
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 388 Session of
2015

INTRODUCED BY HARPER, MILLARD, FREEMAN, ROZZI, MURT, KIRKLAND,
READSHAW, DAVIDSON, MOUL, WATSON, PETRI, MILNE, GILLEN,
KORTZ, O'NEILL AND DAY, JUNE 12, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 12, 2015

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to review
2 and report on the funds distributed to counties from the
3 Marcellus Legacy Fund.

4 WHEREAS, Open space, greenways, recreational trails, natural
5 areas, community and heritage parks, conservation and
6 beautification projects and water resource management projects
7 protect the environment, conserve natural resources and add
8 value to this Commonwealth and its communities; and

9 WHEREAS, Safe drinking water, sewer systems and bridges
10 further enhance the value of this Commonwealth and its
11 communities; and

12 WHEREAS, The provisions of 58 Pa.C.S. Ch. 23 provide for the
13 imposition and distribution of fees from unconventional gas
14 wells; and

15 WHEREAS, The General Assembly, pursuant to 58 Pa.C.S. § 2315
16 (relating to Statewide initiatives), established in the State
17 Treasury a fund known as the Marcellus Legacy Fund, which is

1 funded from 40% of the revenue from the Unconventional Gas Well
2 Fund; and

3 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
4 2315(a.1)(5) that 15% of the Marcellus Legacy Fund shall be
5 distributed to counties for the planning, acquisition,
6 development, rehabilitation and repair of greenways,
7 recreational trails, open space, natural areas, community
8 conservation and beautification projects, community and heritage
9 parks and water resource management and that these funds may be
10 used to acquire lands for recreational or conservation purposes
11 and for land damaged or prone to drainage by storms or flooding;
12 and

13 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
14 2315(a.1)(1) that 20% of the Marcellus Legacy Fund shall be
15 distributed to the Commonwealth Financing Authority for grants
16 relating to acid mines; orphan or abandoned oil and gas well
17 plugging; compliance with the Pennsylvania Sewage Facilities
18 Act; acquisition, development, rehabilitation and repair of
19 greenways, recreational trails, open space, parks and
20 beautification projects; programs to establish baseline water
21 quality data on private water supplies; and for flood control
22 projects; and

23 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
24 2315(a.1)(2) that 10% of the Marcellus Legacy Fund shall be
25 distributed to the Environmental Stewardship Fund; and

26 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
27 2315(a.1)(3) that 25% of the Marcellus Legacy Fund shall be
28 distributed to the Highway Bridge Improvement Restricted Account
29 in the Motor License Fund to counties to be distributed to fund
30 the cost of replacement or repair of locally owned at-risk

1 deteriorated bridges; and

2 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
3 2315(a.1)(4) that 25% of the Marcellus Legacy Fund shall be
4 distributed for water and sewer projects with 50% of the
5 distribution to be transmitted to the Pennsylvania
6 Infrastructure Investment Authority and 50% of the amount shall
7 be distributed to the H2O PA Program to be used by the
8 Commonwealth Financing Authority; and

9 WHEREAS, The General Assembly provides in 58 Pa.C.S. §
10 2315(a.1)(6) that 5% of the Marcellus Legacy Fund shall be
11 distributed to the Hazardous Sites Cleanup Fund or to the
12 Department of Community and Economic Development for projects
13 relating to oil, natural gas or other chemical substances; and

14 WHEREAS, These goals are laudable and important for the
15 future protection and enhancement of this Commonwealth's
16 environment and the safety and well-being of its residents, and
17 the distribution of funds provides counties with significant
18 amounts of financial assistance; and

19 WHEREAS, There is no reporting requirement to any agency or
20 department for the funds distributed to counties from the
21 Marcellus Legacy Fund pursuant to 58 Pa.C.S. § 2315(a.1)(5); and

22 WHEREAS, Although counties may receive funds through grants
23 or other programs pursuant to 58 Pa.C.S. § 2315(a.1)(1), (2),
24 (3), (4) and (6), there is no central reporting system to track
25 how counties manage these funds; and

26 WHEREAS, The General Assembly has an obligation to the
27 residents of this Commonwealth to ensure that this investment is
28 allocated wisely and achieves the results envisioned for the
29 fund; and

30 WHEREAS, The House of Representatives has an interest in

1 ensuring the fund is administered in accordance with its goals
2 and intent and has an interest in determining the costs and
3 benefits associated with the investment made with the
4 establishment of the Marcellus Legacy Fund; therefore be it

5 RESOLVED, That the Legislative Budget and Finance Committee
6 undertake a comprehensive review of the funds counties have
7 received pursuant to 58 Pa.C.S. § 2315(a.1)(1), (2), (3), (4),
8 (5) and (6) and how these funds have been spent, and prepare a
9 report of its findings; and be it further

10 RESOLVED, That the Legislative Budget and Finance Committee's
11 report specifically identify all of the following, and any other
12 use for which the funds may have been expended pursuant to 58
13 Pa.C.S. § 2315(a.1)(5):

14 (1) the overall amount of funds allocated to all
15 counties from the Marcellus Legacy Fund each year to date;

16 (2) the total amount of funds allocated to each county,
17 a compilation of how the allocated funds were spent and the
18 amount of remaining funds to be allocated by the county;

19 (3) a determination of the costs and benefits of the
20 allowable uses of the fund, including:

21 (i) a compilation of the total miles or acres of
22 greenways acquired, developed, rehabilitated or repaired;

23 (ii) the total miles of recreational trails
24 acquired, developed, rehabilitated or repaired;

25 (iii) the total acres, respectively, of both open
26 space and natural areas acquired, developed,
27 rehabilitated or repaired;

28 (iv) the total community conservation and
29 beautification projects by type and, if applicable, by
30 total acreage, that were acquired, developed,

1 rehabilitated or repaired;

2 (v) the total acres of community and heritage parks
3 acquired, developed, rehabilitated or repaired;

4 (vi) the total water resource management projects,
5 with clarification as to the type of project, acquired,
6 developed, rehabilitated or repaired; and

7 (vii) the total acreage of lands acquired for
8 recreational or conservation purposes or for land damaged
9 or prone to drainage by storms or flooding;

10 and be it further

11 RESOLVED, That the committee make a report of its findings,
12 including any recommendations for legislation, to the House of
13 Representatives within one year of the adoption of this
14 resolution.