



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Senate Bill 24	Senate Amendment 1
<i>Memo published:</i> March 10, 2003	<i>Contact:</i> Laura Rose, Deputy Director (266-9791)

2003 Senate Bill 24 provides an exception to the law prohibiting discrimination in public places of accommodation to permit a fitness center whose facilities and services are intended for the exclusive use of persons of the same sex to provide the use of those facilities and services exclusively to persons of that sex.

Under the bill, “fitness center” is defined as:

An establishment that, *for profit*, provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development, including but not limited to a fitness center, studio, salon, or club. “Fitness center” does not include an organization solely offering training or facilities in an individual sport or a weight reduction center. [Emphasis added.]

Senate Amendment 1 changes the definition of fitness center in the original bill. Under Senate Amendment 1, “fitness center” is defined as:

An establishment, whether operated *for profit or not for profit*, that provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. “Fitness center” does not include an organization solely offering training or facilities in an individual sport or a weight reduction center, as defined in s. 100.177 (1) (e). [Emphasis added.]

The effect of the amendment is to extend the exception created in Senate Bill 24 to not for profit fitness centers.

Legislative History

Senate Amendment 1, offered by Senator Roessler, was adopted by the Senate Committee on Health, Children, Families, Aging and Long-Term Care on March 6, 2003, on a vote of Ayes, 7; Noes, 2.

By a vote of Ayes, 7; Noes, 2, the committee recommended passage of Senate Bill 24, as amended, on that same date.

LR:rv;jal

Jermstad, Sara

From: Dave Parker [spike_pt@hotmail.com]
Sent: Wednesday, April 30, 2003 7:08 PM
To: sen.roessler@legis.state.wi.us
Subject: gender discrimination

Wednesday, April 30, 2003

This letter is written over concern regarding "women only health clubs" and the fact that such a bill has passed the Wisconsin state senate awaiting Gov. Doyle's approval. To allow a business to discriminate against a person on the basis of their sex should not be permissible even if the clientele of that business "are not comfortable" when the other gender is present.

There was a time when whites "were not comfortable" with blacks sitting on the same bus, so they designated an area to the back of the bus. This was discrimination. There have been institutions "not comfortable" with those practicing homosexuality and have discriminated against them. There are numerous other examples in which one group has not been "comfortable" with a segment of the population. This is not an excuse for discriminating against that group.

In a gender related example, many boys and young men in our middle schools and high schools "are not comfortable" in having to compete against a female wrestler on a school wrestling team, but the young female must be allowed to compete or there is discrimination against her.

If exception is made to laws which prohibit discrimination on the basis of whether or not a segment of the population is "comfortable" with another segment of the population; what is the intent of that law and what other exceptions can be argued?

Sincerely
Dave Parker
Pine River,

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CURVES: Sexegregation at the gym

Assembly throws "Curves" bill to governor

April 30, 2003

Do you remember when boys in high school ran around the track and girls ran around the building? When women couldn't belong to the Rotary? When more than a few golf courses didn't admit women members?

State Rep. Terese Berceau does, and the Madison Democrat tried unsuccessfully to remind legislators of past inequities before they voted 65-31 Tuesday to approve a bill that would allow Curves for Women fitness centers, and others like them, to prevent men from using their facilities. It would also allow male-only fitness facilities.

The Senate previously approved the bill, which was authored by Sen. Carol Roessler, R-Oshkosh, with a vote of 23-8. The Curves organization, faced with more than 170 sex bias complaints from a La Crosse man, had asked for the bill, and so did women who said they don't like to

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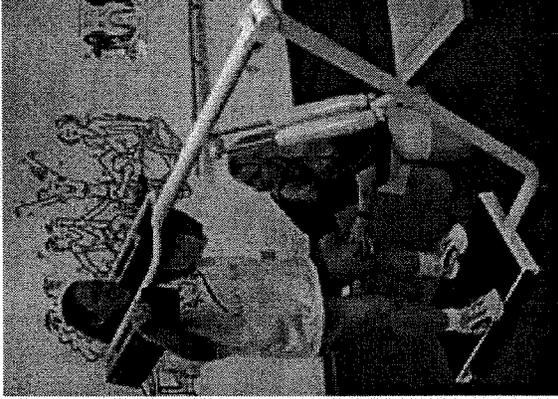
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work out with men.

Charles Swayne of La Crosse sued Curves in 2000, claiming it violates state anti-discrimination laws. He wanted to open his own female-only fitness center in the early 1990s, but state regulators told him that would be illegal, according to his attorney.

Now the proposed law is in Gov. Jim Doyle's court, to sign or veto. Dan Leistikow, a spokesman for the governor, said Doyle was considering the bill and had not yet made a decision.

"The Legislature has spoken with overwhelming support," Roessler said. "I think the governor will hear the message."



Working out at Sun Prairie's new fitness center is member trainer under the eye of manager Alissa Horstman. by Henry A. Koshollek

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"Not everybody remembers history," Berceau said as she spoke first to the

Democratic Caucus and then to the full Assembly during debate on the matter.

"I am old enough to remember when we couldn't do the same things men did," said Berceau, who is 52. "We had worse equipment. We want equal facilities, not separate. Let's not give the guys an opening. You have to think about what could be lost."

Johnnie Morris-Tatum, D-Milwaukee, agreed.

"It reminded me of the housing issues in Milwaukee. As an African-American woman, this sends alarms and flashes. When it blocks a group of people, it is discrimination. There was a day when this chamber would have been all white males. It would have been comfortable for them. It would not have been right."

Rep. Tom Hebl, D-Sun Prairie, said he was looking at the issue from the perspective of a man who has daughters and stepdaughters. "You can't discriminate a little bit. It's going to be a hollow victory for the ladies," he warned.

But Glenn Grothman, R-West Bend, pointed out that the Wisconsin public accommodations law already has exceptions for dormitories, public toilets, showers, counseling services, domestic abuse shelters and so on.

"It's another small exception," Grothman said, adding that women in his district have been praising the bill.

Rep. Wayne Wood, D-Janesville, said he was especially worried by one word in the bill: "primary."

The bill says that nothing prohibits a fitness center from providing the use of services or facilities exclusively to people of the same sex, or from denying those services or facilities to people of the opposite sex.

The bill defines "fitness center" as "an establishment, whether operated for profit or not for profit, that provides as its 'primary' purpose services or

facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development. Fitness center does not include an organization solely offering training or facilities in an individual sport or a weight reduction center.

The bill covers men-only facilities as well, Wood noted, and it covers not-for-profit facilities such as those at a university as well as establishments such as Curves.

"What this will mean in the future, if it can be interpreted in a different way, it will be. What is the purpose of golf? That fits the bill," Wood said. "As I look down the road, I have to vote no."

Rep. Steve Freese, R-Dodgeville, who presides over the Assembly, said after the session that he voted against the bill because he shared Wood's concerns.

"This could give an opportunity for all-male facilities to be propped up," Freese said. "It doesn't make sense to allow exclusivity. That could be used in a discriminatory purpose. You could have a golf course with a fitness center as its primary purpose."

Fifty-five Republicans supported the bill, with only Freese, DuWayne Johnsrud, R-Eastman, and Steve Nass, R-Palmyra, opposing it.

Ten Democrats supported the bill, including Amy Sue Vruwink of Milladore, at 27 one of the youngest legislators.

"I toured the Curves in my district and talked to the women who own it and others elsewhere. A number of my constituents said that no gentlemen wanted to join, but that they would feel uncomfortable if they did," Vruwink said. "It was a vote for the people in my district who took the time to answer my questions. The representatives are doing what they were asked to do."

Lorraine Seratti, R-Spread Eagle, said she believes it was a legitimate request for women to ask for privacy. Women spoke up at a hearing on the bill, she said, including an elderly nun who said, "We are a little bit more

News: CURVES: Sexegregation at the gym (captimes.com)

modest."

E-mail: aweier@madison.com

Published: 9:40 AM 4/30/03

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Disorder of women in mind
~~Curves~~
for women exemption
accepted sense of
Privacy

Resistance Training

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Main & Michigan - Bio

Pendulum

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Fond Du Lac, WI 54935
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Kathy Forest = Osh
Curves

200 Curves in WI

300 S. Koeller

231-2626

FOR IMMEDIATE RELEASE

Contact: Senator Carol Roessler (888) 736-8720

May 19, 2003

ROESSLER ANNOUNCES THE SIGNING OF THE CURVES BILL INTO LAW

MADISON- Senator Carol Roessler (R-Oshkosh) announced today that Governor Jim Doyle signed the "Curves Bill" into law. This law will permit fitness centers that are specifically intended for one gender to provide services solely to persons of that sex.

"When Governor Doyle signed this bill today, he sent a clear message that physical fitness, exercise, and wellness is important. Furthermore, the signing of this bill confirms that allowing the freedom of personal choice to exercise with persons of the same sex is also important in Wisconsin," stated Roessler.

This legislation received overwhelming support from members of both parties in both houses. In addition to having bipartisan support, it received support from numerous groups of people who traveled to Madison to testify in its favor. Many younger adults, older adults, and people with disabilities stated that they would no longer exercise if this bill did not become law.

"This law is necessary for Curves and similar fitness centers to continue operating, with their intended purpose, in Wisconsin. Because of this legislation, women and men will be able to workout in privacy and will have the ability to exercise freely without the influence of the other gender. In addition, this law was needed to simply allow for separate workout times," Roessler commented.

Roessler concluded, "I applaud Governor Doyle's decision to sign Senate Bill 24 into law. It shows that Wisconsin is promoting healthy lifestyles, which in turn will help to keep healthcare costs down."

Sincerely,

Again, thank you for your previous/indicated support of Senate Bill 24.



Senate Bill 24 would allow the freedom of choice to exercise in gender exclusive facilities Senator Carpenter's amendment would not allow fitness centers to provide services exclusively for either men or women; and therefore, deprives individuals of that freedom of choice.

The purpose of allowing women or men privacy and the ability to exercise freely without the influence of the gender, or to simply allow for separate "workout" times. During the hearing, the committee heard from younger adults, older adults, those with a disability, all saying that if they are not able to exercise in a gender exclusive atmosphere, they will no longer continue to exercise. In today's society of wellness promotion, we should be helping to promote exercise, not inhibiting it.

During the executive session on Senate Bill 24, Senator Carpenter mentioned that he might possibly be introducing an amendment on the Senate floor. Should Senator Carpenter introduce his amendment, I ask for your support in voting to reject the amendment on the basis that it would not accomplish the purpose of the bill.

Thank you for co-sponsoring/voting/indicating support for Senate Bill 24. Senate Bill 24, as amended by the Senate Committee on Health, Children, Families, Aging and Long Term Care, provides an exception to the public accommodation law for the purpose of fitness centers. The bill passed committee on a vote of 7-2.

Dear Senator:

Senator
, State Capitol
Madison, WI 53702

March 17, 2003

Handwritten notes and signatures: "Not a committee", "Privacy", "Unhappy", "March 17, 2003", "State Capitol", "Madison, WI 53702", "Dear Senator:", "Thank you for co-sponsoring/voting/indicating support for Senate Bill 24. Senate Bill 24, as amended by the Senate Committee on Health, Children, Families, Aging and Long Term Care, provides an exception to the public accommodation law for the purpose of fitness centers. The bill passed committee on a vote of 7-2.", "During the executive session on Senate Bill 24, Senator Carpenter mentioned that he might possibly be introducing an amendment on the Senate floor. Should Senator Carpenter introduce his amendment, I ask for your support in voting to reject the amendment on the basis that it would not accomplish the purpose of the bill.", "The purpose of allowing women or men privacy and the ability to exercise freely without the influence of the gender, or to simply allow for separate 'workout' times. During the hearing, the committee heard from younger adults, older adults, those with a disability, all saying that if they are not able to exercise in a gender exclusive atmosphere, they will no longer continue to exercise. In today's society of wellness promotion, we should be helping to promote exercise, not inhibiting it.", "Senate Bill 24 would allow the freedom of choice to exercise in gender exclusive facilities Senator Carpenter's amendment would not allow fitness centers to provide services exclusively for either men or women; and therefore, deprives individuals of that freedom of choice.", "Again, thank you for your previous/indicated support of Senate Bill 24.", "Sincerely,"

Legislation to allow the exception for fitness centers, Senate Bill 24, has been overwhelmingly approved on bipartisan votes – 7-2 in the Senate Health Committee; 23-8 on the Senate floor; and 9-1 in the Assembly Small Business Committee. Senate Bill 24 is now available for scheduling for debate on the Assembly floor.

The purpose of Senate Bill 24 is to allow fitness centers to legally operate with the purpose of allowing women or men privacy and the ability to exercise freely without the influence of the other gender, or to simply allow for separate “workout” times. Senate Bill 24 would allow men and women the freedom of choice to exercise in gender specific facilities – if they so choose to.

During the public hearings, the committees heard from younger adults, older adults, and those with disabilities, all saying that if they are not able to exercise in a gender specific atmosphere, they will no longer continue to exercise. Many women attribute the support of other women working toward weight loss, muscle strengthening, flexibility training, and restorative exercise as the key to their realizing their wellness goals. In today’s society of wellness promotion and disease management, we should be helping to promote exercise, not curtailing it.

While some may feel this legislation is frivolous and will promote future discrimination, I clearly and firmly disagree. This bill allows existing businesses to continue operating in Wisconsin with their intended purpose. Most importantly, this bill promotes health and wellness – two elements that are essential towards containing skyrocketing health costs.

*Do not sharp on 7's

Part A Representative
Choice
411-5
Free Will
Membership
Curves
Optimal pay

Talking Points

Senate Bill 24 "CURVES BILL"

- Senate Bill 24 provides an exception to the accommodation law prohibiting gender discrimination in regards to a for-profit fitness center.
- Current law allows for exclusions for non-profit associations that are not open to the public. (For example, country clubs are excluded because they are not open to the public, you actually have to be a member to participate.) YMCAs are not excluded because non-members can participate in activities.

Wisconsin is one of a handful of states that has a public accommodation law. This bill is simply amending that statute to create an exception, which is consistent with current exceptions - separate public toilets, showers, saunas, and dressings rooms for each sex and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for each sex.

The federal accommodation law does not include gender in its definition of discrimination, and therefore this bill would not violate federal law and/or the constitution.

This is a privacy issue. Women are more inclined to feel self conscious about their bodies, and are less apt to exercise in the presence of men. This bill would allow for fitness centers to exist specifically designed to meet the needs of one sex - either men or women. to serve only men w if they choose

- For example, Curves:
 - Many Curves clients have said that they would not continue to go there if any men joined. They feel more relaxed and at ease.
 - The machines at Curves facilities are specifically designed for a woman.

Similar laws have been passed in other states that have this same public accommodation law, such as Massachusetts and Illinois.

This Bill DOES NOT create discrimination against potential employees and owners.

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12:30 +46
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with a Brown

primarily alot pertains to advertisers
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Pending initial hearing

Talking Points Senate Bill 24 "CURVES BILL"

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Senate Bill 24 provides an exception to the accommodation law prohibiting gender discrimination in regards to a for-profit fitness center.

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Current law ^{does} allows for exclusions for non-profit associations

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Wisconsin is one of a handful of states that has a public accommodation law. This bill is simply amending that statute to create an exception, which is consistent with current exceptions - separate public toilets, showers, saunas, and dressings rooms for each sex and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for each sex.

sex discrimination or men only X

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The federal accommodation law does not include gender in its definition of discrimination, and therefore this bill would not violate federal law and/or the constitution

This is a privacy issue. ~~Women are more inclined to feel self-conscious about their bodies, and are less apt to exercise in the presence of men.~~ This bill would allow for fitness centers to exist specifically designed to meet the needs of one sex - either men or women.

Promoting Wellness

For example, Curves:

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- market to women
- Many Curves clients have said that they would not continue to go there if any men joined. They feel more relaxed and at ease ^{with other women} ~~in the presence of men~~. This bill would allow for fitness centers to exist specifically designed to meet the needs of one sex - either men or women.
- The machines at Curves facilities are specifically designed for a woman.

Separate atmosphere enables their interest in exercise & wellness

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Similar bills have been passed in other states that have this same public accommodation law, such as Massachusetts and Illinois, ~~have created further fitness centers~~

Change balance -

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This Bill DOES NOT create discrimination against potential employees and owners.

Spinal Cord injury west Bend, Curves - attendance not within model to
Hers - "1/2" would not be in facilities w/o it "opportunity for freedom
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A-485

2003 - 2004 LEGISLATURE

LRB-0631/1

GMM:cmh:rs

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- Daniels
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2003 SENATE BILL 24

February 5, 2003 - Introduced by Senators ROESSLER, HARS DORF, BRESKE, COWLES, S. FITZGERALD, KANAVAS, A. LASEE, LAZICH, LEIBHAM and REYNOLDS, cosponsored by Representatives GROTHMAN, VRAKAS, MONTGOMERY, AINSWORTH, BIES, GOTTLIEB, GUNDERSON, HAHN, HINES, HUEBSCH, KESTELL, KRAWCZYK, LADWIG, F. LASEE, LASSA, J. LEHMAN, MUSSER, OLSEN, OTT, OWENS, PETROWSKI, PLALE, SCHNEIDER, SERATTI, SHILLING, STONE, SUDER, TOWNS, UNDERHEIM, VAN ROY, WEBER, J. WOOD and ZIEGELBAUER. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 AN ACT *to create* 106.52 (3) (e) of the statutes; **relating to:** providing an
2 exception to the law prohibiting discrimination in public places of
3 accommodation to permit a fitness center whose facilities and services are
4 intended for the exclusive use of persons of the same sex to provide the use of
5 those facilities and services exclusively to persons of that sex.

no
Duck?
Wich?
no

Analysis by the Legislative Reference Bureau

Under current law, no person may deny to another the full and equal enjoyment of any public place of accommodation because of sex, race, color, creed, disability, sexual orientation, national origin, or ancestry. Current law, however, does not prohibit separate public toilets, showers, saunas, or dressing rooms for persons of different sexes and does not prohibit a domestic abuse services organization from providing separate facilities, care, treatment, or services for persons of different sexes.

This bill permits a fitness center, which is defined under current law as an establishment that, for profit, provides as its primary purpose services or facilities that are purported to assist patrons in physical exercise, in weight control, or in figure development, whose services or facilities are intended for the exclusive use of persons of the same sex to provide the use of those services or facilities exclusively to persons of that sex, to deny the use of those services or facilities to persons of the opposite sex, and to communicate that the use of those services or facilities will be provided exclusively to persons of the same sex and will be denied to persons of the opposite sex.

MAY

12:30pm

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Why important?
Concerned about being a slippery slope?
If not, why?

Carol Phillips will be interviewing you
Contact: Diane Durham (404-827-4102)

Curves
Interview!
CNN

non profits
~~NOT~~ open to PUBLIC
ie private golf clubs

When it comes to the Curves bill, just pass it

The state Senate will consider this week the "Curves" bill, which would allow fitness centers to limit their memberships to women-only or men-only. It is a commonsense bill that deserves to sail through with a minimum of heavy lifting.

Some Democrats, of course, have already jumped on their rhetorical treadmills. They chug forth the overheated argument that allowing one tiny exception to civil rights laws will cause the whole anti-gender bias infrastructure to come crashing down. Allow women to sweat without men around, they warn, and you can kiss Title IX good-bye. It'll be a fast track back to the bad old days when women were prohibited from running in marathons, driving in the Indy 500, and golfing in PGA tournaments.

How silly.

The bill, sponsored by state Sen. Carol Roessler, R-

Oshkosh, was written in response to 173 complaints against the Curves fitness chain, all filed by a La Crosse health club owner whom the state previously barred from opening his own women-only fitness center. That decision may have been legally correct, but it wasn't right then — and still isn't.

For the record, Curves says it will accept male members — but none have applied. A corporate spokesman says Wisconsin is the only state in which the franchised fitness centers have faced discrimination claims. The Legislative Reference Bureau says several other states allow narrow exemptions for fitness centers in anti-bias laws.

Every health expert in the country says we ought to be getting more exercise. If that means offering places where women can exercise without men — and vice-versa — where's the harm? Just do it.

Monday, March 10, 2003

Wisconsin State Journal

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In the early nineties, Charles Swayne of LaCrosse approached the Wisconsin Equal Rights Division to inquire about the possibility of establishing a women's only fitness center. He was told that Wisconsin's public accommodation law, which is the anti-discrimination law, would not allow for separate gender facilities. A few years later a Texas based fitness center, called Curves for Women, began establishing facilities throughout Wisconsin - 173 fitness center businesses to be exact.

offer AS WELL
- SPA, exercise facilities as well.

Curves had already begun business operations in Wisconsin when the Division of Equal Rights informed Curves that operating as a woman's only fitness center is not allowed in Wisconsin because the public accommodation law does not provide a gender specific exception for fitness centers.

100
9/11
problem
Federal
law
other states

New Jersey, Tennessee, Illinois, and Massachusetts are four other states whose public accommodation law did not provide for gender exclusive fitness centers. These states have passed legislation amending their public accommodation law so that men and women are allowed to exercise their freedom of choice to exercise in privacy with people of the same gender. Michigan is currently working on legislation to amend their statutes. In addition, the federal public accommodation law does not prohibit gender specific fitness centers.

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In order for Curves businesses to continue to operate in Wisconsin, an exception to the public accommodation law is necessary. Without an exception, Curves or any fitness center cannot even designate separate workout times specifically for men or women.

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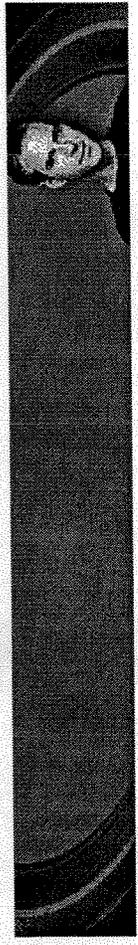


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NEWS
WISCONSIN

Doyle signs single-sex fitness bill

Women's health club chain can exclude men

By RICHARD P. JONES
rjones@journal sentinel.com

Last Updated: May 19, 2003

Madison - Flanked by women sporting Curves T-shirts, Gov. Jim Doyle signed a bill Monday to allow single-sex fitness centers, saying it would encourage better health among women and not deal women's rights the setback that opponents fear.

"I believe that government should do everything we can to encourage physical fitness, and if this bill can help encourage women to lead healthy lives and to exercise by offering a supportive environment, then it deserves our support," Doyle said.

Curves for Women, a women-only fitness center, has more than 200 locations in Wisconsin. When a competing health club



Single-Sex
Fitness Bill



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owner in La Crosse filed a discrimination suit against a Curves franchise, Sen. Carol Roessler (R-Oshkosh) introduced the bill. Several other women in the Legislature, Democrats like Doyle, saw it as a step backward toward a slippery slope of discrimination.

Doyle, former attorney general, sought to allay such concerns.

"After careful legal review of this bill, I am satisfied that it is narrowly constructed so that fitness centers would be the only public facilities that would be able to provide gender only membership," he said.

Doyle also signed a bill to hold Wisconsin's presidential primary in mid-February, instead of April. The earlier date is designed to give Wisconsin a greater role in choosing the party nominees. Instead of the first Tuesday in April, the primary in the 2004 presidential race will be on the third Tuesday in February.

Before signing the primary bill, Doyle recalled how Wisconsin once played a crucial role. In the 1960 election, Wisconsin's bellwether primary set John F. Kennedy, a young senator from Massachusetts, on the road to the White House. Doyle thanked Republican lawmakers for proposing the earlier primary.

"I'm glad the Republicans passed this bill, because this is going to be all Democratic action in this primary this time around," said Doyle, enjoying a laugh with one of the sponsors, Sen. Bob Welch (R-

Photo/Josie Liming
Christina Roherty (from left), James Kroemer and Robert Morgan exercise at the Schroeder Branch YMCA. A spokeswoman said the YMCA of Metropolitan Milwaukee has no plans to open single-sex fitness facilities, although a new state law will allow them.

Quotable

“It’s privacy for women of my age and disabilities. I go three times a week. It keeps me limber.”

- Eleanora Theiss, 86, who has been a member of a Curves center in Sun Prairie for 18 months

Background

- Editorial: No curve in this legislation (5/7/03)
- Lawsuit: Raises blood pressure of members at women-only gym (5/3/03)
- Legislation: Single-sex fitness clubs win Assembly OK (4/30/03)



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Redgranite), and other Republicans present.

But more than presidential politics, the focus Monday was the so-called Curves bill signed by the governor.

"It's privacy for women of my age and disabilities," said Eleanora Theiss, who watched as Doyle signed the bill.

Though she's 86 and walks with a cane, she said she has been a member of a Curves center in Sun Prairie for 18 months. "I go three times a week. It keeps me limber."

Being able to exercise in a women-only setting makes a world of difference, she said.

"It's easier to do," Theiss said. "It seems more competitive if you have the opposite sex. So this was really nice for me."

Also present was Steve Hill, 34, of Watertown, who operates two Curves centers in West Bend and Fond du Lac with his wife, Mary, and his sister, Angela Mueller. Opponents had argued that few men would want to join a Curves center and dismissed the bill as "overkill." Hill said that once or twice a year, a man tries to join.

The lawsuit that prompted the Curves law was filed by Charlie Swayne, former fitness club operator in La Crosse. He said he wanted to open a Curves franchise a decade ago. At the time, Curves International in Waco, Texas, was promoting the new approach to fitness. But Swayne said state officials told him that restricting membership to women only would violate state anti-discrimination laws.

"It just shows that lobbying works," Swayne said in a telephone interview. He said he agreed with Doyle's point on encouraging exercise. "No matter what the law is, I'll follow it. My big complaint is the state never enforced the law, and when Curves for Women got called on it, they were smart enough, and had enough money, the

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franchiser in Waco, Texas, had enough money to lobby to get this thing through."

Sen. Judy Robson (D-Beloit) was among those opposed to the Curves bill.

"I also agree in fitness and exercise, but not at the expense of perhaps gender discrimination," said Robson, a registered nurse. "I don't think we should discriminate against men or women. It's a solution in search of a problem that may cause a huge problem later on."

From the May 20, 2003 editions of the Milwaukee Journal Sentinel

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Doyle 'considering' bill that would allow health clubs to serve gender of their choice

MEASURE, From 1A

173 Curves locations in Wisconsin, alleging that they violate state anti-discrimination laws. His lawsuit prompted Sen. Carol Rossister (R-Oshkosh) to introduce the bill.

Swayne wanted to open a female-only fitness center in the early 1990s, but state regulators told him that would be illegal, he said in a phone interview from his La Crosse home Tuesday.

"Idios like me who complied with the law were the ones who got penalized," said Swayne, who operated two health clubs in La Crosse and now leases the facilities. "It was a bozo law in the first place."

Rep. Glenn Grothman (R-West Bend) defended the bill, passed last month by the Senate, saying that it represents a small exception to the state's public accommodations law that is designed to make fitness center customers feel more comfortable.

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"One of the reasons for this bill is basic modesty. They don't want to feel like they are working out for men."

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(R-West Bend)

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Rep. Johnnie Morris,
(D-Milwaukee)

don't want to feel like they are working out for men," Grothman said, noting that he received more constituent comments on this issue than he did on anything since the debate over a new stadium for the Milwaukee Brewers.

The state's public accommodations law says that no one may deny equal enjoyment of public accommodations based on sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

Grothman noted that state

things that are higher and of more value than our comfort," Morris said. "There was a day when these chambers would have been all white males and that, perhaps, would have been comfortable. But it would not have been right."

She added: "The strangest

thing in the world for me is to have women bring forth a bill that is gender discriminatory.... We're going against our own interests as women."

But Schmidt said it's a matter of privacy, not discrimination, and that the legislation is intended to allow women,

some of whom would not venture into a conventional health club, the opportunity to work out in a receptive environment.

"If certainly isn't about politics or discrimination," said Schmidt. "Social stigmas do dictate what we do and don't

do. Being able to choose this type of facility is important."

However, Swayne said that while he followed the law when he tried to open a women's only fitness center a decade ago, Curves went about changing the law by lobbying hard in Madison.

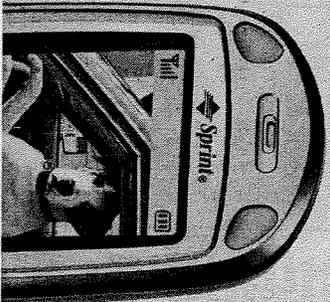
And now that the and Senate have vote single-sex health Swayne sees an open Businessman's for men only.

Tom Heid of the Journal S contributed to this report.



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...by showers, vomitines and dressing rooms, and... lows domestic abuse shelters to set up separate facilities and treatment for different genders.

Berceau said that the bill is "overkill," since most men would not want to go to a fitness club called Curves for Women.

"I would call this a comfort bill," she said. "We get into a quarantine when we try to make people comfortable.... We need to work on a cultural attitude that doesn't make people feel funny about their bodies." Rep. Johnnie Morris (D-Milwaukee) opposes the bill, saying the measure opens the door to discrimination.

"In America, we stand for

3 sentenced to die

Associated Press

Amman, Jordan — A court on Tuesday condemned three men to death, including two still at large, for a terrorist bombing that killed two people last year.

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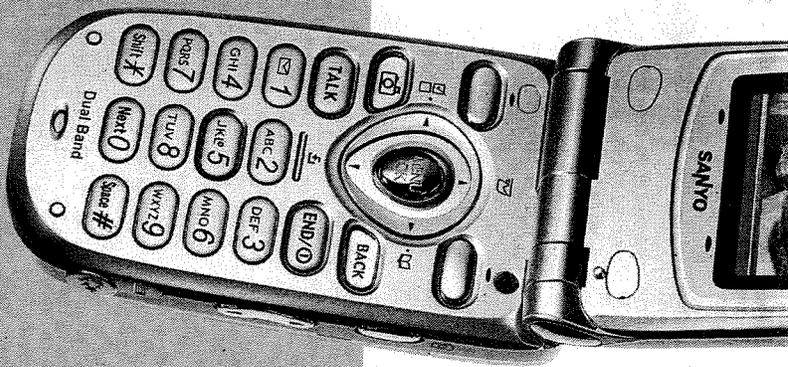
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Considering' bill that would allow health clubs to serve gender of their choice

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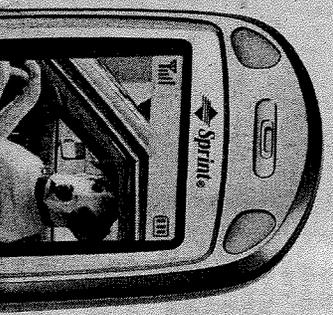
However, Swayne said that while he followed the law when he tried to open a women's only fitness center a decade ago, Curves went about changing the law by lobbying hard in Madison.

And now that the Assembly and Senate have voted to allow single-sex health clubs, Swayne sees an opportunity to open Businessman's Fitness — for men only.

Tom Held of the Journal Sentinel staff contributed to this report.



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In ___ Charles Swayne of LaCrosse approached the Wisconsin Equal Rights Division to inquire the possibility of establishing a women's only fitness center. He was told that Wisconsin's public accommodation law, which is the anti-discrimination law, would not allow for separate gender facilities. ___ years later a Texas based fitness center, called Curves for Women, began appearing throughout Wisconsin - 173 ^{fitness businesses} centers to be exact.

Curves had already began ^{business} operation in Wisconsin when the Division of Equal Rights informed Curves that operating as a woman's only fitness center is not allowed in Wisconsin because the public accommodation law does not provide an ^{gender specific} exception for fitness centers. The vast majority of states that Curves ^{business} operate in (do not exclude) single sex fitness centers in their anti-discrimination laws. In addition, the federal public accommodation law does not exclude fitness centers.

?
Please talk
me
through

Illinois and Massachusetts ^{are} ~~was~~ two states whose public accommodation law was similar to Wisconsin's, ^{Passed legislation} however ^{or?} both of these states ~~have successfully made~~ ^{exceptions} to their public accommodation law so that men and women are allowed to ~~exercise~~ their freedom of choice to exercise in privacy with people of the same gender. Michigan is currently working on legislation ~~to~~ to amend their statutes.

In order for Curves ^{business} to continue to operate in Wisconsin, an exception to the public accommodation law is necessary. Without an exception, Curves ~~is~~ ^{on} any fitness center cannot even designate ^{specifically} ~~specific times~~ for separate workout times for men and women.

(5)

Every state
in nation

U Maine study

~ 29 states have public
accommodation laws that
makes it illegal

⇒ would have to permit

6 states including

WI is ambiguous b/c of
exceptions

35

have amended to allow separate health club
- Ill, Mass New Jersey Tennessee

14

¹⁰ ~~13~~ states have no sex discrimination
in public accommodation law.

Jermstad, Sara

From: Malaise, Gordon
Sent: Wednesday, May 07, 2003 6:18 PM
To: Roessler, Carol
Subject: Constitutionality of Curves Bill



Roessler5/8/03

Senator Roessler:

Jolene asked me to prepare a brief memorandum analyzing the constitutionality of the Curves Bill to assist the governor's staff in its review of the bill. Attached is that memorandum. If you have any questions, please give me a call at 6-9738.

Gordon M. Malaise
Senior Legislative Attorney
Legislative Reference Bureau