

[First Reprint]

SENATE, No. 3091

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 29, 2020

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

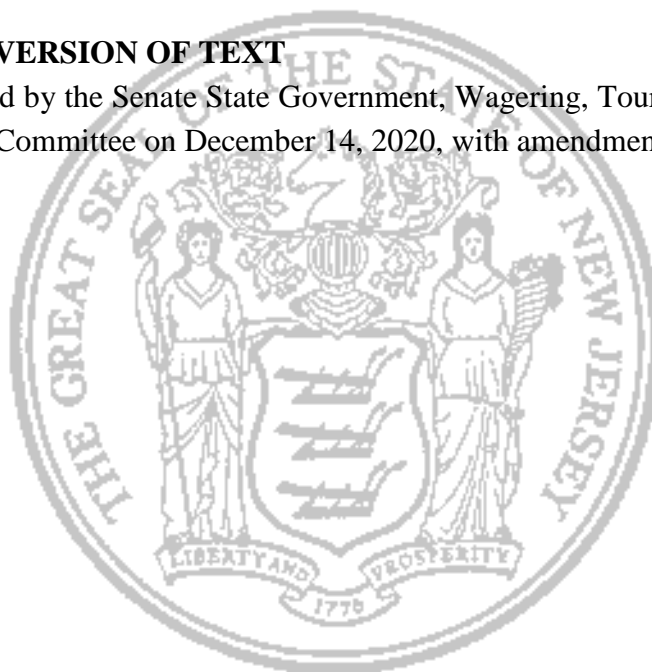
Senator Turner

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 preferences, for unit concrete products that utilize carbon footprint-reducing technology.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on December 14, 2020, with amendments.



(Sponsorship Updated As Of: 12/14/2020)

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:

¹Senate SSG committee amendments adopted December 14, 2020.

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 possible, give preference to unit concrete products that utilize
12 carbon footprint-reducing technology, which may include
13 permeable pavement, when entering into a contract for the purchase
14 of unit concrete products, or for any construction or improvement
15 project that requires the use of unit concrete products, including the
16 replacement of impervious surfaces with permeable pavement. In
17 the event that more than one bidder offers to use unit concrete
18 products that utilize carbon footprint-reducing technology, the state
19 department or agency shall award the contract to the lowest
20 responsible bidder among them.

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 preference pursuant to subsection
25 a. of this section. The guidelines shall encourage and promote, to
26 the maximum extent practicable, the purchase and use of unit
27 concrete products that utilize carbon footprint-reducing technology.
28 The guidelines shall conform to any standards or procedures
29 established by the State Treasurer and the Department of
30 Environmental Protection pursuant to section 10 of
31 P.L. , c. (C.)(pending before the Legislature as this bill).
32 Whenever any agency or department of State government purchases
33 unit concrete products, or undertakes any construction or
34 improvement project that requires the use of unit concrete products,
35 the agency or department shall follow the guidelines therefor
36 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 that proposes or calls
45 for the use of unit concrete products that utilize carbon footprint-
46 reducing technology shall receive preference whenever possible.

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

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

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

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

15 e. As used in this section:

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

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

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

38

39 7. a. Notwithstanding the provisions of any other law, rule, or
40 regulation to the contrary, a local contracting unit shall, whenever
41 possible, give preference to a bid that uses unit concrete products
42 that utilize carbon footprint-reducing technology, which may
43 include permeable pavers, when entering into a contract for the
44 purchase of unit concrete products, or for any construction or
45 improvement project that requires the use of unit concrete products,
46 including the replacement of impervious surfaces with permeable
47 pavement. In the event that more than one bidder offers to use unit
48 concrete products that utilize carbon footprint-reducing technology,

1 the local contracting unit shall award the contract to the lowest
2 responsible bidder among them.

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

17 c. In preparing the specifications for a contract for the purchase
18 of unit concrete products, or for any construction or improvement
19 project that requires the use of unit concrete products, a local
20 contracting unit shall include in the invitation to bid, including in
21 the specifications for all contracts for county or municipal work or
22 for work for which it will pay any part of the cost, or work which
23 by contract or ordinance it will ultimately own and maintain, where
24 relevant, a statement that any response to the invitation that
25 proposes or calls for the use of unit concrete products that utilize
26 carbon footprint-reducing technology shall receive preference
27 whenever possible.

28 d. No priority shall be granted pursuant to subsection a. of this
29 section with respect to:

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

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

37 (3) any amendment, modification, or renewal of a contract,
38 which contract was entered into prior to the effective date of
39 P.L. , c. (C.)(pending before the Legislature as this bill)
40 where the application would delay timely completion of a project or
41 involve an increase in the total moneys to be paid by the local
42 contracting unit under that contract.

43 e. As used in this section:

44 "Director" means the Director of the Division of Local
45 Government Services in the Department of Community Affairs.

46 "Local contracting unit" means any public agency subject to the
47 provisions of the "Local Public Contracts Law," P.L.1971, c.198
48 (C.40A:11-1 et seq.), the "Public School Contracts Law,"

1 N.J.S.18A:18A-1 et seq., the "State College Contracts Law,"
2 P.L.1986, c.43 (C.18A:64-52 et seq.), or the "County College
3 Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.).

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

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

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

26

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

39 b. As used in this section:

40 "Permeable pavement" means a concrete product that allows
41 rainwater to penetrate the pavement and percolate into the
42 supporting soils and includes, but is not limited to, pervious
43 concrete, permeable interlocking concrete pavers, and concrete grid
44 pavers.

45 "Unit concrete product" means a concrete building product that
46 is fabricated under controlled conditions separate and remote from
47 the intended point of use and is produced in a wet cast or dry cast
48 method in a factory setting and then transported to the location of

1 intended use for installation, including, but not limited to, all
2 concrete pavers, whether permeable or non-permeable, and concrete
3 block. ¹“Unit concrete product” shall not include ready mix
4 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

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

14

15 9. a. Any person or entity that purchases unit concrete
16 products, or that undertakes any construction or improvement that
17 requires the use of unit concrete products, including the
18 replacement of impervious surface with permeable pavement, the
19 cost or contract price of which is financed, in whole or in part, by
20 State funds, shall, as a condition of receiving State funds, use unit
21 concrete products that utilize carbon footprint-reducing technology,
22 provided that such utilization does not conflict with federal funding
23 conditions.

24 b. As used in this section:

25 “Permeable pavement” means a concrete product that allows
26 rainwater to penetrate the pavement and percolate into the
27 supporting soils and includes, but is not limited to, pervious
28 concrete, permeable interlocking concrete pavers, and concrete grid
29 pavers.

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

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

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

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

23

24 11. This act shall take effect immediately.