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State of Louisiana

DEPARTMENT OF JUSTICE

CIVIL DIVISION

BATON ROUGE

70804-9005

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Opinion Number 02-0176

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Honorable Daniel T. "Dan" Flavin
Louisiana State Representative
District 36
P. O. Box 6027
Lake Charles, LA 70606

90-A Political Subdivisions – Officers, Agents & Employees
La. R.S. 34:201
La. R. S. 34:204
La. R.S. 42:1441
La. R.S. 13:5108.1

The Lake Charles Harbor and Terminal District, as a political subdivision of the state of Louisiana, is legally responsible for the actions of one of its agents or employees.

Dear Representative Flavin:

We received your request for an opinion regarding the Lake Charles Harbor and Terminal District (hereafter "District"). You specifically ask who may be responsible for the acts of officials or employees of the District.

Pursuant to La. R.S. 34:201, the Lake Charles Harbor and Terminal District is a political subdivision of the state. Further, the District has the authority, pursuant to La. R. S. 34:204, to contract with and employ attorneys, clerks, engineers, superintendents, stevedores, and other agents and employees, and fix their compensation and term of employment. La. R.S. 42:1441 provides that the state of Louisiana is not liable for any damage caused by an employee of a district attorney, coroner, assessor, sheriff, clerk of court, **or public officer of a political subdivision**.

Therefore, it is our opinion that the Lake Charles Harbor and Terminal District, as a political subdivision of the state of Louisiana, is legally responsible for the actions of one of its agents or employees. Additionally, pursuant to La. R.S. 13:5108.1, indemnity rights may exist in such a setting; however the Legislature retains the ultimate appropriation authority.

We trust that this adequately responds to your request. If you have any questions or comments please do not hesitate to contact our office.

With kindest regards,

Yours very truly,

RICHARD P. IEYOUNG
Attorney General

BY: 
TINA VICARI GRANT
Assistant Attorney General

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