

[Second 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:

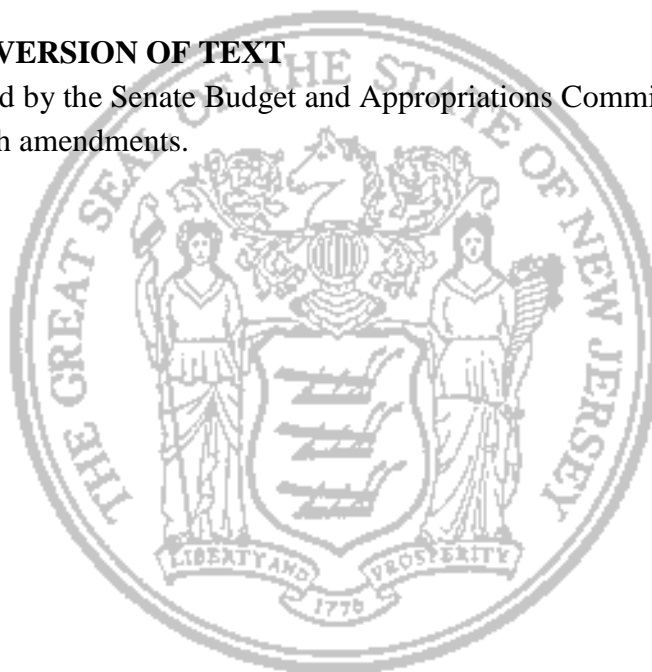
Senator Turner

SYNOPSIS

Requires builders 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 Senate Budget and Appropriations Committee on January 21, 2021, 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 ²**[Statues]**
4 Statutes², Title 54A of the New Jersey Statutes, and P.L.1971,
5 c.198.

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

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

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

35 The Legislature therefore determines that it is in the public
36 interest to encourage and support the purchase of unit concrete
37 products that utilize carbon footprint-reducing technology in the
38 State; that unit concrete products that utilize carbon footprint-
39 reducing technology will greatly reduce greenhouse gas emissions
40 from the concrete and construction industries; and that incentives
41 for permeable pavers that are unit concrete products that utilize
42 carbon footprint-reducing technology will further help enhance
43 stormwater management, reduce stormwater runoff, and decrease
44 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.

²Senate SBA committee amendments adopted January 21, 2021.

1 2. a. A ²[developer] builder² shall, for any new construction
 2 that requires the use of unit concrete products, where technically
 3 feasible, offer ²[to use] as an option² unit concrete products that
 4 utilize carbon footprint-reducing technology in the new
 5 construction, whenever a prospective ²[purchaser] client² enters
 6 into negotiations with the ²[developer] builder² to construct or
 7 purchase a new residential dwelling or commercial building in the
 8 State.

9 ²The requirements of this section shall not apply whenever a
 10 prospective client enters into negotiations with a builder for new
 11 construction of an individual unit of condominiums as defined in
 12 the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.) or
 13 attached single-family townhouses or row houses for which title to
 14 the individual condominium, townhouse, or row house unit will be
 15 held in fee simple but the maintenance, repair, or replacement of
 16 improvements constructed with unit concrete products are the
 17 responsibility of a non-profit homeowners association.²

18 b. A ²[developer] builder² shall disclose ¹[, in any advertising
 19 or offer to construct a new residential dwelling or commercial
 20 building] in writing pursuant to paragraph (3) of subsection c. of
 21 this section² , in a form and manner as determined by the
 22 commissioner:

23 (1) that the prospective ²[purchaser] client² may choose to use
 24 unit concrete products that utilize carbon footprint-reducing
 25 technology in the new construction;

26 (2) the total cost ²to be charged by the builder to the prospective
 27 client² of using unit concrete products that utilize carbon footprint-
 28 reducing technology in the new construction;

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

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

37 c. The commissioner, in consultation with the Department of
 38 Environmental Protection, shall:

39 (1) publish educational materials to demonstrate how
 40 ²[developers] builders² may incorporate unit concrete products that
 41 utilize carbon footprint-reducing technology into new construction;
 42 ²[and]²

43 (2) provide ²[developers] builders² with information
 44 concerning applicable tax credits, rebates, or other incentives that
 45 may be available for the use of unit concrete products that utilize
 46 carbon footprint-reducing technology pursuant to

1 P.L. , c. (C.) (pending before the Legislature as this bill) or
2 any other law ²; and

3 (3) provide builders with a separate form that the builder shall
4 present, along with the materials required pursuant to subsection b.
5 and c. of this section, to the prospective client prior to entering into
6 a contract, which form shall allow a prospective client to accept or
7 decline the option to use unit concrete products that utilize carbon
8 footprint-reducing technology in the new construction².

9 d. The commissioner, in consultation with the Department of
10 Environmental Protection, may adopt, pursuant to the
11 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
12 1 et seq.), rules and regulations necessary to implement this section.

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

17 f. ²If a prospective client accepts, pursuant to a written contract,
18 the builder’s offer to use unit concrete products that utilize carbon
19 footprint-reducing technology in the new construction, then the
20 builder shall use unit concrete products that utilize carbon footprint-
21 reducing technology subject to material availability or acts of force
22 majeure, in which case the builder shall complete construction as
23 soon as reasonably practical.

24 g. ²As used in this section:

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

27 ²“Builder” means a person who constructs, or offers to construct,
28 a new residential dwelling or commercial building in the State.²

29 “Commissioner” means the Commissioner of Community
30 Affairs.

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

34 “Prospective ²[purchaser] client²” means a person who
35 contemplates acquiring a legal or equitable interest in ²or
36 constructing² a new residential dwelling or commercial building.

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

1 party authorized by the department, pursuant to section 10 of
2 P.L. , c. (C.) (pending before the Legislature as this bill), as
3 generating at least 50 percent less carbon dioxide emissions in the
4 production and utilization of the unit concrete product than
5 conventional unit concrete products made with ordinary Portland
6 cement. ²Such products shall also conform with the relevant
7 requirements of the “State Uniform Construction Code Act,”
8 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
9 reference TMS 402/602 Building Code Requirements and
10 Specification for Masonry Structures.²

11

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

18 b. As used in this section:

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

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

32 “Unit concrete product that utilizes carbon footprint-reducing
33 technology” means a unit concrete product that is certified by the
34 Department of Environmental Protection, or any independent third
35 party authorized by the department, pursuant to section 10 of
36 P.L. , c. (C.) (pending before the Legislature as this bill), as
37 generating at least 50 percent less carbon dioxide emissions in the
38 production and utilization of the unit concrete product than
39 conventional unit concrete products made with ordinary Portland
40 cement. ²Such products shall also conform with the relevant
41 requirements of the “State Uniform Construction Code Act,”
42 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
43 reference TMS 402/602 Building Code Requirements and
44 Specification for Masonry Structures.²

45

46 4. a. A taxpayer shall be allowed a credit against the tax
47 imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) in
48 an amount equal to \$2.00 per square foot for the purchase and

1 installation of unit concrete products that utilize carbon footprint-
2 reducing technology, which may include permeable pavement, used
3 in the construction or improvement of any residential dwelling or
4 commercial building, or in the replacement of an impervious
5 surface with permeable pavement, in the State. Such purchases and
6 installations must be completed during the privilege period. The
7 value of tax credits allowed to a taxpayer pursuant to this section
8 shall not exceed \$3,000 for a residential property, and \$30,000 for a
9 commercial property in a single privilege period. In order to
10 qualify for the tax credit pursuant to this section, a person shall
11 install at least 100 square feet of unit concrete products that utilize
12 carbon footprint-reducing technology, which may include
13 permeable pavement.

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

29 c. The director, in consultation with the Department of
30 Environmental Protection, shall adopt, pursuant to the
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
32 1 et seq.), rules and regulations as are necessary to implement the
33 provisions of this section. The director may require the submission
34 of any information the director deems necessary to award a tax
35 credit pursuant to this section.

36 d. As used in this section:

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

42 "Unit concrete product" means a concrete building product that
43 is fabricated under controlled conditions separate and remote from
44 the intended point of use and is produced in a wet cast or dry cast
45 method in a factory setting and then transported to the location of
46 intended use for installation, including, but not limited to, all
47 concrete pavers, whether permeable or non-permeable, and concrete

1 block. ¹“Unit concrete product” shall not include ready mix
2 concrete, sand, stone, gravel, or bituminous concrete or asphalt.¹

3 “Unit concrete product that utilizes carbon footprint-reducing
4 technology” means a unit concrete product that is certified by the
5 Department of Environmental Protection, or any independent third
6 party authorized by the department, pursuant to section 10 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), as
8 generating at least 50 percent less carbon dioxide emissions in the
9 production and utilization of the unit concrete product than
10 conventional unit concrete products made with ordinary Portland
11 cement. ²Such products shall also conform with the relevant
12 requirements of the “State Uniform Construction Code Act,”
13 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
14 reference TMS 402/602 Building Code Requirements and
15 Specification for Masonry Structures.²

16

17 5. a. A taxpayer shall be allowed a credit against the tax
18 otherwise due for the taxable year under the “New Jersey Gross
19 Income Tax Act” N.J.S.54A:1-1 et seq., in an amount equal to
20 \$2.00 per square foot for the purchase and installation of unit
21 concrete products that utilize carbon footprint-reducing technology,
22 which may include permeable pavement, used in the construction or
23 improvement of any residential dwelling or commercial building, or
24 in the replacement of an impervious surface with permeable
25 pavement, in the State, which purchase and installation is completed
26 during the taxable year. The total amount of the tax credit granted
27 pursuant to this section shall not exceed \$3,000 for a residential
28 property, and \$30,000 for a commercial property in a single taxable
29 year. In order to qualify for the tax credit pursuant to this section, a
30 person shall install at least 100 square feet of unit concrete products
31 that utilize carbon footprint-reducing technology, which may
32 include permeable pavement.

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

47 c. (1) A business entity that is classified as a partnership for
48 federal income tax purposes shall not be allowed a credit under this

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

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

18 d. The director, in consultation with the Department of
19 Environmental Protection, shall adopt, pursuant to the
20 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
21 1 et seq.), rules and regulations as are necessary to implement the
22 provisions of this section. The director may require the submission
23 of any information the director deems necessary to award a tax
24 credit pursuant to this section.

25 e. As used in this section:

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

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

39 “Unit concrete product that utilizes carbon footprint-reducing
40 technology” means a unit concrete product that is certified by the
41 Department of Environmental Protection, or any independent third
42 party authorized by the department, pursuant to section 10 of
43 P.L. , c. (C.) (pending before the Legislature as this bill), as
44 generating at least 50 percent less carbon dioxide emissions in the
45 production and utilization of the unit concrete product than
46 conventional unit concrete products made with ordinary Portland
47 cement. ²Such products shall also conform with the relevant
48 requirements of the “State Uniform Construction Code Act,”

1 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
2 reference TMS 402/602 Building Code Requirements and
3 Specification for Masonry Structures.²
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 ²~~possible, give preference to~~ feasible, use or require the use of²
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. ²~~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.~~²

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 ²~~preference~~ requirement
25 established² pursuant to subsection a. of this section. ²~~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.~~² 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 ²~~that proposes or calls~~
45 ~~for the use of~~ shall use² unit concrete products that utilize carbon
46 footprint-reducing technology ²~~shall receive preference whenever~~
47 ~~possible~~². The 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.²

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. ²Such products shall also conform with the relevant
40 requirements of the “State Uniform Construction Code Act,”
41 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
42 reference TMS 402/602 Building Code Requirements and
43 Specification for Masonry Structures.²

44
45 7. a. Notwithstanding the provisions of any other law, rule, or
46 regulation to the contrary, a local contracting unit shall, whenever
47 ²**[possible, give preference to a bid that uses]** feasible, use or
48 require the use of² unit concrete products that utilize carbon

1 footprint-reducing technology, which may include permeable
2 pavers, when entering into a contract for the purchase of unit
3 concrete products, or for any construction or improvement project
4 that requires the use of unit concrete products, including the
5 replacement of impervious surfaces with permeable pavement. ²【In
6 the event that more than one bidder offers to use unit concrete
7 products that utilize carbon footprint-reducing technology, the local
8 contracting unit shall award the contract to the lowest responsible
9 bidder among them.】²

10 b. The director, in consultation with the Department of
11 Environmental Protection, shall develop and publish guidelines for
12 implementing the ²【preference】 requirement established² pursuant
13 to subsection a. of this section. ²【These guidelines shall encourage
14 and promote, to the maximum extent practicable, the purchase and
15 use of unit concrete products that utilize carbon footprint-reducing
16 technology.】² The guidelines shall conform to any standards or
17 procedures established by the State Treasurer and the Department of
18 Environmental Protection pursuant to section 10 of
19 P.L. , c. (C.) (pending before the Legislature as this bill).
20 Whenever a local contracting unit purchases unit concrete products,
21 or undertakes any construction or improvement project that requires
22 the use of unit concrete products, the local contracting unit shall
23 follow the guidelines therefor established by the director.

24 c. In preparing the specifications for a contract for the purchase
25 of unit concrete products, or for any construction or improvement
26 project that requires the use of unit concrete products, a local
27 contracting unit shall include in the invitation to bid, including in
28 the specifications for all contracts for county or municipal work or
29 for work for which it will pay any part of the cost, or work which
30 by contract or ordinance it will ultimately own and maintain, where
31 relevant, a statement that any response to the invitation ²【that
32 proposes or calls for the use of】 shall use² unit concrete products
33 that utilize carbon footprint-reducing technology ²【shall receive
34 preference whenever possible】². ²The local contracting unit shall
35 include in its project specifications a specific line item for each unit
36 concrete product to be used in the project.²

37 d. ²【No priority shall be granted pursuant to subsection a. of
38 this section with respect to】 The provisions of this section shall not
39 apply to²:

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

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

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

7 e. As used in this section:

8 “Director” means the Director of the Division of Local
 9 Government Services in the Department of Community Affairs.

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

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
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 26 concrete pavers, whether permeable or non-permeable, and concrete
 27 block. ¹“Unit concrete product” shall not include ready mix
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 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. ²Such products shall also conform with the relevant
 38 requirements of the “State Uniform Construction Code Act,”
 39 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
 40 reference TMS 402/602 Building Code Requirements and
 41 Specification for Masonry Structures.²

42
 43 8. a. The Department of Transportation shall establish and
 44 implement a program to ²**[prioritize]** use², to the greatest extent
 45 practicable as determined by the Commissioner of Transportation,
 46 ²**[the use of]**² unit concrete products that utilize carbon footprint-
 47 reducing technology, which may include permeable pavement, in
 48 the design, construction, reconstruction, or repair of any public

1 highway, parking lot, sidewalk, walkway, patio, or other public
2 infrastructure project that requires the use of unit concrete products,
3 or in the replacement of an impervious surface with permeable
4 pavement, and that is funded in whole or in part from the “Special
5 Transportation fund” established pursuant to section 21 of
6 P.L.1984, c.73 (C.27:1B-21).

7 b. As used in this section:

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

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

21 “Unit concrete product that utilizes carbon footprint-reducing
22 technology” means a unit concrete product that is certified by the
23 Department of Environmental Protection, or any independent third
24 party authorized by the department, pursuant to section 10 of
25 P.L. , c. (C.) (pending before the Legislature as this bill), as
26 generating at least 50 percent less carbon dioxide emissions in the
27 production and utilization of the unit concrete product than
28 conventional unit concrete products made with ordinary Portland
29 cement. ²Such products shall also conform with the relevant
30 requirements of the “State Uniform Construction Code Act,”
31 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
32 reference TMS 402/602 Building Code Requirements and
33 Specification for Masonry Structures.²

34
35 9. a. Any person or entity that purchases unit concrete
36 products, or that undertakes any construction or improvement that
37 requires the use of unit concrete products, including the
38 replacement of impervious surface with permeable pavement, the
39 cost or contract price of which is financed, in whole or in part, by
40 State funds, shall, as a condition of receiving State funds, use unit
41 concrete products that utilize carbon footprint-reducing technology,
42 provided that such utilization does not conflict with federal funding
43 conditions.

44 b. As used in this section:

45 “Permeable pavement” means a concrete product that allows
46 rainwater to penetrate the pavement and percolate into the
47 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. ²Such products shall also conform with the relevant
20 requirements of the “State Uniform Construction Code Act,”
21 P.L.1975, c.217 (C.52:27D-119 et seq.) that incorporate by
22 reference TMS 402/602 Building Code Requirements and
23 Specification for Masonry Structures.²

24

25 10. a. The Commissioner of Environmental Protection shall
26 establish any standards and procedures necessary to implement the
27 provisions of P.L. , c. (C.)(pending before the Legislature
28 as this bill), including, but not limited to, production and use
29 standards, and a process for certifying whether the production and
30 use of a unit concrete product generates at least 50 percent less
31 carbon dioxide emissions than conventional unit concrete products
32 made with ordinary Portland cement. The Department of
33 Environmental Protection shall consider a consensus evaluation and
34 reporting standard developed by an independent private
35 organization such as the International Organization for
36 Standardization or the American National Standards Institute that
37 creates a uniform system for self-evaluation and self-reporting by
38 unit concrete product manufacturers, and shall give preference to a
39 standard supported by the unit concrete product industry or industry
40 associations.

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

47

48 11. This act shall take effect immediately.