**34-40-106 Limitations on minimum wage imposed by cities, towns, or counties.**
(1) A city, town, or county may not establish, mandate, or require a minimum wage that exceeds the federal minimum wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.
(2)
  (a) A city, town, or county may not require that a person who contracts with the city, town, or county pay that person's employees a wage that exceeds the federal minimum wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.
  (b) Subsection (2)(a) does not apply when federal law requires the payment of a specified wage to persons working on projects funded in whole or in part by federal funds.
  (c) Subsection (2)(a) applies to contracts executed on or after April 30, 2001.
(3)
  (a) If a city, town, or county contracts with a person for the direct purchase of goods or services, in awarding or otherwise executing that contract, the city, town, or county may not give any preferential treatment to a person on the basis that the person pays that person's employees a wage that exceeds the minimum wage as provided in 29 U.S.C. 201 et seq., Fair Labor Standards Act of 1938.
  (b) This Subsection (3) does not apply when federal law requires the consideration of whether a person pays the person's employees a specified wage to persons working on projects funded in whole or in part by federal funds.
  (c) This Subsection (3) applies to contracts executed on or after May 2, 2005.
(4)
  (a) The restrictions of this section on a city, town, or county apply to any entity created by the city, town, or county.
  (b) This Subsection (4) applies to contracts executed on or after May 2, 2005.

Amended by Chapter 287, 2005 General Session