LIEUTENANT-GOVERNOR: Whether employees at State
Fair Ground come within provisions of the Compensation
Law of Indiana.

April 24, 1933.

Hon. M. Clifford Townsend,
Lieutenant Governor,
Indianapolis, Indiana.

Dear Sir:

Your letter of April 21st received, requesting an official
opinion concerning the following:

"Do employees at the State Fair Ground come within
the provisions of the Compensation Law of Indiana? Does it matter if the employees are full or part time?
In case of an accident to an employee or some person
who has leased ground at the State Fair, would the
State of Indiana be liable?"

1. In answer to question Number 1, your attention is called
to Section 9463, Burns' Supplement of 1929, which is Chapter
18 of the Indiana Workmen's Compensation Act of 1929 and
which provides that the act shall apply to the state and to all
political subdivisions thereof. Hence, employees of the Depart-
ment of Commerce at the State Fair Ground come within the
provisions of the act.

Your attention, however, is called to Section 9450, which
exempts the state from the necessity of carrying compensa-
tion insurance and permits it to carry its own risk.

2. The definition of employees as contained in subdivision
b of Section 9518, Burns' Supplement of 1929, being Section 73
of the act, provides that it shall include every person, includ-
ing a minor, lawfully in the service of another under any con-
tact of hire or apprenticeship, written or implied, except one
whose employment is both casual and not in the usual course
of the trade, business, occupation or profession of the em-
ployer. The law makes no exemption as to a part time em-
ployee and it is universally settled that a part time employee
is entitled to compensation, without regard to the length of
time he is employed.

3. Your third question evidently refers to the employee of
a person who has leased ground at the State Fair Ground for
the purpose of operating and conducting his own private busi-
ness thereon as a concessionaire. In such a case, the State of Indiana would not be liable since such employee is not an employee of the State of Indiana, but is an employee of the lessee. Neither would the State of Indiana be liable for injury to a person who has leased ground at the State Fair Ground for the reason that a lease is not a contract of employment between the state and such lessee.

LIEUTENANT-GOVERNOR: Liability of state in automobile accident of state employee—state not liable.

April 25, 1933.

Hon. M. Clifford Townsend,
Lieutenant Governor,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of April 24, 1933, requesting an official opinion on the following questions:

“(1) If a state employee, driving a state owned automobile, has an accident in which negligence is shown is the state liable jointly with the employee?

“(2) Does it matter if the employee is driving the car in connection with his work or after working hours?”

In answer to question 1, I call attention to Section 24 of Article 4 of the Indiana Constitution, which reads as follows:

“Provision may be made, by general law, for bringing suit against the state, as to all liabilities originating after the adoption of this constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the state, shall ever be passed.” (Our italics.)

The language of this section of our State Constitution indicates that the state cannot be sued for damages by reason of the wrongful act or negligence of any of its employees or officers.

In addition to this, the act of the legislature which authorizes actions to be brought against the State of Indiana and which is found in Sections 1550 to 1556 of Burns’ Revised