

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2023-06]

Rescission of Executive Order 2018-01

January 27, 2023

I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct that Executive Order 2018-01 as amended, Governor's Office of Performance Through Excellence (OPE), 4 Pa. Code §§ 1.891—1.898, issued on September 10, 2020, is rescinded.



Governor

Fiscal Note: GOV-2023-06. No fiscal impact; recommends adoption.

(Editor's Note: Executive Order 2023-06 is effective immediately.)

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter JJJ. [RESERVED]

§§ 1.891—1.898. [Reserved].

[Pa.B. Doc. No. 23-206. Filed for public inspection February 17, 2023, 9:00 a.m.]

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 2023-05]

Pennsylvania Office of Transformation and Opportunity

January 24, 2023

Whereas, Pennsylvania offers many advantages to businesses, which include Pennsylvania's strategic location, skilled workforce, institutions of higher education and quality of life; and

Whereas, it is critical that Pennsylvania capitalize upon these advantages to attract investment, promote quality job creation and enhance economic development in communities across the Commonwealth, particularly those that have been disadvantaged and underserved; and

Whereas, efficiency in the creation of economic growth strategies and policy development is needed to enhance interagency cooperation and improve management and oversight of economic development resources available from the Commonwealth and from federal sources; and

Whereas, a nimble and dynamic response to shifting business needs and changing economic climates will enhance the Commonwealth’s competitiveness when attracting, expanding and retaining businesses; and

Whereas, critical evaluation of the impact of economic development incentives and the effectiveness of economic development programs is necessary to ensure that limited resources are allocated appropriately; and

Whereas, sustained economic development is the catalyst for equitable economic growth, quality job creation, increased state tax revenue, revitalization of neighborhoods and communities and an improved quality of life for all Pennsylvanians.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Pennsylvania Office of Transformation and Opportunity (“Office”) within the Office of the Governor and the Economic Development Strategy Group, and order and direct as follows:



Governor

Fiscal Note: GOV-2023-05. No fiscal impact; recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR’S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter WWW. PENNSYLVANIA OFFICE OF TRANSFORMATION AND OPPORTUNITY

- Sec. 5.1041. Purpose.
- 5.1042. Pennsylvania Office of Transformation and Opportunity responsibilities.
- 5.1043. Staffing and administration.
- 5.1044. Economic Development Strategy Group.
- 5.1045. Reports.
- 5.1046. Responsibilities of Commonwealth agencies.
- 5.1047. Compensation.
- 5.1048. General provisions.
- 5.1049. Effective date.

§ 5.1041. Purpose.

The Pennsylvania Office of Transformation and Opportunity shall facilitate the implementation of transformational economic development projects, which will result in substantial quality job opportunities and capital investment in the Commonwealth by coordinating and expediting inter-agency cooperation; marshalling Federal and Commonwealth resources to maximize economic development opportunities for Pennsylvania to compete, grow and thrive in a global economy; and leveraging the role of the Governor as Chief Executive of the Commonwealth to engage the global business community on the Commonwealth’s behalf.

§ 5.1042. Pennsylvania Office of Transformation and Opportunity responsibilities.

The Pennsylvania Office of Transformation and Opportunity shall do all of the following:

- (1) Create a systematic process for managing economic development projects involving the resources of multiple Commonwealth agencies to facilitate project management.
- (2) Establish and monitor the progress of additional areas of economic development project support including serving as a one-stop-shop for

coordination of Commonwealth agencies; expediting Commonwealth agency permit and license reviews; and ensuring speed of business review and approval of Commonwealth economic incentive programs.

(3) Work in partnership with the Department of Community and Economic Development (DCED) and all relevant State agencies in reviewing Pennsylvania and Federal funding applications to ensure they maximize the opportunity to attract transformational economic development projects.

(4) Establish objectives and targets for the implementation of transformative economic development projects prioritized by the Governor for the Commonwealth.

(5) Establish and monitor time-based standards for completion of each phase of a transformative economic development project.

(6) Work in partnership with DCED and all relevant State agencies and coordinate with the Governor's Action Team to ensure that thorough due diligence is performed for prioritized projects, which shall include overall economic impact of the project; the validity of its business model and likelihood of positive impact on an identified priority industry or sector; the impact on communities that have been disadvantaged and underserved; and the strength of commitments for private financing of the project.

(7) Work in partnership with DCED, all relevant State agencies, and the Governor to develop an overall economic development blueprint and strategy for the Commonwealth in identifying key industry and sectors where the Commonwealth has competitive advantages.

§ 5.1043. Staffing and administration.

(a) The Governor shall appoint a Chief Transformation and Opportunity Officer of the Pennsylvania Office of Transformation and Opportunity (Office), who shall serve at the pleasure of the Governor and who shall coordinate the implementation and development of the responsibilities outlined in § 5.1042 (relating to Pennsylvania Office of Transformation and Opportunity responsibilities).

(b) The Chief Transformation and Opportunity Officer may hire staff, including economic development specialists, to perform the responsibilities assigned to the Office as outlined in § 5.1042.

(c) The Chief Transformation and Opportunity Officer shall report directly to the Governor, and the Office shall be housed within the Governor's Office.

§ 5.1044. Economic Development Strategy Group.

(a) *Responsibilities.*

The Economic Development Strategy Group (Strategy Group) shall advise the Governor on economic development projects and processes to attract and retain employers, recruit leaders of innovation and create quality jobs in this Commonwealth.

(b) *Membership.*

(1) The Strategy Group shall be chaired by the Governor, or in his absence, by the Chief Transformation and Opportunity Officer.

(2) The Strategy Group shall consist of the Secretary of the following agencies:

- (i) Department of Labor and Industry.
- (ii) Department of Community and Economic Development.
- (iii) Department of Transportation.
- (iv) Department of Agriculture.
- (v) Department of Education.
- (vi) Department of Environmental Protection.

(vii) Other members of the Cabinet may be added to the Strategy Group on an individual project basis at the discretion of the Governor.

§ 5.1045. Reports.

The Pennsylvania Office of Transformation and Opportunity shall prepare and issue an annual report to the Governor with the first annual report due on December 31, 2023, and subsequent reports due on December 31st of each succeeding year. The annual report shall include an analysis and examination of significant economic development opportunities gained and lost by the Commonwealth within an identified time period and recommendations for improvement. The report shall be delivered to the Governor or the Governor's designee.

§ 5.1046. Responsibilities of Commonwealth agencies.

Commonwealth agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Pennsylvania Office of Transformation and Opportunity with respect to its purpose and responsibilities, as set forth in this subchapter.

§ 5.1047. Compensation.

Members of the Economic Development Strategy Group shall not receive compensation for their service thereon.

§ 5.1048. General provisions.

Nothing in this subchapter shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, office, board, commission or council, or the head thereof. This subchapter is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

§ 5.1049. Effective date.

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 23-207. Filed for public inspection February 17, 2023, 9:00 a.m.]

GOVERNOR'S OFFICE
[EXECUTIVE ORDER NO. 2023-07]
**Building Efficiency in the Commonwealth's Permitting,
Licensing and Certification Processes**

January 31, 2023

Whereas, eliminating barriers to economic development, professional opportunities and public health and safety is a priority for my administration; and

Whereas, increasing efficiency in the processing and the approval of Commonwealth-issued permits, licenses and certifications will remove unnecessary barriers for Pennsylvanians seeking to do business in the Commonwealth.

Now, Therefore, I, Josh Shapiro, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct the following:

1. Each Commonwealth agency, department, board, commission, office or council (Executive Agency) under the Governor's jurisdiction that issues permits, licenses or certifications shall compile a catalog of the types of permits, licenses or certifications it issues and submit that catalog to the Governor's Office within 90 days of the effective date of this Executive Order. The catalog shall include all of the following:

a. A description of each type of permit, license or certification issued by the Executive Agency, the term thereof, and the statutory, regulatory or other basis therefor.

b. The method by which the Executive Agency receives applications for each type of permit, license or certification (that is, paper, electronic or other method) and when that method was last significantly updated.

c. The statutory, regulatory or other legal authority governing the length of time within which the Executive Agency must process applications for each type of permit, license or certification.

d. The application fee charged by the Executive Agency for each type of permit, license or certification, and the statutory, regulatory or other legal authority therefor.

e. The Executive Agency's analysis and recommendation of the appropriate length of time to promptly process completed applications for each type of permit, license or certification. An application is complete after the applicant has properly and timely submitted all information required by the Executive Agency to act upon the application.

f. Other relevant information as requested.

2. Following receipt and review of the Executive Agency catalogs, information, recommendations and analyses, the Governor's Office will establish recommended, efficient application processing times for the various types of permits, licenses and certifications, as appropriate.

3. The Governor's Office will review the existing digital services used to apply for permits, licenses and certifications and offer recommendations on specific digital services where upgrades and modernization efforts could better serve Pennsylvanians and all other applicants.

4. Any Executive Agency under the Governor's jurisdiction, after having received a completed application, that exceeds the recommended application processing time as established under section 2, will refund the amount of the application fee to the extent permitted by law. The refund will have no bearing on the disposition of the underlying application. This Executive Order shall apply to applications received on or after the dates the recommended, efficient application processing times are established by the Governor's Office.

5. This Executive Order shall be implemented consistent with applicable law. Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted by law, regulation or executive order to an Executive Agency, or the head thereof. This Executive Order is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other person.

6. This Executive Order shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.



Governor

Fiscal Note: GOV-2023-07. This action could result in reduced revenue or an increase in program costs to the commonwealth if established processing times are not met by applicable agencies. No fiscal impact to political subdivisions; recommends adoption.

[Pa.B. Doc. No. 23-208. Filed for public inspection February 17, 2023, 9:00 a.m.]