



SPONSOR: Sen. McDowell

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 3

TO

SENATE BILL NO. 59

1 AMEND Senate Bill No. 59 by striking lines 4 through 14 of the Bill and inserting in lieu thereof the following:

2 “(a) Except as herein noted, no county or municipal building or plumbing code shall contain any
3 provision which shall be materially at variance with most recent version of the International Code
4 Council (ICC), International Energy Conservation Code (IECC). In effect, the highest available energy
5 conservation code of the ICC/IECC as determined by the Delaware Energy Office shall be the referenced
6 energy code for all new detached 1 and 2 story family dwellings and all other new residential buildings 3
7 stories or less in height. Energy standards for all other new buildings, to include high-rise residential,
8 shall be established to meet the latest available standard of the American Society of Heating,
9 Refrigerating and Air Conditioning Engineers/ Illuminating Engineering Society of North America
10 (ASHRAE/IESNA) as determined by the Delaware Energy Office; provided, however, the respective
11 county or municipal governments may exclude agricultural structures from these provisions. The
12 Delaware Energy Office shall adopt these updates pursuant to 29 Del. C. Chapter 101.”

13 FURTHER AMEND Senate Bill No. 59 by adding the phrase “to be utilized by respective local governments,”
14 after “standards;” and before “provided” where they appear in line 16.

15 FURTHER AMEND Senate Bill No. 59 by striking lines 27 through 33 and replacing in lieu thereof the following:

16 “(c) The Delaware Energy Office, or its successor, in consultation with the Green Building Council of
17 the Home Builders Association of Delaware, shall establish programs to promote the construction of zero net energy
18 homes. A zero net energy home or building is defined as a residence or commercial building that, through the use of
19 energy efficient construction, lighting, appliances and on-site renewable energy generation, results in zero net energy
20 consumption from the utility provider. Therefore, a net zero energy capable home must be energy efficient enough that if
21 the home or building owner chooses to add on-site generation, net zero energy consumption could be achieved. As of

22 December 31, 2025 all new residential building construction in the State of Delaware shall be zero net energy capable. As
23 of December 31, 2030 all new commercial building construction must also be zero net energy capable.”

24 FURTHER AMEND Senate Bill No. 59 by deleting lines 36 through 38 and replacing in lieu thereof the
25 following:

26 “(e) This Act shall become effective on July 1, 2010.

27 (f) From January 1, 2010 to June 30, 2010 sellers of new construction shall notify buyers of an option
28 to purchase the construction built to the ICC/IECC 2009 code standard.

29 (g) The Delaware Energy Office will conduct energy code training work shops for code officials,
30 builders, architects, and engineers prior to the effective date.”

SYNOPSIS

This Amendment clarifies some language in §7602(a) and makes clear that any regulations promulgated by the Department of Energy should be promulgated in conformance with 29 Del. C. Chapter 101. The Amendment also makes clear that regulations developed by the Department of Energy will be initialized by local governments in conducting their inspections.

Author: Senator McDowell