

# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 5 ]

[ EXECUTIVE ORDER NO. 2023-05 ]

#### **Pennsylvania Office of Transformation and Opportunity; Correction**

An error occurred in Executive Order No. 2023-05 published at 53 Pa.B. 930 (February 18, 2023). Chapter 5, Subchapter WWW of 4 Pa. Code was designated incorrectly as WWW and therefore numbered incorrectly. The subchapter and section numbers are corrected as follows. The remainder of the document was accurate as published.

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 XXX. PENNSYLVANIA OFFICE OF TRANSFORMATION  
AND OPPORTUNITY

Sec.	
5.1051.	Purpose.
5.1052.	Pennsylvania Office of Transformation and Opportunity responsibilities.
5.1053.	Staffing and administration.
5.1054.	Economic Development Strategy Group.
5.1055.	Reports.
5.1056.	Responsibilities of Commonwealth agencies.
5.1057.	Compensation.
5.1058.	General provisions.
5.1059.	Effective date.

**§ 5.1051. 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.

**§ 5.1052. 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.

**§ 5.1053. 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 § 5.1052 (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 § 5.1052.

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

**§ 5.1054. 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.

**§ 5.1055. 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.

**§ 5.1056. 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.

**§ 5.1057. Compensation.**

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

**§ 5.1058. 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.

**§ 5.1059. Effective date.**

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 23-279. Filed for public inspection March 3, 2023, 9:00 a.m.]

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## GOVERNOR'S OFFICE

### **Increase in the Minimum Wage to be Paid to Persons Employed by, and by Means of Contracts with, Commonwealth Agencies under the Governor's Jurisdiction Effective July 1, 2023**

Beginning in 2023, Section 1.b. of Executive Order 2016-02 (Amended) requires the minimum wage paid to:

(a) employees of Commonwealth agencies under the Governor's jurisdiction; and,

(b) employees as defined in the Minimum Wage Act of 1968, who (pursuant to a lease or property, or to a contract for services or construction that exceeds the applicable small purchase threshold, including bilateral modifications to such leases or contracts) directly perform services or construction for a Commonwealth agency under the Governor's jurisdiction; or, who directly perform services for the Commonwealth and are employed by a lessor of property to the Commonwealth; or spend at least 20 percent of their working time in a given work week performing an ancillary service,

to be increased by an annual cost-of-living adjustment by applying the year-over-year percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area as officially reported by the United States Department of Labor, Bureau of Labor Statistics. The revised minimum wage amount is to be published in the *Pennsylvania Bulletin*.

Effective July 1, 2023, the revised minimum wage amount applicable to such employees under Executive Order 2016-02 (Amended) is \$16.17 per hour.

URI MONSON,  
*Secretary*

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