| **House Bill 1056**  Senate Amendments  Section-by-Section Analysis | | |
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| HOUSE VERSION | SENATE VERSION (IE) | CONFERENCE |
| SECTION 1. Chapter 2116, Government Code, is amended by adding Subchapter D to read as follows:  SUBCHAPTER D. GOLD AND SILVER CURRENCY  Sec. 2116.101. DEFINITIONS. In this subchapter:  (1) "Gold and silver currency" means the representation of gold and silver specie and bullion held in the pooled depository account as established under this subchapter.  (2) "Pooled depository account" means the account established in the depository under Section 2116.104.  Sec. 2116.102. RULES. The comptroller may adopt rules as necessary or convenient to implement this subchapter, including rules to:  (1) ensure the security of gold or silver specie or bullion, gold and silver currency, transactions, and related data;  (2) prevent fraud; and  (3) prohibit transactions involving foreign countries or entities known to engage in illegal or terroristic activities.  Sec. 2116.103. ESTABLISHMENT. (a) As authorized by Section 10, Article I, United States Constitution, to the extent the comptroller determines practicable and subject to Subsection (a-1), the comptroller shall:  (1) establish and provide for the issuance of gold and silver specie; and  (2) establish and issue a currency based on gold and silver that represents a particular fraction of a troy ounce of gold or silver, as applicable, held in trust as provided by this subchapter.  (a-1) Authority to implement this subchapter is contingent on a ruling by a federal court of competent jurisdiction subsequent to the enactment of this subchapter, by final and unappealable order, that it is within state authority to issue specie and issue currency as described in this subchapter. No court of the state of Texas shall be deemed to be a court of competent jurisdiction for purposes of this subsection. For the purpose of this subsection, the Supreme Court of the United States, the United States Court of Appeals for the Fifth Circuit, and United States district courts with jurisdiction in the state of Texas are federal courts of competent jurisdiction.  (b) The comptroller may contract with a private vendor to establish the gold and silver currency under Subsection (a)(2) or perform other duties under this subchapter. To the extent consistent with state and federal law, in contracting with a private vendor under this subsection the comptroller shall give preference to a vendor whose principal place of business is in this state. The contract may provide for the vendor to pay the initial costs associated with establishing the currency and be reimbursed from fees collected under this subchapter.  (c) In establishing gold and silver specie under Subsection (a)(1), the comptroller shall:  (1) authorize the depository as this state's exclusive issuer; and  (2) ensure that the holder of the specie may:  (A) use the specie as legal tender in payment of debt; and  (B) readily transfer the specie to another person.  (d) In establishing the gold and silver currency under Subsection (a)(2), the comptroller shall provide a means to ensure that a person who holds the currency may:  (1) use the currency as legal tender in payment of debt; and  (2) by electronic means readily transfer or assign the currency to another person.  Sec. 2116.104. POOLED DEPOSITORY ACCOUNT. (a) The comptroller, serving as trustee, or another person the comptroller appoints to serve as trustee, shall hold in trust on behalf of gold and silver currency holders all gold and silver specie and bullion owned or purchased for the purposes of issuing the currency. The trustee shall maintain enough gold and silver specie or bullion to provide for the redemption of all units of the currency issued but not redeemed.  (b) The trustee shall establish a pooled depository account in the depository to hold in trust as trustee on behalf of gold and silver currency holders all gold and silver specie and bullion owned and allocated or purchased for purposes of issuing the currency.  Sec. 2116.105. ISSUANCE OF GOLD AND SILVER CURRENCY. (a) The comptroller may issue to a person the appropriate number of units and fractional units of gold and silver currency when the person, together with any fee charged under Section 2116.110:  (1) makes the appropriate payment to the comptroller for the comptroller to purchase gold or silver specie or bullion for the pooled depository account to be represented by the currency; or  (2) designates gold or silver specie or bullion held in a depository account to be transferred to the pooled depository account for the purpose of being represented by the currency.  (b) On receiving payment under Subsection (a)(1), the comptroller shall:  (1) using the money received, purchase gold or silver specie or bullion in the number of fractional troy ounces equal to the number of units or fractional units of gold and silver currency to be issued to the person under Subsection (a);  (2) deposit for the person the gold or silver specie or bullion purchased under Subdivision (1) into the pooled depository account; and  (3) issue to the person a gold and silver currency account with the depository, or, if applicable, add to an existing gold and silver currency account held by the person with the depository, the number of units or fractional units of gold and silver currency equal to the amount of specie or bullion that the money received from the person would buy on the date the payment is received.  (c) On receiving a person's designation under Subsection (a)(2), the comptroller shall:  (1) withdraw from the person's depository account the amount of gold or silver specie or bullion designated and deposit the specie or bullion for the person to the pooled depository account; and  (2) issue to the person a gold and silver currency account with the depository, or, if applicable, add to an existing gold and silver currency account held by the person with the depository, the number of units or fractional units of gold and silver currency equal to the amount of gold or silver specie or bullion that the pooled depository account received from the person on that date.  Sec. 2116.106. REDEMPTION OF GOLD AND SILVER CURRENCY FOR UNITED STATES DOLLARS. (a) A person who holds gold and silver currency may present to the comptroller any number of units or fractional units of the currency to redeem for United States dollars.  (b) On receipt of a person's request for redemption, the comptroller shall:  (1) sell from the gold or silver specie or bullion held in the pooled depository account a number of fractional troy ounces equal to the number of units or fractional units of gold and silver currency being redeemed; and  (2) provide to the person an amount of United States dollars equal to the amount received from the sale of the gold and silver specie or bullion under Subdivision (1), less the amount of any fee charged under Section 2116.110.  Sec. 2116.107. REDEMPTION OF GOLD AND SILVER CURRENCY FOR SPECIE OR BULLION. (a) A person who holds gold and silver currency may present to the comptroller any number of units or fractional units of the currency to redeem for an equal fractional number of troy ounces of gold or silver specie or bullion from the pooled depository account.  (b) On receipt of a request for redemption, the comptroller shall:  (1) withdraw the equivalent fractional number of troy ounces of gold or silver specie or bullion from the pooled depository account; and  (2) on the payment of a fee charged under Section 2116.110, deliver the gold or silver specie or bullion to the requestor as requested.  Sec. 2116.108. VALUE OF GOLD AND SILVER CURRENCY. (a) At the time of each transaction involving the issuance or redemption of gold and silver currency, the comptroller shall determine the value of a unit of the currency.  (b) The value of a unit of gold and silver currency at the time of a transaction must be equal to the value of the appropriate fraction of a troy ounce of gold or silver, respectively, at the time of that transaction as published by the depository.  Sec. 2116.109. CERTAIN MONEY AND DEPOSITS HELD IN TRUST AND NOT SUBJECT TO LEGISLATIVE APPROPRIATION. Money received under Section 2116.105(a), gold or silver specie or bullion purchased or deposited in the pooled depository account as provided by Section 2116.105(b) or (c), and money received from the sale of gold or silver specie or bullion in the pooled depository account in response to a request for redemption under Section 2116.106 is:  (1) held by the comptroller as trustee outside the state treasury on the behalf of persons who hold gold and silver currency; and  (2) not available for legislative appropriation.  Sec. 2116.110. FEE. The comptroller may establish a fee for the issuance or redemption of gold and silver currency to cover the comptroller's costs in administering this subchapter and an industry standard merchant fee for use. The fee established by the comptroller to cover the costs may not exceed the industry standard merchant fee. The comptroller shall determine the amount of the industry standard merchant fee based on a review of customary industry practices. The comptroller shall deposit the net fee proceeds after costs to the credit of the general revenue fund. | No equivalent provision.[Deleted by FA1]. *(But see where noted below.)*  *(See SECTION 1, Sec. 2116.104 below.)*  *(See SECTION 1, Sec. 2116.101(a) below.)*  *(See SECTION 1, Sec. 2116.103 below.)*  *(See SECTION 1, Sec. 2116.104(2) below.)*  *(See SECTION 1, Sec. 2116.104(3) below.)* |  |
| No equivalent provision. *(But see where noted below.)*  *(See SECTION 1, Sec. 2116.103(a) above.)*  *(See SECTION 1, Sec. 2116.103(b) above.)*  *(See SECTION 1, Sec. 2116.102 above.)*  *(See SECTION 1, Sec. 2116.108 above.)*  *(See SECTION 1, Sec. 2116.110 above.)* | SECTION 1. Chapter 2116, Government Code, is amended by adding Subchapter D to read as follows:  SUBCHAPTER D. GOLD AND SILVER SPECIE AND CURRENCY  Sec. 2116.101. LEGAL TENDER. (a) To the extent authorized by Section 10, Article I, United States Constitution, gold and silver specie that meet the requirements of this section are legal tender in this state.  (b) To be legal tender in this state, gold and silver specie:  (1) must be imprinted, stamped, or otherwise marked with the specie's weight and purity and may be imprinted, stamped, or otherwise marked with a name or symbol that identifies a refiner or mint of the specie; and  (2) except for the information described by Subdivision (1), may not be imprinted, stamped, or otherwise marked with any name, symbol, or other information or design, including any suggestion that the specie has been minted or issued by a government.  (c) This section does not:  (1) restrict the electronic transfer of gold and silver specie or gold and silver currency as legal tender for the payment of a debt;  (2) apply to United States coins or currency issued or recognized under federal law; or  (3) prohibit or limit the legal tender, acceptance, or use of Federal Reserve notes in the payment of a debt.  (d) A person may not be required to offer or accept gold and silver specie or gold and silver currency as legal tender for the payment of a debt, for deposit, or for any other purpose.  Sec. 2116.102. TRANSACTIONAL CURRENCY. The comptroller may establish or authorize one or more electronic systems that enable a depositor or vendor to make and receive payments using a currency backed by gold and silver bullion held in the depository.  Sec. 2116.103. CONTRACTING. The comptroller may contract with one or more vendors to implement this subchapter. To the extent consistent with state and federal law, in contracting with a vendor under this section, the comptroller shall give preference to a vendor whose principal place of business is in this state.  Sec. 2116.104. RULES. The comptroller shall adopt rules as necessary or convenient to implement and administer this subchapter, including rules to:  (1) provide for the security of transactions in gold and silver specie and gold and silver currency and related information;  (2) determine the value of the gold and silver currency described by Section 2116.102 at the time of a transaction or in a commercially reasonable manner;  (3) establish a fee that is reasonable and necessary to administer this subchapter;  (4) authorize and approve vendors, including financial institutions, to provide an electronic system described by Section 2116.102; and  (5) adopt policies and procedures to prevent:  (A) fraud; and  (B) transactions in gold and silver specie or gold and silver currency involving a foreign adversary, or a person associated with a foreign adversary, as determined under 15 C.F.R. Section 791.4. [FA1] |  |
| SECTION 2. This Act takes effect September 1, 2025. | SECTION 2. (a) Except as provided by Subsection (b) of this section, this Act takes effect May 1, 2027. [FA2]  (b) Section 2116.101, Government Code, as added by this Act, takes effect September 1, 2026. [FA2] |  |