

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

TUESDAY, April 27, 1982.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

By request of Senator Berger, with unanimous consent, the calling of the roll was dispensed with.

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

To the Honorable, the Legislature

I have the honor to report to you, pursuant to Article V, Section 6, of the Wisconsin Constitution, that of the 114 petitions for Executive Clemency in which I rendered decisions in the calendar year 1981, the following 34 individuals were granted clemency in the form of a pardon or commutation of sentence.

Sincerely,
LEE SHERMAN DREYFUS
Governor

1. THOMAS EDGAR ALSTAD was convicted in Dane County Court, Branch II, on July 24, 1972, of operating a vehicle without the owner's consent. He was sentenced to two years probation, the first thirty days to be served in the Dane County Jail. He was granted an absolute pardon because he had no other convictions, he has been gainfully employed and because he sought executive clemency to apply for licensing as an auctioneer in those states other than Wisconsin which require licensing.

2. KARSTEN ARRIENS a/k/a KARSTEN H-J ARRIENS was convicted in Milwaukee County Court on November 30, 1965, of contributing to the delinquency of a child. He was sentenced to one

year of probation. He was granted an absolute pardon because he had no other convictions, it has been sixteen years since his conviction, and because he has successfully undertaken the responsibility of beginning his own business and of restoring a landmark hotel in Ashland, Wisconsin.

3. VERNELL KENNETH BIANCOWSKI was convicted in Milwaukee County Circuit Court on October 17, 1973, of resisting arrest. He was sentenced to two years probation and a fine of \$500.00. He was granted an absolute pardon because he was nineteen years old at the time of the offense, he has proven himself as a stable and contributing member of society and because he has pursued his education and training by receiving his G.E.D. and completing 60 credits in business management. He sought executive clemency because he is presently enrolled in police science at Milwaukee Area Technical College and would be able to pursue a career as a police officer.

4. THOMAS CARPENTER was convicted in Outagamie County Circuit Court on December 19, 1977, of fourth degree sexual assault. He was sentenced to one year of probation subject to the following conditions: he would meet with representative of C.A.S.I.; he would participate in alcohol and counseling programs; and he would have no contact with the victims in his case. He was granted an absolute pardon because he had no other convictions, he has established himself as a respected member of his community, he has received a Bachelor of Business Administration degree in accounting from St. Norbert College and to allow Mr. Carpenter to pursue a career as a Certified Public Accountant.

5. WILLIAM BERNARD CLESS was convicted in Milwaukee County Circuit Court on October 29, 1973, of robbery. He was sentenced to an indeterminate term of not more than eight years at Waupun Correctional Institution, such sentence was stayed and he was placed on probation for five years with the first year served in the County Jail with Huber Law privileges. He was granted an absolute pardon because he has an excellent employment record and has assumed a position of responsibility as a Security Sergeant at the Wisconsin Correctional Institute and because he is pursuing his education and training. He sought executive clemency to advance to the the next higher position in corrections.

6. CHRISTINE N. CLONINGER-WERNER was convicted in Waukesha County on May 28, 1970, of possession of marijuana. She was sentenced to three years probation. She was granted an absolute pardon because she has had no other convictions, she has pursued her education and training by receiving a Bachelor of Fine

JOURNAL OF THE SENATE [April 27, 1982]

Arts Degree from the University of Iowa and because she has established herself as a respected member of her community.

7. JOAN EVELYN DEMENY a/k/a JOAN EVELYN UHAZIE was convicted in Brown County Circuit Court on October 12, 1970, of theft. She was sentenced to a term of one year, such sentence was stayed and she was placed on probation for one year. She was granted an absolute pardon because she has had no other convictions, she successfully completed her probation by paying restitution and received an early discharge from probation, she has been gainfully employed, she has provided for and raised four children, and because she has established herself as a respected member of her community. She sought executive clemency to pursue a career in real estate.

8. DUANE D. DWYER was convicted in Door County Court on November 11, 1975, of misdemeanor theft. He was sentenced to a term of thirty days in the Door County Jail. Mr. Dwyer was also convicted in Door County Court on December 17, 1975, of unlawfully possessing a controlled substance. He was fined \$100.00. He was granted an absolute pardon because he was 18 years of age at the time of the offenses, he has pursued his education and received his Associate of Arts degree from the Milwaukee Area Technical College in combustion engine technology and because he has been gainfully employed. Mr. Dwyer sought executive clemency for employment purposes.

9. MAX SIMEON ELBAUM was convicted in Milwaukee County Circuit Court on April 12, 1971, of battery to a police officer. He was sentenced to a term of not more than two years in the Waupun Correctional Institution, such sentence was stayed and he was placed on probation for two years. He was granted an absolute pardon because he has had no other convictions, he has pursued education and training in the rehabilitation field, and because he has established himself as a respected member of his community. Mr. Elbaum sought executive clemency to pursue a career in physical therapy.

10. GREGORY IGNATIUS GADSKY was convicted in Milwaukee County Circuit Court on February 6, 1970, of forgery. He was sentenced to probation for three years. He was granted an absolute pardon because he has made complete restitution, he has been steadily employed, and because he has pursued his education by receiving a Bachelor of Science degree in hotel management from the University of Wisconsin-Stout. Mr. Gadsby sought executive clemency to qualify for a liquor license so he can open his own business.

JOURNAL OF THE SENATE [April 27, 1982]

11. EARL JOSEPH GARITY was convicted in Waukesha County Court on February 27, 1968, of unlawful possession and control of marijuana. He was sentenced to a term of two years, such sentence was stayed and he was placed on probation for three years, with the first 90 days spent in the Waukesha County Jail. He was granted an absolute pardon because he has had no further convictions, and because he has been steadily employed. Mr. Garity sought executive clemency to apply for a license in real estate.

12. DANIEL C. GOLFINOIS was convicted in Dane County Circuit Court on March 23, 1973 of armed robbery. He was sentenced to three years probation. He was granted an absolute pardon because he has had no other convictions, because he was 19 years of age at the time of the offense, and because he has been steadily employed in retail sales over the last five years. Mr. Golfinois sought executive clemency to obtain a real estate broker's license.

13. JAMES WALTER HARASYMIW was convicted in Milwaukee County Circuit Court on October 11, 1974, of burglary. He was sentenced to a term of five years; such sentence was stayed and he was placed on probation for five years. He was granted an absolute pardon because he has had no further convictions, because of his effort in overcoming his drug problems, because of his work in the area of drug abuse, because of his pursuit of educational goals by receiving his degree in social work from the UW of Milwaukee, because he has been gainfully employed, he has married and regained custody of his son and because he has made full restitution of child support payments due.

14. GEORGE MICHAEL JONES was convicted in Rock County Court on January 18, 1974, of first degree murder. He was sentenced to life in prison. He was granted a commutation of sentence from a term of life to a term of fifty years because he has shown positive adjustment to incarceration, he has pursued his education and training, and he has completed his GED. Said sentence to commence as of the date of the original sentence, to wit: January 18, 1974.

15. RONALD R. KELLY was convicted in Outagamie County Court on July 2, 1965, of burglary and operating an automobile without the owner's consent. He was sentenced to a term of two years for each count, to be served concurrently. Mr. Kelly was convicted in Outagamie County Court on December 29, 1970 of burglary. He was sentenced to a term of two years in the Wisconsin State Reformatory. He was granted an absolute pardon because he has had no subsequent convictions, he has received his Bachelor of Science degree in Sociology, he has established himself as a respected

member of his community and because he has been gainfully employed as a juvenile social worker, recreation assistant and counselor for the Oneida Tribe of Indians of Wisconsin. He sought executive clemency for a career and educational purposes.

16. EARL LEWIS, JR. was convicted in Milwaukee County Circuit Court on June 1, 1972, of first degree murder. He was sentenced to life in prison. He was granted a commutation of sentence from a term of life to a term of fifty years because he has shown positive adjustment to incarceration and his excellent work record. Said sentence to commence as of the date of the original sentence, to wit: June 1, 1972.

17. ROBERT THOMAS MACIOLEK was convicted in Milwaukee County Court on May 14, 1970, of carrying a concealed weapon and possession of dangerous drugs. He was sentenced to two years probation. He was granted an absolute pardon because he has proven himself to be a stable and contributing member of society, he has been steadily employed in positions of responsibility, it has been 10 years since his conviction and because he has established a family and presently owns his own home. Mr. Maciolek sought executive clemency to clear his name and aid his employment prospects.

18. THOMAS OTTO MALTBY was convicted in Milwaukee County Circuit Court on July 3, 1972, of robbery. He was sentenced to a term of not more than 7 years at the Green Bay Reformatory. He was granted an absolute pardon because it has been 9 years since his conviction, he has pursued his education and training in the fields of auto body repair and computer operations; and because he has been gainfully employed. He sought executive clemency to further his education and employment opportunities.

19. CHAMUNEDSHWART PRETAP MISRA was convicted in Dane County Court of solicitation for prostitution. He was ordered to pay a fine of \$150.00. He was granted executive clemency because he has proven himself to be a stable and contributing member of society and because of his excellent employment record in the field of engineering. He sought executive clemency because he is employed by the U.S. Department of Interior and must obtain security clearance to qualify for promotions.

20. PAUL FREDERICK OLLENBURG was convicted in Juneau County Court on June 21, 1981, of breaking and entering and attempted burglary. He was sentenced to three years probation. He was granted executive clemency because he has been steadily employed, he has established himself as a respected member of his community, he made restitution, because of his age at the time of the offense (19) and because he has pursued his education by receiving a Bachelor's degree from the UW-Milwaukee and a Master's degree

from the Loyola Marymount University in communications. He sought executive clemency for vocational purposes.

21. DALE PAAPE was convicted in Milwaukee County Circuit Court on November 19, 1965, of burglary. He was sentenced to three years probation. He was granted executive clemency because he has had no further convictions, he made restitution, he has been steadily employed and because of his effort in overcoming his alcohol problem.

22. JOHN GARY POLLOCK was convicted in Racine County Court on April 20, 1962 of burglary. He was sentenced to a term of not more than three years at the State Reformatory at Green Bay. He was granted executive clemency because he has had no other convictions, he has been steadily employed and has established an excellent work record and because he is the sole provider for his daughter.

23. RAY R. PYTEL was convicted in Dane County Circuit Court on December 21, 1966, of misconduct in public office (2 counts). He was sentenced to probation for two years. He was granted executive clemency because he has had no further convictions, he has established himself as a reliable family man and because he has been regularly employed. He sought executive clemency for employment purposes.

24. KENT W. SCHOLTEN was convicted in Waukesha County District Court on June 19, 1967, of burglary. He was sentenced to a term of two years at the Green Bay Reformatory; such sentence was stayed and he was placed on probation for two years. He was granted executive clemency because he has had no further convictions, he was 20 years old at the time of the offense, he received an early discharge from probation supervision, he has established himself as a respected member of his community and because he has been steadily employed. He sought executive clemency for employment purposes.

25. JOY SLIMMER was convicted in Sheboygan County Court on May 19, 1972, of sale of a dangerous drug. She was sentenced to probation for two years. She was granted executive clemency because she has had no further convictions and because of her effort in overcoming her drug problem. She sought executive clemency for employment purposes.

26. MATHIS SMITH was convicted in Milwaukee County Court on November 14, 1974, of armed robbery and attempted murder. He was sentenced to two consecutive 20 year terms to the Wisconsin Correctional Institution. He was granted a commutation of sentence because he has had no other convictions, and because of the facts surrounding the crimes and the extreme length of his sentence compared to the others involved.

JOURNAL OF THE SENATE [April 27, 1982]

27. JOSEPH ANTHONY SORCE, JR. was convicted in Milwaukee County Circuit Court on January 28, 1976, of two counts of attempted first degree murder. He was sentenced to two terms of 20 years, consecutive. He was granted a commutation of sentence from two consecutive terms of 20 years to two concurrent terms of 20 years because he has had no further convictions and because he has shown positive adjustment to incarceration. Said sentence to commence as of the date of the original sentence, to wit: March 5, 1976.

28. LARRY VAN CLEAVE was convicted in Douglas County Court on June 27, 1975, of delivering a controlled substance. He was sentenced to a term of one year for each count to be served concurrently. He was granted an absolute pardon because he has had no subsequent convictions, his remorse for his wrongdoing, he has been gainfully employed, and because he has pursued his education by receiving his certification in Emotional Disabilities and is presently completing his Master's thesis in Exceptional Education at UW-Milwaukee. He sought executive clemency to pursue a career as a youth counselor.

29. JARED A. VANHORN was convicted in Rock County Court on December 6, 1976, of forgery. He was placed on probation for 3 years. He was granted executive clemency because he has had no subsequent convictions, he has established himself as a respected member of his community and because he has maintained an excellent work record.

30. STEVEN J. VUJCEVIC was convicted in Douglas County Circuit Court on February 19, 1976, of burglary. He was sentenced to two years probation. He was also convicted in Douglas County Circuit Court on April 28, 1976 of possession of a controlled substance with intent to deliver. He was sentenced to a term of two years sentence was stayed and he was placed on probation for two years with the first year spent in Douglas County Jail with good time and work release privileges. He was granted an absolute pardon because he was had no further convictions, his efforts in overcoming his drug problem, his excellent work record, his steady employment, he has established himself as a reliable family man and because he has pursued his education and training. He sought executive clemency to qualify for an Officer's license from the Coast Guard.

31. JOHN ROBERT WOLLIN was convicted in Dane County Court on December 1, 1967 of battery. He was sentenced to a term of six months in the Dane County Jail. He was also convicted in Dane County Court on December 23, 1968, of theft. He was fined \$15.00 plus costs. He was granted an absolute pardon because he has had no further convictions and he has been steadily employed as an officer in

JOURNAL OF THE SENATE [April 27, 1982]

the corrections field. He sought executive clemency to pursue a career of law enforcement and retain security clearance for job promotions in the field of corrections.

32. **KENNETH D. WORSHAM** was convicted in Grant County Circuit Court on January 31, 1972, of endangering the safety of another by conduct imminently dangerous and evincing a depraved mind regardless of human life. He was sentenced to probation for three years. He was granted an absolute pardon because he has had no further convictions, he has been steadily employed and has an excellent work record, he is well respected in his community, his successful effort in overcoming his alcohol problem and because of his degree of remorse.

33. **TERRY J. YOUNG** was convicted in Kenosha County Court on April 1, 1966, of arson and attempted arson with intent to defraud. He was sentenced to a term of three years for arson and eighteen months for arson with intent to defraud. He was granted an absolute pardon because the offense occurred over fifteen years ago, he has married and is raising three children with his wife, he has been steadily employed and because of his excellent work record.

34. **CLAYTON ZEBROWSKI** was convicted in Milwaukee County Circuit Court on January 23, 1970 of first degree murder. He was sentenced to serve a life term in prison. He was granted a commutation of sentence from a term of life to a term of 50 years because he has had no other convictions, he has shown positive adjustment to incarceration, because of his excellent institutional work record especially in the area of tailoring. Said sentence to commence as of the date of the original sentence to wit: January 23, 1970.

IN TESTIMONY WHEREOF, I
have here unto set my hand and
caused the Great Seal of the State
of Wisconsin to be affixed. Done at
the Capitol in the City of Madison,
this 15th day of April in the year of
Our Lord, one thousand nine
hundred eighty-two.

LEE SHERMAN DREYFUS

Governor

By the Governor:
VEL PHILLIPS
Secretary of State

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 82-48

AN ORDER to repeal and recreate Ind 69.001 to 69.17, 69.19 to 69.21, H 62.25 (3) and 63.08 (3); and to create Ind 69.22 and 69.23, relating to the fee schedule used by the division of safety and buildings.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, April 26, 1982.

Referred to committee on Labor, Government, Veterans Affairs and Tourism, April 27, 1982.

The committee on State and Local Affairs and Taxation reports and recommends:

Clearinghouse Rule 81-244

AN ORDER to create Tax 15.06, relating to which real estate transfer returns may be open for inspection in a condemnation proceeding or an appeal from an assessment of real property under s. 77.23 (2), Stats.

No action taken.

JAMES P. MOODY
Chair

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 181
Senate Bill 219
Senate Bill 248
Senate Bill 351
Senate Bill 381
Senate Bill 382
Senate Bill 466
Senate Bill 520
Senate Bill 569
Senate Bill 570
Senate Bill 572
Senate Bill 630
Senate Bill 633
Senate Bill 677
Senate Bill 790
Senate Bill 791

JOURNAL OF THE SENATE [April 27, 1982]

Senate Bill 823

Report correctly enrolled and presented to the Governor on April 27, 1982.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 783

In enrolling, the following correction was made:

1. Page 1, line 12: after '71.04(15) (b)' insert ',(e)'.

Senate Bill 783, conference amendment 1

In enrolling, the following corrections were made in the listed LRB documents which comprise Conference Amendment 1:

LRBa5277/1

1. Page 1, line 5: substitute 'act' for 'act'.

LRBa5340/1

2. Page 7, line 22: substitute 'SECTION 30gv' for 'SECTION 30gr'.

3. Page 11, line 4: substitute 'SECTION 54mm.' for 'SECTION 54n.'

4. Page 28, line 20: after '(10) (a)' insert 'and (d)'.

5. Page 52, line 11: substitute 'SECTION 85wb.' for 'SECTION 81.'

LRBa5373/1

6. Page 1, line 3: substitute '1983-84' for '1983084'.

LRBa5636/2

7. Page 2, line 6: delete lines 6 and 7 and substitute:

4. Page 94, line 3: on lines 3, 5 and 8, after the last '(12)' insert 'or (12m)'.

5. Page 94, line 5: delete the first ', (12)' and substitute 'or (12)'.

6. Page 94, line 6: delete 'created by ch. 20,' and substitute 'affected by chs. 20 and (Senate Bill 790),'; and delete 'or (12m)'.':

LRBa5639/1

8. Page 4, line 36: substitute '20.455' for '20.445'.

LRBa5643/1

9. Page 2, line 20: substitute '(h)' for '(g)'.

JOURNAL OF THE SENATE [April 27, 1982]

LRBa5648/2

**10. Page 4, line 11: substitute 'in' for 'delete'; and after '9' insert
'delete', (12g) or (12r)'.**

LRBa5657/1

11. Page 6, line 22: substitute '(k)' for '(j)'.