



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

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

7           WHEREAS, Act No. 517 of the 2009 Regular Session and others between 2006 and  
8 the *Plaquemines* case have raised concerns that the statutes and the constitution may be in  
9 conflict; 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 expropriation authority provided for in the  
18 Constitution of Louisiana and R.S. 19:2.

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.

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#### 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)]

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HCR 61 Reengrossed

2026 Regular Session

Owen

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 on the expropriation authority provided for in the Constitution of La. and R.S. 19:2.

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.

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Expand the study to include general provisions regarding expropriation.
2. Make technical changes.