

Eighty-Sixth Regular Session

WEDNESDAY, June 20, 1984

The chief clerk makes the following entries under the above date.

EXECUTIVE COMMUNICATIONS

State of Wisconsin Executive Department

To the Honorable, the Legislature

As required by Article V, Section 6 of the Wisconsin Constitution, I submit this report of each case of executive clemency granted in 1983. Of 191 applications for any form of clemency, 44 were granted.

ANTHONY S. EARL
Governor

Sandra Lasher Anderson, convicted in Milwaukee County of unarmed robbery on November 19, 1959 and sentenced to 2 years imprisonment on November 11, 1983 was granted a full pardon, because she is gainfully employed, has no other criminal record and 24 years have elapsed since her conviction.

Samuel G. Anderson, convicted in Richland County of four counts of theft on December 31, 1964 and sentenced to 18 months probation on each count, concurrent on December 23, 1983 was granted a full pardon, because he is gainfully employed, has been disqualified for running for public office by his conviction and sufficient time has elapsed since his conviction.

Thomas F. Andrew, convicted in Wood County of one count of possession of dangerous drugs and one count of encouraging the sale of dangerous drugs on December 28, 1971 and sentenced to one year probation on each count, concurrence on December 16, 1983 was granted a full pardon, because he is gainfully employed, requires a pardon to be eligible for future promotions, and wishes to be able to run for local office.

Larry Brothers, convicted in Rock County of armed robbery on September 11, 1975 and sentenced to 29 years and 9 months imprisonment on December 27, 1983 was granted a commutation to 23 years, because of his excellent participation in prison programs, his efforts with Project Aware and his good conduct reports.

Larry S. Caravello, convicted in Dane County of sexual intercourse with a minor on September 12, 1958 and sentenced to a fine of \$250.00 on June 2, 1983 was granted a full pardon, because he has no other convictions, in gainfully employed and sufficient time has passed since his conviction.

Michael Dahmert, convicted in Jefferson County of party to the crime of burglary on December 27, 1977 and sentenced to 2 years probation on October 14, 1984 was granted a limited pardon, because he has had no other criminal record, his crime did not involve the use of firearms and he has been gainfully employed.

Edward B. Daniel, convicted in Eau Claire County of theft on November 20, 1969 and sentenced to 3 years probation with one year in the county jail on July 1, 1983

was granted a limited pardon, because he has been gainfully employed, has been approved for the possession of firearms by the Bureau of Alcohol, Tobacco and Firearms and has had no subsequent convictions.

William Dohmeyer, convicted in Ozaukee County of burglary on December 3, 1965 and sentenced to 3 years probation on June 2, 1983 was granted a full pardon, because he has been gainfully employed, has had no subsequent convictions and has been and intends to be again a candidate for local office.

Martin Dzelzkalns, convicted in Milwaukee County of commercial gambling on January 26, 1981 and sentenced to a fine of \$1,500.00 stayed permanently when restitution was made on December 27, 1983 was granted a full pardon, because he has been gainfully employed, he needs a pardon to obtain visas and licenses necessary to his business and because sufficient time has elapsed given the nature of the offense, which occurred in 1978.

Georgia Fischer, convicted in Milwaukee County of adultery on April 6, 1944 and sentenced to 3 years probation on March 29, 1983 was granted a full pardon, because she has no other convictions, she wishes to clear her name and sufficient time has passed since the offense.

James V. Foster, convicted in Milwaukee County of commercial gambling on March 15, 1968 and sentenced to a fine of \$250.00 June 9, 1983 was granted a full pardon, because he has been gainfully employed, has had no other convictions and sufficient time has passed since the conviction.

Gary L. Gromacki, convicted in Milwaukee County of misdemeanor theft on May 17, 1968 and sentenced to a fine of \$29.00 on July 28, 1983 was granted a full pardon, because he has had no other convictions, has completed college and been gainfully employed and requires a pardon to qualify for certain business licenses.

Sandra B. Herbage, convicted in Marathon County of cohabitation on October 14, 1969 and sentenced to 6 months county jail, concurrent with other sentences and in Marathon County of possession of marijuana on October 14, 1969 and sentenced to 2 years imprisonment on April 19, 1983 was granted a full pardon, because she has had no other criminal convictions, is completing her college education and seeks to pursue a career in medicine.

Kenneth G. Hilton, convicted in Ashland County of statutory rape on July 27, 1956 and sentenced to one and one-half years imprisonment on October 14, 1983 was granted a full pardon, because he has no other criminal record, the offense did not involve use of force, he is gainfully employed and sufficient time has passed since his conviction.

Charles F. Jackson, convicted in Milwaukee County of armed robbery on September 18, 1968 and sentenced to 30 years imprisonment on July 26, 1983 was granted a commutation to 20 years, because he has conducted himself well while incarcerated, is near completion of a

JOURNAL OF THE SENATE

college degree, and was a founder and director of Project Aware.

Gerald Kall, convicted in Oneida County of possession of marijuana to deliver on July 7, 1976 and sentenced to 2 years probation on December 27, 1983 was granted a full pardon, because he is gainfully employed, has no other criminal record and has qualified for employment as a police officer but requires a pardon to be employed.

David Karpe, convicted in Dane County of auto theft on June 15, 1972 and sentenced to 2 years probation on December 16, 1983 was granted a full pardon, because he is gainfully employed, has completed a legal education and is seeking admission to the Wisconsin Bar and sufficient time has passed since the conviction.

Frank M. Fischer, convicted in Milwaukee County of adultery on April 6, 1944 and sentenced to 3 years probation on March 29, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed and sufficient time has passed since the conviction.

Michael Koll, convicted in Fond du Lac County of receiving stolen property on August 3, 1981 and sentenced to a fine of \$3,500.00 on June 24, 1983 was granted a full pardon, because he has no other criminal record, is gainfully employed, has been active in his community and wishes to be eligible for local public office.

Joseph Koll, convicted in Fond du Lac County of receiving stolen property on April 30, 1981 and sentenced to a fine of \$3,000.00 on April 19, 1983 was granted a full pardon, because he is gainfully employed and has been an active and productive member of his community.

Wesley LaPierre, convicted in Marinette County of assaulting an officer on November 9, 1970, and sentenced to one year probation with 90 days in jail on November 7, 1983 was granted a full pardon, because he has no other criminal record, he has been gainfully employed and sufficient time has passed given the circumstances of the offense.

Robert L. Lewis, convicted in Marathon County of delivery of controlled substances on January 6, 1976 and sentenced to one year probation and in Oneida County of disorderly conduct on July 5, 1973 and sentenced to a fine of \$75.00 on August 4, 1983 was granted a full pardon, because he has been gainfully employed, has completed his college education, has no other criminal record and has been admitted to law school and will be seeking admission to the bar.

Carol Maglio, convicted in Milwaukee County of misdemeanor theft on November 12, 1960 and sentenced to one year probation and in Milwaukee County of fraudulent use of a credit card on December 29, 1964 and sentenced to one year probation on July 28, 1983 was granted a full pardon, because she has been gainfully employed, has no other criminal record and a pardon will aid her advancement in her present employment.

Gerald E. McCorkell, convicted in Pierce County of armed robbery on November 2, 1959 and sentenced to 3 years probation on December 27, 1983 was granted a full

pardon, because he has no other criminal record, has been gainfully employed, sufficient time has passed since the offense and a pardon is required for him to continue in her federal employment.

Eugene Naylor, convicted in Wood County of adultery on January 7, 1963 and sentenced to one year imprisonment on December 16, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed and operates a tavern which he wishes to license in his own name.

James A. Nelson, convicted in Fond du Lac County of auto theft on May 5, 1962 and sentenced to three years probation and in Fond du Lac County of auto theft on June 7, 1965 and sentenced to three years probation and in Fond du Lac County of burglary on June 6, 1966 and sentenced to two years probation concurrent with previous sentences on December 27, 1983 was granted a full pardon, because he has been gainfully employed, sufficient time has passed since his last offense and a pardon would be advantageous in seeking promotion in his present employment.

Daniel D. Orth, convicted in Milwaukee County of burglary on May 15, 1963 and sentenced to one year probation on June 2, 1983 was granted a full pardon, because he has no other criminal record, he has been gainfully employed and he has been approved by the Bureau of Alcohol, Tobacco and Firearms for possession of firearms.

David J. Osborne, convicted in Dodge County of armed robbery on February 1, 1950 and sentenced to three years probation on August 23, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed and sufficient time has passed since the conviction.

Kenneth R. Ostrout, convicted in Dane County of burglary and receiving stolen property on January 7, 1966 and sentenced to concurrent terms of one year and six months in the county jail on July 28, 1983 was granted a full pardon, because he has been gainfully employed, including a period of military service, has been pardoned of other offenses by the State of Minnesota and sufficient time has passed since his offense.

Worne Patterson, convicted in Milwaukee County of sexual intercourse with a minor on October 31, 1960 and sentenced to one year probation on December 27, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed and sufficient time has elapsed since his offense.

John L. Pearson, convicted in Dane County of theft on November 21, 1969 and sentenced to one year probation on March 28, 1983 was granted a full pardon, because he has been gainfully employed, has completed a college education, has no other criminal record and seeks to serve in local office.

Scott M. Petrowski, convicted in Oneida County of burglary on March 27, 1975 and sentenced to one year probation on December 27, 1983 was granted a full pardon, because he has been gainfully employed, has no other criminal record and requires a pardon for his employment as a computer programmer.

JOURNAL OF THE SENATE

Bradley J. Poth, convicted in Sheboygan County of second degree murder on July 17, 1978 and sentenced to 20 years imprisonment on July 29, 1983 was granted a commutation to 15 years, because he has had a record of excellent conduct while incarcerated, has been productively employed and has been active to improve his prison community.

James J. Russell, convicted in Milwaukee County of misdemeanor theft on January 11, 1962 and sentenced to 90 days in jail on June 17, 1983 was granted a full pardon, because he has been gainfully employed, has no other criminal record and requires a pardon to advance in his career as a deputy sheriff.

Bruce F. Schmidt, convicted in Dane County of theft on August 25, 1961 and sentenced to two years probation October 14, 1983 was granted a full pardon, because he has had no other criminal record, has been gainfully employed and sufficient time has passed since the offense.

Thomas M. Schneider, convicted in Kewaunee County of attempted burglary on March 8, 1971 and sentenced to one year probation on November 11, 1983 was granted a full pardon, because he has been gainfully employed, has been active in community affairs and has no other criminal record.

Amos G. Spencer, convicted in Kenosha County of first degree murder on March 29, 1976 and sentenced to life imprisonment on September 23, 1983 was granted a commutation to 50 years, because he has no other criminal record, has had a good conduct report in prison and there existed in the view of the judge and district attorney extraordinary mitigating circumstance at the time of the offense.

Bonnie Stoltman, convicted in Milwaukee County of welfare fraud on September 17, 1975 and sentenced to 3 years probation on November 7, 1983 was granted a full pardon, because she has no other criminal record, has been gainfully employed and a pardon will aid her further career advancement.

Ira F. Tatum, convicted in Rock County of criminal trespass on December 31, 1969 and sentenced to one year probation and a \$50.00 fine on March 29, 1983 was granted a full pardon, because he has had no other convictions, has been gainfully employed and requires a pardon to continue advancing in his career.

Joseph L. Volk, convicted in Milwaukee County of delivery of a controlled substance on July 10, 1979 and sentenced to 3 years probation with 120 days in the House of Corrections on June 17, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed, has completed a college education, has been active in improving conditions for the poor and underprivileged in this community and wishes to be eligible to serve in public office.

Thomas R. Warren, convicted in Burnett County of burglary on September 26, 1966 and sentenced to 6 years imprisonment on October 14, 1983 was granted a limited pardon, because he has had no subsequent offenses, has been gainfully employed and his offense did not involve firearms or personal violence.

Gary Whitehead, convicted in Rock County of 2 counts of party to the crime of burglary and one count of party to the crime of theft on April 4, 1974 and sentenced to three years probation on each burglary count and two years probation on the theft count, all concurrent on November 5, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed and requires a pardon to advance in his profession.

Odell C. White, convicted in Milwaukee County of unarmed robbery on June 27, 1951 and sentenced to one year in the House of Corrections on July 25, 1983 was granted a full pardon, because he has no other criminal record, has been gainfully employed, has been active in community affairs and requires a pardon to continue holding an elected office.

Larry E. Willis, convicted in Milwaukee County of sexual intercourse with a minor on July 9, 1968 and sentenced to three years probation on July 26, 1983 was granted a full pardon, because he has no other criminal record, has completed a college education and requires a pardon to be bonded to permit future advancement.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-218

AN ORDER to renumber ch. NR 3 and NR 203.01 (4) and (5); to amend NR 203.02 (1) and (4) (d), 203.03 (1), 203.04, 203.05 (1) and (3), 203.10, 203.13 (2) (b) and (c) and (3) (a), (f), (g) and (L), 203.15 (1) (a) and 203.18 (3); and to create NR 203.01 (4), relating to the Wisconsin pollutant discharge elimination system public participation procedures.

Submitted by Department of Natural Resources.

Report received from agency, June 14, 1984.

Referred to committee on Energy and Environmental Resources, June 20, 1984.

Clearinghouse Rule 83-219

AN ORDER to repeal and recreate ch. NR 205; and to create NR 102.03 (4) (h), relating to the general provisions of the Wisconsin pollutant discharge elimination system and water quality standards for pH.

Submitted by Department of Natural Resources.

Report received from agency, June 14, 1984.

Referred to committee on Energy and Environmental Resources, June 20, 1984.

Clearinghouse Rule 84-25

AN ORDER to repeal NR 10.14 (title), 11.01 (3), 11.04 (2), 15.01 (5) (b) and (c), (9) (a), (15) (a) and (b) and (18), 15.022 (8) (a) and (11) (a) and 15.10 (4); to renumber NR 10.14 (2) to (8) and 10.19; to amend NR 10.01 (3) (e) 2 (intro.) and c, 11.02 (intro.) and 11.05 (intro.); to repeal and recreate NR 10.01 (3) (e) 9 e, 10.10 (1) (b), 10.22 (2), 11.10 (1) and 15.10 (1); and to create NR 11.011, 15.01 (7) (d) and 15.023, relating to housekeeping modifications to hunting, trapping, closed areas and game refuge regulations.

Submitted by Department of Natural Resources.

JOURNAL OF THE SENATE

Report received from agency, June 18, 1984.

Referred to committee on Energy and Environmental Resources, June 20, 1984.

Clearinghouse Rule 84-34

AN ORDER to create NR 154.01 (95m) and 154.12 (8), relating to establishment of emission limits for certain existing sources of sulfur dioxide located in Peshtigo, Marinette county.

Submitted by Department of Natural Resources.

Report received from agency, June 18, 1984.

Referred to committee on Energy and Environmental Resources, June 20, 1984.

Clearinghouse Rule 84-39

AN ORDER to amend Ins 17.28 (6) (intro.) and (i), relating to fees for podiatrists participating in the patients compensation fund.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, June 18, 1984.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, June 20, 1984.

The committee on Labor, Business, Veterans Affairs and Insurance reports and recommends:

Clearinghouse Rule 84-44

AN ORDER to create Ins 13.06 (4) and (5), relating to minimum surplus requirements for town mutual insurers.

No action taken.

Clearinghouse Rule 83-215

AN ORDER to repeal and recreate ch. Ind-UC 126; and to create chs. ILHR 127 to 129, relating to unemployment compensation and work registration; work search; ability to work and availability for work; and notice of unemployment.

No action taken.

JEROME VAN SISTINE
Chair

The committee on Health, Education, Corrections and Human Services reports and recommends:

Clearinghouse Rule 83-192

AN ORDER to renumber LES 3.01 (2), 3.04 and 5.01 (1) (a) and (c); to renumber and amend LES 5.01 (1) (b) and

(c) 1; to amend LES 1.02, 1.03 (9), 2.01 (1) (intro.), (f) 1 f and (g), 3.01 (1) (intro.), (a) and (c) and 4.01 (1) (c); to repeal and recreate LES 5.01 (1) (intro.); and to create LES 1.03 (11) and (12), 3.01 (2), 3.04, 5.01 (1) and (2) (intro.), (c) and (d), relating to mandatory employment and training standards for jail officers and to competency-based training for new law enforcement officers.

No action taken.

CARL W. THOMPSON
Chair

The committee on Higher Education and Economic Development reports and recommends:

Clearinghouse Rule 84-41

AN ORDER to amend HEA 7.04 (1), (2) and (4), 7.06 (2) and (5) and 7.07 (1), relating to the Wisconsin health education assistance loan program.

No action taken.

JOSEPH J. CZARNEZKI
Chair

State of Wisconsin
Public Service Commission

June 5, 1984

To the Honorable the Legislature

The Public Service Commission over the course of the last year has attempted to promulgate a rule concerning access to records which would clearly describe the process by which information could be obtained from the Commission. While our intent was to maintain the openness of this agency, it has become apparent that our efforts to clarify have resulted instead in confusion. Therefore, the Commission is withdrawing its proposed rule on open records, Rule 83-169.

Absent a formal rule, we wish to assure you that we will continue our policy, consistent with the relevant statutes and common law, to make case by case determinations in which a balancing of interests is undertaken. Our prior policy to maintain an "open" agency to the maximum extent feasible will be continued.

NESS FLORES
Chair