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Photo by Bruce McCormack

Movin' pipe

These four youngsters scrambled to move irrigation pipe in a field on Laknar Lane recently. Cool, wet weather has brought a halt to much irrigation since then. From left are Jason Rorabaugh, 11, Ron Hansen, 10, Jim Hansen, 12, and Lance Hilton, 11.

WMC head count totals 984

Western Montana College has 984 students, using the head count tally, enrolled for the current fall semester.

President Bob Thomas said the FTE (full time equivalent) figures are not final yet, but he estimated that figure would be about 893.

Head count includes everyone from those taking as light a load as one night class to fulltime college students. The FTE figure, which is used for state funding, calculates all students enrolled into the number of full time equivalent students.

Last fall's head count was 880, with an FTE of 822. This fall's 984 head count total is the largest fall count

Western has had in more than 10 years. Thomas said Western's state funding has been less than its actual FTE. This fiscal year WMC is budgeted for only 795 FTE.

IN TERMS OF the college's total budget appropriation from the state, Thomas said each FTE is currently worth about \$3,300. That amount will vary from year to year.

"What has happened is that Western is feeding 100 more students at its academic table, than it is funded for," he added.

He said FTE funding considerations from the state directly effect the college's salaries, as well as the library

and other instructional material expenses.

"When we operate with less funding than our actual FTE, maintenance and library funding get shorted," Thomas said. "And when you defer maintenance expenses for so long, they eventually become capital expenses."

He said this funding problem effects the entire Montana university system. System-wide there is currently a \$3 million deficiency with Western's shortcoming amounting to about \$300,000.

Thomas said all the units in the university system are conservative when estimating their FTE. The finan-

cial shortcomings caused by the Legislature using a low FTE total are partially made up to the college's and universities through a supplemental appropriation from the state.

Western operated on a \$2.7 million budget for the 1981-82 academic year. That legislative appropriation went from summer, 1981, to winter, 1982.

That total budget breaks down, in basic categories to: Salaries, \$1,186,000; Library, instructional supplies and equipment, \$253,000; Financial aide, registrar's office, \$394,000; Administration and computer expenses, \$395,000; plant maintenance and operation, \$506,000; and scholarships and fellowships, \$47,000.

The budget projection for the current 1982-83 academic year totals about \$3.1 million. That is based on an FTE of 825. The Regents have already approved that budget, and the Legislature will look at it this winter.

County to pay lawyers in full

By JULIE SIMON
Staff Writer

Attorneys John Warren of Dillon and Bill Leaphart of Helena are apparently going to get paid in full after all for their defense of homicide defendant Nolan Daniels.

Beaverhead County Commissioners decided in a special Thursday meeting to pay nearly all Daniels' defense bills which included \$6,391 from Warren and \$6,471 from Leaphart.

Earlier this month the commissioners told the attorneys, who were appointed to represent Daniels in his July trial, they would be paid less than half those amounts.

Commissioners rejected all but \$2,679 of Warren's claim and \$2,722 of Leaphart's bill. The county officials cited a Supreme Court ruling on attorneys' fees. The justices in the ruling agreed court appointed attorneys shouldn't be paid more than \$5,000 for any criminal proceeding without prior approval by the appropriate judge.

The "court approval" portion of that ruling was the issue raised by the Helena lawyers Leaphart and Warren retained after their bills were rejected.

Citing court transcripts which the letters said showed District Judge Frank E. Blair approved expenditures over the \$5,000 limit, the Stuart Kellner of the firm of Hughes, Kellner, Sullivan and Alke told commissioners in a September letter:

"Given these proceedings and the law of Montana we would urge the county to resolve the matter immediately by paying the balance of the remuneration to which my clients are entitled and thereby avoid further expense to the county incident to the litigation my clients would prefer to avoid but will be

compelled to initiate if their claims are not properly satisfied."

THE HELENA FIRM gave commissioners until Friday to pay up. And after a closed Thursday afternoon session in which commissioners discussed their legal options with County Attorney W.G. Gilbert III, commissioners approved the attorneys claims in full except for a "few items" they said; may have stemmed from legal work done before Warren and Leaphart were officially appointed to the case.

After the session Commission Chairman John Eliel said the county had found itself in a "no win situation" in regards to the lawyers' claims.

He said commissioners still didn't think taxpayers should have to pay such large defense bills for Daniels or to finance the work of two instead of just one defense attorney.

But he acknowledged the county didn't want to incur "possibly more expense" by carrying the issue to court.

But Eliel and Commissioner Bob Miller contended the publicity surrounding their original refusal to pay the lawyers' claims has been "useful." They said many taxpayers have expressed support of their rejection of the bill and shock at the fact that the county has to pay for court-appointed lawyers. This public awareness could help make judges and legislators more aware of taxpayers' feelings, they said.

In the meantime Leaphart and Warren are pursuing Daniels' appeal of his case.

A local jury found Daniels, 42, guilty July 23 of mitigated homicide in connection with the 1981, Dell shooting death of Jimmy John Nolan. Daniels, who was

(Cont. on page A-4)

Jury convicts Gratzner of deliberate homicide

BUTTE — A nine-woman, three-man jury took just three and a half hours Monday to convict Karl Gratzner of the deliberate homicide shooting of Tim Hull.

The verdict followed a six-day trial. The 20-year-old Gratzner was accused of killing Tim Hull, a 19-year-old Dillon student at Montana Tech, April 14 on the Butte campus.

The minimum sentence for deliberate homicide is 10 years in prison. Montana law allows the death penalty in cases where the killing is the result of lying-in-wait, or ambush.

Deputy County Attorney Pat Fleming is expected to ask that Gratzner be hanged.

The jury found Gratzner innocent of the aggravated assault on his former

girlfriend. Trial testimony showed the Gratzner waited for several hours in a campus parking lot for Hull and the girl, Pamela Luke, to come out of a dormitory.

When they came out an altercation ensued, after which Gratzner shot Hull once in the leg, and then walked over to where he was lying on the ground, and shot him twice in the head with a .357 pistol.

The defendant and his attorneys contended that Gratzner was under extreme mental duress at the time of the shooting because of his relationship with Miss Luke. They argued that Gratzner was therefore incapable of forming the intent to murder Hull.

Sentencing for Gratzner has been set for Oct. 22.

House checks not required but Reimer wants to continue

By BRUCE McCORMACK
Editor

The state does not require certain residential buildings to be inspected, but Dillon City Administrator Bert Reimer says he would like to see that construction here continue to be checked by the building inspector.

Reimer had asked the state Department of Administration's building codes division for clarification on the Uniform Building Code law.

They responded recently saying the last session of the state Legislature changed the law so that state building inspectors cannot inspect residential buildings containing less than five dwelling units, farm or ranch buildings, and private garages or private storage structures.

"I will recommend to the council that it maintain the status quo," Reimer said. "We've only enforced the UBC in Dillon since mid-June and I think we should give it good, honest trial of a

least a year."

Shortly after Reimer was hired as City Administrator, he pointed out to the council that the city was not enforcing the Uniform Building Code, which was adopted by the council in November, 1980 by a 4-3 vote.

Many Dillon contractors have objected to the UBC's enforcement here saying it is unnecessary and will only add to the cost the public pays for new construction.

Reimer conceded that builders would prefer the city not inspect residential construction.

"But what of our responsibility to the homeowner?" he asked. "If we don't inspect houses, no one will and I don't think that is right."

THE CHIEF OF the building codes division wrote Reimer: "The change did provide that local governments could cover the above buildings if the local legislative body or board of county

commissioners by ordinance or resolution makes the state building code applicable to these structures. The Legislature further emphasized that the state may not enforce the code against these structures even if asked to do so by local government."

He added, "In conclusion, the city has as its option to or not to cover the above listed structures."

Reimer said he does not consider the residential inspections to be a problem.

"I'll be very easy on the residential inspections," he added. "But, it's the business inspections that are the problem."

The ordinance, adopted by the 1980 council regulates the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City of Dillon.

Bars want poker machines back

The owners of a number of electronic poker machines have applied to the District Court here for the release of the property.

The machines were seized in a series of countywide raids conducted by the Beaverhead County authorities in December of 1981.

The raid resulted in citations against 10 bar owners and the confiscation of 11 poker machines, 45 punchboards and four pull tab devices.

The owners were charged with the crime of possessing prohibited gambling implements in violation of state law.

Four tavern owners—Mary McCauly

of the Clark Canyon Buffalo Bar, Darrell Jacobsen of the Wisdom Angler Bar, Patricia Lyon of the Wisdom

Fetty's Bar and Irene K. Thompson of the Wise River Thompson's Corner—

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Hazelbaker leads group

Ted Hazelbaker of Dillon has been named to lead a statewide committee which will study the expectations Montana holds for its high school graduates.

The Task Force on Excellence will analyze the expectations Montana has for its graduates and will formulate recommendations on appropriate ways that high schools can meet those expectations, according to State Su-

perintendent of Public Instruction Ed Argenbright.

The task force will be composed of people appointed by different organizations as well as members of Argenbright's staff.

He said Hazelbaker's acceptance of the task force chairmanship "will greatly enhance the legitimacy" of it because Hazelbaker will be independent of any organizational ties.

Snowline wildcat said to be gas

Field sources say the Amoco wildcat near Snowline is being completed as a gas discovery.

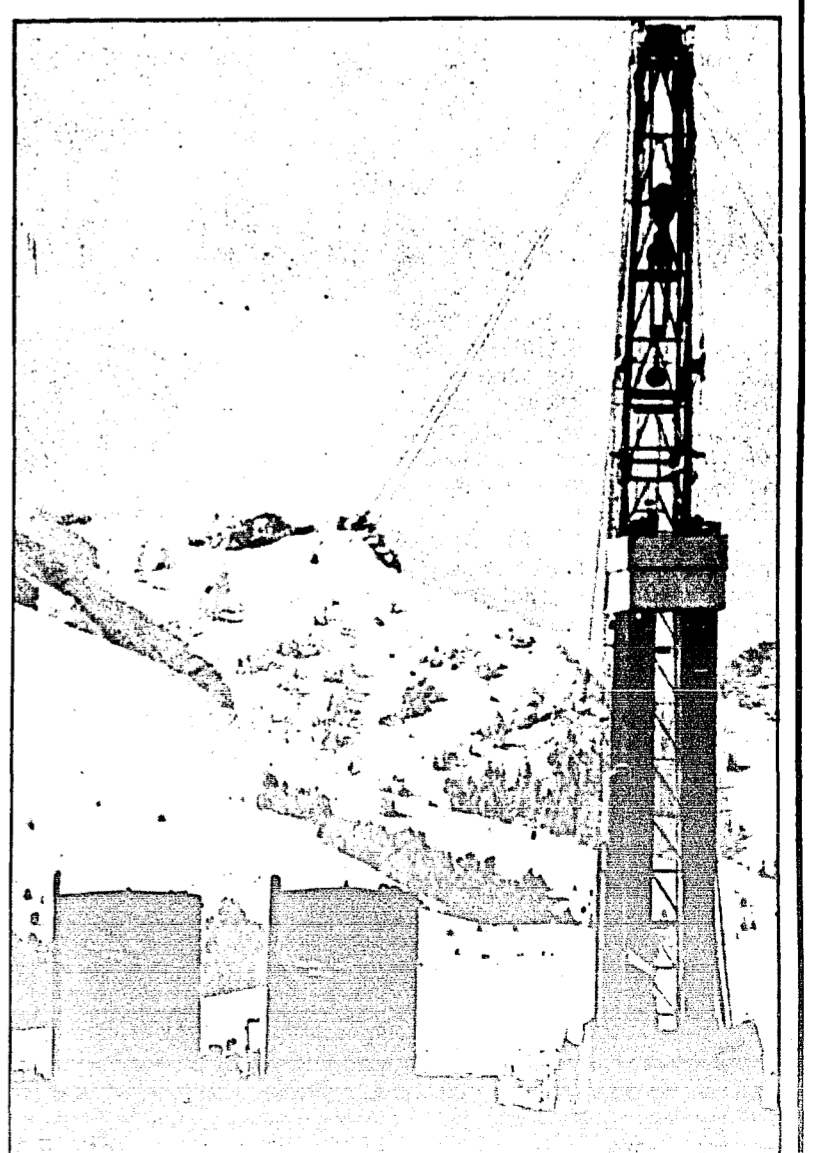
But according to the Billings-based Montana Oil Journal, there is still no official report from Amoco on the well which reportedly bottomed at 14,410 feet.

The journal said earlier reports that the well might also have oil potential are now believed to be incorrect but that minor oil shows may have been found.

"Field sources indicate Amoco is considering moving u-structure from the (wildcat). That location is less than a half mile from the drilled well," the journal said.

The Snowline well is Amoco's fourth wildcat in Western Montana in about three years. It's Big Hole Basin prospect in the western part of the county found gas shows, the journal said, adding the company also has drilled two wildcats near Deer Lodge.

The journal also indicated the site is prepared for another wildcat on the Jack Hirschy Ranch in the Big Hole.



Amoco's rig is near Lima.