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MEMORANDUM

June 2, 2021

SUBJECT: Time zone question (Work Order No. 32-LS0989)

TO: Representative Dan Ortiz
Attn: Caroline Hamp

FROM: Alpheus Bullard *SU for AB*
Legislative Counsel

You asked whether the state could elect which time zone or time zones are applied within the state's boundaries, and, if so, what the process is to change the applicable time zone or zones. The state may not unilaterally change the applicable time observed within its borders, however, the state may petition the federal government for certain changes.

The federal Uniform Time Act (the Act) and federal regulations implementing the Act preempt a state from unilaterally changing the time zone or zones applicable within its boundaries.¹ Congress expressly provided that "[i]t is the policy of the United States to promote the adoption and observance of uniform time within the standard time zones"² The Act and federal regulations under the Act establish time zones and identify the time zone boundaries.³ Additionally, the section establishing daylight saving time explicitly supersedes state and local time changes.⁴ Finally, the Act provides for a state legislating an in-state exemption from daylight saving time, "but only if that law

¹ See 15 U.S.C. 260 - 67, 49 C.F.R. Part 71.

² 15 U.S.C. 260.

³ 15 U.S.C. 263 (providing in part "that of the sixth zone shall be known and designated as Alaska standard time; that of the seventh zone shall be known and designated as Hawaii-Aleutian standard time"); 49 C.F.R. 71.11 ("The sixth zone, the Alaska standard time zone, includes the entire State of Alaska, except as provided in § 71.12 of this title."); 49 C.F.R. 71.12 ("The seventh zone, the Hawaii-Aleutian standard time zone, includes the entire State of Hawaii and, in the State of Alaska, that part of the Aleutian Islands that is west of 169 degrees 30 minutes west longitude.").

⁴ 15 U.S.C. 260a(b) ("It is hereby declared that it is the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section.").

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provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period" or, alternatively, if the state has parts in more than one time zone, the state "may exempt the entire area of the State lying within any time zone."⁵

Accordingly, the state may not unilaterally change the time zones in Alaska. The state may, however, petition the Secretary of the U.S. Department of Transportation and request certain time zone modifications.⁶ Alaska has successfully petitioned for a time zone modification in the past.⁷ Note that this was the approach employed by the House State Affairs Committee in 2016. HCS CSSB 6(STA) included a petition for inclusion of the entire state in the Pacific Time Zone and legislated, in state law, an exemption from daylight saving time.⁸

Please call if you have any further questions.

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⁵ 15 U.S.C. 260a(a). Most of Alaska is in the sixth zone, Alaska Standard Time, but part of the Aleutians is in the seventh zone, Hawaii-Aleutian Standard Time. Exempting the part of the state subject to Alaska Standard Time from daylight savings would provide for year-round Alaska Standard Time in that time zone.

⁶ 15 U.S.C. 261 ("The limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time.").

⁷ See Wallace Turner, *Alaska's Four Time Zones Now Two*, N.Y. Times, Nov. 1, 1983, at A25, available at <https://www.nytimes.com/1983/11/01/us/alaska-s-four-time-zones-now-two.html>.

⁸ 2016 HCS CSSB 6(STA), available at http://www.akleg.gov/basis/Bill/Detail/29?Root=sb6#tab1_4.