



NEW YORK STATE LOTTERY

Basic Financial Statements

March 31, 2009 and 2008

(With Independent Auditors' Report Thereon)

NEW YORK STATE LOTTERY

Basic Financial Statements

March 31, 2009 and 2008

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KPMG LLP
515 Broadway
Albany, NY 12207

Independent Auditors' Report

New York State Lottery:

We have audited the accompanying statements of net assets of the New York State Lottery (Lottery) as of March 31, 2009 and 2008, and the related statements of revenue, expenses, and changes in net assets, and cash flows for the years then ended. These financial statements are the responsibility of the Lottery's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. 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 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 Lottery's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in note 1, the financial statements of the New York State Lottery are intended to present the financial position, and changes in financial position and cash flows, of only that portion of the financial reporting entity of the State of New York that is attributable to the transactions of the Lottery. They do not purport to, and do not, present fairly the financial position of the State of New York as of March 31, 2009 and 2008, the changes in financial position or its cash flows, where applicable, for the years then ended in conformity with U.S. generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the net assets of the New York State Lottery as of March 31, 2009 and 2008, and changes in net assets and its cash flows for the years then ended in conformity with U.S. generally accepted accounting principles.

The Management's Discussion and Analysis on pages 2 through 8 is not a required part of the basic financial statements but is supplementary information required by U.S. generally accepted accounting principles. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

KPMG LLP

June 17, 2009

NEW YORK STATE LOTTERY

Management's Discussion and Analysis (Unaudited)

March 31, 2009 and 2008

The management of the New York State Lottery (New York Lottery or Lottery) offers readers the following general overview and analysis of the New York Lottery's financial position and activities for the fiscal year ending March 31, 2009 and 2008. We encourage readers to consider this information in conjunction with the detailed financial statements and explanatory notes that follow. The New York Lottery's basic financial statements for the fiscal years ending March 31, 2009 and 2008 have been prepared in accordance with U.S. generally accepted accounting principles.

Financial Highlights

- New York Lottery revenues totaled \$7.660 billion, the largest total ever for the Lottery, while net proceeds earned for Lottery Aid to Education reached \$2.544 billion for fiscal year 2009.
- New York Lottery revenues in fiscal year 2009 surpassed the revenues of 2008 by \$111.7 million or 1.5%. In fiscal year 2008, the annual revenue increase was \$373.4 million or 5.2%.
- Net proceeds earned for Lottery Aid to Education in fiscal year 2009 were less than the net proceeds of 2008 by \$12.2 million or .5%. Comparatively, the annual increase in earnings for education in fiscal year 2008 was \$196.5 million or 8.3% over the earnings of 2007.
- Prize expense increased by \$50.5 million or 1.3% during fiscal year 2009. Prize expense decreased by \$18.0 million or 0.5% during fiscal year 2008.
- Operating income decreased by \$79.4 million or 3.1% during fiscal year 2009. Operating income increased by \$267.9 million or 11.6% during fiscal year 2008.
- Nonoperating income decreased by \$12.0 million during fiscal year 2009. This decrease follows a \$38.6 million increase in fiscal year 2008. The decrease is the net result of a decrease in unrealized gains on investments and lower interest earnings on cash deposits in 2009 partially offset by a large bad debt expense in 2008.
- Working Capital (current assets minus current liabilities) decreased to \$135.8 million at the end of fiscal year 2009. This was a decrease of \$.4 million or .3% compared to fiscal year 2008. At the end of fiscal year 2008, working capital was \$136.2 million, a decrease of \$77.4 million or 36.2% over the fiscal year ended 2007.

Overview of Financial Statements

The New York Lottery presents its financial statements using the accrual basis of accounting, which is comparable to the method used by many private sector businesses. The accrual basis recognizes revenues when earned, not when received. Likewise, expenses are recognized when incurred, not when paid. The Lottery prepares the following three financial statements for fiscal years 2009 and 2008:

Statements of Net Assets

The statement on page nine provides information on the nature and amount of the Lottery's assets, liabilities and net assets at the close of fiscal years 2009 and 2008. The relationship of assets to liabilities and resulting net assets is one indicator of the financial condition of the Lottery and can also be a reflection of changes within the Lottery.

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Management's Discussion and Analysis (Unaudited)

March 31, 2009 and 2008

Statements of Revenue, Expenses, and Changes in Net Assets

The statement on page 10 reflects the Lottery's operating and non-operating revenues and expenses and the change in net assets for the year.

Statements of Cash Flows

The comparative statement on page 11 is presented on the direct method of reporting and reflects cash flows from operating activities as well as capital and noncapital financing and investing activities. Cash collections and payments are reflected in this statement to arrive at the net increase or decrease in cash and cash equivalents for the year.

The above mentioned financial statements, the notes and this management discussion and analysis provide information about the Lottery's overall financial condition.

This management discussion and analysis is meant to be an introduction to the financial statements and to assist readers in understanding the results of the operation and the financial condition of the New York Lottery. The notes to the financial statements are an integral part of the statements and include additional data and explanations which are to be used in concert with the financial statements.

The New York Lottery deposits its net proceeds into six accounts held in joint custody by the Commissioner of Taxation and Finance and the State Comptroller. These six accounts and the purpose of the funds are as follows:

- Lottery Education Account – Accumulates the required deposits for Aid to Education from revenues, not including video gaming revenues.
- Prize Pending Account – Consists of Lottery prizes that have not yet been paid from revenues, excluding video gaming revenues.
- Administration – Utilized to pay for the Lottery's administrative costs that are not related to or funded by video gaming revenues.
- Video Gaming Education – Accumulates the required deposits for Aid to Education from video gaming operations.
- Video Gaming Prize Pending – Consists of video gaming prizes awarded that have not yet been claimed.
- Video Gaming Administration – Utilized to pay the administrative costs of video gaming.

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Management's Discussion and Analysis (Unaudited)

March 31, 2009 and 2008

Financial Analysis

Summary of Net Assets

The comparative summary of net assets represents the Lottery's financial position as of the fiscal years ended for 2009, 2008, and 2007 (in millions):

| | FY 2009 | FY 2008 | FY 2007 | FY 2009 vs. FY 2008 | | FY 2008 vs. FY 2007 | |
|---------------------------------|---------|---------|---------|---------------------|----------------|---------------------|----------------|
| | | | | Dollar change | Percent change | Dollar change | Percent change |
| Capital assets | \$ 7 | 11 | 16 | (4) | (36.4)% | \$ (5) | (31.3)% |
| Other assets | 2,098 | 2,081 | 2,129 | 17 | 0.8 | (48) | (2.3) |
| Total assets | 2,105 | 2,092 | 2,145 | 13 | 0.6 | (53) | (2.5) |
| Current liabilities | 586 | 637 | 805 | (51) | (8.0) | (168) | (20.9) |
| Noncurrent liabilities | 1,241 | 1,182 | 1,150 | 59 | 5.0 | 32 | 2.8 |
| Total liabilities | 1,827 | 1,819 | 1,955 | 8 | 0.4 | (136) | (7.0) |
| Restricted net assets | 72 | 110 | 104 | (38) | (34.5) | 6 | 5.8 |
| Invested in capital assets, net | — | — | — | — | — | — | — |
| Unrestricted net assets | 206 | 163 | 86 | 43 | 26.4 | 77 | 89.5 |
| Total net assets | \$ 278 | 273 | 190 | 5 | 1.8 | \$ 83 | 43.7 |

Capital Assets

Capital assets consist of equipment and leasehold improvements. During fiscal year 2009 and 2008, there were no significant changes in capital assets. Activity was primarily limited to yearly depreciation.

Other Assets

Other assets consist of cash and cash equivalents, accounts receivable, instant ticket inventory, and investments held in United States guaranteed marketable securities. During fiscal year 2009, other assets increased by \$17.4 million which represented a change of .8% from the previous year. This was in contrast to fiscal year 2008 when other assets decreased by \$48.4 million, or 2.3%, largely due to lower cash balances partially offset by an increase in investments.

Current Liabilities

Current liabilities consist of the current portion of long-term prizes payable, prizes awarded in the past year that remain unclaimed, amounts due to education, accrued expenses, accounts payable, the value of Lottery tickets purchased in advance of game drawings (deferred ticket sales), and the short-term portion of capitalized leases and amounts due to employees for unused vacation leave. In 2007, current liabilities also included a loan due to the New York Racing Association (NYRA). In total, these accounts decreased by \$50.3 million during fiscal year 2009 due in large part to payment of a \$32.8 million Lotto jackpot that had been outstanding at the close of the prior year. These changes can be compared to the fiscal year ended March 31, 2008 when there was a larger (\$167.9 million) annual decrease in total current liabilities largely due to changes in the amounts owed to education.

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Noncurrent Liabilities

Noncurrent liabilities consist of amounts due to be paid more than one year after the close of the fiscal year for installment prizes, unused employee vacation leave, and capitalized leases. During fiscal year 2009 and 2008, this category of liabilities increased by \$59.1 million and \$31.5 million respectively, with the increases occurring primarily in long-term prizes payable. The increases were caused mainly by the steady addition each year of new instant game top prize winners to be paid over an extended period of time and in some cases for the rest of their lives.

Net Assets

Unrestricted net assets listed on the statement of net assets are largely the cumulative result of increased fair market value of United States guaranteed marketable securities held by the Lottery to pay prize winners on an annuity basis. The New York Lottery's policy and practice is to hold these investments to maturity to meet the prize payment obligations. As such, the Lottery does not expect to realize any fair value gain on these investments. Investments consist of United States Government-backed obligations of zero coupon bonds and stripped securities that equal the face amount of the bond or security upon maturity.

Net assets invested in capital assets are the amounts recorded as capital assets less the amounts of related debt. During fiscal years 2009, 2008, and 2007, capital assets were \$6.8 million, \$11.3 million, and \$15.9 million respectively, while related debt was \$6.9 million, \$11.4 million, and \$16.0 million.

Restricted net assets for future prizes consist of prize funds that are in excess of prizes actually claimed at the fiscal year end, but which are necessary to ensure future prize payments. For example, prize funds from past sales are utilized to pay an accumulating or future New York Lotto or Mega Millions jackpot or contribute toward a created but unclaimed instant ticket prize. These amounts are available by statute for this purpose.

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March 31, 2009 and 2008

Summary of Revenue, Expenses, and Changes in Net Assets

The following summary compares the Lottery's operating revenues, expenses and changes in net assets for the fiscal years 2009, 2008 and 2007 (in millions).

| | FY 2009 | FY 2008 | FY 2007 | FY 2009 vs. FY 2008 | | FY 2008 vs. FY 2007 | |
|---|----------|---------|---------|---------------------|----------------|---------------------|----------------|
| | | | | Dollar change | Percent change | Dollar change | Percent change |
| Operating revenue: | | | | | | | |
| Lottery revenue, net | \$ 7,660 | 7,548 | 7,175 | 112 | 1.5% | \$ 373 | 5.2% |
| Operating expenses: | | | | | | | |
| Direct expenses | (5,030) | (4,838) | (4,723) | (192) | 4.0 | (115) | 2.4 |
| Indirect expenses | (130) | (131) | (140) | 1 | (0.8) | 9 | (6.4) |
| Total operating expenses | (5,160) | (4,969) | (4,863) | (191) | 3.8 | (106) | 2.2 |
| Operating income | 2,500 | 2,579 | 2,312 | (79) | (3.1) | 267 | 11.5 |
| Nonoperating income (expenses) | | | | | | | |
| Nonoperating income | 124 | 175 | 102 | (51) | (29.1) | 73 | 71.6 |
| Nonoperating expenses | (76) | (115) | (81) | 39 | (33.9) | (34) | 42.0 |
| Total nonoperating income (expenses) | 48 | 60 | 21 | (12) | (20.0) | 39 | 185.7 |
| Income before required allocation | 2,548 | 2,639 | 2,333 | (91) | (3.4) | 306 | 13.1 |
| Required allocation – contribution for aid to education | (2,544) | (2,556) | (2,360) | 12 | (0.5) | (196) | 8.3 |
| Change in net assets | \$ 4 | 83 | (27) | (79) | (95.2) | \$ 110 | (407.4) |

Revenues

The New York Lottery exists for the sole purpose of raising revenue to help support Aid to Education. The Lottery achieves its mission through the sale of Lottery tickets at approximately 16,000 licensed retail locations across the state. The Lottery also achieves its mission through video lottery at eight licensed video lottery gaming facilities located in Saratoga, Monticello, Farmington, Hamburg, Batavia, Tioga, Vernon, and Yonkers, New York.

During the fiscal year 2009, the Lottery achieved \$3.029 billion in on-line sales, \$3.666 billion in instant sales, and \$965.1 million in video lottery gaming net machine income for a total of \$7.660 billion, a 1.5% (\$111.7 million) increase over the previous fiscal year. This record year eclipses the record set the previous year when 2008 revenues reached \$7.548 billion, a \$373.4 million or 5.2% increase. Significant growth was reflected in video lottery during both fiscal years and in instant games during 2009.

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The following compares the Lottery's revenues by game and the percentage of total revenues by game for the fiscal years 2009, 2008, and 2007 (in millions).

| Game | FY 2009 | | FY 2008 | | FY 2007 | |
|------------------------------|----------|---------------------------|----------|---------------------------|----------|---------------------------|
| | Revenue | Percent of total revenues | Revenue | Percent of total revenues | Revenue | Percent of total revenues |
| Mega Millions | \$ 467 | 6.1% | \$ 482 | 6.4% | \$ 455 | 6.3% |
| Lotto | 178 | 2.3 | 208 | 2.8 | 217 | 3.0 |
| Take 5 | 329 | 4.3 | 320 | 4.2 | 327 | 4.6 |
| New York's Numbers | 850 | 11.1 | 857 | 11.4 | 855 | 11.9 |
| Win 4 | 740 | 9.7 | 718 | 9.5 | 702 | 9.8 |
| Quick Draw | 425 | 5.5 | 444 | 5.9 | 445 | 6.2 |
| Pick 10 | 32 | 0.4 | 32 | 0.4 | 32 | 0.4 |
| Promotion Raffle Game | 8 | 0.1 | 18 | 0.2 | 26 | 0.4 |
| Instant | 3,666 | 47.9 | 3,594 | 47.6 | 3,593 | 50.1 |
| Subtotal traditional lottery | 6,695 | 87.4 | 6,673 | 88.4 | 6,652 | 92.7 |
| Video Gaming, net * | 965 | 12.6 | 875 | 11.6 | 523 | 7.3 |
| Total revenues | \$ 7,660 | 100.0% | \$ 7,548 | 100.0% | \$ 7,175 | 100.0% |

* Video Lottery revenue represents net machine income after awarding prizes. Video Lottery credits played and won were as follows:

| | FY 2009 | FY 2008 | FY 2007 |
|--------------------|-----------|---------|---------|
| Credits played | \$ 11,664 | 10,683 | 6,461 |
| Credits won | (10,699) | (9,808) | (5,938) |
| Net machine income | \$ 965 | 875 | 523 |

Direct Expenses

Direct expenses consist of prize expense for traditional Lottery games, commissions to Lottery retailers and video lottery gaming facilities, fees to gaming contractors, expenses of providing instant tickets to players, and telecommunications. The largest expenditure in this category is prize expense which made up roughly 80% of direct expenses during each of the three years being discussed. This expense increased by \$50.5 million to \$4.003 billion in fiscal year 2009. At the same time, traditional retailer commissions decreased by \$.1 million to \$400.7 million and gaming contractor fees increased by \$5.6 million to \$126.5 million. The largest year-to-year change in this category was in video lottery gaming commissions to facilities, which increased by \$130.9 million to \$438.7 million. This was a result of changes to the legislated allocation of net video revenue and accounted for the majority of the increase in this category.

During fiscal year 2008, prize expense decreased by \$18.0 million to \$3.953 billion, retailer commissions increased by \$2.4 million to \$400.8 million, and gaming contractor fees increased by \$20.3 million to \$120.9 million. As a result of increased video revenue, commissions to video lottery gaming facilities reached \$307.7 million, an increase of \$110.8 million, which is the majority of the increase in direct expenses.

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Other Operating Expenses

Other operating expenses include marketing, state agency charges, personal services, fringe benefits and other administrative costs. These costs were \$130.2 million during fiscal year 2009 which was relatively unchanged from \$130.7 million in the prior year. By contrast, fiscal year 2008 had experienced a decrease of \$9.7 million from the \$140.4 million for these costs in 2007. The decrease in 2008 was primarily due to the ending of state police security details which had been maintained at video lottery gaming facilities during the initial stages of the program.

Nonoperating Revenues (Expenses)

Nonoperating revenues and expenses consist of miscellaneous income plus the net growth or decline in the fair market value of the United States guaranteed marketable securities used to fund long-term prizes. Investment income (\$123.9 million in 2009, \$175.0 million in 2008, and \$102.3 million in 2007) consists of both the fair value adjustments of investments plus the normal growth of the value of Lottery investments as the securities move closer to maturity. The market driven, fair value adjustment is the primary factor in the fluctuation in this amount from year to year. Investment expense is a reflection of the Lottery expending the investment income to increase the valuation of the long-term prizes payable to winners. The annual fair value adjustment of investments (shown here as income) flows to the unrestricted net assets balance on the statement of net assets. This fair value adjustment is unrealized by the Lottery since it expects to hold investments to maturity.

Income Before Required Allocation and Change in Net Assets

The revenues and expenses for fiscal year 2009 resulted in income before required allocation totaling \$2.548 billion. This amount consists of a required allocation for Aid to Education of \$2.544 billion that transfers out as a contribution for Aid to Education and a \$4.2 million increase in net assets for the year. The \$4.2 million increase in net assets is a combination of a \$38.0 million decrease in net assets restricted for prizes, a \$.1 million increase in net assets invested in capital assets, and a \$42.1 million increase in unrestricted net assets. The revenues and expenses for fiscal year 2008 resulted in income before required allocation totaling \$2.639 billion. This amount consists of a required allocation for Aid to Education of \$2.556 billion that transfers out as a contribution for Aid to Education and an \$83.5 million increase in net assets for the year. The \$83.5 million increase in net assets is a combination of a \$6.2 million increase in net assets restricted for prizes and a \$77.3 million increase in unrestricted net assets.

Summary and Outlook

The revenues reported here include those from eight video lottery gaming facilities. This included the facilities at Tioga, Vernon, and Yonkers, NY which opened in fiscal year 2007 and were operational for their first full year during fiscal year 2008. One more facility is expected to open in Queens, NY, at the Aqueduct Racetrack but the date of its opening has yet to be determined.

Contacting New York Lottery's Financial Management of the New York State Lottery

This financial report is designed to provide the State of New York, the public and other interested parties with an overview of the financial results of the New York State Lottery and an explanation of the Lottery's financial condition. If you have any questions about this report or require additional information, email Questions@Lottery.state.ny.us or write to The New York Lottery Communications Office, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500.

NEW YORK STATE LOTTERY

Statements of Net Assets

March 31, 2009 and 2008

(In thousands)

| Assets | 2009 | 2008 |
|---|-------------|-------------|
| Current assets: | | |
| Cash and cash equivalents | \$ 43,947 | 105,361 |
| Accounts receivable | 480,213 | 472,367 |
| Instant ticket inventory | 12,430 | 9,989 |
| Investments | 185,859 | 185,429 |
| Total current assets | 722,449 | 773,146 |
| Noncurrent assets: | | |
| Long-term investments, net | 1,375,670 | 1,307,544 |
| Capital assets | 6,818 | 11,257 |
| Total noncurrent assets | 1,382,488 | 1,318,801 |
| Total assets | 2,104,937 | 2,091,947 |
| Liabilities | | |
| Current liabilities: | | |
| Prizes payable | \$ 184,703 | 189,792 |
| Unclaimed prizes | 189,248 | 223,978 |
| Due to education | 175,714 | 175,735 |
| Accounts payable and accrued liabilities | 20,718 | 27,004 |
| Capital lease obligations | 2,673 | 4,531 |
| Deferred ticket sales | 12,301 | 14,688 |
| Compensated absences | 1,283 | 1,216 |
| Total current liabilities | 586,640 | 636,944 |
| Noncurrent liabilities: | | |
| Compensated absences | 305 | 291 |
| Long-term capital lease obligations | 4,222 | 6,895 |
| Long-term prizes payable | 1,236,198 | 1,174,483 |
| Total noncurrent liabilities | 1,240,725 | 1,181,669 |
| Total liabilities | 1,827,365 | 1,818,613 |
| Net Assets | | |
| Restricted for future prizes | 72,026 | 110,008 |
| Invested in capital assets, net of related debt | (77) | (169) |
| Unrestricted | 205,623 | 163,495 |
| Total net assets | \$ 277,572 | 273,334 |

See accompanying notes to basic financial statements.

NEW YORK STATE LOTTERY

Statements of Revenue, Expenses, and Changes in Net Assets

Years ended March 31, 2009 and 2008

(In thousands)

| | 2009 | 2008 |
|--|--------------|-------------|
| Operating revenue: | | |
| Lottery revenue, net | \$ 7,660,145 | 7,548,465 |
| Operating expenses: | | |
| Prize expense | (4,003,267) | (3,952,761) |
| Retailer commissions | (839,312) | (708,514) |
| Gaming contractor fees | (126,479) | (120,887) |
| Instant ticket direct expenses | (32,755) | (28,160) |
| Telecommunications | (28,109) | (28,013) |
| Total direct expenses | (5,029,922) | (4,838,335) |
| Online games/jackpot marketing | (39,758) | (41,812) |
| Personal service and fringe benefits | (31,227) | (28,606) |
| Instant games marketing | (27,676) | (25,277) |
| All games marketing | (13,513) | (14,667) |
| Other administrative costs | (11,678) | (12,189) |
| State agency charges | (1,710) | (3,461) |
| Depreciation | (4,599) | (4,654) |
| Total indirect expenses | (130,161) | (130,666) |
| Total operating expenses | (5,160,083) | (4,969,001) |
| Operating income | 2,500,062 | 2,579,464 |
| Nonoperating revenue (expenses): | | |
| Investment income | 123,909 | 175,035 |
| Other expense, net | (271) | (40,104) |
| Investment expense, net | (75,512) | (74,804) |
| Total nonoperating revenue | 48,126 | 60,127 |
| Income before required allocation | 2,548,188 | 2,639,591 |
| Required allocation for aid to education | (2,543,950) | (2,556,135) |
| Change in net assets | 4,238 | 83,456 |
| Net assets beginning of year | 273,334 | 189,878 |
| Net assets end of year | \$ 277,572 | 273,334 |

See accompanying notes to basic financial statements.

NEW YORK STATE LOTTERY
Statements of Cash Flows
Years ended March 31, 2009 and 2008
(In thousands)

| | <u>2009</u> | <u>2008</u> |
|---|---------------------|--------------------|
| Operating activities: | | |
| Cash received from net lottery revenue | \$ 7,650,432 | 7,530,109 |
| Cash payments for prizes | (4,056,857) | (4,005,825) |
| Cash payments for commissions | (839,184) | (709,078) |
| Cash payments for contractor fees | (126,947) | (120,703) |
| Cash payments for telecommunications | (28,109) | (28,013) |
| Cash payments for instant ticket direct expenses | (36,426) | (27,425) |
| Cash payments for other operating expenses | (130,743) | (129,063) |
| Net cash provided by operating activities | <u>2,432,166</u> | <u>2,510,002</u> |
| Investing activities: | | |
| Proceeds from investment maturities | 189,451 | 185,498 |
| Purchases of investments | (140,099) | (265,782) |
| Interest on cash and cash equivalents | 4,318 | 22,508 |
| Net proceeds from swaps of investment securities | 1,683 | — |
| Vender fee advance | — | (32,000) |
| Net cash provided (used) by investing activities | <u>55,353</u> | <u>(89,776)</u> |
| Noncapital financing activities: | | |
| Cash transfer to State for Aid to Education | (2,954,095) | (2,787,034) |
| Cash received from State General Fund for Lottery Aid Guarantee | 410,124 | 103,198 |
| Other cash payments | (271) | (1,612) |
| Net cash used by noncapital financing activities | <u>(2,544,242)</u> | <u>(2,685,448)</u> |
| Capital financing activities: | | |
| Cash payments for equipment and capital leases | (4,691) | (4,637) |
| Net cash used by capital financing activities | <u>(4,691)</u> | <u>(4,637)</u> |
| Net decrease in cash and cash equivalents | (61,414) | (269,859) |
| Cash and cash equivalents, beginning of year | <u>105,361</u> | <u>375,220</u> |
| Cash and cash equivalents, end of year | <u>\$ 43,947</u> | <u>105,361</u> |
| Reconciliation of operating income to cash provided by operating activities: | | |
| Operating income | \$ 2,500,062 | 2,579,464 |
| Adjustments to reconcile operating income to net cash provided by operating activities: | | |
| Depreciation | 4,599 | 4,654 |
| Change in operating assets and liabilities: | | |
| (Increase) in accounts receivable, net | (7,846) | (20,273) |
| (Increase) decrease in ticket inventory | (2,441) | 2,130 |
| (Decrease) in prizes payable | (18,886) | (47,637) |
| (Decrease) in unclaimed prizes | (34,730) | (6,037) |
| Increase in compensated absences | 81 | 56 |
| Decrease in accounts payable and accrued liabilities | (6,286) | (7,792) |
| (Decrease) increase in deferred ticket sales | (2,387) | 5,437 |
| Net cash provided by operating activities | <u>\$ 2,432,166</u> | <u>2,510,002</u> |
| Noncash investing activities: | | |
| Increase in unrealized gains on investments | \$ 42,220 | 77,263 |
| Amortization of investment discount | 75,688 | 75,007 |

See accompanying notes to basic financial statements.

NEW YORK STATE LOTTERY

Notes to Basic Financial Statements

March 31, 2009 and 2008

(1) Summary of Significant Accounting Policies

The New York State Lottery (Lottery) was established in 1967. The Lottery is currently administered by the Division of the Lottery, an independent unit of the New York State Department of Taxation and Finance, which operates in accordance with the provisions of the New York State Lottery for Education Law (Tax Law Article 34). The purpose of the Lottery is to raise revenue for education in the State of New York (State) through the administration of lottery games.

The Lottery is included in the State of New York's Basic Financial Statements as an enterprise fund. These financial statements present only the Lottery and do not present the financial position of the State nor changes in the State's financial position and cash flows.

The Lottery prepares its financial statements under the economic resources measurement focus whereby all inflows, outflows and balances affecting net assets are reported, and uses the accrual basis of accounting. Revenues are recognized when earned and expenses are recognized when incurred. The primary operating revenue of the Lottery is ticket sales from games. Nonoperating income consists mostly of investment income and unrealized gains on investments. Operating expenses consist of direct expenses for prizes, commissions to Lottery retailers, fees to gaming contractors, expenses for providing instant tickets to players, and telecommunications. Other operating expenses that are indirect to the results of each game include marketing, state agency charges, personal services, and fringe benefits. Nonoperating expense includes the amortization of the discount on long-term prizes payable. The Lottery applies all applicable Governmental Accounting Standards Board (GASB) pronouncements as well as the following pronouncements issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements: Statements and Interpretations of the Financial Accounting Standards Board (FASB), Accounting Principles Board (APB) Opinions, and Accounting Research Bulletins (ARB's) of the Committee on Accounting Procedure. The Lottery has elected the option, under GASB Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Government Entities that Use Proprietary Funds*, not to apply all FASB Statements and Interpretations issued after November 30, 1989.

The more significant accounting policies of the Lottery are described below:

(a) Revenue Recognition

(i) Draw Games

Revenue from ticket sales for Lotto, Quick Draw, Take 5, Pick 10, Mega Millions, New York's Numbers and Win-4 games, and promotional games (draw games) is recognized when the related drawing takes place. Receipts from subscription sales and other ticket sales for future drawings are recorded as deferred revenue and recognized when the related drawings take place.

(ii) Instant Games

Revenue from Instant Games is recognized based on the dollar value of the total number of tickets available for sale. Tickets are available for sale upon being activated on the Lottery Validation System at the retailer locations.

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(iii) Video Lottery

Revenue from video lottery gaming is recognized based on net machine income, which is defined as amounts played less prizes won.

(b) Commissions and Fees

Retailers selling draw and Instant Game tickets receive a commission of 6% based on the total tickets sold. For video lottery, video gaming facilities receive a varying percent of incremental annual net machine income according to provisions of Section 1612 of the Tax Law. The particular percent applied to a range of net machine income can vary depending on the facility's number of video gaming machines, geographical area of the state, population level, or proximity to Native American gaming facilities. The draw game contractor and the video lottery central processing contractor receive fees equal to a contractual percentage of the sales generated through the network maintained by the respective contractor. The instant game contractor is paid a fee equal to a contractual percentage of instant sales. Video lottery terminal contractors receive a fee equal to a contractual percentage of revenue, adjusted for the units of service provided. All other gaming contractors are paid fees based on the units of service provided (see note 13).

(c) Accounts Receivable

Accounts receivable represents amounts due from retailers through a Lottery gaming contractor and video lottery gaming facilities, net of commissions and fees, as well as amounts due from agents for Instant Game tickets which have been activated, but not yet settled. Instant ticket settlements occur within 45 days after a book of tickets is activated. Video lottery gaming receivables are received two business days after each sales day and draw games are collected within four business days after the close of each sales week.

(d) Allocation of Revenue from Ticket Sales

The allocation of ticket sales is made in accordance with the provisions of the New York State Lottery for Education Law which requires:

- Allocations of ticket sales revenue to New York for educational purposes to be at least 20% for the New York State Lottery Instant Games, 35% for Take 5, New York's Numbers, Win-4, Mega Millions and Pick 10, 45% for Lotto and promotional games, and 25% for Quick Draw. In addition, the Lottery has legislative authority to issue up to three Instant Games per year with at least 10% for educational purposes. For video lottery, the required allocation to education is a varying percent of each facility's annual incremental net machine income, depending on factors such as the facility's number of video gaming machines, geographical area of the state, population level, and proximity to Native American gaming facilities.
- Allocations of ticket sales revenue for the payment of lottery prizes are not to exceed 65% for the New York State Lottery Instant Games, 50% for Take 5, New York's Numbers, Win-4, Mega Millions, and Pick 10, 40% for Lotto and promotional games, and 60% for Quick Draw. In addition, the Lottery has legislative authority to issue up to three Instant Games per year with up to 75% allocated to prizes. Video lottery is required to pay prizes that average no less than 90% of gross sales.

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- Allocations of ticket sales revenue from all traditional games for the payment of Lottery administrative expenses (including agent commissions and contractor fees) are not to exceed 15%. For video lottery, 10% of net revenue (the total revenue wagered after payout for prizes) is allocated for Lottery Administration. Unlike traditional games, video lottery administrative expenses do not include commissions and fees which are described separately in note 1b. Any excess of the maximum allocation over actual administrative expenses is allocated to education. Such allocations amounted to approximately \$382,605,000 and \$379,989,000 for fiscal years 2009 and 2008, respectively. Administrative expenses incurred by the Lottery represent telecommunications, advertising, salary and other operating costs.

(e) Cash and Cash Equivalents

For purposes of the statements of cash flows, the Lottery considers cash equivalents to be amounts held with banks and amounts held under the joint custody of the Commissioner of Taxation and Finance and the Comptroller of the State of New York through the Short-Term Investment Pool, which have a maturity of one year or less when purchased, which is used for the temporary investment of funds not required for immediate payments.

(f) Investments

Investments, consisting of U.S. Government-backed obligations (zero coupon bonds and stripped Government securities), are carried at fair value. Investment income represents accretion of bond discount, interest on deposits, and the change in fair value of investments.

(g) Inventory

Instant Game tickets are purchased from printing vendors. Tickets not activated for sale are held in inventory and are valued at cost by game. Tickets are charged to instant ticket direct expense under the first-in, first-out (FIFO) accounting method when activated for sale by the lottery retailers. At the conclusion of an Instant Game, unused inventory is charged to instant ticket direct expense.

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(h) Capital Assets

Capital assets consist of equipment and leasehold improvements which are carried at historical cost. Equipment is capitalized when it has cost in excess of \$40,000 and a useful life of two years or more. Leasehold improvements are capitalized when they have a cost of \$100,000 or more. Depreciation of equipment is computed using the straight-line method over five years, the estimated useful lives of the assets. Leasehold improvements and equipment acquired under capital leases are amortized using the straight-line method over ten and five years, respectively, which is the lesser of their useful lives or the term of the leases. Changes in capital assets and related accumulated depreciation are shown below, by major class of asset, for the years ended March 31, 2009 and 2008 (in thousands).

| | <u>2007</u> | <u>Additions</u> | <u>Deletions</u> | <u>2008</u> | <u>Additions</u> | <u>Deletions</u> | <u>2009</u> |
|--------------------------|------------------|------------------|------------------|---------------|------------------|------------------|--------------|
| Leasehold improvements: | | | | | | | |
| Cost | \$ 4,526 | — | — | 4,526 | — | — | 4,526 |
| Accumulated depreciation | (4,526) | — | — | (4,526) | — | — | (4,526) |
| Net value | — | — | — | — | — | — | — |
| Equipment: | | | | | | | |
| Cost | 25,800 | 58 | — | 25,858 | 160 | — | 26,018 |
| Accumulated depreciation | (9,947) | (4,654) | — | (14,601) | (4,599) | — | (19,200) |
| Net value | 15,853 | (4,596) | — | 11,257 | (4,439) | — | 6,818 |
| Total | <u>\$ 15,853</u> | <u>(4,596)</u> | <u>—</u> | <u>11,257</u> | <u>(4,439)</u> | <u>—</u> | <u>6,818</u> |

When assets are retired or otherwise disposed of, the cost and related accumulated depreciation or amortization are removed from the accounts and any resulting gain or loss is reflected in other revenues, net in the period of disposal.

(i) Prizes Payable

Lotto and Mega Millions jackpot players have the option at the time of ticket purchase of selecting a lump sum payment in lieu of long-term annuity payments. Some Instant Games also have jackpot prizes that are long-term annuity payments. Prizes payable represents the liability for those prizes which are payable in annual installments. Such prize payments are funded by the Lottery's investment in U.S. Government-backed securities. The amortization of the long-term annuity payment discount is recorded as investment expense in these financial statements. Any excess of investment maturities over related annuity prize payments are recorded in restricted net assets and made available for future prizes.

(j) Unclaimed Prizes

Unclaimed prizes at March 31, 2009 and 2008 were \$189,248,000 and \$223,978,000, respectively. Prizes unclaimed for one year after the drawing date (lapsed) are forfeited by the ticket holder. Total prizes lapsed amounted to approximately \$41,727,000 and \$62,966,000 for fiscal years 2009 and 2008, respectively. These forfeited prizes are netted against prize expense in the statement of Revenues, Expenses, and Changes in Net Assets.

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Under the State Tax Law, the Lottery retains forfeited prizes for supplemental prizes in subsequent lottery games. During the fiscal years 2009 and 2008, these supplemental prizes were used for Lotto, Quick Draw, Take 5, promotional games, and various Instant Games.

(k) *Restricted Net Assets*

Restricted net assets for prizes includes forfeited prizes and other prize assets that are restricted under State Tax Law Sections 1612 and 1614 for the purpose of meeting future prize expense.

(l) *Reclassification*

Certain amounts in the 2008 financial statements have been reclassified to conform to the 2009 presentation.

(m) *Use of Estimates*

The preparation of financial statements in conformity with U.S. generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported and disclosed in the financial statements and related notes. Actual results could differ from those estimates.

(n) *Adoption of New Accounting Standard*

As disclosed in note 10, effective April 1, 2007, the Lottery adopted the provisions of GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. The adoption did not have an effect on the Lottery's net assets.

(2) *Cash and Cash Equivalents*

Lottery deposits of cash and cash equivalents are made in accordance with State Finance Law Sections 92c and 98a and State Tax Law Sections 1611 and 1612. Lottery sales receipts are allocated and deposited in separate fund accounts for prizes, education, and administration under the joint custody of the Commissioner of Taxation and Finance and the Comptroller of the State of New York. Per Section 98a of the State Finance Law, the accounts for prizes and administration earn interest through participation in a short-term investment pool administered by the Office of the State Comptroller of the State of New York. The prize account interest is used for future lottery prizes. The carrying amount of the accounts included in cash and cash equivalents were \$48,696,000 and \$108,267,000 at March 31, 2009 and 2008, respectively. The carrying value of cash equivalents approximates market value.

The Lottery also maintains sole custody accounts which are used for daily cash management purposes. The Lottery manages the investment of its cash balances to minimize its uninvested funds. At March 31, 2009 and 2008, the amount of accounts included in cash and cash equivalents related to the sole custody accounts were \$(4,749,000) and \$(2,906,000), respectively.

The Lottery's deposits are collateralized under a program administered by the Office of the State Comptroller of the State of New York. To manage custodial credit risk, the State requires that its depository banks pledge collateral based on available bank balances. All securities pledged as collateral are held by the State's fiscal agent in the name of the State. The Lottery's deposits with financial institutions

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were fully collateralized at fiscal year-end. The Lottery manages custodial credit risk by using several financial institutions and by minimizing balances in the sole custody accounts.

(3) Investments

The Lottery is authorized by State statute to invest in U.S. Government-backed obligations, which will provide for the payment of prizes payable (see note 4). The fair value of these investments at March 31, 2009 and 2008 was \$1,561,529,000 and \$1,492,973,000, respectively. During fiscal years 2009 and 2008, approximately \$75,688,000 and \$75,007,000, respectively, of amortized discount was included in investment income.

The amortized costs of these investments consisted of the following at March 31 (in thousands):

| | 2009 | 2008 |
|---|--------------|-------------|
| Maturity value | \$ 2,088,715 | 2,046,520 |
| Unamortized discount | (732,732) | (716,874) |
| Total at amortized cost | 1,355,983 | 1,329,646 |
| Less investments, maturing within one year, at amortized cost | 177,508 | 180,833 |
| Long-term investments, at amortized cost | \$ 1,178,475 | 1,148,813 |

Maturities of the investments in each of the five fiscal years following March 31, 2009, and five year incremental totals thereafter, are as follows (in thousands):

| | |
|-------------|--------------|
| 2010 | \$ 183,141 |
| 2011 | 165,315 |
| 2012 | 149,481 |
| 2013 | 135,343 |
| 2014 | 124,190 |
| 2015 – 2019 | 450,778 |
| 2020 – 2024 | 400,497 |
| 2025 – 2029 | 252,833 |
| 2030 – 2034 | 91,704 |
| 2035 – 2039 | 135,433 |
| | \$ 2,088,715 |

The Lottery periodically enters into certain transactions whereby government securities are exchanged, through sales and purchases, for other government securities with substantially identical terms and characteristics. During fiscal year 2009, the face value of the securities swapped amounted to \$51,481,000 resulting in gains of approximately \$1,683,000. The gains were included in investment income in the statements of revenue, expenses, and changes in net assets. During 2008, no such transactions took place.

Custodial credit risk for investments is the risk that in the event of the failure of the counterparty to perform on a transaction, the Lottery will not be able to recover the value of investment securities that are

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in the possession of an outside party. In order to manage this risk, all of the Lottery's investments are insured or registered securities held by the Lottery or its agent in the Lottery's name.

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Lottery's policy for managing this risk is to hold investment securities to maturity, at which time the fair value of the investment is equal to its stated maturity value.

(4) Prizes Payable

Prizes payable consisted of the following at March 31 (in thousands):

| | <u>2009</u> | <u>2008</u> |
|-------------------------------------|---------------------|------------------|
| Total obligation | \$ 2,153,007 | 2,080,347 |
| Unamortized discount | (732,106) | (716,072) |
| Total carrying amount | 1,420,901 | 1,364,275 |
| Less prizes payable within one year | 184,703 | 189,792 |
| Long-term prizes payable | \$ <u>1,236,198</u> | <u>1,174,483</u> |

The amortized discount on the prizes payable is based on interest rates which range from .27% to 9.41% and reflect the interest rates earned by the investments held to fund the related liabilities. The amortization of discount is recorded as investment expense in the statements of revenues, expenses, and changes in net assets and amounted to \$75,512,000 and \$74,804,000 for fiscal years 2009 and 2008, respectively.

The aggregate amount of prizes payable due in each of the five fiscal years following March 31, 2009, and the five year incremental totals thereafter, is as follows (in thousands):

| | |
|-------------|---------------------|
| 2010 | \$ 185,126 |
| 2011 | 169,543 |
| 2012 | 151,790 |
| 2013 | 139,223 |
| 2014 | 126,405 |
| 2015 – 2019 | 452,419 |
| 2020 – 2024 | 365,230 |
| 2025 – 2029 | 133,638 |
| 2030 – 2034 | 14,797 |
| Thereafter | 414,836 |
| | \$ <u>2,153,007</u> |

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(5) Long-Term Liabilities

The Lottery's long-term liabilities, as of March 31, 2009 and 2008 are comprised of the following, (in thousands):

| | <u>Balance at March 31, 2008</u> | <u>Additions</u> | <u>Deductions</u> | <u>Balance at March 31, 2009</u> | <u>Current portion</u> |
|--|--------------------------------------|------------------|-------------------|--------------------------------------|----------------------------|
| Capital lease obligations (note 12) \$ | 11,426 | — | (4,531) | 6,895 | 2,673 |
| Compensated absences (note 11) | 1,507 | 1,299 | (1,218) | 1,588 | 1,283 |
| Prizes payable (note 4) | 1,364,275 | 249,300 | (192,674) | 1,420,901 | 184,703 |
| | <u>Balance at March 31, 2007</u> | <u>Additions</u> | <u>Deductions</u> | <u>Balance at March 31, 2008</u> | <u>Current portion</u> |
| Capital lease obligations (note 12) \$ | 16,005 | — | (4,579) | 11,426 | 4,531 |
| Compensated absences (note 11) | 1,451 | 1,227 | (1,171) | 1,507 | 1,216 |
| Prizes payable (note 4) | 1,337,108 | 224,360 | (197,193) | 1,364,275 | 189,792 |

(6) Aid to Education

The required allocation and contribution transferred out for aid to education during the fiscal years ended March 31, 2009 and 2008, are as follows (in thousands):

| | <u>2009</u> | <u>2008</u> |
|--|---------------------|------------------|
| Cash transferred to education | \$ 2,954,095 | 2,787,034 |
| Amount received from the State General Fund for Lottery Aid Guarantee | (410,124) | (103,198) |
| Net cash transferred to education | 2,543,971 | 2,683,836 |
| Prior year payable | (175,735) | (303,436) |
| Current year payable | 175,714 | 175,735 |
| Required allocation to education | \$ <u>2,543,950</u> | <u>2,556,135</u> |

(7) Pension Benefits

Substantially all employees of the Lottery are members of the State and Local Employees' Retirement System (ERS) and the Public Employees' Group Life Insurance Plan (GLIP). The two programs are part of the State and Local Retirement System (System) which is a cost-sharing, multiple employer public employee retirement system. The Comptroller of the State of New York is sole trustee and administrative head of the System. The System issues a publicly available financial report that includes financial statements and required supplementary information which may be obtained by writing to New York State and Local Employees' Retirement Systems, 110 State Street, Albany, New York 12236.

The System provides retirement benefits as well as death and disability benefits. All benefits vest after five years of accredited service. Retirement benefits are established by the New York State Retirement and Social Security Law. Retirement benefits and contributory requirements depend upon the point in time at

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which an employee last joined the System. Most members of the System who joined before July 27, 1976 are enrolled in a noncontributory plan; the Lottery contributes the entire amount determined to be payable to the System. Personnel who joined the System after July 27, 1976 are required by law to contribute 3% of their gross salary for their first ten years of employment; the Lottery withholds and contributes the balance payable to the System for these employees.

The Lottery paid to the Office of the State Comptroller of the State of New York \$2,112,000 for 2009, \$1,996,000 for 2008, and \$2,034,000 for 2007, to cover required employer contributions for retirement benefits and equaled 100% of the required contribution in each of the respective years. These payments made represent 10.50%, 10.84%, and 11.65%, of covered payroll for each of the years, respectively.

(8) Operating Income

Composition of operating income for fiscal 2009 and 2008 by type of lottery game is as follows (in thousands):

| | 2009 | | | | | Net |
|----------------------------------|---------------------|--------------------|--------------------|------------------|-------------------------------|---------------------|
| | Expenses | | | | | |
| | Revenue | Prizes** | Commissions | Fees | Instant direct expense | |
| Mega Millions | \$ 467,141 | (227,948) | (27,835) | (5,961) | — | 205,397 |
| Lotto | 178,075 | (79,624) | (9,824) | (2,098) | — | 86,529 |
| Take 5 | 328,431 | (163,080) | (19,706) | (4,220) | — | 141,425 |
| Pick 10 | 32,033 | (15,290) | (1,922) | (412) | — | 14,409 |
| New York Numbers | 850,331 | (402,293) | (51,020) | (10,927) | — | 386,091 |
| Win 4 | 740,163 | (388,478) | (44,410) | (9,511) | — | 297,764 |
| Promotion Raffle Game | 8,388 | (8,132) | (503) | (108) | — | (355) |
| Instants | 3,666,087 | (2,459,439) | (219,974) | (27,386) | (32,755) | 926,533 |
| Quick Draw | 424,422 | (259,496) | (25,465) | (5,454) | — | 134,007 |
| Total traditional lottery | 6,695,071 | (4,003,780) | (400,659) | (66,077) | (32,755) | 2,191,800 |
| Video lottery | 965,074* | 513 | (438,653) | (60,402) | — | 466,532 |
| | \$ 7,660,145 | (4,003,267) | (839,312) | (126,479) | (32,755) | 2,658,332 |
| Telecommunications | | | | | | (28,109) |
| Other operating expenses | | | | | | (130,161) |
| Total operating income | | | | | | \$ 2,500,062 |

* Video Lottery revenue represents net machine income after awarding prizes. Video Lottery credits played and won were as follows:

| | |
|---------------------------|-------------------|
| Credits played | \$ 11,663,674 |
| Credits won | (10,698,600) |
| Net machine income | \$ 965,074 |

** Prizes unclaimed after one year are forfeited and are netted against prizes.

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| 2008 | | | | | | |
|---------------------------|----------------|-----------------|--------------------|-------------|-------------------------------|--------------|
| Expenses | | | | | | |
| | Revenue | Prizes** | Commissions | Fees | Instant direct expense | Net |
| Mega Millions | \$ 481,636 | (222,056) | (28,899) | (6,189) | — | 224,492 |
| Lotto | 208,400 | (94,741) | (11,657) | (2,489) | — | 99,513 |
| Take 5 | 319,809 | (159,942) | (19,190) | (4,110) | — | 136,567 |
| Pick 10 | 32,220 | (16,786) | (1,933) | (414) | — | 13,087 |
| New York Numbers | 856,539 | (427,860) | (51,390) | (11,006) | — | 366,283 |
| Win 4 | 718,522 | (344,201) | (43,109) | (9,232) | — | 321,980 |
| Promotion Raffle Game | 17,797 | (16,475) | (1,128) | (229) | — | (35) |
| Instants | 3,594,005 | (2,398,636) | (216,830) | (26,809) | (28,160) | 923,570 |
| Quick Draw | 444,256 | (272,241) | (26,655) | (5,709) | — | 139,651 |
| Total traditional lottery | 6,673,184 | (3,952,938) | (400,791) | (66,187) | (28,160) | 2,225,108 |
| Video lottery | 875,281* | 177 | (307,723) | (54,700) | — | 513,035 |
| | \$ 7,548,465 | (3,952,761) | (708,514) | (120,887) | (28,160) | 2,738,143 |
| Telecommunications | | | | | | (28,013) |
| Other operating expenses | | | | | | (130,666) |
| Total operating income | | | | | | \$ 2,579,464 |

* Video Lottery revenue represents net machine income after awarding prizes. Video Lottery credits played and won were as follows:

| | |
|--------------------|--------------------|
| Credits played | \$ 10,683,021 |
| Credits won | <u>(9,807,740)</u> |
| Net machine income | \$ <u>875,281</u> |

** Prizes unclaimed after one year are forfeited and are netted against prizes.

(9) Deferred Compensation

The State offers its employees, including Lottery employees, a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. All amounts of compensation deferred under the plan are placed in trust for the participants and their beneficiaries.

(10) Postretirement Benefits

As a New York State (State) agency, the Lottery participates in the New York State Health Insurance Program (NYSHIP), which is administered by the State as an agent multiple employer defined benefit plan. Under the plan the State provides certain healthcare for eligible retired employees and their dependents under an employer noncontributory healthcare plan. The State's Plan states that employees and/or their dependents become eligible for these benefits at 55 years of age when the employee has 10 years of State service. In calculating the 10 year service requirement, all of the employee's service need not be with the State, but may be a composite of other government service elsewhere, with a minimum of 3 years with New York State. Employees with no prior State service must work a minimum of 10 years before they and

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their dependents are eligible for the retirement medical benefits. Generally retirees contribute 10% of the cost of single coverage and 25% of the cost of dependent coverage for health insurance benefits. The State generally covers 100% of the cost of single and dependent coverage for employees retired prior to January 1, 1983. NYSHIP does not issue a stand-alone financial report and NYSHIP's agent activities are included within the financial statements of the State.

During the fiscal year ended March 31, 2009, NYSHIP provided health insurance coverage through the Empire Plan, an indemnity health insurance plan with managed care components; 12 Health Maintenance Organizations (HMOs); and through the Student Employee Health Plan (SEHP). Generally, these include hospital, medical, mental health and substance abuse benefits, and prescription drug benefits

The Lottery's policy regarding retiree healthcare benefits is to pay the amounts billed through the State's fringe benefit rate on a pay-as-you-go basis. The Lottery has no obligation beyond the payment of the State's fringe benefit rate for retiree healthcare benefits. The State's policy is that the State is responsible for recording the annual required contribution and the actuarial accrued liability under GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions* for the Lottery's retiree health care benefits in the State's governmental-wide financial statements.

The Lottery at March 31, 2009 had approximately 120 retired and/or spouses of retired employees receiving these benefits with an annual pay-as-you-go cost of approximately \$800,000.

(11) Employees' Compensated Absences

Under the terms of the Lottery's personnel policies and its union agreements, vacation pay benefits may be paid upon termination up to a maximum of 225 hours. The Lottery recognizes employees' compensated absence benefits when earned. The liability for employees' compensated absences was approximately \$1,588,000 and \$1,507,000 as of March 31, 2009 and 2008, respectively, and is recorded as a liability in the statements of net assets.

(12) Leases

The Lottery leases surveillance equipment at its video lottery gaming facilities under capital leases with various companies. Amounts for capital leases, which are included in capital assets on the statements of net assets, were approximately \$22,672,000 at March 31, 2009 and 2008. Accumulated depreciation on these capital assets was approximately \$16,170,000 and \$11,708,000 at March 31, 2009 and 2008, respectively.

The Lottery has entered into operating leases for equipment and building space. Rental expense was approximately \$2,388,000 and \$2,173,000 in 2009 and 2008, respectively.

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Future minimum lease payments under all noncancelable leases having initial or remaining terms in excess of one year as of March 31, 2009 are as follows (in thousands):

| | Operating leases | Capital leases |
|---|-----------------------------|---------------------------|
| 2010 | \$ 2,213 | 2,725 |
| 2011 | 1,864 | 2,377 |
| 2012 | 1,628 | 2,149 |
| 2013 | 1,474 | — |
| 2014 | 1,195 | — |
| 2015 and thereafter | 3,328 | — |
| Total minimum payments required | \$ 11,702 | 7,251 |
| Less amounts representing interest | | 356 |
| Present value of minimum lease payments | | 6,895 |
| Less current portion | | 2,673 |
| Long-term capital lease obligations | | \$ 4,222 |

(13) Commitments and Contingencies

(a) Contractual Arrangements

The Lottery maintains a gaming network of approximately 16,000 on-line locations where all traditional lottery games are sold. GTECH Holdings Corporation (GTECH) is responsible for operating all traditional Lottery games under a contract expiring on February 28, 2010.

Instant Game sales are also supported by services provided under additional contracts:

- (1) Under a contract that expires July 23, 2009 Scientific Games, Inc. is the primary supplier of Instant Game tickets.
- (2) Under a contract expiring July 30, 2009 Pollard Banknote Limited is the secondary supplier of Instant Game tickets.
- (3) Under contracts that expire on July 27, 2009 Oberthur Gaming Technologies and Gtech Printing Corporation are tertiary suppliers of Instant Game tickets.
- (4) Instant Game tickets are also sold through approximately 4,000 vending machines at approximately 3,000 locations. A contract with Gtech which expires on April 30, 2009, provides for maintenance of the vending machines.

NEW YORK STATE LOTTERY

Notes to Basic Financial Statements

March 31, 2009 and 2008

Video lottery games are offered on approximately 13,000 video gaming machines spread over eight video lottery gaming facilities. Multimedia Games, Inc. provides a central processing system for the operation of video lottery games under a contract expiring on January 27, 2010. Video lottery gaming machines are provided under contracts expiring December 31, 2010 with three different companies (Bally Gaming, International Game Technology, and Spielo USA, Inc.).

In March 2009, the Lottery awarded a seven year contract through February 28, 2017 to Gtech Corporation for a gaming network and vending machines including related communication services. The Lottery and Gtech Corporation expects necessary approvals of the contract by the New York State Attorney General and the New York State Office of the State Comptroller. A completed new gaming system will be operational under this contract in 2010.

On June 1, 2009 an extension of the Multimedia Games, Inc. contract for the video gaming system was approved by the New York State Office of the State Comptroller. The new expiration date is December 31, 2017.

(b) *Litigation*

The Lottery has been named as a defendant in several lawsuits. While the ultimate outcome of these lawsuits cannot be predicted at this time, it is the opinion of management and in-house counsel that the disposition of any litigation in which the Lottery is involved will not have a material adverse effect on the financial position of the Lottery.