

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 488

2024 Regular Session

Wright

COMMERCE: Provides relative to blockchain and digital asset regulation

Synopsis of Senate Amendments

1. Removes certain prohibitions and limitations on political subdivisions and governing authority zoning restrictions.
2. Removes the ability of a digital asset mining business to appeal change in zoning to a court or proper jurisdiction. Further removes that the judge shall find a violation and nullify the change in zoning if the judge determines the change was done to discriminate against a digital asset mining business.
3. Removes limitation on liability related to specific transactions for individuals or entities that merely validate such transactions under certain circumstances.
4. Removes prohibition on digital asset businesses to offer a security or investment contract pursuant to present law.
5. Adds that nothing in proposed law shall restrict, impede, limit, exempt, or prohibit any person, entity, transaction, or conduct from the jurisdiction or application of present law.
6. Defines "interest" and "prohibited foreign party".
7. Adds that no prohibited foreign party shall acquire or hold any interest in a digital asset mining business in the state. Further adds that the attorney general may investigate and enforce proposed law.
8. Adds that a title to immovable property shall not be deemed invalid due to a violation of proposed law by any former owner of the property.
9. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Proposed law (R.S. 49:1501) establishes the "Blockchain Basics Act".

Proposed law (R.S. 49:1502) defines "blockchain", "blockchain protocol", "central bank digital currency", "consumer price index", "digital asset", "digital asset mining", "digital asset mining business", "governing authority", "hardware wallet", "home digital asset mining", "interest", "node", "nonfungible token", "prohibited foreign party", "self-hosted wallet", "staking", and "staking as a service".

Proposed law (R.S. 49:1503) prohibits a governing authority from accepting or requiring a payment using central bank digital currency.

Proposed law (R.S. 49:1503) prohibits a governing authority from requiring participation in any test of a central bank digital currency by the federal government.

Proposed law (R.S. 49:1504) provides that no governing authority shall prohibit, restrict, or impair an individual's ability to use digital assets to purchase goods and services.

Proposed law (R.S. 49:1505) provides for the establishment of digital asset mining businesses in the states.

Proposed law (R.S. 49:1506) provides that a person or entity may operate a node for the purpose of connecting to certain blockchain protocols and transferring digital assets on a blockchain protocol, or to participate in staking on a blockchain protocol.

Proposed law (R.S. 49:1506) permits enforcement by the attorney general for unfair trade practices.

Proposed law (R.S. 49:1506) provides that nothing in proposed law shall restrict, impede, limit, exempt, or prohibit any person, entity, transaction, or conduct from the jurisdiction or application of present law.

Proposed law (R.S. 49:1507) provides that no prohibited foreign party shall acquire or hold any interest in a digital asset mining business in the state. Proposed law further provides that a prohibited foreign-party-controlled business in operation before August 1, 2024, shall have 365 calendar days from August 1, 2024, for the prohibited foreign party to divest all interest in the digital asset mining business.

Proposed law (R.S. 49:1507) provides that the attorney general may investigate and enforce proposed law.

Proposed law (R.S. 49:1507) provides that a title to immovable property shall not be deemed invalid due to a violation of proposed law by any former owner of the property.

(Adds R.S. 49:1501-1507)