

## CHAPTER FIVE

### GAMING TAX

#### § 1. Short Title

This chapter shall be known as the Absentee Shawnee Gaming Tax.

#### § 2. Definitions

For the purpose of this chapter:

- (a) "Free Cash Flow" means earnings before interest, taxes, depreciation and amortization less loan payments less capital expenditures.
- (b) "Gaming Facility" means any location where gaming is conducted.
- (c) "Operator" means the person or business entity responsible for the management and control of the day to day operations of any one or more of the gaming facilities.

#### § 3. Imposition of Tax

- (a) A gaming tax is hereby assessed as follows:

Each gaming facility shall pay one hundred percent (100%) of the first two hundred thousand dollars (\$200,000.00) of free cash flow per month;

and

Each gaming facility shall pay fifty percent (50%) of any free cash flow in excess of two hundred thousand dollars (\$200,000.00) per month.

#### § 4. Reporting and Collection Tax

Each operator shall make estimated payments on a weekly basis. The operator shall report on Gaming Tax forms provided by the Tax Commission. The

operator shall, on or before the last day of the month following the reporting period, prepare the return for the preceding month setting forth the play or pool collected for each gaming activity and the amount of gaming tax due thereon, and such other information as the Commission may require. Gaming tax, less estimated payments, shall not be considered late until the last day of the following month.

*Amendments:*

*12/21/05 by Resolution LAS-2005-51, and;*

*2/1/08 by Resolution LAS-2008-06.*

§ 5. Audits

Operators shall make available to the Tax Commission any and all records necessary to enable the Tax Commission to conduct audits of the facilities, receipts and tax payments whenever the Commission so requests. In addition, the operator shall provide the Tax Commission with an annual audit(s) conducted by an independent accounting firm within six (6) months following the close of the operator's fiscal year.

*Amendments:*

*9/11/02 by Resolution LAS-2002-37, and;*

*12/21/05 by Resolution LAS-2005-51, and;*

*2/1/08 by Resolution LAS-2008-06.*