

Opinion No. 56-6439

May 14, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Leon H. Harms, Secretary-Manager, New Mexico State Fair, P. O. Box 1693, Albuquerque, New Mexico

We have your letter of March 6th in which you requested an opinion from this office as to whether the new Federal Minimum Wage Act applies to the New Mexico State Fair.

Title 29, Section 203 (d) United States Code Annotated, provides in defining an employer as follows:

"Employer . . . shall not include any state or political sub-division of that state."

Since the New Mexico State Fair is a Board of the State of New Mexico, we are of the opinion that the Federal Minimum Wage Act does not apply, and that the New Mexico State Fair is not bound by its provisions.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General