SPONSOR: Sen. Poore & Rep. Cooke
Sens. Walsh, Wilson

DELAWARE STATE SENATE
153rd GENERAL ASSEMBLY

SENATE BILL NO. 259
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO EMERGENCY COMMUNICATION SYSTEMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 26, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2616. Emergency Communication Systems.

(d) "Modified" or "renovated" is defined as meeting one of the following:

(1) A structure is 25,000 square feet (2323 m²) or more of gross floor area, and

(i) the area modified or renovated is 40 percent or more of the total building floor area, or

(ii) the area modified or renovated includes structural modifications, changes in building materials, or the installation of assemblies or systems that are reasonably expected to attenuate radio frequency (RF) signal propagation, including low-emissivity glass, reinforced concrete, metalized insulation, or similar materials.

(2) A structure of less than 25,000 square feet (2323 m²) is modified or renovated to a gross floor area of 25,000 square feet (2323 m²) or more.

~~(d)~~ (e) The zoning ordinance and regulations adopted pursuant to this section shall provide that newly constructed buildings of 25,000 square feet of gross floor area or more and any modified or renovated portion of a building shall be designed, constructed and/or equipped so that they meet the GAT (Grid Acceptance Test) at 95% compliance for 800 MHz public safety in-building communications coverage. The in-building coverage required under this section may occur naturally or may require in-building emergency communications equipment as defined in subsection (a) of this section.

~~(e)~~ (f) No issuing agency shall award a permanent certificate of occupancy unless a building affected under this section meets the GAT 95% coverage requirement. An issuing agency may issue a temporary certificate of occupancy for a period of 3 months if a reasonable effort has been made to meet the requirements under this section prior to the issuance of the temporary certificate of occupancy.

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Released: 06/16/2026 07:05 PM

~~(f)~~ (g) The Delaware Department of Safety and Homeland Security (DSHS), or its designee, shall develop and promulgate rules and regulations for the implementation of the provisions in this section. ~~The Secretary of DSHS shall form an advisory committee consisting of representatives of state agencies and private commercial and industrial building interests to develop the rules and regulations specified in this section. The advisory committee shall be comprised of no more than 16 members which shall consist at least of the following members:~~

~~(1) The Secretary of the Department of Safety and Homeland Security or the Secretary's designee;~~

~~(2) A representative of the Office of Facilities Management to be appointed by the Director of the Office of Management and Budget;~~

~~(3) A representative of the Delaware Volunteer Firefighter's Association;~~

~~(4) A representative from Emergency Medical Service;~~

~~(5) A representative from the Delaware State Police to be appointed by the Colonel of the State Police;~~

~~(6) A representative of the Police Chiefs Council to be appointed by the President of the Police Chiefs Council;~~

~~(7) A representative from the Delaware Department of Transportation [DelDOT] to be appointed by the Secretary of the DelDOT;~~

~~(8) A representative of the Delaware Department of Technology and Information to be appointed by the Chief Information Officer of the Delaware Department of Technology and Information;~~

~~(9) A representative from the Delaware Healthcare Association;~~

~~(10) A member of the Commercial Industrial Realty Council;~~

~~(11) Two members at-large to be appointed by the Governor of the State of Delaware.~~

~~The remaining members shall be appointed by the Governor and shall represent owners and developers of buildings greater than 100,000 square feet. The Advisory Committee shall expire upon completion and adoption of the rules and regulations under this section, but no later than February 28, 2009.~~

~~(g)~~ (h) The rules and regulations promulgated by the Department of Safety and Homeland Security shall not require any building to be certified for 95% in-building coverage until all 800 MHz communications towers within a county, under the Next Generation 800 MHz Project in effect at the time this section is enacted, are fully operational. If a building otherwise subject to the provisions of this section is temporarily exempt from certification under this section due to unfinished towers in a county, the design and construction of a building shall incorporate the means to later install any equipment necessary to meet the 95% GAT in-building coverage requirement. A building temporarily exempted under this subsection shall be certified within 6 months after all Next Generation 800 MHz communication towers are fully operational within a county. ~~The Department of Safety and Homeland Security shall publish, and update, on its website, a~~

~~map of the State showing those counties in which buildings subject to this chapter must comply with the requirements under this section.~~

Section 2. Amend § 4927, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4927. Emergency Communication Systems.

The zoning ordinance and regulations adopted pursuant to this chapter shall provide that newly ~~constructed~~ constructed, modified, or renovated buildings of 25,000 square feet of gross floor area or more, shall be designed, constructed and/or equipped in accordance with the provisions set forth in § 2616 of this title.

Section 3. Amend § 6927, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6927. Emergency Communication Systems.

The zoning ordinance and regulations adopted pursuant to this chapter shall provide that newly ~~constructed~~ constructed, modified, or renovated buildings of 25,000 square feet of gross floor area or more, shall be designed, constructed and/or equipped in accordance with the provisions set forth in § 2616 of this title. The terms newly constructed, modified, or renovated mean as defined in § 2616 of this title.

Section 4. Amend § 311, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 311. Emergency Communication Systems.

The zoning ordinance and regulations adopted pursuant to this chapter shall provide that newly ~~constructed~~ constructed, modified, or renovated buildings of 25,000 square feet of gross floor area or more, shall be designed, constructed and/or equipped in accordance with the provisions set forth in § 2616 of Title 9. The terms newly constructed, modified, or renovated mean as defined in § 2616 of this title.

Section 5. This Act takes effect on February 1, 2027.