745. Of the total outstanding amount, there were 104 loans totaling \$18,034,208 made during the year ended June 30, 2023 in comparison to 75 loans totaling \$13,755,866 made during the year ended June 30, 2022 and 64 loans totaling \$9,981,161 made in the year ended June 30, 2021. Loans funded in the year ended June 30, 2023 will require \$1,990,325 in buydown interest during the life of the loans. There are 4 pending loan commitments totaling \$589,035 as of June 30, 2023.

As of June 30, 2023, there was (\$37,541) in interest buydown funds remaining for the 2021-2023 biennium.

|                    |   |
|--------------------|---|
| \$ 5,500,000       | Legislative Appropriation transfer from BND |
| 1,000,000          | Transfer from PACE                          |
| (3,000,000)        | Transfer to Beginning Farmer                |
| 16,101             | Carry Forward from Previous Allocation      |
| 73,444             | Adjustments on Defaulted or Prepaid Loans   |
| <u>(3,627,086)</u> | Committed and Funded                        |
| \$ (37,541)        |   |

The 2021 North Dakota Legislature appropriated \$5,000,000 to the Ag PACE Fund from the Bank of North Dakota's undivided profits for the biennium beginning July 1, 2021 and ending June 30, 2023. This appropriation provides the Fund with adequate resources to meet its mission of providing buydown interest on loans. As of June 30, 2023, the Bank has transferred \$5,000,000 to the fund.

**AG PACE FUND**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**JUNE 30, 2023, 2022 AND 2021**

The 2023 North Dakota Legislature passed emergency measure House Bill 1199 that authorizes the Bank of North Dakota to transfer the sum of \$20,000,000 from the Bank's current earnings and undivided profits to PACE funds during the effective date of the act, and ending June 30, 2023. As of June 30, 2023, the Bank has transferred \$500,000 to the fund.

**REQUIRED FINANCIAL STATEMENTS:**

The Ag PACE Fund is a special revenue fund and uses the modified accrual basis of accounting. The basic financial statements include the balance sheets and the statements of revenues, expenditures and changes in fund balances. The balance sheet provides readers the assets and liabilities of the Ag PACE Fund, with the differences between the two reported as fund balance. The statement of revenues, expenditures and changes in fund balance identifies the operating performance of the Ag PACE Fund for the year.

**CONDENSED BALANCE SHEETS**  
**JUNE 30, 2023, 2022 AND 2021**

|                                       | <u>2023</u>         | <u>2022</u>         | <u>2021</u>         |
|---------------------------------------|---------------------|---------------------|---------------------|
| <b>ASSETS</b>                         |                     |                     |                     |
| Cash deposits                         | \$ 87,610           | \$ 548,157          | \$ 94,622           |
| Cash deposits for buy downs committed | <u>4,753,745</u>    | <u>3,877,217</u>    | <u>3,209,316</u>    |
| Total assets                          | <u>\$ 4,841,355</u> | <u>\$ 4,425,374</u> | <u>\$ 3,303,938</u> |
| <b>LIABILITIES</b>                    |                     |                     |                     |
|                                       | <u>\$ -</u>         | <u>\$ -</u>         | <u>\$ -</u>         |
| <b>FUND BALANCE</b>                   |                     |                     |                     |
|                                       | <u>4,841,355</u>    | <u>4,425,374</u>    | <u>3,303,938</u>    |
| Total liabilities and fund balance    | <u>\$ 4,841,355</u> | <u>\$ 4,425,374</u> | <u>\$ 3,303,938</u> |

*Cash Deposits for Buy Downs Committed*

Cash deposits for buy downs committed represents reserved funds that are held by the Bank of North Dakota to buy down the interest for qualifying loans. Cash deposits for buy downs committed increased 23% in 2023 and 21% in 2022, due to the increase in volume from prior years.

*Fund Balance*

The Fund Balance represents funds available to the Ag PACE Fund. Fund balance increased by \$415,981, or 9%, from 2022 to 2023 primarily due to net transfers in to the Fund. Fund balance increased by \$1,121,436, or 34%, from 2021 to 2022 primarily due to net transfers in to the Fund.

**AG PACE FUND**  
**MANAGEMENT'S DISCUSSION AND ANALYSIS**  
**JUNE 30, 2023, 2022 AND 2021**

**CONDENSED STATEMENTS OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**YEARS ENDED JUNE 30, 2023, 2022 AND 2021**

|                                      | <u>2023</u>                | <u>2022</u>                | <u>2021</u>                |
|--------------------------------------|----------------------------|----------------------------|----------------------------|
| REVENUES                             | \$ -                       | \$ -                       | \$ -                       |
| EXPENDITURES - Buydown interest      | <u>1,084,019</u>           | <u>878,564</u>             | <u>908,059</u>             |
| EXCESS OF EXPENDITURES OVER REVENUES | <b>(1,084,019)</b>         | (878,564)                  | (908,059)                  |
| TRANSFERS IN                         | <b>4,500,000</b>           | 2,000,000                  | 5,740,000                  |
| TRANSFERS OUT                        | <u><b>(3,000,000)</b></u>  | <u>-</u>                   | <u>(5,080,000)</u>         |
| NET CHANGE IN FUND BALANCE           | <b>415,981</b>             | 1,121,436                  | (248,059)                  |
| FUND BALANCE, BEGINNING OF YEAR      | <u>4,425,374</u>           | <u>3,303,938</u>           | <u>3,551,997</u>           |
| FUND BALANCE, END OF YEAR            | <u><b>\$ 4,841,355</b></u> | <u><b>\$ 4,425,374</b></u> | <u><b>\$ 3,303,938</b></u> |

*Expenditures*

The monies that are being paid to the Bank of North Dakota to buy down the interest rate for qualifying loans are paid in advance and are amortized over the life of the loans based upon the repayment terms of the individual qualifying loan. Interest expense increased \$205,455, or 23%, from 2022 to 2023 due to increase volume. Interest expense remained relatively flat from 2021 to 2022.

*Transfers In/Out*

During the year ended June 30, 2023, the Bank of North Dakota transferred \$3,500,000 to the Ag PACE Fund. Additional transfers of \$1,000,000 from PACE and \$3,000,000 to Beginning Farmer were made throughout the year.

During the year ended June 30, 2022, the Bank of North Dakota transferred \$2,000,000 to the Ag PACE Fund.

During the year ended June 30, 2021, the Bank of North Dakota transferred \$2,500,000 to the Ag PACE Fund. Ag PACE also received net transfers of \$1,740,000 from Beginning Farmer and transferred out \$3,580,000 to the PACE Fund.



**AG PACE FUND  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
JUNE 30, 2023, 2022 AND 2021**

---

**ECONOMIC FACTORS AND FUTURE OUTLOOK**

The 2019 North Dakota Legislature passed House Bill 1014 that authorized the Bank of North Dakota to transfer \$4,000,000 from the Bank's current earnings and undivided profits to the Ag PACE Fund during the biennium ending June 30, 2021. The Fund was also authorized to use up to \$1,000,000 of this funding to assist farmers and livestock producers that have suffered recent disaster-related losses. As of June 30, 2021, all funds were transferred.

The 2021 North Dakota Legislature passed Senate Bill 2014 that authorizes the Bank of North Dakota to transfer \$5,000,000 from the Bank's current earnings and undivided profits to the Ag PACE Fund during the biennium beginning July 1, 2021, and ending June 30, 2023. As of June 30, 2023, the Bank has transferred \$5,000,000 to the fund.

The 2023 North Dakota Legislature passed emergency measure House Bill 1199 that authorizes the Bank of North Dakota to transfer the sum of \$20,000,000 from the Bank's current earnings and undivided profits to PACE funds during the effective date of the act, and ending June 30, 2023. As of June 30, 2023, the Bank has transferred \$500,000 to the fund.

The 2023 North Dakota Legislature passed House Bill 1014 that authorizes the Bank of North Dakota to transfer \$5,000,000 from the Bank's current earnings and undivided profits to the Ag PACE fund during the biennium beginning July 1, 2023, and ending June 30, 2025. As of June 30, 2023, no funds have been transferred.

**CONTACTING THE FUND'S FINANCIAL MANAGEMENT**

This financial report is designed to provide our citizens, customers and creditors with a general overview of the Ag PACE Fund's finances and to demonstrate the Ag PACE Fund's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Bank of North Dakota, P.O. Box 5509, Bismarck, North Dakota 58506-5509.

**AG PACE FUND**  
**BALANCE SHEETS**  
**JUNE 30, 2023 AND 2022**

|   | <u>2023</u>                | <u>2022</u>                |
|---|----------------------------|----------------------------|
| <b>ASSETS</b>   |                            |                            |
| <b>CURRENT ASSETS</b>   |                            |                            |
| Cash deposits at the Bank of North Dakota                           | \$ 87,610                  | \$ 548,157                 |
| Cash deposits at the Bank of North Dakota<br>for buydowns committed | <u>4,753,745</u>           | <u>3,877,217</u>           |
| Total assets  | <u><u>\$ 4,841,355</u></u> | <u><u>\$ 4,425,374</u></u> |
| <b>LIABILITIES AND FUND BALANCE</b>                                 |                            |                            |
| <b>LIABILITIES</b>  | <u>\$ -</u>                | <u>\$ -</u>                |
| <b>FUND BALANCE</b>   |                            |                            |
| Committed   | <u>4,841,355</u>           | <u>4,425,374</u>           |
| Total fund balance  | <u><u>4,841,355</u></u>    | <u><u>4,425,374</u></u>    |
| Total liabilities and fund balance                                  | <u><u>\$ 4,841,355</u></u> | <u><u>\$ 4,425,374</u></u> |

**AG PACE FUND**  
**STATEMENTS OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE**  
**YEARS ENDED JUNE 30, 2023 AND 2022**

|                                 | <u>2023</u>                       | <u>2022</u>                       |
|---------------------------------|-----------------------------------|-----------------------------------|
| REVENUES                        | \$ -                              | \$ -                              |
| EXPENDITURES                    |                                   |                                   |
| Buydown interest                | <u>1,084,019</u>                  | <u>878,564</u>                    |
| EXPENDITURES OVER REVENUES      | <b>(1,084,019)</b>                | (878,564)                         |
| OTHER FINANCING SOURCES         |                                   |                                   |
| Transfers in                    | <b>4,500,000</b>                  | 2,000,000                         |
| Transfers out                   | <u><b>(3,000,000)</b></u>         | <u>-</u>                          |
| NET CHANGE IN FUND BALANCE      | <b>415,981</b>                    | 1,121,436                         |
| FUND BALANCE, BEGINNING OF YEAR | <u><b>4,425,374</b></u>           | <u>3,303,938</u>                  |
| FUND BALANCE, END OF YEAR       | <u><u><b>\$ 4,841,355</b></u></u> | <u><u><b>\$ 4,425,374</b></u></u> |

**AG PACE FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2023 AND 2022**

---

**NOTE 1 - SIGNIFICANT ACCOUNTING POLICIES**

*Nature of Operations*

Section 6-09.13 of the North Dakota Century Code (NDCC) established the Agriculture Partnership in Assisting Community Expansion (Ag PACE) Fund. The fund is revolving and all monies transferred into the fund, interest on fund monies and payments to the fund are appropriated for the purposes of the fund. The Bank of North Dakota (an enterprise fund of the State of North Dakota) supervises and administers the Ag PACE Fund. The purpose of the Ag PACE Fund is to buy down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed 80% nor be less than 50% of the total loan.

Loans eligible for the buydown are loans to on-farm North Dakota businesses that are using the proceeds to purchase real property or equipment, expand their facility, acquire working capital or inventory, purchase irrigation equipment, purchase equity shares in a value-added ag-processing business or purchase capital improvements for retention of livestock or dairy operations. The loan funds cannot be used to refinance any existing debt.

*Reporting Entity*

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 61, *The Financial Reporting Entity: Omnibus*, the Ag PACE Fund should include all component units over which the Ag PACE Fund 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 financial burdens on, the Ag PACE Fund.

Based on that criteria, no organizations were determined to be part of the reporting entity. The Ag PACE Fund is included as part of the primary government of the State of North Dakota's (State) reporting entity.

*Accounting Standards*

The Ag PACE Fund follows the pronouncements of the Governmental Accounting Standards Board, which is the nationally accepted standard setting body for establishing generally accepted accounting standards for governmental entities.

*Fund Accounting*

The Ag PACE Fund is a special revenue fund and uses the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e. measurable and available). Measurable means the amount of the transaction can be determined. Available means due and collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. The State has defined available as being collected within one year.

**AG PACE FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2023 AND 2022**

---

*Basis of Accounting and Measurement Focus*

The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. Special revenue funds are accounted for using the current financial resources measurement focus. With this measurement focus, generally only current assets and current liabilities are included on the balance sheet. Operating statements for these funds present increases (e.g., revenues and other financing sources) and decreases (e.g., expenditures and other financing uses) in net current assets.

*Credit Related Financial Instruments*

In the ordinary course of business, the Ag PACE Fund has entered into commitments to buy down interest rates on loans. Such financial instruments are recorded when they are funded.

*Fund Balance Classifications*

Governmental funds classify fund balance based on the constraints imposed on the uses of these resources. The spendable portion of the fund balance consists of committed fund balance. These amounts can only be used for specific purposes pursuant to constraints imposed by the North Dakota State Legislature – the government’s highest level of decision making authority. These committed amounts cannot be used for any other purpose unless the Legislature removes the specified use by taking the same type of action imposing the commitment. This classification also includes contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements.

**NOTE 2 - DEPOSITS**

The carrying value and bank balance of the Ag PACE Fund’s cash deposits at June 30, 2023 and 2022 was \$87,610 and \$548,157, respectively. Of the bank amounts, none were insured or collateralized with securities held by the entity or its agent in the entity’s name; none were collateralized with securities held by the counterparty’s trust department or agent in the entity’s name; and all were either collateralized with securities held by the counterparty or by its trust department or agent but not in the entity’s name, or collateralized. These monies are deposited in the Bank of North Dakota and are guaranteed by the State of North Dakota (NDCC Section 6-09-10).

*Custodial and Concentration of Credit Risk*

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, the Fund will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The Fund does not have a formal policy that limits custodial credit risk for deposits. The Fund’s deposits are held at the Bank of North Dakota and are guaranteed by the State of North Dakota (NDCC Section 06-09-10).

**NOTE 3 - CASH DEPOSITS AT BANK OF NORTH DAKOTA FOR BUYDOWNS COMMITTED**

The monies that are being held by the Bank of North Dakota to buy down the interest rate for qualifying loans are paid in advance. Buydown interest is amortized over the life of the loans based upon the repayment terms of the individual qualifying loan.

**AG PACE FUND**  
**NOTES TO FINANCIAL STATEMENTS**  
**JUNE 30, 2023 AND 2022**

---

**NOTE 4 - RELATED PARTY TRANSACTIONS**

The Ag PACE Fund is supervised and administered by the Bank of North Dakota. All cash accounts are deposited in the Bank of North Dakota. In lieu of an administrative fee, the Bank of North Dakota does not pay interest to the Ag PACE Fund on the cash accounts held at the Bank of North Dakota. Interest buydowns amortized into interest expense totaled \$1,084,019 and \$878,564 in 2023 and 2022, of which approximately 50% accrued to the Bank of North Dakota.

The Ag PACE Fund also has on deposit with the Bank of North Dakota monies used to fund the interest buydowns on qualifying loans, which is included in “cash deposits for buydowns committed” on the balance sheet (see Note 3).

During the year ended June 30, 2023, the Bank of North Dakota transferred \$3,500,000 to the Ag PACE Fund. The Fund also received a transfer of \$1,000,000 from PACE and transferred out (\$3,000,000) to the Beginning Farmer during the year ended June 30, 2023. During the year ended June 30, 2022, the Bank of North Dakota transferred \$2,000,000 to the Ag PACE Fund.

The 2021 North Dakota Legislature passed Senate Bill 2014 that authorizes the Bank of North Dakota to transfer \$5,000,000 from the Bank’s current earnings and undivided profits to the Ag PACE Fund during the biennium beginning July 1, 2021, and ending June 30, 2023. As of June 30, 2023, the Bank has transferred \$5,000,000 to the fund.

The 2023 North Dakota Legislature passed emergency measure House Bill 1199 that authorizes the Bank of North Dakota to transfer the sum of \$20,000,000 from the Bank’s current earnings and undivided profits to PACE funds during the effective date of the act, and ending June 30, 2023. As of June 30, 2023, the Bank has transferred \$500,000 to the fund.

The 2023 North Dakota Legislature passed House Bill 1014 that authorizes the Bank of North Dakota to transfer \$5,000,000 from the Bank’s current earnings and undivided profits to the Ag PACE fund during the biennium beginning July 1, 2023, and ending June 30, 2025. As of June 30, 2023, no funds have been transferred.

**NOTE 5 - RISK MANAGEMENT**

The Ag PACE Fund is exposed to various risks of loss related to torts and errors and omissions. The Ag PACE Fund is administered by the Bank of North Dakota and, therefore, is eligible to the same funds/pools established by the state for risk management issues. These include:

The 1995 Legislative Session 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 contribution was determined using a projected cost allocation approach. The statutory liability of the State is limited to a total of \$250,000 per person and \$1,000,000 per occurrence.

The State Bonding Fund currently provides the Fund with blanket employee fidelity bond coverage in the amount of \$2,000,000. The State Bonding Fund does not currently charge any premium for this coverage.

There have been no significant reductions in insurance coverage from the prior year and settled claims resulting from these risks have not exceeded insurance coverage.

**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**

Governor of North Dakota  
and the Legislative Assembly  
State of North Dakota  
Bismarck, North Dakota

We have audited, 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, the financial statements of the Ag PACE Fund (the Fund), a special revenue fund of the State of North Dakota, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the Fund’s basic financial statements, and have issued our report thereon dated September 20, 2023.

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Fund’s internal control over financial reporting (internal control) as a basis for designing 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 Fund’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Fund’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 over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and responses as item 2023-001 that we consider to be a material weakness.

**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Fund’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 financial statements. 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*.

**Ag PACE Fund’s Response to Findings**

*Government Auditing Standards* requires the auditor to perform limited procedures on Ag PACE Fund’s response to the finding identified in our audit and described in the accompanying Schedule of Findings and Responses. Ag PACE Fund’s response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

**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 results of that testing, and not to provide an opinion on the effectiveness of the Fund’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.

A handwritten signature in cursive script that reads "Eide Sully LLP".

Bismarck, North Dakota  
September 20, 2023



**2023-001 – Improper Recording of Transfers, Material Weakness**

Criteria: A good system of internal controls includes an appropriate review process to ensure that the appropriate transfers in and transfers out are being recorded.

Condition: As a result of our audit procedures, we discovered the improper recording of gross transfers in and transfers out. We identified the exclusion of a \$1,000,000 transfer in of BND'S undivided profits and the exclusion of the subsequent transfer out of the same amount.

Cause: The internal control process of the financial statement review failed to identify the exclusion of the transfers.

Effect: Exclusion of transfers could result in misstatements to the financial statements.

Recommendation: We recommend a separate review of all approved transfers in of BND's undivided profits and subsequent transfers out occur to ensure proper recording on the financial statements.

Views of responsible officials: Management of the Bank agrees with the finding. Transfers will be adjusted to properly reflect the current period. Going forward additional checks will be added to the transfer worksheet to verify the correct amounts are recorded.

**Ag PACE Fund  
Auditor's Specific Comments Requested by the North Dakota Legislative Audit and  
Fiscal Review Committee  
Year Ended June 30, 2023**

Governor of North Dakota  
and the Legislative Assembly  
State of North Dakota  
Bismarck, North Dakota

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

1. What type of opinion was issued on the financial statements?

Unmodified

2. Was there compliance with statutes, laws, rules, and regulations under which the agency was created and is functioning?

Yes

3. Was internal control adequate and functioning effectively?

As discussed in the schedule of findings and responses, there was one internal control deficiency identified as a result of the audit.

4. Were there any indications of lack of efficiency in financial operations and management of the agency?

No

5. Has action been taken on findings and recommendations included in prior year audit reports?

There were no prior year findings or recommendations.

6. Was a management letter issued? If so, provide a summary below, including any recommendations and the management response.

No

Audit Committee Communications:

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

None

2. Identify any significant accounting estimates and the process used by management to determine those estimates.

None

3. Identify any significant audit adjustments.

Transfers In and Transfers out both increased by \$1,000,000 as a result of the internal control deficiency discussed in the schedule of findings and responses.

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

None

5. Identify any significant difficulties encountered in performing the audit.

None

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

None

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 addressed above are directly related to the operations of an information technology system.

Based on the audit procedures performed, the Fund's critical information technology system is the Fiserv system. There were no exceptions identified that were directly related to this application.

This report is intended solely for the information and use of the Governor of North Dakota, Legislative Assembly, North Dakota Industrial Commission, Bank of North Dakota Advisory Board and management of the Fund and is not intended to be and should not be used by anyone other than these specified parties.

*Eide Sully LLP*

Bismarck, North Dakota  
September 20, 2023



September 20, 2023

Governor of North Dakota  
and the Legislative Assembly  
State of North Dakota  
Bismarck, North Dakota

We have audited the financial statements of the Ag PACE Fund (the Fund) as of and for the year ended June 30, 2023, and have issued our report thereon dated September 20, 2023. Professional standards require that we advise you of the following matters relating to our audit.

**Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards***

As communicated in our letter dated June 29, 2023 our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing 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 over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Fund solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal controls during our audit in our Independent Auditor's Report on Internal Controls over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated September 20, 2023.

### **Planned Scope and Timing of the Audit**

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

### **Compliance with All Ethics Requirements Regarding Independence**

The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

### **Qualitative Aspects of the Entity's Significant Accounting Practices**

#### *Significant Accounting Policies*

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Fund is included in Note 1 to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2023. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

#### *Significant Accounting Estimates*

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. There are no sensitive estimates affecting the financial statements.

#### *Financial Statement Disclosures*

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. There are no sensitive disclosures affecting the financial statements.

### **Significant Difficulties Encountered during the Audit**

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

### Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. The following misstatements that we identified as a result of our audit procedures were brought to the attention of, and corrected by, management:

|                                 |             |             |
|---------------------------------|-------------|-------------|
| Understatement of Transfers In  | \$1,000,000 |             |
| Understatement of Transfers Out |             | \$1,000,000 |

### Disagreements with Management

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

### Circumstances that Affect the Form and Content of the Auditor's Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditor's report.

We have made the following modification to our auditor's report to add an Emphasis of Matter paragraph:

As discussed in Note 1, the financial statements of the Fund are intended to present the financial position and the changes in financial position of only that portion of the State of North Dakota that is attributable to the transactions of the Fund. They do not purport to, and do not, present fairly the financial position of the State of North Dakota as of June 30, 2023 and 2022, and the changes in its financial position 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.

### Representations Requested from Management

We have requested certain written representations from management that are included in the management representation letter dated September 20, 2023.

### Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

**Other Significant Matters, Findings, or Issues**

In the normal course of our professional association with the Fund, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, business conditions affecting the entity, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Fund's auditors.

This report is intended solely for the information and use of the Governor of North Dakota, Legislative Assembly, North Dakota Industrial Commission, Bank of North Dakota Advisory Board and management of the Fund and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in cursive script that reads "Eide Sully LLP".

Bismarck, North Dakota