

DAYLIGHT SAVING TIME AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes Utah's designated time zone and observance of daylight saving time.

Highlighted Provisions:

This bill:

- ▶ modifies Utah's observance of daylight saving time; and
- ▶ changes Utah's designated time zone.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63M-1-208, Utah Code Annotated 1953

63M-1-209, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63M-1-208** is enacted to read:

63M-1-208. Daylight saving time exemption.

(1) As used in this section, "daylight saving time" means the period during a year when the observed time is advanced one hour according to the provisions of 15 U.S.C. Sec. 260a.



28 (2) Notwithstanding any other provision of law to the contrary relating to the adoption
29 of daylight saving time by all of the states, the state of Utah hereby exempts all areas of the
30 state from the daylight saving time provisions contained in 15 U.S.C. Sec. 260a.

31 (3) The state of Utah shall observe standard time on a year-round basis, without the
32 observance of daylight saving time.

33 Section 2. Section **63M-1-209** is enacted to read:

34 **63M-1-209. Time zone.**

35 (1) As used in this section, "standard time zone" means the nine standard zones of time
36 established in 15 U.S.C. Secs. 261 and 263.

37 (2) Notwithstanding any other provision of law to the contrary, the state of Utah shall
38 observe the time designated in the central standard time zone as established in 15 U.S.C. Secs.
39 261 and 263.

Legislative Review Note

as of 2-2-15 12:42 PM

The Utah Legislature's Joint Rule 4-2-402 requires legislative general counsel to place a legislative review note on legislation. The Legislative Management Committee has further directed legislative general counsel to include legal analysis in the legislative review note only if legislative general counsel determines there is a high probability that a court would declare the legislation to be unconstitutional under the Utah Constitution, the United States Constitution, or both. As explained in the legal analysis below, legislative general counsel has determined, based on applicable state and federal constitutional language and current interpretations of that language in state and federal court case law, that this legislation has a high probability of being declared unconstitutional by a court.

This bill: (1) defines and exempts the state of Utah from the observance of daylight saving time, which is regulated by 15 U.S.C. § 260a; and (2) requires that the state of Utah observe central standard time, as established in 15 U.S.C. §§ 261 and 263. These provisions are part of the federal Uniform Time Act, which sets uniform national standards for the regulation of time zones and for the observance of daylight saving time.

When interpreting the United States Constitution's Supremacy Clause, Article VI, Section 2, the U.S. Supreme Court has "long recognized that state laws that conflict with federal law are 'without effect.'" *Altira Group, Inc. v. Good*, 555 U.S. 70, 76 (2008) (citation omitted). The Uniform Time Act gives the United States Secretary of Transportation the power to define and change the "limits of each [time] zone." 15 U.S.C. § 261. The act also grants the Secretary of Transportation the power to "apply to the district court of the United States for the district in which such violation occurs for the enforcement of this section; and [grants the court]

jurisdiction to enforce obedience [to the act] by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of [the act]." *Id.* § 260a(c).

This bill changes the designated time zone of Utah from mountain standard time to central standard time without the endorsement of the United States Secretary of Transportation or the United States Congress. That direct conflict results in a high probability that a court will hold that the bill is preempted by federal law and is unconstitutional under the Supremacy Clause.

Office of Legislative Research and General Counsel