

## BETTY DICK RESIDENCE PROTECTION ACT

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JUNE 8, 2005.—Referred to the Private Calendar and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 432]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 432 is to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

#### BACKGROUND AND NEED FOR LEGISLATION

Fred and Marilyn Dick divorced in the mid-1970s and Marilyn Dick became the sole owner to a tract of land, but Fred Dick retained the right of first refusal to acquire if Marilyn Dick ever chose to sell it. In 1977, Marilyn Dick sold the tract to the National Park Service (NPS) as part of an addition to Rocky Mountain National Park, but Fred Dick asserting his right of first refusal, sued to cancel the transaction. In 1980, the lawsuit was settled through an agreement between the NPS and Mr. Dick and his heirs, successors and assigns.

Under the 1980 Agreement, Mr. Dick and his new wife, Betty Dick, were allowed to lease and occupy the 23 acres parcel for 25 years. Then, in 1992, Mr. Dick died, but Betty Dick has continued to lease and occupy the property under the terms of settlement agreement. The current lease expires on July 16, 2005.

While Ms. Dick would like to continue to occupy the property for the remainder of her life—she is 82 years old—the NPS does not want to enter into a new agreement and is requesting that she vacate the property by July 16. Moreover, the NPS has indicated that it lacks the authority to resolve this matter by entering into a new agreement with Ms. Dick. Thus, absent a legislative directive, Ms. Dick must leave the property.

H.R. 432 would authorize the Secretary of the Interior to permit Ms. Dick to continue to occupy and use the property for the remainder of her natural life.

#### COMMITTEE ACTION

H.R. 432 was introduced on January 26, 2005, by Congressman Mark Udall (D-CO). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On April 14, 2005, the Subcommittee on National Parks held a hearing on H.R. 432. On May 18, 2005 the Committee on Resources met to consider the bill. By unanimous consent, the Subcommittee on National Parks was discharged from further consideration of the bill. No amendments were offered and H.R. 432 was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 432—Betty Dick Residence Protection Act*

H.R. 432 would permit continued occupancy and the use of certain lands within Rocky Mountain National Park. Specifically, the bill would require the National Park Service (NPS) to extend the lease of 23 acres of public land to Betty Dick. CBO estimates that enacting these changes would have no significant impact on the federal budget.

Under a 1980 Settlement Agreement, Betty Dick's right to lease the land in the Rocky Mountain National Park expires after 25 years on July 16, 2005. H.R. 432 would require the NPS to allow Ms. Dick to lease the property, which includes a seasonal residence and outbuildings, for the remainder of her life at a below market rental price of \$300 per year.

NPS currently receives no payments for the property; NPS received \$7,500 in 1980 for a 25-year lease, and NPS has not made a final decision on the final use of the home and outbuildings once the property is vacated. NPS expects that the property could generate around \$6,300 in annual rental receipts if the property was leased at market rates. Under current law, proceeds from rental agreements are available for the agency to spend without appropriation action. Thus, CBO estimates that enacting H.R. 432 would have no significant effect on the federal budget.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

