



WHAT TIME IS IT ANYWAY?

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Time, as it turns out, is a political issue, and our conceptual shaping of time--forward and back with Daylight Saving Time—has been touched over the last century by Presidents Wilson, Roosevelt, Truman, Johnson, Nixon, Reagan, and Bush II; and California voters over the years have had their own ideas as how to set the clock--and we're not done yet.

Even though 59.7% of California voters voted for [Proposition 7](#) in the November 6th, 2018 Election, we are only a little bit closer to year-round Daylight Saving Time in the Golden State. It won't happen this year--or likely, right away. It's more a nudge towards daylight.

Now as of December 2018, California is back on Standard Time, with darkness edging in by 5:00, before most of us are home or on to the next event. And we won't return to Daylight Saving time until March 10th, 2019, when we spring forward an hour at 2:00 a.m., starting the cycle all over again.

Time--or rather, the time we say it is and the time we wish to live and work by—has its own history. Time is now regulated by federal statute.¹ It took a while for Congress to get to this, but in 1918, Congress created a federal statutory scheme to unify time across the country, in one sense to keep the railroads going on time, so that there would not be a jumble of times from one state to another, or even within a single state.² That statutory scheme, *An Act to save daylight and to provide standard time for the United States* divided the country into 5 distinct zones, with California in the Pacific zone. The Interstate Commerce Commission was put in charge of enforcement; and though it may seem that daylight or sunshine is more a question of energy, the Department of Transportation, the successor agency to the ICC, is still the authorized agency to enforce Time as a matter of commerce. The 1918 Act also initiated a Daylight Saving Time period across the country, to add an hour from the last Sunday in March to the last Sunday in October.³ Gaining daylight by adjusting the day's time was considered part of the war effort, America's participation in World War I.⁴ When the war ended though, one year later in 1919,

Congress repealed the Daylight Saving provision of the 1918 Act, overriding the veto of President Wilson, to scotch nationwide DST.⁵

The idea of Daylight Saving Time was still much alive, and the pros and cons continued to mount, including within the State of California. In 1930, with [Prop. 7](#) and again in 1940, with [Prop. 5](#), California voters twice turned down proposals to adopt a Daylight Saving time cycle from the last Sunday in April to the last Sunday in September. The effect of these thumbs down was to keep California on year-round Standard Time.

Then came war again, trumping all arguments and even the sun. In 1942, a year after the United States entered WWII, nationwide year-round Daylight Saving Time, or what Roosevelt called *War Time*, was put into effect “to promote the national security and defense”. The Act contained its own inborn expiration date of 6 months after the war ended, unless Congress chose an earlier date.⁶

V-J Day, ending the war at last, came finally in August 1945; and in that wake, Congress acted quickly and repealed nationwide Daylight-Saving provision a month later, once again reverting the country to Standard Time⁷--and by default allowing states to themselves choose not only whether to adopt Daylight Savings, but how to define the seasonal cycle.

It was in this post-war period, in 1949, that California voters finally gave the nod to Daylight Saving Time, passing [Prop 12](#), to adopt daylight savings time statewide in CA, from the last Sunday in April to the last Sunday in September. There are more twists to the story, but this is the Proposition to keep your eyes on, like the rabbit under the hat, for the reveal is that this is the very proposition CA voters voted to repeal, by passing Prop 7 in November 2018. In 1962, voters again showed their preference for Daylight Saving Time, approving [Prop. 6](#), to extend DST an additional month, to the last Sunday in October, to conform to the time-setting cycle of other major states.

Congress eventually raised its head again on the topic during the Johnson Administration, passing the Uniform Time Act of 1966, allowing two options for states: to operate on Standard Time through the entire state all year; or go with DST following a uniform period between the last Sunday in April and last Sunday in October.⁸ The advantage of this legislation was to conform the same dates of Daylight Saving Time to all states with Daylight Saving Time. States could also pass on Daylight Saving Time, by seeking a statutory exemption to keep on Standard Time year around. What Congress didn't do, however, was to include any provision to permit states to adopt year-round DST: and that is what the voters in CA just last month voted to prefer as California time.

In this back and forth tale of Daylight Savings Time, there are yet a few more zigs and zags before we get to the 2018 California election, and how to get to the result Californians just approved

with Prop. 7: first with one more national emergency, and then one by one expansions of the length of the daylight savings part of the year, to get to the state of time now.

In 1973 with a complete oil embargo imposed by the OPEC nations, causing an immediate energy crisis⁹, Congress passed and Nixon signed into law the *Emergency Daylight Savings Time Energy Conservation Act of 1973*, adopting a two-year trial period of year-round Daylight Saving Time.¹⁰ Just as in wartime, the country was back on year-round Daylight Saving Time, this time set to expire on the last Sunday of April 1975—and then to revert to the earlier spring/fall cycle of daylight savings time.

Little by little, then, the stretch of Daylight Savings Time started to elongate. In 1986, Reagan added his approval to an earlier start in the spring, signing off on an amendment to the Uniform Time Act of 1966 triggering DST on the first Sunday of April, instead of the last Sunday¹¹ In 2005, Bush approved legislation extending DST in both directions, for an almost 8 month period, spring and fall, starting the 2nd Sunday in March to the 1st Sunday of November, for an almost 8 month long DST period, effective March 1, 2007.¹²

And this is now the framework of Daylight Saving Time that we follow in California--as do all states with DST--springing forward in the fall and falling back in the spring, from March to November, as amended over these years.¹³ Currently, only the states of Hawaii and Arizona (except for the Navajo Nation), along with the territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands follow Standard Time year around, under the exemption permitted under the Uniform Time Act, 15 USC§ 260a.¹⁴

Prop 7 offered the voters of California the goal of year-round Daylight Saving Time.¹⁵ But there are some clumsy legislative hurdles first to jump over to get to this finish. The first is that Congress must authorize states to choose to adopt a permanent Daylight Saving Time, instead of continuing with the nationwide spring/fall cycle made uniform in 15 USC 260a. Prop 7 is in some way is a placeholder waiting for that green light from Congress.

This may not be as daunting as it sounds. Currently there are six bills in Congress on Daylight Saving Time¹⁶, and four of those bills would get Californians what they want. Two bills propose making DST the new permanent time, while still allowing states that have not adopted DST [such as Hawaii and Arizona] to continue with Standard Time.¹⁷ Two other bills offer states the option to elect to adopt year-round DST¹⁸ The last two are bills introduced for the benefit of the State of Florida only, to authorize the Sunshine State alone to have Daylight Savings all-year.¹⁹ While the 115th Congress ends on January 3, 2019, all the sponsors of these bills now pending, most of the co-sponsors, will return to the 116th Congress when it convenes.

Some say that the very idea of Daylight Saving Time can be traced back to the satirical invention of Benjamin Franklin, sojourning in Paris in 1784 as American Minister to France, waking after a

late night out playing cards or chess, hypothesizing just how many candles the residents of Paris could save if the clocks were adjusted to make daylight extend just a little bit longer for the work and pleasures of the night.²⁰ Californians seem to agree. With Proposition 7, California is now ready when Congress acts. And perhaps, like the sun, that too is on the horizon.

¹ [15 U.S.C. §260-267](#)

² You either like DST or you don't, it seems. For a full discussion of the social history of Daylight Saving Time, see two excellent books:

Michael Downing, *Spring Forward: The annual Madness of Daylight Saving Time* (Shoemaker Hoard 2005)

David Prerau, *Seize the Daylight: The curious and contentious story of Daylight Saving Time* (Thunder Mountain's Press, 2005). Author offering email reminder for changing the clocks, at: <http://www.seizethedaylight.com>

Two extensive law reviews also follow the ins and outs of Daylight Savings Time and analyze the arguments on its social and economic impact, advantages, and opposition.

Jenni Parrish, *Litigating Time in America at the Turn of the Twentieth Century*, 36 Akron L. Rev. 1 (2002)

Steve P. Calandrillo and Dustin E. Buehler, *Time Well Spent: An Economic Analysis of Daylight Saving Time Legislation*, 43 Wake Forest Law Review 45 (2008)

Some additional resources include:

74 Am. Jur. 2d Time §1-5

34 ALR3d 1148, Construction and Application of Federal Uniform Time Act of 1966 (15 USCA §§ 260-267)

143 ALR 1238, Standard or System of Time

59 Cal. Jur. 3d Time §1-2

Federal Procedure, Lawyer's Edition, Uniform Time Act §27:187-27:188

³ An Act to save daylight and to provide standard time for the United States, Pub. Law No. 65-106, 40 Stat 450 (March 19, 1918). S.1854.

⁴ See historical summary from the Library of Congress:
<https://blogs.loc.gov/teachers/2017/03/world-war-i-and-daylight-savings-time/>

⁵An act for the repeal of daylight-saving law, Pub. L. No. 66-40. 41 Stat 280 (August 20, 1919). HR 3854

⁶ An Act to promote the national security and defense by establishing daylight savings time, Pub. L. No. 77-403. 56 Stat 9. (Jan 20, 1942)

⁷ Daylight saving time termination, Pub. L. No. 79-187, 59 Stat 537 (September 25, 194).⁵ HR 3474.

⁸ Uniform Time Act of 1966, Pub. L. No. 89-387, 80 Stat. 107 (April 13, 1966). S1404

⁹ For background and a historical summary of the political issues behind the 1973 oil embargo and impact on US energy policy, see: <https://history.state.gov/milestones/1969-1976/oil-embargo>

¹⁰ Emergency Daylight Saving Time Energy Conservation Act of 1973, Pub. L. No. 93-182, 87 Stat 707 (December 15, 1973). H.R. 11324

¹¹ Act to authorize appropriations for activities under the Federal Fire Prevention & Control Act of 1974, amending Section 3(a) of the Uniform Time Act of 1966, under Section(b), . PL 99-359, 100 Stat 764, July 8, 1986. S. 2180, Section (b) of the Act to authorize appropriations for activities under the Federal Fire Prevention & Control Act of 1974, amending Section 3(a) of the Uniform Time Act of 1966.

¹² Energy Policy Act of 2005, Section 110, Daylight Savings, Pub. L. No. 109-58, 119 Stat. 615 (August 8, 2005).

¹³ [15 U.S.C. 260a](#)

¹⁴ Arizona Rev. Stat. §1-242; Hawaii Rev. Stat. §§1-30-1-31. See also, for collections of time zones state to state, such websites as: timeanddate.com;

¹⁵ Proposition 7 as enacted has now become [CA Government Code §6808](#)

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<https://www.congress.gov/search?searchResultViewType=expanded&q=%7B%22congress%22%3A%22115%22%2C%22source%22%3A%22all%22%2C%22search%22%3A%22%5C%22daylight+savings%5C%22%22%2C%22bill-status%22%3A%22all%22%7D&id=77183&loclr=cga-search>

¹⁷Two identical bills, one in the House and one in the Senate would make DST the new permanent nationwide time, allowing states exempt from DST to choose to continue on Standard Time: [H.R. 5279](#), The Sunshine Protection Act of 2018, introduced by Rep Vern

Buchanan [R- Florida]with 3 co-sponsors, including two CA Representatives; and [S. 2537](#), identical to H 5279, introduced by Sen. Marco Rubio, Florida.

¹⁸ Two bills pending in the current 115th Congress propose allowing states to elect to adopt DST all year around: [H.R. 6202](#) , by Rep. Mike Rogers, [R-Alabama]; and [H.R. 6331](#), Daylight Act, introduced by Rep. Rob Bishop [R-Utah]

¹⁹ Two identical bills, one in the House and the other in the Senate, would make DST permanent for the State of Florida alone: : [H.R. 5278](#), introduced by Rep. Vern Buchanan [R-Florida, with 3 other Florida co-sponsors] and also [S. 2536](#) , introduced by Senator Marco Rubio, Florida.

²⁰ See, for example, the apocryphal tale in the book by David Prerau, *Seize the Daylight*, n. 2., p. xi-xiv Book. Numerous websites and other sources repeat the tale:
<https://www.timeanddate.com/time/dst/history.html>