

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 432

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2005

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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,*

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

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

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

5 (1) Prior to their divorce, a married couple,  
6 Fred Dick and Marilyn Dick, owned as tenants in  
7 common a tract of land that included the property  
8 identified in section 2(b) of this Act.

9 (2) When Fred and Marilyn Dick were di-  
10 vorced, Marilyn Dick became the sole owner of the  
11 tract, but Fred Dick retained the right of first re-  
12 fusal to acquire it if Marilyn Dick ever chose to sell  
13 it.

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

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

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

25 (6) Mr. Dick died in 1992, but Betty Dick has  
26 continued to lease and occupy the property identified

1 in section 2(b) under the terms of the settlement  
2 agreement.

3 (7) Betty Dick's right to lease and occupy the  
4 property identified in section 2(b) will expire on July  
5 16, 2005, at which time Ms. Dick will have attained  
6 the age of 83 years.

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

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

23 (10) Under the circumstances it is appropriate  
24 for Betty Dick to be permitted to continue her occu-  
25 pancy of the property identified in section 2(b) for

1 the remainder of her natural life under the terms  
2 and conditions applicable to such occupancy since  
3 1980.

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

8 **SEC. 2. RIGHT OF OCCUPANCY.**

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

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

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

1 one twenty-fifth of the amount specified in section 3(B)  
2 of such agreement.

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

Passed the House of Representatives June 29, 2005.

Attest:

JEFF TRANDAHL,

*Clerk.*