ENROLLED

2026 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 61

BY REPRESENTATIVE OWEN

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study the Louisiana Supreme Court decision in *Plaquemines Port Harbor and Terminal Dist. v. Nguyen*, No. 2025-C-00827 (La. 3/6/26), and its implications on the expropriation authority provided for in the Constitution of Louisiana and R.S. 19:2.

WHEREAS, on March 6, 2026, the Louisiana Supreme Court issued its opinion in *Plaquemines Port Harbor and Terminal Dist. v. Nguyen*, No. 2025-C-00827 (La. 3/6/26), holding that a public port authority's expropriation of private property for the purpose of leasing that property exclusively for a private company's predominant use is unconstitutional because the taking does not satisfy the "public purpose" requirement of Article I, Section 4 of the Constitution of Louisiana; and

WHEREAS, the court emphasized that the 2006 amendment to Article I, Section 4 strictly limits the definition of "public purpose" for eminent domain and prohibits takings that result in predominant private use or benefit even when a public entity retains nominal ownership; and

WHEREAS, in 2009, the legislature enacted Act No. 517, which added R.S. 19:2(12) to grant private corporations and partnerships the power of expropriation under certain circumstances; and

WHEREAS, in 2020, the legislature enacted Act No. 61, which further amended the 2009 Act by refining definitions, procedures, and the exercise of eminent domain; and

WHEREAS, in 2024, the legislature enacted Act No. 620 which changed R.S. 19:2(12) to 19:2(11); and

WHEREAS, the Louisiana Supreme Court's ruling in *Plaquemine*s raises serious questions about whether the eminent domain provisions contained in the 2009 and 2020 Acts remain constitutionally valid in light of the strict "public purpose" limitations imposed by Article I, Section 4; and

WHEREAS, Act No. 517 of the 2009 Regular Session and others between 2006 and the *Plaquemines* case have raised concerns that the statutes and the constitution may be in conflict; and

WHEREAS, continued uncertainty surrounding these provisions may expose the state, political subdivisions, and private parties to protracted litigation, increased costs, regulatory instability, and potential societal disruption in the rapidly evolving carbon capture, utilization, and storage industry.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana, the Senate concurring, does hereby direct the Louisiana State Law Institute to conduct a comprehensive study of the *Plaquemines Port Harbor and Terminal Dist. v. Nguyen* decision and its impact on the expropriation authority provided for in the Constitution of Louisiana and R.S. 19:2.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall specifically examine whether the eminent domain and expropriation authority granted to private entities under those Acts is consistent with the current requirements of Article I, Section 4 of the Constitution of Louisiana, and shall evaluate the advisability of repealing, amending, or replacing those provisions to eliminate constitutional vulnerabilities, prevent future litigation, and protect public safety, property rights, and economic development.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a written report of its findings, conclusions, and any recommended legislation to the House Committee on Civil Law and Procedure and the Senate Committee on Judiciary A no later than February 1, 2027.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE