

Jermstad, Sara

From: Asbjornson, Karen
Sent: Thursday, February 13, 2003 8:10 AM
To: Jermstad, Sara
Subject: FW: Fitness issues
CR email

Karen Asbjornson
Office of Senator Carol Roessler
(608) 266-5300/1-888-736-8720
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: pksesner [mailto:pksesner@amertech.net]
Sent: Thursday, February 13, 2003 6:46 AM
To: sen.roessler@legis.state.wi.us
Subject: Fitness issues

Hi

I just joined Curves in Brown Deer a Month ago and I'm glad I did. I was introduced to Curves by my Dietician when we decided to help my Diabetes with exercise. You see, I am at least 125 lbs overweight. What I like about Curves is that it is for women in the same condition I'm in - overweight. I don't think I would be comfortable working out with Men in the group because they have other issues on their minds. We need to be able to do this for ourselves without having to worry being intimidated by the male ego. So what ever you can do to help resolve this issue will be appreciated. (Don't get me wrong, this kind of exercise might be good for men, but I don't want them around while I'm doing it.) Please feel free to share this with your committee members/lawyers etc.

One of Many Curves voters
Peggy Kiesner
5352 N. 49th St.
Milwaukee, WI 53218

02/13/2003

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

JAMES W. HOPSON Publisher

FRANK DENTON Editor TIM KELLEY Editorial page editor

SUNNY SCHUBERT Editorial writer CHUCK MARTIN Editorial writer

Opinions above are shaped by the board, independent of news coverage decisions elsewhere in the newspaper.

AMENDMENT TO SB 24

SB 24 should remain as originally drafted. The amendment(s) offered by Senator Carpenter would not allow a fitness center to operate so as to ensure the reasonable privacy rights of females/males based on the physical differences between the sexes which is consistent with the already existing gender-based exemptions in the Public Accommodations Law, such as for dressing rooms, toilets, showers and college dorm rooms.

This amendment(s) would also still leave open judicial interpretation whether advertising terms such as "Women's Fitness Center" or "Curves~~o~~ for Women" would be allowed. It is possible that a party could argue that such terms are meant to "exclude" the other gender and not just intend to appeal primarily to one sex for use of the fitness center's services or facilities.

The purpose of SB 24 is to clearly set forth for all Wisconsinites that a fitness center can be operated for use by one gender if so offered by the operator of the fitness center. The original draft of SB 24 accomplishes that goal.

**SENATE AMENDMENT ,
TO 2003 SENATE BILL 24**

*Memberships
C. 110*

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 4: delete lines 4 and 5 and substitute "intended to appeal
3 primarily to persons of the same sex to provide facilities and services that appeal
4 primarily to persons of that sex and to give preferential treatment in the use of those
5 services or facilities to persons of that sex."

6 2. Page 2, line 3: delete lines 3 to 9 and substitute "s. 100.177 (1) (c), whose
7 services or facilities are intended to appeal primarily to persons of the same sex from
8 providing services or facilities that appeal primarily to persons of that sex, from
9 giving preferential treatment in the use of those services or facilities to persons of the
10 same sex, or from directly or indirectly publishing, circulating, displaying, or mailing
11 any written communication to the effect that those services or facilities are intended
12 to appeal primarily to persons of the same sex."

(END)

*Encountered
this
situation
had to
tell
them
if
they
did
not
want
to
be
able
to
tell
them
have
to
leave
or
set
certain
hours*

Smith

Joined

*State against
law
Estab Busi.*

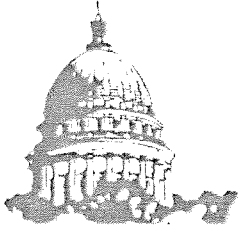
Curves has been sued based on 3 constitutional items:

1. denying access
2. preferential treatment
3. specialized equipment

Curves was found guilty of #2 & 3

Carpenter's amendment would allow them to do 2 & 3

In regards to asking a man to leave b/c they are being abusive to the equipment, Curves would have every right to ask him leave - that is a matter separate from the issue at hand.



WISCONSIN STATE SENATE
TIM CARPENTER
SENATOR – 3RD DISTRICT

State Capitol * P.O. Box 7882 * Madison, Wisconsin 53707-7882 * Phone: (608) 266-8535

To: Members of the Senate Committee on Health, Children, Families, Aging
and Long Term Care:

From: Senator Tim Carpenter

Date: March 5, 2003

Re: Senate Bill 24

You will now have received two memorandums Senator Roessler, which state that I intend to introduce a particular amendment at the executive session Senator Roessler has called for March 6, 2003. For the record, at no time have I stated that I was going to introduce any amendment at the executive session.

In good faith, I have diligently attempted to work with Senator Roessler to craft legislation that resolves the legal issues facing Curves for Women, and yet avoid SB 24's attempted reintroduction of sexual discrimination in Wisconsin fitness centers. In conjunction with Legislative Council, I have drafted several amendments, specifically tracking and protecting fitness centers like Curves from the statutes used against Curves in its recent litigation. Despite my sending these amendments to Senator Roessler and asking for her comment, Senator Roessler unfortunately never responded to my overtures.

On March 4, 2003, hearing no response from Senator Roessler to my efforts, my office personally contacted Curve's attorney, Tom Keiffer. I tried to try to find out why an amendment that would allow Curves to continue to operate its business as it had, and take care of its legal issues against it, would not be acceptable. I am informed that Tom Keiffer was candid and courteous in his conversation. After that conversation, Senator Roessler's distributed her March 4, 2003 statement from Curves' attorney.

We all understand that Curves hired its lawyers not to craft good legislation, but to aggressively represent its interests. In its hard-line attempt to get what is best for its business, Curves has no need to care for the unintended consequences of its actions. While the over-breadth of the Curves' corporate reintroduction of discrimination inoculates Curves' business from present litigation, SB 24 will have unintended consequences that thoughtful legislators must consider – consequences that those hired to pursue Curves' business interest may ignore or freely pass on to future legislatures. Discrimination is not to be lightly reintroduced into society to serve business interests.

It is an old saw that "good cases make bad law," meaning that an emotional issue can initiate a poor law of general application. And while we can agree that Curves should be able to continue its business as it has in the past, legislative overkill is not a result we can be proud of, when less-restrictive measures will suffice. What an attorney believes is best for his own client may not make for the best legislation. As legislators, we have a duty to do more than co-opt the arguments of corporate litigation counsel, and a duty to make sure legislation is good for the citizens of Wisconsin, not just the business interests of one company.

I respectfully submit to the committee chair and members that the merits of my amendment will make SB 24 more appropriate for the people of Wisconsin, and I intend to raise the amendment for discussion the executive session.

To: Members of the Senate Committee on Health, Children, Families, Aging
and Long Term Care

From: Senator Carol Roessler

Date: March 5, 2003

Re: Amendment to Senate Bill 24

Yesterday you received a copy of an amendment Senator Carpenter has indicated he would be introducing during executive session on Senate Bill 24.

Attached you will find a response my office received from Tom Kieffer, an attorney for Curves for Women, regarding Senator Carpenter's amendment. Curves for Women asked that I distribute the response to your office for your review.

If you have any questions or concerns, please feel free to contact my office.

AMENDMENT TO SB 24

SB 24 should remain as originally drafted. The amendment(s) offered by Senator Carpenter would not allow a fitness center to operate so as to ensure the reasonable privacy rights of females/males based on the physical differences between the sexes which is consistent with the already existing gender-based exemptions in the Public Accommodations Law, such as for dressing rooms, toilets, showers and college dorm rooms.

This amendment(s) would also still leave open judicial interpretation whether advertising terms such as "Women's Fitness Center" or "Curves~~o~~ for Women" would be allowed. It is possible that a party could argue that such terms are meant to "exclude" the other gender and not just intend to appeal primarily to one sex for use of the fitness center's services or facilities.

The purpose of SB 24 is to clearly set forth for all Wisconsinites that a fitness center can be operated for use by one gender if so offered by the operator of the fitness center. The original draft of SB 24 accomplishes that goal.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0107/1
GMM:kmg:rs

SENATE AMENDMENT,
TO 2003 SENATE BILL 24

CL amendment

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: delete that line and substitute:

3 "SECTION 1d. 106.52 (1) (cm) of the statutes is created to read:

4 106.52 (1) (cm) "Fitness center" means an establishment, whether operated for
5 profit or not for profit, that provides as its primary purpose services or facilities that
6 are purported to assist patrons in physical exercise, in weight control, or in figure
7 development. "Fitness center" does not include an organization solely offering
8 training or facilities in an individual sport or a weight reduction center, as defined
9 in s. 100.177 (1) (e).

10 SECTION 1m. 106.52 (3) (e) of the statutes is created to read:"

11 **2.** Page 2, line 2: delete ", as defined in".

12 **3.** Page 2, line 3: delete "s. 100.177 (1) (c)".

13

(END)

*regardless
profit
non profit*



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0631/1
GMM:cmh:rs

2003 BILL

Travel passes?

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~~ ^{to appeal primarily to persons of the same sex to provide}
 5 ~~facilities and services that appeal primarily to persons of that sex.~~ ^{facilities and services that appeal primarily to persons of that sex.}
~~those facilities and services exclusively to persons of that sex.~~

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.

2003 - 2004 Legislature

- 2 -

LRB-0681/1
GMM:cmh:rs

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

SECTION 1. 106.52 (3) (e) of the statutes is created to read:

106.52 (3) (e) ~~Nothing in this section prohibits a fitness center, as defined in~~ *Notwithstanding par (a) 2 and 3, this section does not prohibit*
 a. 100.177 (1) (c), whose services or facilities are intended ~~for the exclusive use of~~ *to appeal primarily to*
 persons of the same sex from providing ~~the use of those services or facilities~~ *that appeal primarily to persons of that sex*
 exclusively to persons of that sex, ~~from denying the use of those services or facilities~~
 to persons of the opposite sex, or from directly or indirectly publishing, circulating,
 displaying, or mailing any written communication to the effect that ~~the use of those~~ *are intended to appeal primarily*
 services or facilities will be provided exclusively to persons of the same sex and will
 be denied to persons of the ~~opposite sex.~~ *same*

(END)

Handwritten signature or initials at the bottom of the page.

Curves®

"The Power to Amaze Yourself"

70'S - MEN

- Machine not ^(designed) made for man.
- Co-op hours - owners have a choice to have set times.
- life strength not competitive strength
- a lot of women not come if a man was here
- who's wife belong to Curves that has lost lbs + Inches?
- Average Age group - 35-80
- wow, waves for women, contours,

205 South Century Ave
Waunakee, WI 53597
608-850-6999

620 Jackson Street
Sauk City, WI 53583
608-644-9110

Roessler

to appeal primarily to ~~+~~
to provide facilities + services
that appeal primarily.

~~But permit curves no more
no one could say exclusive
now~~

~~★ no ability for exclusivity
Close to
NO way disparate exclusive
+ mis.~~

"Soften it up" exclusively
Deny all together

~~Exclusively not even covered~~

~~Arg this
Amendment Contradicted
would have to allow~~

Carol -

Glenn Grothman is going to come talk to you about Carpenter's bill - he feels it guts the bill. He thinks we should not entertain it.

Also, your amendment for non-profits came. ~~It~~ A copy for you is included.

exemption current law has
profits members - members
guests.

~~Not~~ members = limited ^{exemption}

Elts - member only.

Could not discriminate on
open public.

male members only + their
guests
Canned

Ymbs + open to public

they could not offer
just for women or men.

Ymbs ^{current only}
non profit clubs.
to market fitness facilities
didn't do it.

fitness = no other basis
for membership.

Hill d Bessie Keps. - Ullrich, V. Jones, V. Jones, M. J. ...
 Cowley
 FITS
 KAMR
 LAZER
 HAZK
 Leibem
 Reynolds
 No way EXPAND
 Unique P.A. Law
 narrow scope
 Blain Strong
 H clubs X imbles
 X employees or less
 35-85
 Fit / not competitive

Consistent
 Regional
 Shouldn't
 Many Hill
 Looking Forests

Don't want any

why
 14/10
 hope to be
 women's health
 issue
 624-92567
 work CO 262-

Exclude or can do against more powerful
Bad Presidents

Fitness club -
 Fitness of men: ~~not~~ ~~clashes~~ go.
 Lacrosse guy - Computer
 Technical deal
 he has case.
 Commented for women can't exercise men.

ALLES Fitness club exercise become healthy there.
 GOLF courses regulated
 Can't exceptions - noting activities

Wpenbach some concerns
 Women's health issue
 Carpenter
 RISSER

absent
 compelling
 Shouldn't sq
 Sep, race.
 ie Samra's

Locker Room Non Profits.

Reasonable step
 Massachusetts
 lead fight.

Marketing

Not legally excluded
 Shouldn't be
 able to say for
 women.

muscle gym w/ lifting for men only
 Pumping iron

Select Reason, select purpose, select facilities

Create single sex -
 "Constitutional" 14 amendment.

Doesn't mean have to be kept

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Fitness Centers In Sex-bias Dispute

Curves Is Being Sued, And A Bill Would Exempt Fitness Centers From The Gender-bias Rule.

Wisconsin State Journal :: FRONT :: A1

Sunday, February 9, 2003

Tom Sheehan State government reporter

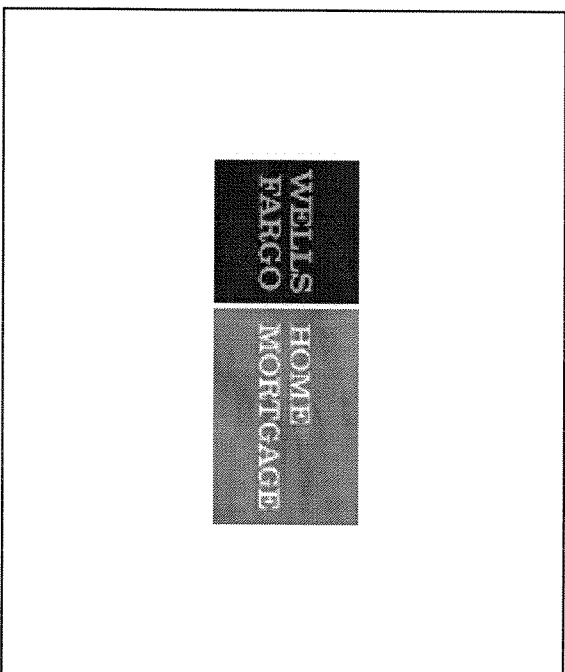
Curves fitness centers are as popular with some women as roses on Valentine's Day. More than 5,000 of the franchises have been sold in the United States since 1995.

"Women just want to have their privacy when they work out," said Casey Schroeder, who owns five Curves centers in western Wisconsin and eastern Minnesota. Curves markets fitness and weight loss programs to primarily women.

But Charles Swayne of La Crosse has a problem with what he calls the exclusive nature of Curves. He's giving Schroeder and Curves corporate headquarters in Waco, Texas, a legal workout.

Swayne, who has owned fitness centers in La Crosse, has filed claims against 173 Curves franchises in Wisconsin, saying they violate state anti-discrimination laws for public accommodations. That law prohibits discrimination in public accommodations based on sex, race, color, creed,

disability, sexual orientation, national origin or ancestry.



In addition to fighting Swayne's gender discrimination claims, Curves owners in the state are supporting a bill that would create an exception to the discrimination law for fitness centers. A legislative hearing is scheduled on that proposal this week.

In the early '90s, Swayne wanted to open his own female-only fitness center but state regulators said that would be illegal, said Swayne's attorney, Dawn Marie Harris. Swayne was not allowed to hold aerobics classes exclusively for women.

Now, Swayne's legal battles are coming to a head. An administrative law judge found Curves violated the law in one of those 173 claims, but the company has appealed that decision. A ruling has not been issued in the appeal. But a ruling is expected soon on another claim, and those two

cases could serve as test cases for the remaining 171 claims, Harris said.

Curves will continue to appeal Swayne's cases, if necessary, said Roger Schmidt, general counsel for Curves International in Waco.

Wisconsin's law is more restrictive than that of any other state, he added. "This is not about discrimination, it's about privacy. I do not want women working out where I work out, and in Texas, we don't have that (law) here," Schmidt said.

Wisconsin is the only state in which Curves faces discrimination claims or lawsuits, Schmidt said. Men are welcomed to join, but nationwide none currently belong, he said.

Swayne's claims were filed with the state's Equal Rights Division. Curves owners from across the state have joined forces, hiring an attorney and a lobbyist, Schroeder said.

Some states, including Massachusetts and Illinois, have created exceptions to their discrimination laws for fitness centers, said Gordon Malaise, an attorney for the Legislative Reference Bureau.

The Curves bill, introduced last week by Sen. Carol Roessler, R-Oshkosh, would create a narrow exception in Wisconsin, he said.

Roessler said she was asked to introduce the legislation by the owner of Curves in Fond du Lac and West Bend. Fitness centers should be able to decide who they want to cater to, she said. "This would give those facilities a choice to provide for particular gender-only times," Roessler said.

Although some women don't mind exercising in a co-ed environment, others want privacy, Roessler said.

"They can come as they are, without feeling they have to dress up and wear makeup," Roessler.

Women should not support Roessler's bill, however, Harris said.

"Are we (women) going to go back to the dark ages and not be able to compete on golf courses and that sort of thing?" asked Harris, suggesting the term "fitness center" could be loosely interpreted.

If you go

* What: Public hearing on bill introduced by Sen. Carol Roessler, R-Oshkosh, that would allow fitness centers to decide who they want to cater to. It is being heard by the Senate Committee on Health, Children, Families, Aging and Long Term Care.

* When: 10 a.m. Thursday.

* Where: Room 201 Southeast at the Capitol.

Jermstad, Sara

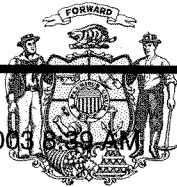
From: Rothwell, Julie
Sent: Friday, February 07, 2003 9:57 AM
To: Asbjornson, Karen; Jermstad, Sara

Hey Karen and Sara

Tim Carpenter called, he said that Next Thursday at the Curves hearing he will not be supporting the bill. He has been reading the e-mails from people who support it and it is making him uncomfortable. He said that he feels has something to do with civil rights. He wants to stay on good terms with Carol and wanted to give her a heads up. If she has any questions, she can contact him. 6-8535

WISCONSIN STATE SENATE

Jermstad, Sara



From: Asbjornson, Karen
Sent: Monday, February 03, 2003 8:29 AM
To: Jermstad, Sara
Subject: FW: Senate small pox hearing

Carol Roessler
STATE SENATOR

CR email

Karen Asbjornson
Office of Senator Carol Roessler
(608) 266-5300/1-888-736-8720
Karen.Asbjornson@legis.state.wi.us

-----Original Message-----

From: Borgerding, Eric [mailto:EBorgerding@wha.org]
Sent: Sunday, February 02, 2003 7:58 PM
To: sen.roessler@legis.state.wi.us
Subject: FW: Senate small pox hearing

Carol,

As you can see below, we have lined up a good speaker for your hearing. Please advise on any specific topics you would like addressed.

Thanks for the invite, Eric.

-----Original Message-----

From: Bazan, Bill
Sent: Fri 1/31/2003 9:57 AM
To: Borgerding, Eric
Cc: Leitch, Laura
Subject: Senate small pox hearing

Eric - I confirmed this morning that Dr. Nick Turkal, Senior Clinical Vice President for Academic and Medical Affairs, Aurora Health Care, is available and willing to testify before the Senate committee on Feb 13. I plan on coming in with Nick for the hearing. If there are any specific issues that Carol R. and the committee want addressed, please let me know. Bill Bazan

*No constitution
problems whatsoever
ask vaughn*

*in
Bretke's
office*

*Sam
never
took on
ck's
conversation
N. vaughn*

2003 - 2004 LEGISLATURE

LRB-0631/1
GMM::cmh::rs


2003 SENATE BILL 24 

[Link to Bill History](#)


February 5, 2003 - Introduced by Senators Roessler, Harsdorf, 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.

Pg1Ln1 **An Act** to create 106.52 (3) (e) of the statutes; relating to: providing an
Pg1Ln2 exception to the law prohibiting discrimination in public places of
Pg1Ln3 accommodation to permit a fitness center whose facilities and services are
Pg1Ln4 intended for the exclusive use of persons of the same sex to provide the use of
Pg1Ln5 those facilities and services exclusively to persons of that sex.

Analysis by the Legislative Reference Bureau

SB24 


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.

SB24 

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.


For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SB24, s. 1 

Pg2Ln1

Section 1. 106.52 (3) (e) of the statutes is created to read:

SB24, s. 1 - continued 

Pg2Ln2

106.52 (3) (e) Nothing in this section prohibits a fitness center, as defined in s. 100.177 (1) (c), whose services or facilities are intended for the exclusive use of persons of the same sex from providing the use of those services or facilities exclusively to persons of that sex, from denying the use of those services or facilities to persons of the opposite sex, or from directly or indirectly publishing, circulating, displaying, or mailing any written communication to the effect 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.

Pg2Ln3

Pg2Ln4

Pg2Ln5

Pg2Ln6

Pg2Ln7

Pg2Ln8

Pg2Ln9

Pg2Ln10

(End)



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Fitness center battle moves to Madison

Associated Press

Last Updated: Feb. 8, 2003

Madison - The battle over whether a chain of popular, women-only fitness centers is discriminating against men is moving from the courtroom to the Capitol.

A hearing is scheduled on a bill sponsored by state Sen. Carol Roessler (R-Oshkosh) that would allow the state's Curves fitness centers to continue serving only women.

La Crosse fitness center owner Charles Swayne has sued the company, which has sold more than 5,000 franchises since 1995. He claims Curves violates state anti-discrimination laws.

Roessler's bill would create a narrow exception in state law for fitness centers.

Swayne's attorney, Dawn Marie Harris, says women should not support Roessler's bill because the term "fitness center" could be loosely interpreted.

Harris said Swayne wanted to open his own female-only fitness center in the early 1990s, but state regulators told him that would be illegal. Swayne also was not allowed to hold aerobics classes exclusively for women, she said.

A version of this story appeared in the Milwaukee Journal Sentinel on Feb. 9, 2003.

~~rough~~
curves

W/ unique public accommodations law
curves has been successful
- Carpenter, EPA, Reiser all

• Bad idea: if can exclude for
women, you can exclude against

• lots of ways to limit scope:
- bad precedent
- women, you can exclude against
- lots of ways to limit scope:
- bad precedent

• what's downside?
- health or members

→ across gay sued curves mean lots of things
• Fitness center can mean lots of things
• can be interpreted differently.
→ how do we make it clear men?

• Curves only - women
- legally, 11 exceptions to public accommodations law.
• Default - where it might make sense.
• Can designate rooms
• YMCAs - marketing + names don't apply either

opening public — for selective purposes

Public accommodation law will be argued

not unconst. bcs. we already have exceptions
→ 14th am. equal protection clause

set certain hours

Keep as narrow & focused as possible

Real
Reasonable
Resp.

Chvala & Sauch

Curves

Chuala

Brown

Sauch

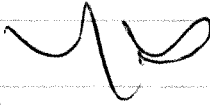
Kanawas

Roesler

Welch

Robson no

Carpenter no

Welch & 
Schultz?

Gordon Malasia

Curves Attny

3 clients

3 owners - Mary Hill, Madison person

only 6 speaking

⇒ 200 people total

<u>REPRESENTATIVE</u>	<u>ROOM</u>	<u>PHONE</u>	<u>REPRESENTATIVE</u>	<u>ROOM</u>	<u>PHONE</u>
AINSWORTH, John (R-6)	309-North	6-3097	3 MONTGOMERY, Phil (R-4)	129-West	6-5840
ALBERS, Sheryl (R-50)	3-North	6-8531	MORRIS, Johnnie (D-11)	118-North	6-3756
BALOW, Larry (D-68)	126-North	6-9172	MUSSER, Terry (R-92)	11-West	6-7461
BERCEAU, Teresa (D-76)	208-North	6-3784	NASS, Stephen (R-31)	12-West	6-5715
BIES, Garey (R-1)	125-West	6-5350	NISCHKE, Ann (R-97)	8-North	6-8580
BLACK, Spencer (D-77)	214-North	6-7521	OLSEN, Luther (R-41)	9-West	6-8077
BOYLE, Frank (D-73)	221-North	6-0640	OTT, Alvin (R-3)	318-North	6-5831
COGGS, G. Spencer (D-17)	210-North	6-5580	OWENS, Carol (R-53)	315-North	7-7990
COLON, Pedro (D-8)	5-North	7-7669	PETROWSKI, Jerry (R-86)	4-West	6-1182
CULLEN, David (D-13)	216-North	7-9836	PETTIS, Mark (R-28)	20-North	7-2365
FITZGERALD, Jeff (R-39)	308-North	6-2540	PLALE, Jeffrey (D-21)	107-North	6-0610
FOTI, Steven (R-38)	215-West	6-2401	PLOUFF, Joe (D-29)	306-West	6-7683
FREESE, Stephen (R-51)	115-West	6-7502	POCAN, Mark ((D-78)	322-West	6-8570
FRISKE, Donald (R-35)	312-North	6-7694	POPE-ROBERTS, Sody (D-79)	420-North	6-3520
GARD, John (R-89)	211-West	6-3387	POWERS, Michael (R-80)	310-North	6-1192
GIELOW, Curt (R-23)	316-North	6-0486	RHOADES, Kilty (R-30)	321-East	6-1526
GOTTLIEB, Mark (R-60)	304-North	7-2369	RICHARDS, Jon (D-19)	6-North	6-0650
GRONEMUS, Barbara (D-91)	114-North	6-7015	RILEY, Antonio (D-18)	209-North	6-0645
GROTHMAN, Glenn (R-58)	15-North	4-8486	SCHNEIDER, Martin (D-72)	204-North	6-0215
GUNDERSON, Scott (R-83)	7-West	6-3363	SCHOOFF, Dan (D-45)	220-North	6-9967
GUNDRUM, Mark (R-84)	19-North	7-5158	SERATTI, Lorraine (R-36)	18-North	6-3780
HAHN, Eugene (R-47)	15-West	6-3404	SHERMAN, Gary (D-74)	320-West	6-7690
HEBL, Tom (D-46)	304-West	6-7678	SHILLING, Jennifer (D-95)	120-North	6-5780
HINES, J.A. (R-42)	10-West	6-7746	SINICKI, Christine (D-20)	321-West	6-8588
HUBER, Gregory (D-85)	218-North	6-0654	STASKUNAS, Tony (D-15)	124-North	6-0620
HUBLER, Mary (D-75)	119-North	6-2519	STEINBRINK, John (D-65)	307-West	6-0455
HUEBSCH, Michael (R-94)	304-East	6-0631	STONE, Jeff (R-82)	320-East	6-8590
HUNDERTMARK, Jean (R-40)	13-West	6-3794	SUDER, Scott (R-69)	21-North	7-0280
JENSEN, Scott (R-98)	123-West	4-6970	TOWNS, Dabi (R-43)	302-North	6-9650
JESKEWITZ, Suzanne (R-24)	314-North	6-3796	TOWNSEND, John (R-52)	22-West	6-3156
JOHNSRUD, DuWayne (R-96)	323-North	6-3534	TRAVIS, David (D-81)	223-North	6-5340
KAUFERT, Dean (R-55)	308-East	6-5719	TURNER, Robert (D-61)	219-North	6-0731
KERKMAN, Samatha (R-66)	109-West	6-2530	UNDERHEIM, Gregg (R-54)	11-North	6-2254
KESTELL, Steve (R-27)	17-West	6-8530	VAN AKKEREN, Terry (D-26)	409-North	6-0656
KRAWCZYK, Judy (R-88)	9-North	6-0485	VAN ROY, Kari (R-90)	8-West	6-0616
KREIBICH, Robin (R-93)	107-West	6-0660	2 VRAKAS, Daniel (R-33)	119-West	6-3007
KREUSER, James (D-64)	201-West	6-5504	VRUWINK, Amy Sue (D-70)	412-North	6-8366
KRUG, Shirley (D-12)	212-North	6-5813	WUKMIR, Leah (R-14)	307-North	6-9180
KRUSICK, Margaret (D-7)	128-North	6-1733	WARD, David (R-37)	324-East	6-3790
LADWIG, Bonnie (R-63)	113-West	6-9171	WASSERMAN, Sheldon (D-22)	111-North	6-7671
LASEE, Frank (R-2)	105-West	6-9870	WEBER, Becky (R-5)	115-West	6-2418
LASSA, Julie (D-71)	122-North	7-9649	WIECKERT, Steve (R-57)	16-West	6-3070
LEHMAN, John (D-62)	303-West	6-0634	WILLIAMS, Annette (D-10)	113-North	6-0960
LEHMAN, Michael (R-99)	103-West	7-2367	WILLIAMS, Mary (R-87)	18-West	6-7506
LeMAHIEU, Daniel (R-59)	17-North	6-9175	WOOD, Jeffrey (R-67)	7-North	6-1194
LOEFFELHOLZ, Gabe (R-49)	317-North	6-1170	WOOD, Wayne (D-44)	104-North	6-7503
LOTHIAN, Thomas (R-32)	306-North	6-1190	YOUNG, Leon (D-16)	109-North	6-3786
McCORMICK, Terri (R-56)	127-West	6-7500	ZEPNICK, Josh (D-9)	418-North	6-1707
MEYER, Dan (R-34)	306-East	6-7141	ZIEGELBAUER, Bob (D-25)	207-North	6-0315
MILLER, Mark (D-48)	112-North	6-5342			
CHIEF CLERK, Patrick Fuller	208-RJC	6-5811	Supplies / Document Room	121-RJC	6-2400
Asst. Chief Clerk, Vacant	208-RJC	7-4355	Quick Copy Center	17 SF	6-5591
Adm. Asst/Maint.Request (Linda)	208-RJC	6-7674	Leg. Audit Bureau	22 E. Mifflin	6-2818
General Info/Supplies (Laura)	208-RJC	6-1501	Leg. Council	401-Main	6-1304
Records (Ken)	208-RJC	6-2406	Leg. Fiscal Bureau	301-Main	6-3847
Bulletins (Jody)	208-RJC	6-2545	Legislative Hotline	121-RJC	6-9960
Journals (Kay)	208-RJC	6-5550	(Toll-free number)	800-362-9472	
Per Diem/Roll Calls (Doris)	208-RJC	4-8588	Hearing Impaired	800-226-2115	
Assembly Printing/Travel (Mary)	208-RJC	6-1108	Leg. Post Office	B25-West	6-5837
Assembly Office Accts. (Julanne)	208-RJC	6-3826	LRB-Reference Section	2nd-Hamilton	6-0341
Telephones/Voicemail (Lonni)	208-RJC	6-2006	LRB-Bill Drafting	5th-Hamilton	6-3561
Chief Clerk Fax Number		6-5617	LTSE Technical Support	400 SF	7-9528
Legislative Human Resources	301-RJC	4-8471	Call Forwarding to SGT	411-West	6-3044
Rick Skindrud, Sgt-at-Arms	411-West	7-9808	Capitol Buildings and Grounds	B20-SE	6-1485
Sergeant's Staff	411-West	6-1503	CAPITOL POLICE DEPT.	B2-North	6-7700
Graphic Artist-Lee Riedesel	B-41-West	4-8395	Photographer-Brent Nicastro	B-7-West	1-9476
Graphic Artist-DeAnna Williams	B-41-West	6-8603	Photographer-Jay Salvo	B-14-West	7-0897
Leg. Website: www.legis.state.wi.us					
Mailing: PO Box 8952(Reps A-L) PO Box 8953(Reps M-Z) Madison, WI 53708 E-Mail: Rep.(insert last name)@legis.state.wi.us					
HEARING ROOMS: NHR(2ND FL) 4-8317...417 NORTH (GAR) 4-8318...225 NW 6-3454...300 NE 6-7646...328 NW 6-2403...400 NE 6-2848					
412 E 6-7632...415 NW 6-2411					

WISCONSIN STATE SENATE

SENATOR	PHONE	ROOM	STAFF			
(12) BRESKE, Roger	6-2509	310 S.	Vaughn Vance, Elizabeth Piliouras, Kristin Settle			
(31) BROWN, Ronald W.	6-8546	104 S.	Katie Mnuk, Hannah Vick, James Wawrzyn, Nick Henneman			
(3) CARPENTER, Tim	6-8535	126 S.	Albert Collins, Stuart Ewy			
(16) CHVALA, Charles	6-9170	130 S.	Susan Meinholz, Maribeth Witzel-Behl, Michael Browne, Paula McGuire			
(2) COWLES, Robert	6-0484	122 S.	Roger Frings, Jennifer Halbur			
(8) DARLING, Alberta	6-5830	317 E.	Jessica Tormey, Andy Gustafson, Matthew Krueger, Thomas Petri, Katherine Ford			
(29) DECKER, Russell	6-2502	323 S.	Barbara Worcester, Patrick Walsh, Paul Szelc, Teresa Mason			
(19) ELLIS, Michael	6-0718	118 S.	Lynn Nelson, Kurt Schultz, Kay Reetz, Michael Boerger			
(27) ERPENBACH, Jon	6-6670	202 S.	Nancy Bills, Tryg Knutson, Julie Laundrie, Carrie Templeton, Terry Tuschen			
(13) FITZGERALD, Scott	6-5660	316 S.	Cindy Block, Thomas Rhatigan, Judi Rhodes-Engels			
(6) GEORGE, Gary	6-2500	22 S.	Tyrone Daniels, Locka Thao			
(7) 7TH SENATE DISTRICT	6-7505	109 S.	Lisa Moen, Julie Sebastian, John Sumi, John Wagnitz			
(30) HANSEN, Dave	6-5670	319 S.	Jay Wadd, Lisa Ellinger, Eric Genrich, Jessica Lundquist			
(10) HARSDORF, Sheila	6-7745	131 S.	Jack Jablonski, Christian Schneider, Kimberly Tohm			
(25) JAUCH, Robert	6-3510	19 S.	David Jahr, Linda Kleinschmidt, Adam Korbitz, Daniel Kanninen			
(33) KANAVAS, Ted	6-9174	20 S.	Bruce Pfaff, Marianne Foster, Michael Richards			
(11) KEDZIE, Neal	6-2635	313 S.	Dan Johnson, Matt Phillips, Heather Smith, Cory Bruce			
(1) LASEE, Alan	6-3512	219 S.	Shari Lord, Kenlyn Harris, Allison Coakley			
(28) LAZICH, Mary	6-5400	127 S.	Cathleen Connolly, Ann Marie Molitor, Thomas Van Ess, Wendi Zitske			
(9) LEIBHAM, Joseph	6-2056	409 S.	Patrick Vander Sanden, Daniel Lindstedt, Brett Davis			
(32) MEYER, Mark	6-5490	106 S.	Grant Huber, Bryan Brooks, Ryan Natzke, John Baldus			
(4) MOORE, Gwendolynne	6-5810	415 S.	Shirley Ellis, Leanne Bergstrom, Kelly Bablitch, Jessica Clark			
(20) PANZER, Mary	6-7513	211 S.	Greg Hubbard, Tad Ottman, Rose Lemke, Lisa Davidson, Kelly Rindfleiseh			
(5) REYNOLDS, Tom	6-2512	306 S.	Steve Krieser, Adam Peer, Les Wakefield, Andre Jacque			
(26) RISSER, Fred	6-1627	123 S.	Leslie Travis, Cindy Ashley, Sarah Briganti, Dianne Cieslewicz			
(15) ROBSON, Judith	6-2253	5 S.	Kathleen Soderbloom, Kelley Flury, Justin Sargent			
(18) ROESSLER, Carol	6-5300	8 S.	Karen Asbjornson, Sara Jermstad, Michael Driedric, Sara Seaquist			
(17) SCHULTZ, Dale	6-0703	18 S.	Thomas Jackson, John O'Brien, Eileen O'Neill			
(24) 24TH SENATE DISTRICT	6-3123	3 S.	Kristi Winters, Alex Levinger, Jessica Erickson			
(21) STEPP, Cathy	6-1832	7 S.	Scott Manley, Pat Rasmussen, Jay Risch, Brian Pleva			
(14) WELCH, Robert	6-0751	10 S.	Mary Ellen Boario, Christopher Newhouse, Bradley Boycks, Tricia Sieg, Amy Ferris			
(22) WIRCH, Robert	7-8979	108 S.	Pat Erickson, Amber Meyer, Rachel Roller			
(23) ZIEN, David	6-7511	15 S.	Robert Seitz, Peter Hanson, John Hogan, Susan Marcott			
Senate Chief Clerk	6-2517	401 (RJC)	Donald J. Schneider	Legislative Hotline	6-9960	121 (RJC)
Leg. Human Resources	4-8471	301 (RJC)	Joel Warnick	(Toll-free Number)	1-800-362-WISC	(9472)
Senate Office Accounts	6-2517	401 (RJC)	Moni Rohr	Hearing Impaired	1-800-228-2115	
Journals & Records	6-1803	401 (RJC)	Donna Doyle	Document Rm/Supplies	6-2400	121(RJC)
Senate Printing/Citations	6-1803	401 (RJC)	Sarah Burhop	Tour Information	6-0382	(C)
Senate Photographer	7-4347	401 (RJC)	Richard Hanson	Capitol Police	6-7700	B2N(C)
Web Page Design	7-2476	401 (RJC)	Laurene Bach	Leg. Audit Bureau	6-2818	22 E. Mifflin
Senate Graphics Staff	7-2476	401 (RJC)	Cindy Marecek, Gina Ward	Legislative Council	6-1304	4 th Fl (E)
Sergeant-at-Arms Office	6-1801	B35S(C)	Ted Blazel	Legislative Fiscal Bureau	6-3847	3 rd Fl (E)
Senate Mail	6-1006	B35S	Charles Johnson	L R B (Drafting)	6-3561	5 th Fl (H)
Hearing Rooms' Schedule	6-2506	B32S (C)	Sherab Lhatsang	L R B (Reference)	6-0341	2 nd Fl (H)
Dem. Policy & Budget	6-9220	310 (RJC)	Risser Justice Center	LTSB Help Desk	7-9528	17(SF)
Rep. Policy & Budget	7-5087	325 (RJC)	Risser Justice Center	Leg. Website: www.legis.state.wi.us/		

DIRECT ALL SENATE CORRESPONDENCE TO: P. O. BOX 7882, MADISON, WI 53707-7882

(C)=Capitol, (E)=1E. Main, (SF)= S. Fairchild, (RJC)= Risser Justice Center

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