
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 611 (as reported without amendment)
Sponsor: Senator Dale L. Shugars
Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 11-3-97

RATIONALE

Public Act 140 of 1935 prohibits any person, firm, or corporation from promoting, conducting, or participating in any endurance contest known as a walkathon or similar endurance contest. Further, a violation of this prohibition constitutes a misdemeanor punishable by a maximum fine of \$100, imprisonment for up to 90 days, or both. Each violation constitutes a separate and distinct offense. Since walkathons and endurance contests are currently used as fund raisers for schools and nonprofit organizations on a regular basis and the penalties evidently are not enforced, it has been suggested that the law should be repealed.

CONTENT

The bill would repeal Public Act 140 of 1935.

MCL 752.161-752.162

BACKGROUND

It can be speculated that Public Act 140 of 1935 was enacted because of the type of endurance contests that occurred in the past, as described in *National Amusement Co. v Johnson*, 270 Mich 613 (1935). This case refers to a walkathon derby contest, in which contestants walked, in some cases for several months, with certain specified rest periods, until everyone was eliminated but the winner. According to testimony presented in Court, "...the contest was degrading, the management guilty of chicanery and cheap tricks, the audience boisterous and sometimes shouting cruelties and obscenities, and the contestants exhausted and pitiful, some probably sustaining permanent impairment of physical, moral and mental health."

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Public Act 140 of 1935 has not been enforced and is clearly outdated. The meaning of "walkathon", as referred to in the law, has changed over time. Currently, these events are used as fund raisers for schools and nonprofit organizations and promote physical conditioning and healthy exercise.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would not have a fiscal impact on State or local government. It appears that no one has been convicted of or is serving time for the misdemeanor offense that this bill would repeal.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.