

By: Schwertner, et al.

S.B. No. 21

A BILL TO BE ENTITLED

AN ACT

relating to the establishment and administration of the Texas Strategic Bitcoin Reserve for the purpose of investing in cryptocurrency and the investment authority of the comptroller of public accounts over the reserve and certain other state funds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Strategic Bitcoin Reserve and Investment Act.

SECTION 2. Chapter 403, Government Code, is amended by adding Subchapter V to read as follows:

SUBCHAPTER V. TEXAS STRATEGIC BITCOIN RESERVE

Sec. 403.701. DEFINITIONS. In this subchapter:

(1) "Airdrop" means a gratuitous distribution of cryptocurrency to persons who hold cryptocurrency, generally made in a broad, equitable, and nondiscretionary manner.

(2) "Bitcoin" means a type of decentralized cryptocurrency created by a peer-to-peer network that operates independently of any central authority or bank.

(3) "Cold storage" means a method of storing private keys required to engage in transactions involving cryptocurrency that:

(A) has a nexus to a secure physical location;

(B) is protected from unauthorized access; and

(C) is isolated from any Internet network

1 connections.

2 (4) "Cryptocurrency" means a type of virtual currency
3 that utilizes cryptography to secure transactions that are
4 digitally recorded on a distributed ledger, such as a blockchain.

5 (5) "Fork" means a change to the consensus mechanism
6 of a distributed ledger that creates a separate ledger, which may
7 result in a new cryptocurrency that shares a common transaction
8 history with the previous cryptocurrency up to the point of the
9 change.

10 (6) "Qualified custodian" means a state or federally
11 chartered financial institution or other entity regulated by this
12 state that has custody of a virtual currency.

13 (7) "Reserve" means the Texas Strategic Bitcoin
14 Reserve established under this subchapter.

15 (8) "Virtual currency" has the meaning assigned by
16 Section 12.001, Business & Commerce Code.

17 Sec. 403.702. LEGISLATIVE FINDINGS; PURPOSE. The
18 legislature finds that:

19 (1) bitcoin and other cryptocurrencies are assets with
20 strategic potential for enhancing this state's financial
21 resilience;

22 (2) bitcoin and other cryptocurrencies can serve as a
23 hedge against inflation and economic volatility; and

24 (3) the establishment of a strategic bitcoin reserve
25 serves the public purpose of providing enhanced financial security
26 to residents of this state.

27 Sec. 403.703. ESTABLISHMENT AND ADMINISTRATION OF RESERVE.

1 (a) The Texas Strategic Bitcoin Reserve is established as a special
2 fund outside the state treasury. The comptroller has custody of and
3 shall administer and manage the reserve. The reserve consists of:

4 (1) money transferred or deposited to the credit of
5 the reserve by legislative appropriation;

6 (2) revenue that the legislature by general law
7 dedicates for deposit to the credit of the reserve;

8 (3) subject to Section 403.704, bitcoin and other
9 cryptocurrency purchased using money in or received by the reserve,
10 including any cryptocurrency:

11 (A) derived from the fork of a distributed
12 ledger; or

13 (B) distributed pursuant to an airdrop to the
14 state's cryptocurrency addresses; and

15 (4) investment earnings and interest or rewards earned
16 on assets in the reserve.

17 (b) In its administration and management of the reserve, the
18 comptroller may acquire, exchange, sell, supervise, manage, or
19 retain any kind of investment that a prudent investor exercising
20 reasonable care, skill, and caution would acquire, exchange, sell,
21 supervise, manage, or retain in light of the purposes, terms,
22 distribution requirements, and other circumstances then prevailing
23 for the reserve, taking into consideration the investment of all
24 the assets of the reserve rather than a single investment.

25 (c) The legislature may appropriate funds for deposit to the
26 credit of the reserve for the purposes of:

27 (1) investing in bitcoin or other cryptocurrency; and

1 (2) administering and managing the reserve.

2 (d) The comptroller may spend bitcoin or other
3 cryptocurrency in the reserve or use the net proceeds from the sale
4 of bitcoin or other cryptocurrency in the reserve to pay the
5 reasonable costs associated with administering and managing the
6 reserve.

7 (e) Money in the reserve may be invested with the state
8 treasury pool.

9 (f) Except as provided by Section 403.706, the comptroller
10 may not transfer money in the reserve to the state treasury unless
11 authorized by the legislature in the General Appropriations Act or
12 another law.

13 Sec. 403.704. MARKET CAPITALIZATION REQUIREMENT. Bitcoin
14 or other cryptocurrency purchased using money in the reserve must
15 have an average market capitalization of at least \$500 billion over
16 the most recent 12-month period.

17 Sec. 403.705. THIRD-PARTY CONTRACTS; AUDITS. (a) The
18 comptroller may contract with one or more third-party entities for
19 the administration or management of the reserve, including
20 contracting with a qualified custodian who employs secure custodial
21 technologies, including cold storage.

22 (b) The comptroller may contract with a certified public
23 accountant to perform an independent audit of the reserve.

24 Sec. 403.706. TEMPORARY TRANSFER FOR CASH MANAGEMENT. (a)
25 The comptroller may liquidate the reserve's assets and temporarily
26 transfer money from the reserve to the state treasury if necessary
27 for the purposes described by Section [403.092](#).

1 (b) The comptroller shall, as soon as practicable after the
2 date of a transfer under Subsection (a), return the transferred
3 money to the reserve along with the interest, if any, earned on the
4 money while held in the state treasury.

5 Sec. 403.707. TEXAS STRATEGIC BITCOIN RESERVE ADVISORY
6 COMMITTEE. (a) In this section, "committee" means the Texas
7 Strategic Bitcoin Reserve advisory committee.

8 (b) The committee is composed of the following five members:

9 (1) the comptroller;

10 (2) one member of the comptroller's investment
11 advisory board established under Section 404.028, appointed by the
12 comptroller; and

13 (3) three members with expertise in cryptocurrency
14 investments, appointed by the comptroller.

15 (c) The committee shall advise the comptroller regarding
16 the administration and management of the reserve, including:

17 (1) recommendations for valuing assets in the reserve;
18 and

19 (2) the establishment of prudent investment policies
20 relating to the investment objectives of and asset allocation in
21 the reserve.

22 (d) A member of the committee is not entitled to receive
23 compensation for service on the committee or reimbursement for
24 expenses incurred in the performance of official duties as a member
25 of the committee.

26 (e) Members of the committee appointed by the comptroller
27 serve at the will of the comptroller.

1 (f) Chapter 2110 does not apply to the committee.

2 Sec. 403.708. BIENNIAL REPORT. Not later than December 31
3 of each even-numbered year, the comptroller shall publish on the
4 comptroller's Internet website and submit to the legislature a
5 report that includes:

6 (1) the amount of bitcoin and other cryptocurrency
7 held in the reserve on the last day of the preceding state fiscal
8 biennium;

9 (2) an estimate of the monetary value of the bitcoin
10 and other cryptocurrency held in the reserve on the last day of the
11 preceding state fiscal biennium;

12 (3) the changes, if any, in the amount and estimated
13 monetary value of bitcoin and other cryptocurrency in the reserve
14 during the period the cryptocurrency has been held in the reserve,
15 disaggregated by cryptocurrency type; and

16 (4) a description of the actions taken by the
17 comptroller to administer and manage the reserve during the
18 preceding state fiscal biennium.

19 Sec. 403.709. RULES. The comptroller may adopt rules as
20 necessary to administer this subchapter.

21 SECTION 3. Section 2256.004(a), Government Code, is amended
22 to read as follows:

23 (a) This subchapter does not apply to:

24 (1) a public retirement system as defined by Section
25 802.001;

26 (2) state funds invested by the comptroller [~~as~~
27 ~~authorized by Section 404.024~~];

1 (3) an institution of higher education having total
2 endowments of at least \$150 million in book value on September 1,
3 2017;

4 (4) funds invested by the Veterans' Land Board as
5 authorized by Chapter 161, 162, or 164, Natural Resources Code;

6 (5) registry funds deposited with the county or
7 district clerk under Chapter 117, Local Government Code; or

8 (6) a deferred compensation plan that qualifies under
9 either Section 401(k) or 457 of the Internal Revenue Code of 1986
10 (26 U.S.C. Section 1 et seq.), as amended.

11 SECTION 4. As soon as possible after the effective date of
12 this Act, the comptroller of public accounts shall:

13 (1) adopt rules as necessary to implement this Act;
14 and

15 (2) appoint members to the Texas Strategic Bitcoin
16 Reserve advisory committee as required by Section 403.707,
17 Government Code, as added by this Act.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2025.