

1 WHEREAS, in 2020, the legislature enacted Act No. 61, which further amended the
2 2009 Act by refining definitions, procedures, and the exercise of eminent domain for carbon
3 dioxide storage facilities; and

4 WHEREAS, in 2024, the legislature enacted Act No. 620 which changed R.S.
5 19:2(12) to 19:2(11).

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

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

14 THEREFORE, BE IT RESOLVED that the House of Representatives of the
15 Legislature of Louisiana, the Senate concurring, does hereby direct the Louisiana State Law
16 Institute to conduct a comprehensive study of the *Plaquemines Port Harbor and Terminal*
17 *Dist. v. Nguyen* decision and its impact on the Louisiana Geologic Sequestration of Carbon
18 Dioxide Act (R.S. 30:1101 et seq.) as enacted in 2009 and amended in 2020.

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

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

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 61 Original

2026 Regular Session

Owen

Authorizes and directs the La. State Law Institute to study the La. Supreme Court decision in *Plaquemines Port Harbor and Terminal Dist. v. Nguyen*, No. 2025-C-00827 (La. 3/6/26), and its implications for the La. Geologic Sequestration of Carbon Dioxide Act, as enacted by Act No. 517 of the 2009 R.S. and amended by Act No. 61 of the 2020 R.S.

Requires the La. State Law Institute to provide a written report of its findings to respective committees of the legislature no later than Feb. 1, 2027.