

109TH CONGRESS
1ST SESSION

S. 584

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

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to allow the continued occupancy and use of certain land 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.**

4 This Act may be cited as the “Betty Dick Residence
5 Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) before their divorce, Fred and Marilyn
2 Dick, owned as tenants in common a tract of land
3 that included the property described in section 5(b);

4 (2) when Fred and Marilyn Dick divorced,
5 Marilyn Dick became the sole owner of the tract of
6 land, but Fred Dick retained the right of first re-
7 fusal to acquire the tract of land;

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, Fred
14 Dick, and the heirs, successors, and assigns of Fred
15 Dick;

16 (5) under the 1980 settlement agreement, Fred
17 Dick and his wife, Betty Dick, were allowed to lease
18 and occupy the 23 acres comprising the property de-
19 scribed in section 5(b) for 25 years;

20 (6) Fred Dick died in 1992, but Betty Dick has
21 continued to lease and occupy the property described
22 in section 5(b) under the terms of the settlement
23 agreement;

24 (7) Betty Dick's right to lease and occupy the
25 property described in section 5(b) will expire on July

1 16, 2005, at which time Betty Dick will be 83 years
2 old;

3 (8) Betty Dick wishes to continue to occupy the
4 property for the remainder of her life and has
5 sought to enter into a new agreement with the Na-
6 tional Park Service that would allow her to continue
7 to occupy the property;

8 (9) the National Park Service has not been will-
9 ing to enter into a new agreement with Betty Dick
10 and is demanding that she vacate the property by
11 July 16, 2005;

12 (10) since 1980, Betty Dick—

13 (A) has consistently occupied the property
14 described in section 5(b) as a summer resi-
15 dence;

16 (B) has made the property available for
17 community events; and

18 (C) has been a good steward of the prop-
19 erty;

20 (11) Betty Dick's occupancy of the property
21 has not—

22 (A) been detrimental to the resources and
23 values of Rocky Mountain National Park; or

24 (B) created problems for the National
25 Park Service or the public; and

1 (12) under the circumstances, it is appropriate
2 for Betty Dick to be allowed to continue her occu-
3 pancy of the property described in section 5(b) for
4 the remainder of her natural life under the terms
5 and conditions applicable to her occupancy of the
6 property since 1980.

7 **SEC. 3. PURPOSE.**

8 The purpose of this Act is to require the Secretary
9 of the Interior to permit the continued occupancy and use
10 of the property described in section 5(b) by Betty Dick
11 for the remainder of her natural life.

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) **AGREEMENT.**—The term “Agreement”
15 means the agreement between the National Park
16 Service and Fred Dick entitled “Settlement Agree-
17 ment” and dated July 17, 1980.

18 (2) **MAP.**—The term “map” means the map en-
19 titled “Betty Dick Residence and Barn” and dated
20 January 2005.

21 (3) **SECRETARY.**—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 5. RIGHT OF OCCUPANCY.**

24 (a) **IN GENERAL.**—The Secretary shall allow Betty
25 Dick to continue to occupy and use the property described

1 in subsection (b) for the remainder of the natural life of
2 Betty Dick, subject to the requirements of this Act.

3 (b) DESCRIPTION OF PROPERTY.—The property re-
4 ferred to in subsection (a) is the land and any improve-
5 ments to the land within the boundaries of Rocky Moun-
6 tain National Park identified on the map as “residence”,
7 “occupancy area”, and “barn”.

8 (c) TERMS AND CONDITIONS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the occupancy and use of the property
11 identified in subsection (b) by Betty Dick shall be
12 subject to the same terms and conditions specified in
13 the Agreement.

14 (2) PAYMENT.—In exchange for the continued
15 use and occupancy of the property, Betty Dick shall
16 annually pay to the Secretary an amount equal to
17 $\frac{1}{25}$ of the amount specified in section 3(B) of the
18 Agreement.

19 (d) EFFECT.—Nothing in this Act—

20 (1) allows the construction of any structure on
21 the property described in subsection (b) not in exist-
22 ence on November 30, 2004; or

1 (2) applies to the occupancy or use of the prop-
2 erty described in subsection (b) by any person other
3 than Betty Dick.

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