

Date of Hearing: March 29, 2017

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 807 (Chu) – As Introduced February 15, 2017

SUBJECT: Daylight saving time

SUMMARY: Would place a ballot initiative before the voters to repeal the Daylight Saving Time Act (DST Act). Specifically, **this bill:**

- 1) Requires the standard time within the state to be that of the 5th zone designated by federal law as Pacific Standard Time (PST).
- 2) Requires the advancement of this time by one hour during the daylight saving time (DST) period commencing at 2 a.m. on the 2nd Sunday of March of each year and ending at 2 a.m. on the first Sunday of November of each year.
- 3) Authorizes the Legislature, upon approval of the voters, to change by a majority vote the dates and times of the DST period, consistent with federal law, or to remain on standard time on a year-round basis (Permanent Standard Time).
- 4) Authorizes the Legislature to amend these provisions by a majority vote to provide for the application of year-round daylight saving time (Permanent DST) when authorized by federal law.
- 5) Provide for submission of the initiative to repeal DST act for voter approval at the next statewide general election.

EXISTING LAW:

- 1) Establishes, under federal law, the standard time of the United States for each of nine zones and advances the standard time of each zone by one hour during the period commencing at 2:00 a.m. on the second Sunday of March of each year and ending at 2:00 a.m. on the first Sunday of November of each year.
- 2) Provides that under the DST Act, which was adopted as an initiative measure by the voters at the November 8, 1949, special election, the standard time within the state is that which is known, described, and designated by federal law as United States Standard Pacific Time.
- 3) Requires, from 1:00 a.m. on the last Sunday of April, until 2:00 a.m. on the last Sunday of October, the standard time within the state to be one hour in advance of United States Standard Pacific Time.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the Bill: According to the Author's Office, "AB 807 is aimed to dramatically improve public health. Studies have shown that when we switch our clocks, that action alone increases the chances for heart attacks, workplace injuries, crime and traffic accidents.

DST was established as an effort to save energy during World Wars I and II. According to a 2008 study conducted by the National Bureau of Economics, there are no actual energy savings under our current system – residential electricity usage increased when comparing lighting and the demand for heating and cooling.

Daylight saving time year round will provide tremendous public health benefits throughout the State. For commuters, eliminating the need for our clocks switching back and forth, we reduce traffic during the periods in which drivers are adjusting to the time change. For families, there will be more daylight for after-school activities, as well as for those who look to engage in exercise after work.

Other states, such as Arizona and Hawaii do not switch their clocks during the year. California needs to do the same and AB 807 establishes an important pathway to stay on daylight saving time year round."

Background: DST has been used in the U.S. and in many European countries since World War I. At that time, in an effort to conserve fuel needed to produce electric power, Germany and Austria began saving daylight at 11:00 p.m. on April 30, 1916, by advancing the hands of the clock one hour until the following October. Other countries immediately adopted this 1916 action: Belgium, Denmark, France, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Turkey, and Tasmania. Nova Scotia and Manitoba adopted it as well, with Britain following suit three weeks later, on May 21, 1916. In 1917, Australia and Newfoundland began saving daylight.

An Act to preserve daylight and provide standard time for the United States was enacted on March 19, 1918. It both established standard time zones and set summer DST to begin on March 31, 1918. DST was observed for seven months in 1918 and 1919. After the War ended, the law proved so unpopular (mostly because people rose earlier and went to bed earlier than people do today) that it was repealed in 1919 with a Congressional override of President Wilson's veto. DST became a local option, and was continued in a few states, such as Massachusetts and Rhode Island, and in some cities, such as New York, Philadelphia, and Chicago.

During World War II, President Franklin Roosevelt instituted year-round DST, called "War Time," from February 9, 1942 to September 30, 1945. From 1945 to 1966, there was no federal law regarding DST, so states and localities were free to choose whether or not to observe DST and could choose when it began and ended. This understandably caused confusion, especially for the broadcasting industry, as well as for railways, airlines, and bus companies. Because of the different local customs and laws, radio and TV stations and the transportation companies had to publish new schedules every time a state or town began or ended DST.

In the early 1960s, observance of DST was quite inconsistent, with a hodgepodge of time observances, and no agreement about when to change clocks. The Interstate Commerce Commission, the nation's timekeeper, was immobilized, and the matter remained deadlocked. Many business interests were supportive of standardization, although it became a bitter fight between the indoor and outdoor theater industries. The farmers, however, were opposed to such uniformity. State and local governments were a mixed bag, depending on local conditions.

The Uniform Act (Federal Law): By 1966, some 100 million Americans were observing DST based on their local laws and customs. Congress decided to step in and end the confusion, and to establish one pattern across the country. The Uniform Time Act of 1966 (15 U.S. Code Section 260a), signed into law on April 12, 1966, by President Lyndon Johnson, created DST to begin on the last Sunday of April and to end on the last Sunday of October. Any State that wanted to be exempt from DST could do so by passing a state law – only Arizona and Hawaii have done so. The Federal Law does not, however, give states the option to remain on DST year-round (Permanent DST).

The Uniform Time Act of 1966 established a system of uniform (within each time zone) DST throughout the U.S. and its possessions, exempting only those states in which the legislatures voted to keep the entire state on standard time.

In 1972, Congress revised the law to provide that, if a state was in two or more time zones, the state could exempt the part of the state that was in one time zone while providing that the part of the state in a different time zone would observe DST. The Federal law was amended in 1986 to begin DST on the first Sunday in April.

Under legislation enacted in 1986, DST in the U.S. began at 2:00 a.m. on the first Sunday of April and ended at 2:00 a.m. on the last Sunday of October.

The Energy Policy Act of 2005 extended DST in the U.S. beginning in 2007, though Congress retained the right to revert to the 1986 law should the change prove unpopular or if energy savings are not significant. Going from 2007 forward, DST in the U.S. begins at 2:00 a.m. on the second Sunday of March and ends at 2:00 a.m. on the first Sunday of November.

The Daylight Saving Time Act (Act): California voters passed Proposition 12 in 1949, approving DST in the state, and that the standard time within the state is that which is known, described, and designated by federal law as United States Standard Pacific Time. The act also requires, from 1 a.m. on the last Sunday of April, until 2 a.m. on the last Sunday of October, the standard time within the state to be one hour in advance of United States Standard Pacific Time, which is consistent with the federal law enacted in 1966 and 1986. However, as stated above, the Energy Policy Act of 2005 extended DST in the U.S. beginning in 2007. Since then, California has begun DST at 2:00 a.m. on the second Sunday of March and ended at 2:00 a.m. on the first Sunday of November. Should congress act and enact legislation that would allow a state to adopt DST year round, the change would have to be approved by California voters.

Bill in Practice: AB 807 would place an initiative on the ballot to allow voters to repeal Proposition 12 of 1949, which committed California to follow DST pursuant to Federal guidelines – DST begins at 2:00 a.m. on the second Sunday of March and ends at 2:00 a.m. on the first Sunday of November. Upon approval of voters to repeal the Act, the Legislature would have two legislative options:

- 1) Enact legislation that places California on Permanent (year-round) Standard Time. This option would place California on a permanent time schedule that is currently used between the first Sunday of November and the second Sunday of March, also known as “winter time” and associated with shorter days.

- 2) Enact legislation that places California on Permanent (year-round) DST. This option would place California on a permanent time schedule that is currently used between the second Sunday of March and the first Sunday of November, also known as “summer time” and associated with longer days.

Under AB 807, both actions would require a majority vote threshold to pass. In the event the Legislature does not pass either option above, California will remain on its current system of moving the clock forward and back once a year – DST.

Staff Note: Federal statutes currently do not allow States to implement Permanent (year-round) DST. They may, however, switch to permanent Standard Time as Arizona and Hawaii have done. Should the voters decide to repeal the Act; any subsequent bill that seeks to place California on permanent DST will not become law until the Federal Government grants approval (15 U.S. Code § 260a).

Policy Considerations:

1. As stated above, should voters approve the repeal of the DST Act, AB 807 would allow future legislatures – by simple majority – to enact legislation to move California to Permanent (year-long) DST or Permanent (year-long) Standard Time. A majority vote threshold could potentially lead to multiple changes to the process by which California adjusts time, leading to great confusion. *The Committee may wish to consider whether it is more appropriate to raise the vote threshold to 2/3, making it more difficult for future legislatures to make haphazard changes to the process by which California adjusts time.*
2. Should this bill pass and voters approve the repeal of the DST Act, the Author’s stated intent is to introduce and pass legislation that moves California to Permanent (year-round) DST. *The Committee may wish to consider whether it is more appropriate to ask the voters directly whether they would prefer to repeal the DST Act and move to Permanent DST.*

Suggested Amendment: Increase the vote threshold to 2/3 for any subsequent legislation that seeks to move California to Permanent (year-round) DST or Permanent (year-round) Standard Time. (See below)

Section 6808(c) Notwithstanding subdivision (b), the Legislature may amend this section by a **majority two-thirds** vote to either change the dates and times of the daylight saving time period, consistent with federal law, or to remain on standard time on a year-round basis. In addition, if federal law authorizes the state to provide for the year-round application of daylight saving time, the Legislature may amend this section by a **majority two-thirds** vote to provide for that application.

Prior/Related Legislation: AB 385 (Chu), 2015-2016 Legislative Session. Would have repealed the DST Act and authorized the Legislature by majority vote to amend the law for the application of permanent (year-round) DST, if authorized by federal law. (Failed passage on Senate Floor).

AJR 28 (Oberholte), Res. Chapter 167, Statutes of 2016. Urges the Congress and the President to enact legislation that would allow states to adopt permanent (year-round) DST.

REGISTERED SUPPORT / OPPOSITION:

Support

None on File

Opposition

None on File

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