

**DARRYL M. SCOTT**  
STATE REPRESENTATIVE  
Thirty - First District



HOUSE OF REPRESENTATIVES  
STATE OF DELAWARE  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

COMMITTEES  
Telecommunication Internet &  
Technology, Chair  
Education, Vice Chair  
Health & Human Development  
Gaming & Pari-mutuels

**Telecommunications, Internet and Technology Committee**  
Meeting Minutes  
April 28, 2010

Chairman Scott called the meeting to order at 4:12 p.m. Members present included Representatives Cathcart, J. Johnson, and Mitchell. Representative Atkins was also present. For a list of guests present, please see attached.

After calling the meeting to order, Chairman Scott addressed **HB 340, AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LIBRARIES**, and recognized Rep. Atkins, the bill's sponsor. Rep. Atkins explained that the original Children's Internet Protection Act of 2004 gave parents the ability to limit their child's access to internet in a public library. With the advances in technology and the increasing use of laptops and other personal computer devices, there is a need to extend this protection and limitation to personal devices as well.

Rep. Johnson asked how personal computer devices can be controlled. Rick Geisenberger, Chief Deputy Secretary of the Department of State, explained that the federal government has proposed a grant for public libraries that would allow for the expansion of wireless networks. The Children's Internet Protection Act of 2004 was not designed to address wireless internet issues, therefore causing the state to revisit the act. This bill provides for two protections. The first provision is to extend the libraries' acceptable use policy to personal devices, such as laptops or smart phones. The second provision is to require children to have parental permission to use the internet with various levels of restriction. Most parents do not restrict access; however, there are around 20% that do want some type of restriction. Under the 2004 Act, if a parent chose the middle tier of restriction, a child would only have access to licensed databases; however, now these databases have outside links attached that are useful as well. This bill will allow libraries the flexibility to offer those middle tiers as they see fit, which is possible due to advances in filtering software. Finally, while the libraries cannot police personal hardware, there will be more disclosure to parents and other library patrons about the libraries' technology policies.

Rep. Johnson stated that there might be a possibility to use a scramble device. He questioned whether or not the only way to control the internet was to notify parents. Mr. Geisenberger answered that the best time to disclose the policies are when an individual or family first signs up for a library card. Rep. Johnson asked if the library could control

use on the library wireless. Mr. Geisenberger stated that if a person is using their own device, the library does not have any control.

Rep. Cathcart asked what problems have been arising in regards to this issue and the extent of those problems. Rep. Atkins stated that before the 2004 Act, there were several incidences of library patrons viewing inappropriate material. Anne Norman, of the Delaware Division of Libraries, stated that this bill is an initiative to “head-off” any problems that might arise if people are not subject to the library policies. The library wants to be able to say that certain behavior is not acceptable in the library. Rep. Cathcart asked if the libraries use the Delaware Department of Technology and Information (DTI) policies, to which Ms. Norman responded that libraries have their own policies.

Chairman Scott asked if the policies are unique to each library. Ms. Norman responded that each library board votes on a policy; typically, each library adopts a policy from the state. Chairman Scott asked for clarification in regards to a patron using the wireless and agreeing to the library policies. Ms. Norman explained that as of right now, the technology for wireless is still being implemented. They are unaware at this time if the patron could be forced to agree to the acceptable use policies before using the wireless internet. Chairman Scott remarked that at hotels, a patron must first agree to the hotel’s policies of use before access to the wireless is granted. Mr. Geisenberger agreed that this design makes sense. Rep. Mitchell asked what the penalties are for violating the acceptable use policy. Ms. Norman stated that the policy outlines certain steps that are to be taken.

Rep. Cathcart moved to release the bill from committee; Rep. Mitchell seconded the motion. The bill was released with four votes, two favorable and two on its merits.

Chairman Scott adjourned the meeting at 4:33 p.m.

Respectfully submitted by,

Jordan L. Fischer