

Chairman and members of the committee,

My name is Lindsey Bertsch and I am a resident of District 3 in Minot, and I am the manager of Main Street Books, located in District 3 as well. After the Senate Judiciary hearing on this bill last month, I called up a representative of Penguin Random House to ask some questions about the publishing industry and obscenity, specifically the Miller Test. He let me know that Penguin Random House, as well as all major publishers, don't publish books that are in violation of the Miller Test. They have to meet the criteria of the test. Let's Talk About It, a book that has caused uproar both in the 2023 legislative session and this one, is incidentally published by Penguin Random House. One of the easiest ways to prove a book is of "serious literary value" is based on its positive reviews from reputable sources in the publishing industry, like Kirkus Reviews and Publishers Weekly. Regardless of my own or anyone's opinion of Let's Talk About It, it did receive positive reviews from these sources, and I did bring examples of Publishers Weekly in case anyone is curious about what these look like.

ANYWAY... I am personally tired of talking about Let's Talk About It. If this book continues to cause so many issues, perhaps it ought to be written into the bill by name to save us all the trouble. Because there's no way to legislate books based on explicit sexual content without it affecting other books unintentionally. Besides, Let's Talk About It does have "serious literary value" as it is determined in the book industry, so I'm not even sure this book would be affected if challenged. If this bill does accomplish its goal and the goal of its sponsors, it will take a lot more than a "cabinet," as Senator Boehm likes to say, to house all books with sexually explicit content. Plus, legitimately, how effective are we expecting a "room with signage" to be? We are expecting minors to abide by signage disallowing them from a room? The infrastructure and staffing expectations for this bill are, plainly, ridiculous.

Finally, I am the manager of a bookstore. I understand that the bill in its current form does not affect my bookstore. This is because in the Senate Judiciary Committee, they amended the language regarding "business establishments" out of the bill. I'm glad they did this, not because it means the business I manage won't be affected by this bill, but it proves a simple reality: this bill is not about kids. If it was, then I would expect legislators to fight to keep businesses in the bill. Because anyone, including minors, will have access to all the same books that are walled off at the library, just in their regular sections on our bookstore shelves. Same is true for Barnes and Noble, or any other stores, locally owned or otherwise, that carries books or comics. So to be consistent with the messaging that this bill is to protect kids, you should probably amend business establishments back into the bill. But then that would have a serious effect on small business owners, they'd be confused about the vague language of the bill, and perhaps aspiring small business owners would be deterred from opening a small business altogether. So it seems as though you have two choices. Amend businesses back into the bill, so at least the argument of the bill protecting children is consistent (albeit not grounded in reality), but then sacrifice small business owners in the process, or continue to leave businesses out, knowing that the infrastructure requirements for libraries will be a huge waste of taxpayer dollars, while minors will have access to the same books on bookstore shelves that are hidden in "cabinets" or "rooms with signage" at the library.

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