

[First Reprint]

ASSEMBLY, No. 4933

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires developers to offer unit concrete products that utilize carbon footprint-reducing technology as option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize carbon footprint-reducing technology.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 7, 2021, with amendments.



(Sponsorship Updated As Of: 11/5/2020)

1 **AN ACT** concerning the purchase and use of unit concrete products
2 that utilize carbon footprint-reducing technology and
3 supplementing Titles 27, 52, and 54 of the Revised Statutes, Title
4 54A of the New Jersey Statutes, and P.L.1971, c.198.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. The Legislature finds and declares that the burning of fossil
10 fuels and other industrial processes release harmful greenhouse
11 gases into the atmosphere, which in turn contribute to climate
12 change; that, in the coming years, New Jersey is likely to
13 experience increased flooding, drought, and other severe weather
14 effects caused by climate change; and that, in order to help mitigate
15 the serious impacts of climate change, the State must drastically
16 reduce its consumption of fossil fuels and its greenhouse gas
17 emissions.

18 The Legislature further finds that concrete is the most widely
19 used construction material in the world due to its low cost, strength,
20 and durability; that the production of ordinary Portland cement, the
21 critical ingredient in concrete, is responsible for almost eight
22 percent of the world's carbon dioxide emissions; that ordinary
23 Portland cement requires significant amounts of energy to produce,
24 resulting in high carbon dioxide emissions; that modern technology
25 allows concrete to be produced utilizing less energy, and the
26 emission of carbon dioxide from cement manufacturing can be
27 greatly reduced by capturing and utilizing carbon dioxide in the unit
28 concrete product manufacturing process, including the chemical
29 reaction that results in strength and durability of concrete; and that
30 this process can sequester carbon dioxide in the unit concrete
31 product or chemically transform the carbon dioxide into mineral
32 form, embedding it into the concrete and preventing its release as a
33 gas.

34 The Legislature therefore determines that it is in the public
35 interest to encourage and support the purchase of unit concrete
36 products that utilize carbon footprint-reducing technology in the
37 State; that unit concrete products that utilize carbon footprint-
38 reducing technology will greatly reduce greenhouse gas emissions
39 from the concrete and construction industries; and that incentives
40 for permeable pavers that are unit concrete products that utilize
41 carbon footprint-reducing technology will further help enhance
42 stormwater management, reduce stormwater runoff, and decrease
43 the risk of flooding in the State.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted January 7, 2021.

1 2. a. A developer shall, for any new construction that requires
2 the use of unit concrete products, where technically feasible, offer
3 to use unit concrete products that utilize carbon footprint-reducing
4 technology in the new construction, whenever a prospective
5 purchaser enters into negotiations with the developer to construct or
6 purchase a new residential dwelling or commercial building in the
7 State.

8 b. A developer shall disclose, in any advertising or offer to
9 construct a new residential dwelling or commercial building, in a
10 form and manner as determined by the commissioner:

11 (1) that the prospective purchaser may choose to use unit
12 concrete products that utilize carbon footprint-reducing technology
13 in the new construction;

14 (2) the total cost of using unit concrete products that utilize
15 carbon footprint-reducing technology in the new construction;

16 (3) general information on the environmental and other benefits
17 of using unit concrete products that utilize carbon footprint-
18 reducing technology; and

19 (4) information concerning any applicable tax credits, rebates,
20 or other incentives that may be available for the use of unit concrete
21 products that utilize carbon footprint-reducing technology pursuant
22 to P.L. , c. (C.)(pending before the Legislature as this bill
23 or any other law.

24 c. The commissioner, in consultation with the Department of
25 Environmental Protection, shall:

26 (1) publish educational materials to demonstrate how developers
27 may incorporate unit concrete products that utilize carbon footprint-
28 reducing technology into new construction; and

29 (2) provide developers with information concerning applicable
30 tax credits, rebates, or other incentives that may be available for the
31 use of unit concrete products that utilize carbon footprint-reducing
32 technology pursuant to P.L. , c. (C.)(pending before the
33 Legislature as this bill) or any other law.

34 d. The commissioner, in consultation with the Department of
35 Environmental Protection, may adopt, pursuant to the
36 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
37 1 et seq.), rules and regulations necessary to implement this section.

38 e. The commissioner shall enforce the provisions of this
39 section and may penalize and assess violators of this section in
40 accordance with the penalties and procedures provided for under
41 section 18 of P.L.1977, c.419 (C.45:22A-38).

42 f. As used in this section:

43 “Advertising” means the same as the term is defined in section 3
44 of P.L.1977, c.419 (C.45:22A-23).

45 “Commissioner” means the Commissioner of Community
46 Affairs.

1 “Developer” means a person who constructs, or offers to
2 construct, a new residential dwelling or commercial building in the
3 State.

4 “Prospective purchaser” means a person who contemplates
5 acquiring a legal or equitable interest in a new residential dwelling
6 or commercial building.

7 “Unit concrete product” means a concrete building product that
8 is fabricated under controlled conditions separate and remote from
9 the intended point of use and is produced in a wet cast or dry cast
10 method in a factory setting and then transported to the location of
11 intended use for installation, including, but not limited to, all
12 concrete pavers, whether permeable or non-permeable, and concrete
13 block. ¹“Unit concrete product” shall not include ready mix
14 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

15 “Unit concrete product that utilizes carbon footprint-reducing
16 technology” means a unit concrete product that is certified by the
17 Department of Environmental Protection, or any independent third
18 party authorized by the department, pursuant to section 10 of
19 P.L. , c. (C.)(pending before the Legislature as this bill), as
20 generating at least 50 percent less carbon dioxide emissions in the
21 production and utilization of the unit concrete product than
22 conventional unit concrete products made with ordinary Portland
23 cement.

24

25 3. a. Receipts from the sale of unit concrete products that
26 utilize carbon footprint-reducing technology, which may include
27 permeable pavement, used in the construction or improvement of
28 any residential dwelling or commercial building located in the State
29 shall be exempt from the tax imposed under the “Sales and Use Tax
30 Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).

31 b. As used in this section:

32 “Permeable pavement” means a concrete product that allows
33 rainwater to penetrate the pavement and percolate into the
34 supporting soils and includes, but is not limited to, pervious
35 concrete, permeable interlocking concrete pavers, and concrete grid
36 pavers.

37 “Unit concrete product” means a concrete building product that
38 is fabricated under controlled conditions separate and remote from
39 the intended point of use and is produced in a wet cast or dry cast
40 method in a factory setting and then transported to the location of
41 intended use for installation, including, but not limited to, all
42 concrete pavers, whether permeable or non-permeable, and concrete
43 block. ¹“Unit concrete product” shall not include ready mix
44 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

45 “Unit concrete product that utilizes carbon footprint-reducing
46 technology” means a unit concrete product that is certified by the
47 Department of Environmental Protection, or any independent third
48 party authorized by the department, pursuant to section 10 of

1 P.L. , c. (C.)(pending before the Legislature as this bill), as
2 generating at least 50 percent less carbon dioxide emissions in the
3 production and utilization of the unit concrete product than
4 conventional unit concrete products made with ordinary Portland
5 cement.

6
7 4. a. A taxpayer shall be allowed a credit against the tax
8 imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) in
9 an amount equal to \$2.00 per square foot for the purchase and
10 installation of unit concrete products that utilize carbon footprint-
11 reducing technology, which may include permeable pavement, used
12 in the construction or improvement of any residential dwelling or
13 commercial building, or in the replacement of an impervious
14 surface with permeable pavement, in the State. Such purchases and
15 installations must be completed during the privilege period. The
16 value of tax credits allowed to a taxpayer pursuant to this section
17 shall not exceed \$3,000 for a residential property, and \$30,000 for a
18 commercial property in a single privilege period. In order to
19 qualify for the tax credit pursuant to this section, a person shall
20 install at least 100 square feet of unit concrete products that utilize
21 carbon footprint-reducing technology, which may include
22 permeable pavement.

23 b. The order of priority of the application of the tax credit
24 allowed pursuant to this section, and any other credits allowed
25 against the tax imposed pursuant to section 5 of P.L.1945, c.162
26 (C.54:10A-5) for a privilege period, shall be as prescribed by the
27 director. The amount of the credit applied pursuant to this section
28 against the tax imposed pursuant to section 5 of P.L.1945, c.162
29 (C.54:10A-5) shall not reduce a taxpayer's tax liability to an amount
30 less than the statutory minimum provided in subsection (e) of
31 section 5 of P.L.1945, c.162 (C.54:10A-5). The amount of the tax
32 credit otherwise allowable under this section which cannot be
33 applied for the privilege period due to the limitations of this
34 subsection or under other provisions of P.L.1945, c.162 (C.54:10A-
35 1 et seq.) may be carried forward, if necessary, to the seven
36 privilege periods following the privilege period for which the tax
37 credit was allowed.

38 c. The director, in consultation with the Department of
39 Environmental Protection, shall adopt, pursuant to the
40 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.), rules and regulations as are necessary to implement the
42 provisions of this section. The director may require the
43 submission of any information the director deems necessary to
44 award a tax credit pursuant to this section.

45 d. As used in this section:

46 "Permeable pavement" means a concrete product that allows
47 rainwater to penetrate the pavement and percolate into the
48 supporting soils and includes, but is not limited to, pervious

1 concrete, permeable interlocking concrete pavers, and concrete grid
2 pavers.

3 “Unit concrete product” means a concrete building product that
4 is fabricated under controlled conditions separate and remote from
5 the intended point of use and is produced in a wet cast or dry cast
6 method in a factory setting and then transported to the location of
7 intended use for installation, including, but not limited to, all
8 concrete pavers, whether permeable or non-permeable, and concrete
9 block. ¹“Unit concrete product” shall not include ready mix
10 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

11 “Unit concrete product that utilizes carbon footprint-reducing
12 technology” means a unit concrete product that is certified by the
13 Department of Environmental Protection, or any independent third
14 party authorized by the department, pursuant to section 10 of
15 P.L. , c. (C.)(pending before the Legislature as this bill), as
16 generating at least 50 percent less carbon dioxide emissions in the
17 production and utilization of the unit concrete product than
18 conventional unit concrete products made with ordinary Portland
19 cement.

20

21 5. a. A taxpayer shall be allowed a credit against the tax
22 otherwise due for the taxable year under the “New Jersey Gross
23 Income Tax Act” N.J.S.54A:1-1 et seq., in an amount equal to
24 \$2.00 per square foot for the purchase and installation of unit
25 concrete products that utilize carbon footprint-reducing technology,
26 which may include permeable pavement, used in the construction or
27 improvement of any residential dwelling or commercial building, or
28 in the replacement of an impervious surface with permeable
29 pavement, in the State, which purchase and installation is completed
30 during the taxable year. The total amount of the tax credit granted
31 pursuant to this section shall not exceed \$3,000 for a residential
32 property, and \$30,000 for a commercial property in a single taxable
33 year. In order to qualify for the tax credit pursuant to this section, a
34 person shall install at least 100 square feet of unit concrete products
35 that utilize carbon footprint-reducing technology, which may
36 include permeable pavement.

37 b. The order of priority of the application of the credit allowed
38 pursuant to this section, and any other credits allowed against the
39 tax imposed pursuant to N.J.S.54A:1-1 et seq. for a taxable year,
40 shall be as prescribed by the director. The amount of the credit
41 applied under this section against the New Jersey gross income tax
42 imposed pursuant to N.J.S.54A:1-1 et seq. for a taxable year, when
43 taken together with any other payments, credits, deductions, and
44 adjustments allowed by law, shall not reduce a taxpayer's tax
45 liability to an amount less than zero. The amount of the tax credit
46 otherwise allowable under this section which cannot be applied for
47 the taxable year due to the limitations of this section or other
48 provisions of N.J.S.54A:1-1 et seq. may be carried forward, if

1 necessary, to the seven taxable years following the taxable year for
2 which the tax credit was allowed.

3 c. (1) A business entity that is classified as a partnership for
4 federal income tax purposes shall not be allowed a credit under this
5 section directly, but the amount of credit of a taxpayer in respect of
6 a distributive share of partnership income under the “New Jersey
7 Gross Income Tax Act,” N.J.S.54A:1-1 et seq., shall be determined
8 by allocating to the taxpayer that proportion of the credit acquired
9 by the partnership that is equal to the taxpayer’s share, whether or
10 not distributed, of the total distributive income or gain of the
11 partnership for its taxable year ending within or with the taxpayer’s
12 taxable year.

13 (2) A New Jersey S Corporation shall not be allowed a credit
14 under this section directly, but the amount of the tax credit of a
15 taxpayer in respect of a pro rata share of S Corporation income,
16 shall be determined by allocating to the taxpayer that proportion of
17 the tax credit acquired by the New Jersey S Corporation that is
18 equal to the taxpayer’s share, whether or not distributed, of the total
19 pro rata share of S Corporation income of the New Jersey S
20 Corporation for its privilege period ending within or with the
21 taxpayer’s taxable year.

22 d. The director, in consultation with the Department of
23 Environmental Protection, shall adopt, pursuant to the
24 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
25 1 et seq.), rules and regulations as are necessary to implement the
26 provisions of this section. The director may require the submission
27 of any information the director deems necessary to award a tax
28 credit pursuant to this section.

29 e. As used in this section:

30 “Permeable pavement” means a concrete product that allows
31 rainwater to penetrate the pavement and percolate into the
32 supporting soils and includes, but is not limited to, pervious
33 concrete, permeable interlocking concrete pavers, and concrete grid
34 pavers.

35 “Unit concrete product” means a concrete building product that
36 is fabricated under controlled conditions separate and remote from
37 the intended point of use and is produced in a wet cast or dry cast
38 method in a factory setting and then transported to the location of
39 intended use for installation, including, but not limited to, all
40 concrete pavers, whether permeable or non-permeable, and concrete
41 block. ¹“Unit concrete product” shall not include ready mix
42 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

43 “Unit concrete product that utilizes carbon footprint-reducing
44 technology” means a unit concrete product that is certified by the
45 Department of Environmental Protection, or any independent third
46 party authorized by the department, pursuant to section 10 of
47 P.L. , c. (C.)(pending before the Legislature as this bill), as
48 generating at least 50 percent less carbon dioxide emissions in the

1 production and utilization of the unit concrete product than
2 conventional unit concrete products made with ordinary Portland
3 cement.

4
5 6. a. Notwithstanding the provisions of any other law, rule, or
6 regulation to the contrary, the Director of the Division of Purchase
7 and Property in the Department of the Treasury, the Director of the
8 Division of Property Management and Construction in the
9 Department of the Treasury, and any State agency having authority
10 to contract for the purchase of goods or services, shall, whenever
11 ¹~~["possible, give preference to"]~~ feasible, use or require the use of¹
12 unit concrete products that utilize carbon footprint-reducing
13 technology, which may include permeable pavement, when entering
14 into a contract for the purchase of unit concrete products, or for any
15 construction or improvement project that requires the use of unit
16 concrete products, including the replacement of impervious surfaces
17 with permeable pavement. ¹~~["In the event that more than one bidder~~
18 ~~offers to use unit concrete products that utilize carbon footprint-~~
19 ~~reducing technology, the state department or agency shall award the~~
20 ~~contract to the lowest responsible bidder among them.]"~~¹

21 b. The Division of Purchase and Property and the Division of
22 Property Management and Construction, in consultation with the
23 Department of Environmental Protection, shall develop and publish
24 guidelines for implementing the ¹~~["preference"]~~ requirement
25 established¹ pursuant to subsection a. of this section. ¹~~["The~~
26 ~~guidelines shall encourage and promote, to the maximum extent~~
27 ~~practicable, the purchase and use of unit concrete products that~~
28 ~~utilize carbon footprint-reducing technology.]"~~¹ The guidelines
29 shall conform to any standards or procedures established by the
30 State Treasurer and the Department of Environmental Protection
31 pursuant to section 10 of P.L. , c. (C.)(pending before the
32 Legislature as this bill). Whenever any agency or department of
33 State government purchases unit concrete products, or undertakes
34 any construction or improvement project that requires the use of
35 unit concrete products, the agency or department shall follow the
36 guidelines therefor established by the director.

37 c. In preparing the specifications for any contract for the
38 purchase of unit concrete products, or for any construction or
39 improvement project that requires the use of unit concrete products,
40 the Director of the Division of Purchase and Property, the Director
41 of the Division of Property Management and Construction, or any
42 State agency having authority to contract for the purchase of goods
43 or services shall include in the invitation to bid, where relevant, a
44 statement that any response to the invitation ¹~~["that proposes or calls~~
45 ~~for the use of"]~~ shall use¹ unit concrete products that utilize carbon
46 footprint-reducing technology ¹~~["shall receive preference whenever~~
47 ~~possible]"~~¹. ¹The State agency shall include in its project

1 specifications a specific line item for each unit concrete product to
2 be used in the project.¹

3 d. The provisions of this section shall not apply to:

4 (1) any binding contractual obligations for the purchase of
5 goods or services entered into prior to the effective date of
6 P.L. , c. (C.)(pending before the Legislature as this bill);

7 (2) bid packages advertised and made available to the public, or
8 to any competitive and sealed bids received by the State, prior to
9 the effective date of P.L. , c. (C.)(pending before the
10 Legislature as this bill); or

11 (3) any amendment, modification, or renewal of a contract,
12 which contract was entered into prior to the effective date of
13 P.L. , c. (C.)(pending before the Legislature as this bill)
14 where the application would delay timely completion of a project or
15 involve an increase in the total moneys to be paid by the State under
16 that contract.

17 e. As used in this section:

18 “Permeable pavement” means a concrete product that allows
19 rainwater to penetrate the pavement and percolate into the
20 supporting soils and includes, but is not limited to, pervious
21 concrete, permeable interlocking concrete pavers, and concrete grid
22 pavers.

23 “Unit concrete product” means a concrete building product that
24 is fabricated under controlled conditions separate and remote from
25 the intended point of use and is produced in a wet cast or dry cast
26 method in a factory setting and then transported to the location of
27 intended use for installation, including, but not limited to, all
28 concrete pavers, whether permeable or non-permeable, and concrete
29 block. ¹“Unit concrete product” shall not include ready mix
30 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

31 “Unit concrete product that utilizes carbon footprint-reducing
32 technology” means a unit concrete product that is certified by the
33 Department of Environmental Protection, or any independent third
34 party authorized by the department, pursuant to section 10 of
35 P.L. , c. (C.)(pending before the Legislature as this bill), as
36 generating at least 50 percent less carbon dioxide emissions in the
37 production and utilization of the unit concrete product than
38 conventional unit concrete products made with ordinary Portland
39 cement.

40
41 7. a. Notwithstanding the provisions of any other law, rule, or
42 regulation to the contrary, a local contracting unit shall, whenever
43 ¹possible, give preference to a bid that uses feasible, use or
44 require the use of¹ unit concrete products that utilize carbon
45 footprint-reducing technology, which may include permeable
46 pavers, when entering into a contract for the purchase of unit
47 concrete products, or for any construction or improvement project

1 that requires the use of unit concrete products, including the
2 replacement of impervious surfaces with permeable pavement. ¹【In
3 the event that more than one bidder offers to use unit concrete
4 products that utilize carbon footprint-reducing technology, the local
5 contracting unit shall award the contract to the lowest responsible
6 bidder among them.】¹

7 b. The director, in consultation with the Department of
8 Environmental Protection, shall develop and publish guidelines for
9 implementing the ¹【preference】 requirement established¹ pursuant
10 to subsection a. of this section. ¹【These guidelines shall encourage
11 and promote, to the maximum extent practicable, the purchase and
12 use of unit concrete products that utilize carbon footprint-reducing
13 technology.】¹ The guidelines shall conform to any standards or
14 procedures established by the State Treasurer and the Department of
15 Environmental Protection pursuant to section 10 of
16 P.L. , c. (C.)(pending before the Legislature as this bill).
17 Whenever a local contracting unit purchases unit concrete products,
18 or undertakes any construction or improvement project that requires
19 the use of unit concrete products, the local contracting unit shall
20 follow the guidelines therefor established by the director.

21 c. In preparing the specifications for a contract for the purchase
22 of unit concrete products, or for any construction or improvement
23 project that requires the use of unit concrete products, a local
24 contracting unit shall include in the invitation to bid, including in
25 the specifications for all contracts for county or municipal work or
26 for work for which it will pay any part of the cost, or work which
27 by contract or ordinance it will ultimately own and maintain, where
28 relevant, a statement that any response to the invitation ¹【that
29 proposes or calls for the use of】 shall use¹ unit concrete products
30 that utilize carbon footprint-reducing technology ¹【shall receive
31 preference whenever possible】¹. ¹The local contracting unit shall
32 include in its project specifications a specific line item for each unit
33 concrete product to be used in the project.¹

34 d. ¹【No priority shall be granted pursuant to subsection a. of
35 this section with respect to】 The provisions of this section shall not
36 apply to¹:

37 (1) any binding contractual obligations for the purchase of
38 goods or services entered into prior to the effective date of
39 P.L. , c. (C.)(pending before the Legislature as this bill);

40 (2) bid packages advertised and made available to the public, or
41 to any competitive and sealed bids received by the local contracting
42 unit, prior to the effective date of P.L. , c. (C.)(pending
43 before the Legislature as this bill); or

44 (3) any amendment, modification, or renewal of a contract,
45 which contract was entered into prior to the effective date of
46 P.L. , c. (C.)(pending before the Legislature as this bill)
47 where the application would delay timely completion of a project or

1 involve an increase in the total moneys to be paid by the local
2 contracting unit under that contract.

3 e. As used in this section:

4 “Director” means the Director of the Division of Local
5 Government Services in the Department of Community Affairs.

6 “Local contracting unit” means any public agency subject to the
7 provisions of the "Local Public Contracts Law," P.L.1971, c.198
8 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
9 N.J.S.18A:18A-1 et seq., the "State College Contracts Law,"
10 P.L.1986, c.43 (C.18A:64-52 et seq.), or the "County College
11 Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.).

12 “Permeable pavement” means a concrete product that allows
13 rainwater to penetrate the pavement and percolate into the
14 supporting soils and includes, but is not limited to, pervious
15 concrete, permeable interlocking concrete pavers, and concrete grid
16 pavers.

17 “Unit concrete product” means a concrete building product that
18 is fabricated under controlled conditions separate and remote from
19 the intended point of use and is produced in a wet cast or dry cast
20 method in a factory setting and then transported to the location of
21 intended use for installation, including, but not limited to, all
22 concrete pavers, whether permeable or non-permeable, and concrete
23 block. ¹“Unit concrete product” shall not include ready mix
24 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

25 “Unit concrete product that utilizes carbon footprint-reducing
26 technology” means a unit concrete product that is certified by the
27 Department of Environmental Protection, or any independent third
28 party authorized by the department, pursuant to section 10 of
29 P.L. , c. (C.)(pending before the Legislature as this bill), as
30 generating at least 50 percent less carbon dioxide emissions in the
31 production and utilization of the unit concrete product than
32 conventional unit concrete products made with ordinary Portland
33 cement.
34

35 8. a. The Department of Transportation shall establish and
36 implement a program to ¹**[prioritize]** use¹, to the greatest extent
37 practicable as determined by the Commissioner of Transportation,
38 ¹**[the use of]**¹ unit concrete products that utilize carbon footprint-
39 reducing technology, which may include permeable pavement, in
40 the design, construction, reconstruction, or repair of any public
41 highway, parking lot, sidewalk, walkway, patio, or other public
42 infrastructure project that requires the use of unit concrete products,
43 or in the replacement of an impervious surface with permeable
44 pavement, and that is funded in whole or in part from the “Special
45 Transportation fund” established pursuant to section 21 of
46 P.L.1984, c.73 (C.27:1B-21).

1 b. As used in this section:

2 “Permeable pavement” means a concrete product that allows
3 rainwater to penetrate the pavement and percolate into the
4 supporting soils and includes, but is not limited to, pervious
5 concrete, permeable interlocking concrete pavers, and concrete grid
6 pavers.

7 “Unit concrete product” means a concrete building product that
8 is fabricated under controlled conditions separate and remote from
9 the intended point of use and is produced in a wet cast or dry cast
10 method in a factory setting and then transported to the location of
11 intended use for installation, including, but not limited to, all
12 concrete pavers, whether permeable or non-permeable, and concrete
13 block. ¹“Unit concrete product” shall not include ready mix
14 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

15 “Unit concrete product that utilizes carbon footprint-reducing
16 technology” means a unit concrete product that is certified by the
17 Department of Environmental Protection, or any independent third
18 party authorized by the department, pursuant to section 10 of
19 P.L. , c. (C.)(pending before the Legislature as this bill), as
20 generating at least 50 percent less carbon dioxide emissions in the
21 production and utilization of the unit concrete product than
22 conventional unit concrete products made with ordinary Portland
23 cement.

24

25 9. a. Any person or entity that purchases unit concrete
26 products, or that undertakes any construction or improvement that
27 requires the use of unit concrete products, including the
28 replacement of impervious surface with permeable pavement, the
29 cost or contract price of which is financed, in whole or in part, by
30 State funds, shall, as a condition of receiving State funds, use unit
31 concrete products that utilize carbon footprint-reducing technology,
32 provided that such utilization does not conflict with federal funding
33 conditions.

34 b. As used in this section:

35 “Permeable pavement” means a concrete product that allows
36 rainwater to penetrate the pavement and percolate into the
37 supporting soils and includes, but is not limited to, pervious
38 concrete, permeable interlocking concrete pavers, and concrete grid
39 pavers.

40 “Unit concrete product” means a concrete building product that
41 is fabricated under controlled conditions separate and remote from
42 the intended point of use and is produced in a wet cast or dry cast
43 method in a factory setting and then transported to the location of
44 intended use for installation, including, but not limited to, all
45 concrete pavers, whether permeable or non-permeable, and concrete
46 block. ¹“Unit concrete product” shall not include ready mix
47 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

1 “Unit concrete product that utilizes carbon footprint-reducing
2 technology” means a unit concrete product that is certified by the
3 Department of Environmental Protection, or any independent third
4 party authorized by the department, pursuant to section 10 of
5 P.L. , c. (C.)(pending before the Legislature as this bill), as
6 generating at least 50 percent less carbon dioxide emissions in the
7 production and utilization of the unit concrete product than
8 conventional unit concrete products made with ordinary Portland
9 cement.

10
11 10. a. The Commissioner of Environmental Protection shall
12 establish any standards and procedures necessary to implement the
13 provisions of P.L. , c. (C.)(pending before the Legislature
14 as this bill), including, but not limited to, production and use
15 standards, and a process for certifying whether the production and
16 use of a unit concrete product generates at least 50 percent less
17 carbon dioxide emissions than conventional unit concrete products
18 made with ordinary Portland cement. The Department of
19 Environmental Protection shall consider a consensus evaluation and
20 reporting standard developed by an independent private
21 organization such as the International Organization for
22 Standardization or the American National Standards Institute that
23 creates a uniform system for self-evaluation and self-reporting by
24 unit concrete product manufacturers, and shall give preference to a
25 standard supported by the unit concrete product industry or industry
26 associations.

27 b. The State Treasurer, the Commissioner of Environmental
28 Protection, and the Commissioner of Transportation may adopt,
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.), any rules and regulations necessary to
31 implement the provisions of P.L. , c. (C.)(pending before
32 the Legislature as this bill).

33
34 11. This act shall take effect immediately.