

Amend Amendment No. 4 by McCall to CSHB 3928 by adding the following appropriately numbered items to read as follows and renumbering subsequent items accordingly:

(\_\_ ) On page 9, lines 12 and 13, strike "Sections 171.002(a), (b), (c), and (d), Tax Code, as effective January 1, 2008, are amended" and substitute "Section 171.002, Tax Code, as effective January 1, 2008, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (c-2)".

(\_\_ ) On page 10, line 3, between "(3)" and "the", insert "except as provided by Subsection (c-2),".

(3) On page 10, between lines 5 and 6, insert the following:

(c-2) A taxable entity that is a retail electric provider and that does not provide and is not affiliated with an entity that provides transmission and distribution utility service is primarily engaged in retail or wholesale trade.