

109TH CONGRESS
1ST SESSION

H. R. 432

To require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. UDALL of Colorado introduced the following bill; which was referred to the Committee on Resources

A BILL

To require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Betty Dick Residence Protection Act”.

6 (b) **FINDINGS.**—The Congress finds the following:

7 (1) Prior to their divorce, a married couple,
8 Fred Dick and Marilyn Dick, owned as tenants in

1 common a tract of land that included the property
2 identified in section 2(b) of this Act.

3 (2) When Fred and Marilyn Dick were di-
4 vorced, Marilyn Dick became the sole owner of the
5 tract, but Fred Dick retained the right of first re-
6 fusal to acquire it if Marilyn Dick ever chose to sell
7 it.

8 (3) In 1977, Marilyn Dick sold the tract to the
9 United States for addition to Rocky Mountain Na-
10 tional Park, but Fred Dick, asserting his right of
11 first refusal, sued to cancel the transaction.

12 (4) In 1980, the lawsuit was settled through an
13 agreement between the National Park Service and
14 Mr. Dick and his heirs, successors and assigns.

15 (5) Under the 1980 settlement agreement, Mr.
16 Dick and his new wife, Ms. Betty Dick, were allowed
17 to lease and occupy the 23 acres comprising the
18 property identified in section 2(b) for 25 years.

19 (6) Mr. Dick died in 1992, but Betty Dick has
20 continued to lease and occupy the property identified
21 in section 2(b) under the terms of the settlement
22 agreement.

23 (7) Betty Dick's right to lease and occupy the
24 property identified in section 2(b) will expire on July

1 16, 2005, at which time Ms. Dick will have attained
2 the age of 83 years.

3 (8) Ms. Dick wishes to continue to occupy the
4 property for the remainder of her life, and has
5 sought to conclude a new agreement with the Na-
6 tional Park Service that would permit her to do so.
7 However, the Park Service has not been willing to
8 agree to such an arrangement and is demanding
9 that she vacate the property by July 16, 2005.

10 (9) Since 1980, Betty Dick has consistently oc-
11 cupied the property identified in section 2(b) as a
12 summer residence and has made it available for
13 community events. During that period, she has been
14 a good steward of the property. Her occupancy has
15 not been detrimental to the resources and values of
16 Rocky Mountain National Park and has not created
17 problems for the National Park Service or the pub-
18 lic.

19 (10) Under the circumstances it is appropriate
20 for Betty Dick to be permitted to continue her occu-
21 pancy of the property identified in section 2(b) for
22 the remainder of her natural life under the terms
23 and conditions applicable to such occupancy since
24 1980.

1 (c) PURPOSE.—The purpose of this Act is to require
2 the Secretary of the Interior to permit continued occu-
3 pancy and use of the property identified in section 2(b)
4 by Betty Dick for the remainder of her natural life.

5 **SEC. 2. RIGHT OF OCCUPANCY.**

6 (a) IN GENERAL.—The Secretary of the Interior shall
7 permit continued occupancy and use of the property de-
8 scribed in subsection (b) by Betty Dick for the remainder
9 of her natural life, subject to the requirements of this Act.

10 (b) IDENTIFICATION OF PROPERTY.—The property
11 referred to in subsection (a) are the lands and improve-
12 ments within the boundaries of Rocky Mountain National
13 Park identified as “residence”, “occupancy area”, and
14 “barn” on the map entitled “Betty Dick Residence and
15 Barn” dated January, 2005.

16 (c) TERMS AND CONDITIONS.—Occupancy and use of
17 the property identified in subsection (b) shall be subject
18 to the same terms and conditions as specified in the docu-
19 ment entitled “Settlement Agreement” between the Na-
20 tional Park Service and Mr. Fred Dick dated July 17,
21 1980, except that Betty Dick shall be required to annually
22 pay to the Secretary of the Interior an amount equal to
23 one twenty-fifth of the amount specified in section 3(B)
24 of such agreement.

1 (d) CONSTRUCTION.—Nothing in this Act shall be
2 construed to permit construction of any structure not in
3 existence on November 30, 2004, or to apply to occupancy
4 or use of the property described in subsection (b) by any
5 person other than Betty Dick.

○