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Joe Manchin III Governor

John C. Musgrave Director

MEMORANDUM

TO:

Joint Committee on Government and Finance

FROM:

John C. Musgrave, Director

RE:

Monthly Report on Lottery Operations

Month Ending July 31, 2008

DATE:

August 20, 2008

This report of the Lottery operations is provided pursuant to the State Lottery Act.

Financial statements of the Lottery for the month ending July 31, 2008 are attached. Lottery revenue, which includes on-line, instant, video lottery sales and table games, was \$131,859,607 for the month of July.

Transfers of lottery revenue totaling \$50,346,976 made for the month of July to the designated state agencies per Senate Bill 150, Veterans Instant Ticket Fund, Racetrack Video Lottery Act (§29-22A-10), and the Racetrack Table Games Act(§29-22C-27). The amount transferred to each agency is shown in Note 9 on pages 15 and 16 of the attached financial statements.

The number of traditional and limited retailers active as of July 31, 2008 was 1,608 and 1,619 respectively.

A listing of the names and amounts of prize winners has been provided to the Clerk of the Senate, the Clerk of the House and Legislative Services.

If any member of the Committee has questions concerning the Lottery, please call me. Also if any members of the Legislature wish to visit the Lottery offices, I would be pleased to show them our facilities and discuss the Lottery with them.

JCM/rd Attachment

pc: Honorable Joe Manchin III

Virgil T. Helton, Cabinet Secretary – Dept. of Revenue
John Perdue, Treasurer
Glen B. Gainer III, Auditor
Members of the West Virginia Lottery Commission



WEST VIRGINIA LOTTERY

STATE OF WEST VIRGINIA

FINANCIAL STATEMENTS
-UNAUDITED-

July 31, 2008

WEST VIRGINIA LOTTERY

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WEST VIRGINIA LOTTERY BALANCE SHEETS

(In Thousands) -Unaudited-

ASSETS		July 31, 2008		June 30, 2008
Current Assets:				
Cash and cash equivalents	\$	200,829	\$	180,463
Accounts receivable		25,157		36,846
Inventory		530		300
Current portion of investments held in trust		10		10
Other assets		2,575	_	2,595
Total Current Assets		229,101	_	220,214
Noncurrent Assets:				
Restricted cash and cash equivalents		58,574		58,487
Investments held in trust, less current portion		126		126
Capital assets		17,598		17,598
Less accumulated depreciation and amortization		(12,515)		(12,347)
Net Capital Assets		5,083	_	5,251
Total Noncurrent Assets		63,783		63,864
Total Assets	s_	292,884	\$_	284,078
LIABILITIES AND NET ASSETS				
Current Liabilities:				
Accrued nonoperating distributions to the				
State of West Virginia	\$	171,676	\$	166,967
Estimated prize claims		12,938		12,967
Accounts payable		1,338		2,693
Other accrued liabilities		42,231		36,837
Current portion of deferred jackpot prize obligations		129		129
Total Current Liabilities		228,312		219,593
Deferred jackpot prize obligations, less current portion			_	
Total Liabilities Net Assets:		228,312	_	219,593
Invested in capital assets		5,083		5,251
Unrestricted assets (deficit)		(4,583)		(4,751)
Unrestricted assets- Committed (see note 11)		5,498		5,498
Restricted assets (see note 10)		58,574		58,487
Total Net Assets		64,572		64,485
Total Liabilities and Net Assets	\$	292,884	\$_	284,078

The accompanying notes are an integral part of these financial statements.

WEST VIRGINIA LOTTERY STATEMENTS OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS FOR THE ONE MONTH PERIOD ENDED JULY 31, 2008

(In Thousands)

-Unaudited-

Lottery revenues			CURRENT MONTH			YEAR TO DATE		ATE	
On-line games \$ 6,333 \$ 6,344 \$ 6,383 \$ 6,344 Instant games 9,468 10,164 9,468 10,164 Racetrack video lottery 78,715 83,394 78,715 83,394 Limited video lottery 34,574 32,398 34,574 32,398 Table games 2,720			2008		2007		2008		2007
Instant games	Lottery revenues								
Racetrack video lottery	On-line games	\$	6,383	\$	6,344	\$	6,383	\$	6,344
Limited video lottery	Instant games		9,468		10,164		9,468		10,164
Limited video lottery	Racetrack video lottery		78,715		83,394		78,715		83,394
Table games			34,574		32,398		34,574		32,398
Less commissions	· ·		-						
Net assets, beginning of period Net				_	132,300	_			132,300
Instant games 663 711 663 711 Racetrack video lottery 44,584 47,235 44,584 47,235 44,584 47,235 44,587 16,941 15,875 64,265 63,705 64,265 63,705 64,265 63,705 64,265 63,705 64,265 63,705 64,265 63,705 64,265 6,982 6,54				_		_			
Racetrack video lottery 44,584 47,235 44,584 47,235 Limited video lottery 16,941 15,875 16,941 15,875 Table games 1,070 - 1,070 - 63,705 64,265 63,705 64,265 Less on-line prizes 3,206 2,996 3,206 2,996 Less instant prizes 6,545 6,982 6,545 6,982 Less ticket costs 105 155 105 155 Less vendor fees and costs 457 335 457 335 Gross profit 57,842 57,567 57,842 57,567 Administrative expenses 707 976 707 Wages and related benefits 710 520 710 520 Advertising and promotions 976 707 976 707 Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97	=								-
Limited video lottery	~								
Table games	Racetrack video lottery		44,584		47,235		44,584		47,235
Contractual and professional Atl September Atl Atl	Limited video lottery		16,941		15,875		16,941		15,875
Less on-line prizes 3,206 2,996 3,206 2,996 Less instant prizes 6,545 6,982 6,545 6,982 Less ticket costs 105 155 105 155 Less vendor fees and costs 457 335 457 335 Less vendor fees and costs 457 335 457 335 Gross profit 57,842 57,567 57,842 57,567 Administrative expenses 3976 707 976 707 Administrative expenses 710 520 710 520 Telecommunications 198 121 198 121 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other Operating Income 55,379 55,968 55,379 55,968 Nonoperati	Table games		1,070	_		_	1,070		
Less instant prizes 6,545 6,982 6,545 6,982 Less ticket costs 105 155 105 155 Less vendor fees and costs 457 335 457 335 Less vendor fees and costs 457 335 457 335 Gross profit 57,842 57,567 57,842 57,567 Administrative expenses 707 976 707 Advertising and promotions 976 707 976 707 Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other Operating Income 115 140 115 140 Other Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expen			63,705	_	64,265		63,705	_	64,265
Less ticket costs			3,206		2,996		3,206		2,996
Less vendor fees and costs	Less instant prizes		6,545		6,982		6,545		6,982
10,313 10,468 10,313 10,468 Gross profit 57,842 57,567 57,842 57,567 Administrative expenses	Less ticket costs	:	105		155		105		155
Gross profit 57,842 57,567 57,842 57,567 Administrative expenses Advertising and promotions 976 707 976 707 Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 442 918 442 918 Nonoperating income - OPEB - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677)	Less vendor fees and costs	·	457	, _	335		457		335
Administrative expenses Advertising and promotions 976 707 976 707 Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other administrative expenses 115 140 115 140 Other Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income Advantage 1918 442 918 Nonoperating income - OPEB			10,313		10,468	_	10,313	_	10,468
Advertising and promotions 976 707 976 707 Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other Administrative expenses 115 1,687 2,635 1,687 Other Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 172 88 172 88 Nonoperating income (expense) 442 918 442 918 Nonoperating income - OPEB - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677)			57,842	_	57,567	_	57,842	_	57,567
Wages and related benefits 710 520 710 520 Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other Operating Income 2,635 1,687 2,635 1,687 Other Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to the State of West Virginia (55,056) (56,160) (55,056) (55,160) (55,292)			076		707		076		707
Telecommunications 198 121 198 121 Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - - - - - Distributions to the State of West Virginia (55,056) (56,160) (55,056) (55,879) (55,879) (5									
Contractual and professional 411 97 411 97 Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB - - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment -					-				
Rental 58 54 58 54 Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 2,635 1,687 2,635 1,687 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 1 2 918 442 918 Nonoperating income - OPEB - - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - - - - - Distributions to the State of West Virginia (55,056) (56,160) (55,056) (55,292) (55,879) Net income 87 89 87 89 Net assets, beginning of perio									
Depreciation and amortization 167 48 167 48 Other administrative expenses 115 140 115 140 2,635 1,687 2,635 1,687 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 1nvestment income 442 918 442 918 Nonoperating income - OPEB - - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - - - - - - Distributions to the State of West Virginia (55,056) (56,160) (55,056) (55,292) (55,879) Net income 87 89 87 89 Net assets, beginning of period 64,485 43,957 64,485	_								
Other administrative expenses 115 140 115 140 2,635 1,687 2,635 1,687 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 1nvestment income 442 918 442 918 Nonoperating income - OPEB - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - - - - - Distributions to the State of West Virginia (55,056) (56,160) (55,056) (56,160) (55,292) (55,292) (55,879) (55,292) (55,879) Net assets, beginning of period 64,485 43,957 64,485 43,957									
Other Operating Income 2,635 1,687 2,635 1,687 Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) 442 918 442 918 Nonoperating income - OPEB - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - - - - - Distributions to the State of West Virginia (55,056) (56,160) (55,056) (56,160) (55,292) (55,879) (55,292) (55,879) Net income 87 89 87 89 Net assets, beginning of period 64,485 43,957 64,485 43,957									
Other Operating Income 172 88 172 88 Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB - - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment -	Other administrative expenses			_					
Operating Income 55,379 55,968 55,379 55,968 Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB - - - - - - Interest expense (1) (2) (1) (2) Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment -				_		_		_	
Nonoperating income (expense) Investment income 442 918 442 918 Nonoperating income - OPEB	Other Operating Income		<u> 172</u>	_	88	_	172	_	88
Investment income	Operating Income		55,379		55,968	_	55,379		55,968
Nonoperating income - OPEB									
Interest expense	Investment income		442		918		442		918
Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - </td <td>Nonoperating income - OPEB</td> <td></td> <td>-</td> <td></td> <td>-</td> <td></td> <td>-</td> <td></td> <td>-</td>	Nonoperating income - OPEB		-		-		-		-
Distributions to municipalities and counties (677) (635) (677) (635) Distributions to racetracks-capital reinvestment - </td <td>Interest expense</td> <td></td> <td>(1)</td> <td></td> <td>(2)</td> <td></td> <td>(1)</td> <td></td> <td>(2)</td>	Interest expense		(1)		(2)		(1)		(2)
Distributions to racetracks-capital reinvestment -	Distributions to municipalities and counties								
(55,292) (55,879) (55,292) (55,879) Net income 87 89 87 89 Net assets, beginning of period 64,485 43,957 64,485 43,957	Distributions to racetracks-capital reinvestment		-		•		-		-
(55,292) (55,879) (55,292) (55,879) Net income 87 89 87 89 Net assets, beginning of period 64,485 43,957 64,485 43,957	Distributions to the State of West Virginia		(55,056)		(56,160)		(55,056)		(56,160)
Net assets, beginning of period 64,485 43,957 64,485 43,957				_				_	
	Net income		87	_	89		87_	_	89
	Net assets, beginning of period		64,485		43,957		64,485		43,957
		\$		\$_		s _		\$_	

WEST VIRGINIA LOTTERY STATEMENTS OF CASH FLOWS FOR THE ONE MONTH PERIOD ENDED JULY 31, 2008

(In Thousands) -Unaudited-

Cash flows from operating activities:		2008		2007
Cash received from customers and other sources Cash payments for:	\$	143,721	\$	129,207
Personnel costs		(710)		(520)
Suppliers		(3,078)		(1,428)
Other operating costs		(68,916)		(69,275)
Cash provided by operating activities	_	71,017		57,984
Cash provided by operating activities	_	71,017	_	37,564
Cash flows from noncapital financing activities:				
Nonoperating distributions to the State of West Virginia		(50,347)		(51,835)
Distributions to municipalities and counties		(657)		(639)
Distributions to racetrack from racetrack cap. reinv. fund	,i	•		•
Deferred jackpot prize obligations and related interest paid		(1)		(2)
Cash used in noncapital financing activities	_	(51,005)		(52,476)
	•			
Cash flows from capital and related financing acitivities:				
Purchases of capital assets	_			
Cash flows from investing activities:				
Maturities of investments held in trust		-		-
Investment earnings received	_	442		916
Cash provided by investing activities		442_	_	916
Increase (decrease) in cash and cash equivalents		20,454		6,424
Cash and cash equivalents - beginning of period		238,949	_	234,489
Cash and cash equivalents - end of period	\$	259,403	\$	240,913
Reconciliation of operating income to net cash provided by operat	ing activ	ities:		
Operating income	\$	55,379	\$	55,968
Adjustments to reconcile operating income to		•		
cash provided by operating activities:				
Depreciation and amortization		167		49
Changes in operating assets and liabilities:				
(Increase) decrease in accounts receivable		11,690		(3,182)
(Increase) decrease in inventory		(229)		(72)
(Increase) decrease in other assets		20		-
Increase (decrease) in estimated prize claims		(29)		906
Increase (decrease) in accounts payable		(1,355)		(343)
Increase (decrease) in other accrued liabilities		5,374		4,658
Cash provided by operating activities	<u>\$</u>	71,017	\$	57,984

The accompanying notes are an integral part of these financial statements.

NOTE 1 - LEGISLATIVE ENACTMENT

The West Virginia Lottery (Lottery) was established by the State Lottery Act (Act) passed April 13, 1985, which created a special fund in the State Treasury designated as the "State Lottery Fund." The purpose of the Act was to establish and implement a state-operated lottery under the supervision of a state lottery commission (Commission) and a director. The Commission, consisting of seven members and the Director are appointed by the Governor. Under the Act, the Commission has certain powers and the duty to establish rules for conducting games, to select the type and number of gaming systems or games and to enter into contracts and agreements, and to do all acts necessary or incidental to the performance of its duties and exercise of its power and duty to operate the Lottery in a highly efficient manner. The Act provides that a minimum annual average of 45% of the gross amount received from each lottery shall be allocated for prizes and also provides for certain limitations on expenses necessary for operation and administration of the Lottery. To the extent available, remaining net profits are to be distributed to the State of West Virginia. As the State is able to impose its will over the Lottery, the Lottery is considered a component unit of the State and its financial statements are presented in the comprehensive annual financial report of the State as a blended proprietary fund component unit.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A summary of the significant accounting policies of the Lottery is presented below.

BASIS OF PRESENTATION – The West Virginia Lottery is a component unit of the State of West Virginia, and is accounted for as a proprietary fund special purpose government engaged in business type activities. In accordance with Governmental Accounting Standards Board (GASB) Statement No. 34, "Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments," and with accounting principles generally accepted in the United States of America, the financial statements are prepared on the accrual basis of accounting which requires recognition of revenue when earned and expenses when incurred. As permitted by Governmental Accounting Standards Board (GASB) Statement No. 20, "Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Proprietary Fund Accounting," the Lottery has elected not to adopt Financial Accounting Standards Board (FASB) statements and interpretations issued after November 30, 1989 unless the GASB specifically adopts such FASB statements or interpretations.

The Lottery is included in the State's basic financial statements as a proprietary fund and business type activity using the accrual basic of accounting. Because of the Lottery's presentation in these financial statements as a special purpose government engaged in business type activities, there may be differences in presentation of amounts reported in these financial statements and the basic financial statements of the State as a result of major fund determination.

USE OF ESTIMATES – The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make certain estimates and develop assumptions that affect the amounts reported in the financial statements and related notes to financial statements. Actual results could differ from management's estimates.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

LOTTERY GAME OPERATIONS — The West Virginia Lottery derives its revenues from four basic types of lottery games: instant, on-line, video type games, and table games. The Lottery develops multiple game themes and prize structures to comply with its enabling legislation, including aggregate annual minimum prize provisions. All bonded retailers and agents comprised principally of grocery and convenience stores serve as the primary distribution channel for instant and on-line lottery sales to the general public.

The Lottery has contracted with a private vendor to manufacture, distribute, and provide data processing support for instant and on-line games. Under the terms of the agreements, the Lottery pays a percentage of gross revenues or gross profits for the processing and manufacture of the games.

Revenue from instant games is recognized when game tickets are sold to the retailers, and the related prize expense is recorded based on the specific game prize structure. Instant ticket sales and related prizes do not include the value of free plays issued for the purpose of increasing the odds of winning a prize.

Sales of on-line lottery tickets are made by licensed agents to the public with the use of computerized terminals. On-line games include POWERBALL®, a multi-state "jackpot" game; HOT LOTTO®, a multi-state "lotto" game; Cash25 "lotto" game; Daily 3 and 4 "numbers" games; and Travel, a daily "keno" game. Revenue is recognized when the agent sells the tickets to the public. Prize expense is recognized on the basis of actual drawing results.

Commissions are paid to instant game retailers and on-line agents at the rate of seven percent of gross sales. A portion of the commission not to exceed one and one quarter percent of gross sales may be paid from unclaimed prize moneys. The amount paid from unclaimed prize moneys is credited against prize costs. In addition, retailers and agents are paid limited bonus incentives that include prize shares on winning tickets they sold and a ticket cashing bonus on winning tickets they cash. On a weekly basis, retailers and agents must remit amounts due to the Lottery. Retailers may not be able to order additional instant tickets if payment has not been made for the previous billing period, while an agent's on-line terminal may be rendered inactive if payment is not received each week. No one retailer or agent accounts for a significant amount of the Lottery's sales or accounts receivable. Historically credit losses have been nominal and no allowance for doubtful accounts receivable is considered necessary.

Racetrack video lottery is a self-activated video version of lottery games. The board-operated games allow a player to place bets for the chance to be awarded credits which can either be redeemed for cash or be replayed as additional bets. The coin operated games allow a player to use coins, currency, or tokens to place bets for the chance to receive coin or token awards which may be redeemed for cash or used for replay in the coin operated games. The racetrack video lottery games' prize structures are designed to award prizes, or credits, at a stipulated rate of total bets played, and prize expense is netted against total video credits played. The Lottery recognizes as racetrack video lottery revenue "gross terminal income" equivalent to all wagers, net of related prizes. Amounts required by statute to be paid to the private and local government entities are reported as commissions. Racetrack video lottery legislation has established specific requirements for racetrack video lottery and imposed certain restrictions limiting the licensing for operation of racetrack video lottery games to horse and dog

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

racetracks in West Virginia, subject to local county elections permitting the same. The legislation further stipulates the distribution of revenues from racetrack video lottery games, and requires any licensed racetrack to be responsible for acquiring the necessary equipment and bearing the risk associated with the costs of operating and marketing the games.

Limited video lottery is also a self-activated video version of lottery games, which were first placed in operation in December 2001, located in limited licensed retailer areas restricted for adult amusement. The games allow a player to use currency to place bets for the chance to receive free games or vouchers which may be redeemed for cash. The limited video lottery games' prize structures are designed to award prizes, at a stipulated rate of total bets played, and prize expense is netted against total video credits played. The Lottery recognizes as limited video lottery revenue "gross terminal income" equivalent to all wagers, net of related prizes. Amounts required by statute to be paid to private entities are reported as commissions. Limited video lottery permit holders are statutorily responsible for acquiring equipment and bearing the risk associated with the costs of operating the games.

Table games are lotteries as each game involves consideration, the possibility of a prize, and their outcome is determined predominantly by chance, which the common law of West Virginia has long held are the three essential elements of a lottery. Table games are the exclusive intangible intellectual property of the state of West Virginia. Table games legislation has established specific requirements for table games and imposed certain restrictions limiting the licensing for operation of table games to horse and dog racetracks in West Virginia, subject to local county elections permitting the same. Each racetrack licensed as an agent of the Lottery Commission to operate West Virginia table games shall have written rules of play for each table game it operates which must be approved by the Commission. All wagers and pay-offs of winning wagers shall be made according to those rules of play. For the privilege of holding a table games license, there is levied a privilege tax of thirty-five percent of each licensee's adjusted gross receipts for the operation of West Virginia Lottery table games. Amounts required by statute to be paid to private and local government entities are reported as commissions. The legislation further stipulates the distribution of revenues from West Virginia table games, and requires any licensed racetrack to be responsible for acquiring the necessary equipment and bearing the risk associated with the costs of operating and marketing the games.

CASH AND CASH EQUIVALENTS — Cash and cash equivalents primarily consist of interest-earning deposits with the West Virginia Board of Treasury Investments (BTI) and are recorded at fair value.

INVENTORY – Inventory consists of instant game tickets available for sale to approved Lottery retailers and are carried at cost.

OTHER ASSETS – Other assets consist primarily of deposits restricted for payment of certain Multi-State Lottery Association activities.

CAPITAL ASSETS – The Lottery leases, under a cancelable operating lease, its office and warehouse facilities. The Lottery also leases various office equipment under agreements considered to be

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

cancelable operating leases. Rental expense for the one month ended July 31, 2008 and July 31, 2007 approximated \$58,017 and \$54,010 respectively.

The Lottery has adopted a policy of capitalizing assets with individual amounts exceeding \$25,000. These assets include leasehold improvements, contributed and purchased equipment, comprised principally of technology property, office furnishings and equipment necessary to administer lottery games, are carried at cost. Depreciation is computed by the straight-line method using three to ten year lives.

COMPENSATED ABSENCES – The Lottery has accrued \$371,165 and \$298,548 of vacation and \$0 and \$467,954 of sick leave at June 30, 2008 and 2007, respectively, for estimated obligations that may arise in connection with compensated absences for vacation and sick leave at the current rate of employee pay. Employees fully vest in all earned but unused vacation. In accordance with State personnel policies, employees hired prior to July 1, 2001, vest in unused sick leave only upon retirement, at which time such unused leave can be converted into employer paid premiums for post-retirement health care coverage or additional periods of credited service for purposes of determining retirement benefits. For employees hired prior to July 1, 1988, the Lottery pays 100% of the post-retirement health care premium. The Lottery pays 50% of the premium for employees hired after June 30, 1988 through July 1, 2001. The estimated obligation for sick leave is based on historical retirement rates and current health care premiums applicable to employee hire dates. Employees hired after June 30, 2001 do not vest in unused sick leave upon retirement. As of June 30, 2008 sick leave obligations are included in the OPEB(Other Postemployment Benefits) liability in Note 15.

NET ASSETS – Net assets are presented as restricted, unrestricted and invested in capital assets which represents the net book value of all property and equipment of the Lottery.

OPERATING REVENUES AND EXPENSES — Operating revenues and expenses for proprietary funds such as the Lottery are revenues and expenses that result from providing services and producing and delivering goods and/or services. Operating revenues for the Lottery are derived from providing various types of lottery games. Operating expenses include commissions, prize costs, other direct costs of providing lottery games, and administrative expenses. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

NOTE 3 - CASH AND CASH EQUIVALENTS

At July 31, 2008 the carrying amounts of deposits (overdraft) with financial institutions were (\$8) thousand with a bank balance of \$35 thousand. Of this balance \$100 thousand was covered by federal depository insurance with the remaining balance collateralized with securities held by the State of West Virginia's agent in the State's name.

A summary of the amount on deposit with the West Virginia Board of Treasury Investments (BTI) is as follows (in thousands):

NOTE 3 - CASH AND CASH EQUIVALENTS (continued)

	<u>July 31, 2008</u>	<u>June 30, 2008</u>
Amount on deposit with the BTI	<u>\$259,411</u>	<u>\$239,002</u>

The deposits with the BTI are part of the State of West Virginia's consolidated investment cash liquidity pool and are not separately identifiable as to specific types of securities. Investment income is pro-rated to the Lottery at rates specified by the BTI based on the balance of the deposits maintained in relation to the total deposits of all state agencies participating in the pool. Such funds are available to the Lottery with overnight notice.

NOTE 4 - CAPITAL ASSETS

A summary of capital asset activity for the month ended July 31, 2008 is as follows (in thousands):

- up-1-0- 1 - 0-0-0-0		rical Cost e 30, 2008	Ad	lditions	Dei	letions		torical Cost aly 31, 2008
Construction in								
Progress	\$	285	\$	-	\$	-	. \$	285
Improvements		1,119		-		-		1,119
Equipment		16,194		-		-		16,194
	\$	17,598	\$	-	\$		\$	17,598
Accumulated Depreciation:								
1	Histor	rical Cost					Hist	corical Cost
	At June	e 30, 2008	Ad	ditions	De	etions	At Ju	ıly 31, <u>2008</u>
Improvements	\$	1,002	\$	6	\$	•	\$	1,008
Equipment		11,345		161		-		11,506
	\$	12,347	\$	167	\$	-	\$	12,514

NOTE 5 - PARTICIPATION IN THE MULTI-STATE LOTTERY

The Lottery is a member of the Multi-State Lottery (MUSL), which operates the semi-weekly POWERBALL® jackpot lotto game and HOT LOTTO® game, on behalf of participating state lotteries. Each MUSL member sells game tickets through its agents and makes weekly wire transfers to the MUSL in an amount equivalent to the total prize pool less the amount of prizes won in each state. Lesser prizes are paid directly to the winners by each member lottery. The prize pool for POWERBALL®, and HOT LOTTO® is 50% of each drawing period's sales, with minimum jackpot levels. Revenues derived from the Lottery's participation in the MUSL POWERBALL® jackpot game for the month and year-to-date periods ended July 31, 2008 were \$3,678,869 and \$3,678,869

NOTE 5 - PARTICIPATION IN THE MULTI-STATE LOTTERY (continued)

while related prize costs for the same periods were \$1,855,004 and \$1,855,004. Revenues derived from the Lottery's participation in the HOT LOTTO® game for the month and year-to-date periods ended July 31, 2008 were \$316,343 and \$316,343 while related prize costs for the same periods were \$160,366 and \$160,366.

MUSL places 2% of each POWERBALL® drawing period's sales in separate prize reserve funds that serve as a contingency reserve to protect the respective MUSL Product Groups from unforeseen prize liabilities. Currently, the MUSL Board of Directors has placed a \$75,000,000 limit on the POWERBALL® Prize Reserve Fund and a \$25,000,000 limit on the Set Prize Reserve Fund. These funds can only be used at the discretion of the respective MUSL Product Group. Once the prize reserve funds exceed the designated limit, the excess becomes part of that particular prize pool. Prize reserve fund monies are refundable to MUSL Product Group members if the MUSL disbands or, after one year, if a member leaves the MUSL. At July 31, 2008 the POWERBALL® prize reserve fund had a balance of \$98,912,954 of which the Lottery's share was \$2,302,900. The Lottery has charged amounts placed into the prize reserve funds to prize costs as the related sales have occurred.

NOTE 6 - RACETRACK VIDEO LOTTERY

The Racetrack Video Lottery legislation stipulates the distribution of racetrack video lottery revenues. This legislation has been amended since inception to restate revenue distribution based on revenue benchmarks. Initially, four percent (4%) of gross terminal revenue is allocated for lottery administrative costs. Sixty-six percent (66%) of net terminal revenue (gross less 4%) is allocated in lieu of commissions to: the racetracks (47%); other private entities associated with the racing industry (17%); and the local county and municipal governments (2%). The remaining revenues (34%) of net terminal revenue is allocated for distribution to State as specified in the Racetrack Video Lottery Act or subsequent State budget, as described in the Note 9 titled "Nonoperating Distributions to the State of West Virginia."

The first benchmark occurs when the current year net terminal revenue meets the fiscal year 1999 net terminal revenue. The counties and incorporated municipalities split 50/50 the two percent (2%) net terminal revenue.

The second benchmark occurs when the current year gross terminal revenue meets the fiscal year 2001 gross terminal revenue. The four percent (4%) is no longer allocated for lottery administrative costs; instead the State receives this for distribution as specified by legislation or the State budget.

The final benchmark occurs when the current year net terminal revenue meets the fiscal year 2001 net terminal revenue. At this point a 10% surcharge is applied to net terminal revenue, with 58% of the surcharge allocated for distribution to the State as specified by legislation or the State budget, and 42% of the surcharge allocated to separate capital reinvestment funds for each licensed racetrack. After deduction of the surcharge, 55% of net terminal revenue is allocated in lieu of commissions to: the racetracks (42%); other private entities associated with the racing industry (11%); and the local county and incorporated municipality governments (2%). The remaining net terminal revenue (45%) is

NOTE 6 - RACETRACK VIDEO LOTTERY (continued)

allocated for distribution to the State as specified in the Racetrack Video Lottery Act or subsequent State budget, as described in Note 9. Amounts from the capital reinvestment fund may be distributed to each racetrack if qualifying expenditures are made within the statutory timeframe; otherwise amounts accumulated in the fund revert to the state excess lottery revenue fund.

The WV Lottery, along with the Rhode Island and Delaware lotteries, participate in Multi-Jurisdictional Wide Area Progressive (MWAP) video games. This allows each of the lotteries to offer a higher progressive jackpot than they could generate alone. MUSL manages the progressive games and charges each participant a MWAP contribution fee of 4% of the amount wagered. A summary of racetrack video lottery revenues for the month ended July 31, 2008 and year-to-date follows (in thousands):

	<u>Current</u>	<u>Month</u>	Year- to	-Date
	<u>2008</u>	<u>2007</u>	<u>2008</u>	<u>2007</u>
Total credits played	\$ 803,608	\$ 873,013	\$ 803,608	\$ 873,013
Credits (prizes) won	(724,515)	(789,278)	(724,515)	(789,278)
MWAP Contributions	(378)	(341)	(378)	(341)
Gross terminal income	78,715	83,394	78,715	83,394
Administrative costs	(3,149)	(3,336)	(3,149)	(3,336)
Net Terminal Income	75,566	80,058	75,566	80,058
Less distribution to agents	(44,584)	(47,235)	(44,584)	(47,235)
Racetrack video lottery revenues	\$ 30,982	\$ 32,823	\$ 30,982	\$ 32,823

A summary of video lottery revenues paid or accrued for certain state funds to conform with the legislation follows (in thousands):

	July 31, 2008	Year-to Date
State Lottery Fund	\$22,670	\$22,670
State Excess Lottery Revenue Fund	-	-
Capital Reinvestment Fund	-	*
Tourism Promotion Fund 1.375%	1,039	1,039
Development Office Promotion Fund .375 %	283	283
Research Challenge Fund .5 %	378	378
Capitol Renovation & Improvement Fund .6875 %	519	519
Parking Garage Fund .0625 %	47	47
Parking Garage Fund 1 %	500	500
Cultural Facilities & Capitol Resources Fund .5 %	128	128
Capitol Dome & Capitol Improvements Fund .5 %	128	128
Worker's Compensation Debt Reduction Fund 7 %	5,290	5,290
Total nonoperating distributions	\$30,982	\$30,982

NOTE 7 - LIMITED VIDEO LOTTERY

Limited video lottery legislation passed in 2001 has established specific requirements imposing certain restrictions limiting the licensing for the operation of limited video lottery games to 9,000 terminals placed in licensed retailers. These licensed retailers must hold a qualifying permit for the sale and consumption on premises of alcohol or non-intoxicating beer. The Lottery has been charged with the administration, monitoring and regulation of these machines. The legislation further stipulates the distribution of revenues from the limited video lottery games, and requires any licensees to comply with all related rules and regulations of the Lottery in order to continue its retailer status. The Limited Video Lottery legislation stipulates that 2% of gross terminal income be deposited into the state lottery fund for administrative costs. Then, the state share percentage of gross profit is to be transferred to the State Excess Lottery Revenue Fund. Such percentage is between 30 and 50 percent and is subject to change on a quarterly basis. Two percent is distributed to counties and incorporated municipalities in the manner prescribed by the statute. The remaining amount of gross profit is paid to retailers and/or operators as prescribed in the Act, and is recorded as limited video lottery commissions in the financial statements. Municipal and county distributions are accounted for as nonoperating expenses. A summary of limited video lottery revenues for the month ended July 31, 2008 and year-to-date follows (in thousands):

	Current	<u>Month</u>	Year- to	-Date
	<u>2008</u>	<u>2007</u>	<u>2008</u>	<u>2007</u>
Total credits played	\$418,637	\$396,544	\$418,637	\$396,544
Credits (prizes) won	(384,063)	(364,146)	(384,063)	(364,146)
Gross terminal income	\$34,574	\$32,398	\$34,574	\$32,398
Administrative costs	(692)	(648)	(692)	(648)
Gross Profit	33,882	\$31,750	\$33,882	\$31,750
Commissions	(16,941)	(15,875)	(16,941)	(15,875)
Municipalities and Counties	(677)	(635)	(677)	(635)
Limited video lottery revenues	\$16,264	\$15,240	\$16,264	\$15,240

NOTE 8 – TABLE GAMES

Table Games legislation passed in 2007 per House Bill 2718. Table games include blackjack, roulette, craps, and various types of poker. Each racetrack licensee is subject to a privilege tax of thirty five percent (35%) of adjusted gross receipts which will be deposited weekly into the Racetrack Table Games Fund.

From the gross amounts deposited into the Racetrack Table Games Fund, the Commission, on a monthly basis shall:

Retain 3% of the adjusted gross receipts for administrative expenses of which at least \$100,000 and not more than \$500,000 annually will be transferred to the Compulsive Gambling Treatment Fund. Transfer two and one-half percent of adjusted gross receipts from all thoroughbred racetracks with West Virginia

NOTE 8 - TABLE GAMES (continued)

Lottery table games to the special funds established by each thoroughbred racetrack table games licensee for the payment of regular racetrack purses to be divided equally among each licensee and transfer two and one-half percent of adjusted gross receipts from all greyhound racetracks with West Virginia Lottery table games to the special funds established by each greyhound racetrack table games licensee for the payment of regular racetrack purses to be divided equally among each licensee. Transfer two percent of the adjusted gross receipts from all licensed racetracks to the Thoroughbred Development Fund and the Greyhound Breeding Development Fund to be divided pro rata among the development funds. Transfer one percent of the adjusted gross receipts from each licensed racetrack to the counties where racetracks with West Virginia Lottery table games are located to be divided pro rata among the counties. Transfer two percent of the adjusted gross receipts from each licensed racetrack to the governing bodies of municipalities within counties where racetracks with West Virginia Lottery table games are located as prescribed by statute. And transfer one-half of one percent of the adjusted gross receipts to the governing bodies of municipalities in which a racetrack table games licensee is located to be divided equally among the municipalities. The Commission will distribute the remaining amounts, hereinafter referred to as the net amounts in the Racetrack Table Games Funds as follows:

- 1) Transfer four percent into a special fund to be established by the Racing Commission to be used for payment into the pension plan for all employees of each licensed racing association;
- 2) Transfer ten percent, to be divided and paid in equal shares, to each county commission in the state where table games are not located;
- 3) Transfer ten percent, to be divided and paid in equal shares, to the governing bodies of each municipality in the state where table games are not located; and
- 4) Transfer seventy-six percent to the State Debt Reduction Fund.

The cash transferred to the State Debt Reduction Fund in the current month is included in Note 9-Nonoperating Distributions to the State of West Virginia. The table games adjusted gross receipts for the month and year-to-date periods ended July 31, 2008 were \$7,772,867 and \$7,772,867, respectively. The following table shows the month and year -to- date totals of the privilege tax and the accrued distributions (in thousands) to be transferred in the subsequent month:

	Month ($\underline{\text{YTD}}$
Table Games Privilege Tax	\$ 2,720	\$2,720
Interest on Table Games Fund	3	3
Administrative Costs	(233)	(233)
Total Available for Distribution	2,490	2,490
Less Distributions:		
Racetrack Purse Funds	194	194
Thoroughbred & Greyhound Development Funds	155	155
Racing Commission Pension Plan	75	75
Municipalities/Counties	646	<u>646</u>
Total Distributions	1,070	1,070
State Debt Reduction Fund	\$ 1,420	\$ 1,420

NOTE 9- NONOPERATING DISTRIBUTIONS TO THE STATE OF WEST VIRGINIA

The Lottery periodically distributes surplus funds, exclusive of amounts incurred and derived from limited video lottery and a portion of racetrack video lottery funds, to the State of West Virginia in accordance with the legislation. For the year ending June 30, 2009 the State Legislature budgeted \$168,151,542 of estimated profits of the Lottery for distributions to designated special revenue accounts of the State of West Virginia. With regard to the State Lottery Fund, legislation stipulates that debt service payments be given a priority over all other transfers in instances where estimated profits are not sufficient to provide for payment of all appropriated distributions. Debt service payments of \$1,800,000 and \$1,000,000 per month for the first ten months of each fiscal year currently have such priority. Transfers made pursuant to the State Excess Lottery Revenue Fund have similar requirements; currently payments are \$2,900,000 per month for the first ten months of each fiscal year, with \$1,000,000 of this amount beginning September 2004. In addition, Legislation provides that, if in any month, there is a shortage of funds in the State Excess Lottery Revenue Fund to make debt service payments, the necessary amount shall be transferred from the State Lottery Fund to cover such shortfall, after the State Lottery Fund debt service payments have been made. Repayments to the State Lottery Fund are required to be made in subsequent months as funds become available. During the month ended July 31, 2008 the Lottery made such distributions and accrued additional distributions of \$45,323,456. The Lottery is a non-appropriated state agency and therefore does not have a budget adopted by the Legislature. Since the enactment of the Racetrack Video Lottery Act, the Lottery is also statutorily required to distribute income from racetrack video lottery operations as described in Note 6. As of July 31, 2008 the Lottery accrued additional distributions relating to racetrack video lottery operations of \$2,881,101.

Note 7 describes the Limited Video Lottery Act and the statutory distributions required to be made from limited video lottery operations. Note 8 describes the Table Games Act and the statutory distributions required to be made from table games operations.

A summary of the cash distributions made to certain state agencies to conform to the legislation follows (in thousands):

BUDGETARY DISTRIBUTIONS	July 31, 2008	Year-to-Date
State Lottery Fund:		
Bureau of Senior Services	\$ 16,188	\$ 16,188
Department of Education	9,686	9,686
Library Commission	3,180	3,180
Higher Education-Policy Commission	3,041	3,041
Tourism	2,191	2,191
Natural Resources	961	961
Division of Culture & History	1,619	1,619
Department of Education & Arts	334	334
Building Commission	1,000	1,000
School Building Authority	1,800	1,800
Total State Lottery Fund	\$ 40,000	\$ 40,000

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NOTE 9- NONOPERATING DISTRIBUTIONS TO THE STATE OF WEST VIRGINIA (continued)

State Excess Lottery Revenue Fund:		
Economic Development Fund	\$ 1,900	\$ 1,900
Higher Education Improvement Fund	1,000	1,000
General Purpose Account	- -	•
Higher Education Improvement Fund	_	_
State Park Improvement Fund	₩	_
School Building Authority	_	-
Refundable Credit	=	
Excess Lottery Surplus	_	_
West Va. Infrastructure Council	-	_
Total State Excess Lottery Revenue Fund	\$ 2,900	\$ 2,900
Total State Liness Bottery Revenue I and	Ψ 2,500	Ψ 2,500
Total Budgetary distributions:	<u>\$ 42,900</u>	\$ 42,900
Veterans Instant Ticket Fund	\$ 153	\$ 153
Other Racetrack Video Lottery distributions:		
Tourism Promotion Fund 1.375%	\$ 937	\$ 937
Development Office Promotion Fund .375%	255	255
Research Challenge Fund .5%	341	341
Capitol Renovation & Improvement Fund .6875%	468	468
Parking Garage Fund .0625 %	43	43
Parking Garage Fund 1 %	494	494
Cultural Facilities & Cap. Resources Fund .5%	-	-
Capitol Dome & Cap. Improvements Fund .5%	188	188
Workers Compensation Debt Reduction Fund 7%	3,456	3,456
Total	\$ 6,182	\$ 6,182
Table Games State Debt Reduction Fund	\$ 1,112	1,112
Total nonoperating distributions to the	·	
State of West Virginia (cash basis)	\$ 50,347	\$ 50,347
Accrued nonoperating distributions, beginning	(166,967)	(166,967)
Accrued nonoperating distributions, end	171,676	171,676
Total nonoperating distributions to the		
State of West Virginia	\$ 55,056	\$ 55,056
The state of the s	¥ 55,050	

NOTE 10 – RESTRICTED NET ASSETS

On June 14, 2006, House Bill 106 was enacted by the West Virginia State Legislature to set aside unexpended administrative expenses of the Lottery up to the limits for such expenses established by the enabling legislation of traditional, racetrack video lottery, and limited video lottery games in an amount not to exceed \$20,000,000 beginning in fiscal year 2006 and each year through fiscal year 2012. These assets are to be set aside for the design and construction of a building for the use of the Lottery and certain other State of West Virginia governmental entities. The lottery contributed \$16,305,938 to the fund for fiscal year 2008 plus related interest of \$1,354,095.

NOTE 11 – COMMITMENTS

The Lottery Commission has set aside funds as unrestricted net assets for the acquisition of future assets. As of June 30, 2008, a balance of \$5,497,770 is available for this purpose.

NOTE 12 - DEFERRED JACKPOT OBLIGATIONS AND INVESTMENTS HELD IN TRUST

Prior to becoming a member of the Multi-State Lottery in 1988, the prize structure of certain games operated solely by the Lottery included jackpot prizes. The Lottery, at its discretion, could choose to award such prizes in the form of either a lump sum payment or in equal installments over a period of 10 or 20 years, through July 31, 2008, the Lottery has awarded twenty-one deferred jackpot prizes totaling approximately \$28,868,786. Deferred prize awards were recognized as prize liabilities equivalent to the present value of future prize payments discounted at interest rates for government securities in effect on the date prizes were won. The imputed interest portion of the deferred prize is calculated using the effective interest method at rates ranging from 7.11% to 9.13%.

A summary of the present value of the remaining obligations for deferred jackpot prize awards follows (in thousands):

•	July 31, 2008	June 30, 2008
Present value of deferred prize award obligations:		
Discounted obligations outstanding	\$ 120	\$ 120
Imputed interest accrued	<u> </u>	9
	129	129
Less current portion of discounted		
obligations and accrued interest	<u>(129)</u>	(129)
Long-term portion of deferred prize		
award obligations	<u>\$</u>	<u>\$ -</u>

NOTE 12 - DEFERRED JACKPOT OBLIGATIONS AND INVESTMENTS HELD IN TRUST (continued)

Future cash payments on deferred prize obligations for the remaining year are as follows (in thousands):

Year Ended	Original Discounted Obligations Outstanding	Imputed Interest	<u>Total</u>
June 30, 2009*	\$ 120	10	<u>130</u>
	\$ 120	\$ 10	\$ 130

^{*}Due 8/15/2008

The Lottery has purchased long-term investments consisting principally of zero coupon government securities to fund deferred jackpot prize award obligations. Such investments are maintained in a separate trust fund administered by the West Virginia Board Of Treasury Investments on behalf of the Lottery and the jackpot prize winners, with investment maturities approximating deferred prize obligation installment due dates. Investments are carried at fair value determined by quoted market prices for the specific obligation or for similar obligations. Changes in fair value are included as part of investment income. In accordance with Statement No. 3 of the Government Accounting Standards Board, these investments are classified as to level of risk in Category 1, which includes investments that are insured or registered, or for which the securities are held by the State or its agent in the State's name.

NOTE 13 - RETIREMENT BENEFITS

All full-time Lottery employees are eligible to participate in the State of West Virginia Public Employees' Retirement System (PERS), a cost-sharing multiple-employer defined benefit public employee retirement system. The PERS is one of several plans administered by the West Virginia Consolidated Public Retirement (CPRB) under the direction of its Board of Trustees, which consists of the Governor, State Auditor, State Treasurer, Secretary of the Department of Administration, and nine members appointed by the Governor. CPRB prepares separately issued financial statements covering all retirement systems it administers, which can be obtained from Consolidated Public Retirement Board, Building 5, Room 1000, State Capitol Complex, Charleston, West Virginia 25305-0720.

Employees who retire at or after age sixty with five or more years of contributory service or who retire at or after age fifty-five and have completed twenty-five years of credited service with age and credited service equal to eighty or greater are eligible for retirement benefits as established by State statute. Retirement benefits are payable monthly for life, in the form of a straight-line annuity equal to two percent of the employee's average annual salary from the highest 36 consecutive months within the last 10 years of employment, multiplied by the number of years of the employee's credited service at the time of retirement.

NOTE 13 - RETIREMENT BENEFITS (continued)

Covered employees are required to contribute 4.5% of their salary to the PERS. The Lottery is required to contribute 10.5% of covered employees' salaries to the PERS. The required employee and employer contribution percentages have been established and changed from time to time by action of the State Legislature. The required contributions are not actuarially determined; however, actuarial valuations are performed to assist the Legislature in determining appropriate contributions. The Lottery and employee contributions, for the period ending July 31, 2008 are as follows (in thousands):

	July 31, 2008	Year-to Date
Lottery contributions	\$52	\$52
Employee contributions	25	25
Total contributions	\$77	\$77

NOTE 14 - RISK MANAGEMENT

The Lottery is exposed to various risks of loss related to torts; theft of, or damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Lottery participates in several risk management programs administered by the State of West Virginia. Each of these risk pools have issued separate audited financial reports on their operations. Those reports include the required supplementary information concerning the reconciliation of claims liabilities by type of contract and tenyear claim development information. Complete financial statements of the individual insurance enterprise funds can be obtained directly from their respective administrative offices.

WEST VIRGINIA WORKERS' COMPENSATION COMMISSION (WCC)

The State of West Virginia operated an exclusive state-managed workers' compensation insurance program (WCC) prior to December 31, 2005. A framework for the privatization of workers' compensation insurance in West Virginia was established with the passage of Senate Bill 1004 and the WCC trust fund was terminated effective December 31, 2005. A privatized business entity, BrickStreet Administrative Services (BAS), was established and became the administrator of the WCC Old Fund, beginning January 1, 2006, and thereafter for seven years, and will have all administrative and adjudicatory authority previously vested in the WCC trust fund in administering old law liabilities and otherwise processing and deciding old law claims. BAS will be paid a monthly administrative fee and rated premium to provide a prompt and equitable system for compensation for injury sustained in the course of and growing out of employment. The monthly administrative fee for the West Virginia Lottery has been set at a level consistent with prior year payments and the new rate or premium will be established on an experience rated basis. The West Virginia Lottery is required to participate in the new BrickStreet Administrative Services (BAS) experience rated pool, which is expected to be rate adjusted on a quarterly basis.

PUBLIC EMPLOYEES' INSURANCE AGENCY (PEIA)

The Lottery participates in the Public Employees' Insurance Agency which provides an employee benefit insurance program to employees. PEIA was established by the State of West Virginia for State

NOTE 14 - RISK MANAGEMENT (continued)

agencies, institutions of higher educations, Boards of Education and component units of the State. In addition, local governmental entities and certain charitable and public service organizations may request to be covered by PEIA. PEIA provides a base employee benefit insurance program which includes hospital, surgical, major medical, prescription drug and basic life and accidental death. Underwriting and rate setting policies are established by PEIA. The cost of all coverage as determined by PEIA shall be paid by the participants. Premiums are established by PEIA and are paid monthly, and are dependent upon, among other things, coverage required, number of dependents, state vs. non state employees and active employees vs. retired employees and level of compensation. Coverage under these programs is limited to \$1 million lifetime for health and \$10,000 of life insurance coverage.

The PEIA risk pool retains all risks for the health and prescription features of its indemnity plan. PEIA has fully transferred the risks of coverage to the Managed Care Organization (MCO) Plan to the plan provider, and has transferred the risks of the life insurance coverage to a third party insurer. PEIA presently charges equivalent premiums for participants in either the indemnity plan or the MCO Plan. Altogether, PEIA insures approximately 205,000 individuals, including participants and dependents.

BOARD OF RISK AND INSURANCE MANAGEMENT (BRIM)

The Lottery participates in the West Virginia Board of Risk and Insurance Management (BRIM), a common risk pool currently operating as a common risk management and insurance program for all State agencies, component units, and other local governmental agencies who wish to participate. The Lottery pays an annual premium to BRIM for its general insurance coverage. Fund underwriting and rate setting policies are established by BRIM. The cost of all coverage as determined by BRIM shall be paid by the participants. The BRIM risk pool retains the risk of the first \$1 million per property event and purchases excess insurance on losses above that level. Excess coverage, through an outside insurer under this program is limited to \$200 million per event, subject to limits on certain property. BRIM has \$1 million per occurrence coverage maximum on all third-party liability claims.

NOTE 15 - OTHER POSTEMPLOYMENT BENEFITS (OPEB)

The GASB has issued Statement No. 43, "Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans," and Statement No. 45, "Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions" (OPEB). The State nor the Lottery has previously reported in its financial statements costs associated with future participation of retirees in health benefit plans. The GASB statements are based on the premise that the "costs" of employee services should be reported during the periods when the services are rendered. Beginning with fiscal year ending June 30, 2008, the State will implement accounting and financial reporting requirements as an employer under GASB Statement No. 45. The financial statements will report OPEB funded status and funding progress and any "premium subsidy" resulting from the pooling of retiree participants with active employees in the health benefit plans. For "employer" OPEB reporting the State will report "expense" on an accrual basis in the amount of the "annual required contribution" and a "liability" for the amount of the "annual required contribution" that was not actually paid.

NOTE 15 - OTHER POSTEMPLOYMENT BENEFITS (continued)

Funds have not been set aside to pay future costs of retirees, but the Legislature in response to the GASB statements, has made statutory changes to create the West Virginia Retiree Health Benefit Trust Fund (RHBT), an irrevocable trust fund, in which employer contributions for future retiree health costs may be accumulated and invested, and which is expected to facilitate the separate financial reporting of OPEB. The legislation requires the RHBT to determine through an actuarial study, as prescribed by GASB No. 43, the ARC(Annual Required Contribution) which shall be sufficient to maintain the RHBT in an actuarially sound manner. The ARC shall be allocated to respective employers including the Lottery who are required by law to remit at least the minimum annual premium component of the ARC. Revenues collected by RHBT shall be used to fund current OPEB healthcare claims and administrative expenses with residue funds held in trust for future OPEB costs. The Annual Required Contribution rate is \$461.06 per employee per month. Through June 30, 2008, the Lottery has paid premiums of \$98,625 and the State of West Virginia, through its General Revenue Fund on the Lottery's behalf, has paid \$472,247 towards the Annual Required Contribution. As of June 30, 2008 the Lottery carried a liability of \$10,073 on its balance sheet for OPEB.

NOTE 16 - NEW ACCOUNTING PRONOUNCEMENTS

The Governmental Accounting Standards Board (GASB) issued Statement No. 50, Pension Disclosures, an amendment of GASB Statements No. 25 and No. 27, in 2007. This Statement more closely aligns the financial reporting requirements for pensions with those for other postemployment benefits (OPEB) and, in doing so, enhances information disclosed in notes to financial statements or presented as required supplementary information (RSI) by pension plans and by employers that provide pension benefits. The reporting changes required by this Statement amend applicable note disclosure and RSI requirements of Statements No. 25, Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans, and No. 27, Accounting for Pensions by State and Local Governmental Employers, to conform with requirements of Statements No. 43, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans, and No. 45, Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions. This Statement is effective for periods beginning after June 15, 2007, and management has not yet determined what impact, if any, it will have on the financial statements.