



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 3005		DATE: 2/16/2026	
COMMITTEE: Emerging Issues			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JENNIFER BALDWIN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/15/2026 6:50 PM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

My name is Jennifer Baldwin, and I am a high school librarian employed by a rural school district in the southwest corner of Missouri. I'm testifying in support of HB 3005.

I work directly with high school students helping them find books that spark a love of reading, utilize databases that support research, and locate print/digital resources that match their curricular needs and/or personal interests. My goal is to prepare all of my students to be literate library users the rest of their lives.

This is the 21st year I have worked as a certified school librarian in Missouri. That entire time I was asked to follow a locally board-approved policy for selecting materials. That policy allows me to select age-appropriate, developmentally appropriate materials that support my district's curriculum and my student's interests; however there is currently no mention of digital resources in that policy.

HB 3005 matters to me because it protects a clear, transparent process if a concern arises about a print or digital resource. It is important to me that when a material is challenged, a committee of vested individuals can be involved in the process through an established reconsideration policy. HB 3005 ensures that reconsideration requests come from parents or guardians who have read the full work and have a child enrolled in the school district. My current local board-approved reconsideration policy will be strengthened with the inclusion of these fair and focused components.

I firmly believe parents and guardians have the right to guide what their own child reads. At the same time, one family's choice should not limit access for every other family. This bill creates a balanced process that respects parental rights while protecting access for all students.

Finally, HB 3005 supports school librarians and other school employees by ensuring we can follow the local-board approved policies without fear of retaliation and by protecting student privacy in digital resources.

I respectfully urge your support of HB 3005. Thank you!



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JOHN CHRASTKA		PHONE NUMBER: 312-574-0316	
BUSINESS/ORGANIZATION NAME: EVERYLIBRARY INSTITUTE		TITLE: EXECUTIVE DIRECTOR	
ADDRESS: 6433 FAIRFIELD AVE			
CITY: BERWYN		STATE: IL	ZIP: 60402
EMAIL: john.chrastka@everylibraryinstitute.org	ATTENDANCE: Written	SUBMIT DATE: 2/15/2026 8:43 PM	
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Chair Christ, Vice-Chair Peters, and Members of the Committee:

The EveryLibrary Institute NFP, a national non-profit policy think tank focused on library funding, governance, and public access to information, is submitting written testimony in support of House Bill 3005. We appreciate Rep. Justus’s efforts in presenting a carefully considered proposal that provides Missourians with a constitutionally sound, community-focused approach to addressing concerns about library materials, particularly in the digital environment.

We urge the committee to refer HB 3005 because it strengthens procedural safeguards for schools and public libraries, reinforces the role of local governance, and ensures transparency in decisions about library digital collections. Missouri’s Constitution provides protections for freedom of speech and expression, ensuring public institutions like libraries and schools operate within clear constitutional guidelines. Removal of digital materials without a documented review process exposes public institutions to legal risk under the First Amendment and Missouri’s constitutional speech protections.

HB 3005 would mitigate that risk by requiring structured reconsideration policies that prohibit removal of digital content before review is complete, while ensuring that content decisions are made through transparent, documented procedures with professional input. We see that the bill preserves local authority and supports effective governance under clear procedural safeguards.

Students and families depend on digital databases for instructional and research needs. We endorse HB 3005 because it recognizes that concerns about a single digital item should not result in loss of access to an entire database. It limits challenges to individuals who have standing as users or parents, which minimizes the risk of fraudulent claims by outside anti-access activists, and it also limits repeat requests to prevent harassment of the institutions and abuse of the process while preserving the right to raise concerns. We see HB 3005 as a rational approach to address concerns while ensuring that corrective action is narrowly tailored.

For these reasons, the EveryLibrary Institute NFP respectfully encourages the Committee to advance HB 3005.

Respectfully submitted,

John Chrastka, Executive Director

EveryLibrary Institute NFP



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: RANDY SCHERR		PHONE NUMBER: 573-636-6200	
REPRESENTING: MISSOURI LIBRARY ASSOCIATION		TITLE:	
ADDRESS: 101 E. HIGH			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: rjscherr@swllc.us.com	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 2:15 PM	
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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: SARAH COLBERT		PHONE NUMBER: 660-833-7700
BUSINESS/ORGANIZATION NAME: MISSOURI ASSOCIATION OF SCHOOL LIBRARIANS		TITLE: LEGISLATIVE CHAIR
ADDRESS: 508 W. LOGAN ST		
CITY: MOBERLY		STATE: MO ZIP: 65270
EMAIL: sarahe.colbert@gmail.com	ATTENDANCE: In-Person	SUBMIT DATE: 2/15/2026 4:45 PM

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This bill requires that school libraries establish a publicly available reconsideration policy that clearly outlines the process for reviewing both digital and physical library materials. Transparency and consistency are essential, and HB 3005 ensures both.

The bill establishes a clear process for addressing concerns raised by parents or guardians who have read the full work and who reside within and have students enrolled in the school district. That requirement protects the integrity of the process and ensures thoughtful, informed discussions about materials.

MASL firmly believes that parents and guardians have the right to determine what their own student reads. At the same time, one parent’s or guardian’s decision should not infringe upon the rights of other parents or guardians and their students. HB 3005 is a positive step toward creating a fair, consistent process that respects individual rights while protecting access for all students.

School librarians are certified educators trained in collection development and management. Missouri school libraries should already be following locally board-approved policies to ensure that the books and online resources available throughout the collection contain age-appropriate and developmentally appropriate materials that our students find interesting and are integral to their academic success. The passage of HB 3005 will be helpful to ensure each of our locally board-approved policies are consistent throughout Missouri.

HB 3005 affirms local control and parental rights. It ensures materials are not removed without review, protects due process, safeguards student privacy in digital resources, and protects library staff who follow established policy.

The Missouri Association of School Librarians respectfully urges your support of HB 3005. Thank you for your time and consideration.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: SCOTT BERNIER		PHONE NUMBER: 978-317-9127	
BUSINESS/ORGANIZATION NAME: EBSCO INFORMATION SERVICES		TITLE: V.P. LIBRARY & GOVT RELATIONS	
ADDRESS: 10 ESTES ST			
CITY: IPSWICH		STATE: MA	ZIP: 01938
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/16/2026 12:00 AM	
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: A DEAN PIERDEN		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 12:09 AM
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With the context of other legislative efforts over the last few years, it's hard to view this as a good faith establishment of a neutral review process, but rather as a way to remove materials that offend local sensibilities by imposing additional burdens on libraries that choose to have materials representing all Missourians. After the failure of House Bill 2044 this appears to be a attempt to do a second run for the same goals couched in less obviously alarming terms.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ABIGAIL M HERNDON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 9:40 PM
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Public libraries already deal with enough. Their funding keeps getting cut and special so interest groups constantly trying to ban anything they don't like. This is a censorship attack, if you don't like it, don't read it. The online/Electronic resources and materials provided is to help more people have access to reading and knowledge. Many people can't go to a physical library from those who lack transportation, disabilities, elderly, immune compromised, etc. If children are somehow accessing materials their parents don't like, that's on them for not monitoring properly, not the libraries fault. Stop the book bans and attack on free speech.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CHRISTINE BOSTON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 6:38 PM	
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This bill corrects "a problem" created by individuals who want power and control over others, which is not what libraries represent or should exist for. Libraries are staffed by experts in their field, and I trust their judgement. You should, too. Let libraries serve their communities, including those that are diverse enough to warrant variety in the collection to meet the needs of all, not the few who have a complaint. The wonderful thing about libraries is that if someone doesn't like something they do not need to check it out or read it.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ELLEN DUGGER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written		SUBMIT DATE: 2/14/2026 9:02 AM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: HOWARD HUTTON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 2:01 PM	

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1. I'm against this bill as it will be unfairly and in a bigoted discriminatory way weaponized against free speech, Lgbtqiiaa citizens, constituents of color, and minority religions. This proves out by many prior examples and attempts of the White Christian Nationalist activists to deny everyone but themselves free speech and especially their miss-informative speech.
2. This bill is quintessentially more big-government against individual rights to freedom of information. It promotes the unconstitutional censorship, silencing, and erasure of marginalized individuals by those who are more interested in controlling and quelling speech than from learning something from it. Local governments already have representative boards in charge of acquisition that are beholdng to their constituents and the guard rails of the first amendment. This bill puts more regulatory burden on local boards without funding. Local libraries only receive on average about 1% of their budget from the State. They don't need more State regulation to bog their processes down. The local constituents can change their library processes according to their wishes at any time.
3. This bill gives no clear idea of what can be continually reconsidered adInfinutum and so NO is always the answer. Such vague bills attract lawsuits and would pit groups against each other. Different groups would be trying to get each other's books banned with the tyrannical censorious minority having the upper hand. Given the classical liberal consensus of allowing the most information possible from which to make informed decisions it also puts more censorious fascist groups in a place of advantage to make the populace less informed and more stupid, which inherently hurts marginalized groups that need protection from systemic discrimination and censorship.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: JEREMY (JAYE) TROTTER		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/15/2026 9:29 PM	

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As both a historian and a Missouri tax payer, I am 100% against using state funds to ban books in general. As a LGBTGIA+ Missourian, I am also opposed to the state actively discredibly engage in actions that are limit the rights of Americans who have the 14th Amendment protections as reinforced by the Civil Rights Act of 1964. Finally, as a taxpayer in the State of Missouri, I do want to restate that if this bill is approved, it will cost the taxpayer, regardless of political or gender identity millions in unnecessary legal expenses because this bill clearly violates the First Amendment, of which the State of Missouri is legally and Constitutionally obliged to compliance to.

Finally, myself as a taxpayer does not want my taxes going to clear censorship of any documents, videos, correspondence, or other media expression as the government at the Federal, State, Municipal, and School Board level is barred from using taxpayer funds to ban media due to the First Amendment. Additionally, as the State of Missouri does actively claim to be a fiscally conservative state, any ban on Constitutionally protect speech and press will lead to costly lawsuits which I as as taxpayer will be forced to pay WITHOUT my consent through the normal legislative process as it will be forced upon us by the the Court systems that are a check on the legislator.

In summary, this bill should die in committee for the following reasons:

- It is in clear violation of the First Amendment
- It is in clear violation of the Fourteenth Amendment and the Civil Rights Act of 1964
- It will cause an undue taxpayer duty due to the expense of the State trying to support this bill in Federal Court.

That said, as a historian who is LGBTQIA+, and a Missouri taxpayer, the clear answer is to prevent this bill from leaving the committee, and asking the members of this committee to take a few days to reread George Orwell's 1984.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: KRISTIN T. HILL		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 8:45 PM
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oppose HB 3005 because public libraries are meant to serve entire communities, not a single viewpoint. What one person finds questionable someone else might find enlightening, and the First Amendment protects our shared right to access ideas even when we disagree with them. While the bill creates a process for challenges, it places no limit on how many objections one person can file, which opens the door to abuse and wastes already limited library resources. The affidavit requirement is only an honor statement and does not meaningfully prevent malicious or excessive complaints. If a reader dislikes a book, the solution is simple: put it back. Personal taste should not become a community restriction. Parents already have the authority to guide their own children's reading without limiting access for every other family. Libraries work best when they protect personal responsibility, parental choice, and open inquiry, and HB 3005 risks undermining all three.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: LISA BRYANT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 6:35 PM	

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I oppose HB 3005 because public libraries are meant to serve entire communities, not a single viewpoint. What one person finds questionable someone else might find enlightening, and the First Amendment protects our shared right to access ideas even when we disagree with them. While the bill creates a process for challenges, it places no limit on how many objections one person can file, which opens the door to abuse and wastes already limited library resources. The affidavit requirement is only an honor statement and does not meaningfully prevent malicious or excessive complaints. If a reader dislikes a book, the solution is simple: put it back. Personal taste should not become a community restriction. Parents already have the authority to guide their own children's reading without limiting access for every other family. Libraries work best when they protect personal responsibility, parental choice, and open inquiry, and HB 3005 risks undermining all three.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: NICHOLAS TATUM		PHONE NUMBER: 540-407-4808	
BUSINESS/ORGANIZATION NAME: INTACT		TITLE:	
ADDRESS: 7 THIRD AVENUE			
CITY: COLUMBIA		STATE: MO	ZIP: 65203
EMAIL: veritytatum@gmail.com		ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 9:01 AM

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My legal name is Nicholas Tatum, but I am known as Verity. Myself and my organization INTACT (Intersex, Nonbinary, Trans Advocate Collective Triangle) are against HB3005. This bill is an egregious form of censorship. The wording of the bill would remove even books like the Bible from all libraries in the state. English literature courses are full of queer authors like Oscar Wilde, Emily Dickinson, W.H. Auden, Walt Whitman, Shakespeare, Sappho, Lord Byron, E.M. Forster, Virginia Woolf, James Baldwin, Alan Hollinghurst, Patricia Highsmith, Evelyn Waugh, Audre Lorde, and the list goes on. It would make it nearly impossible to teach an English Literature course at the high school and collegiate level without making reference to these literary giants. William Shakespeare created and introduced 1700 words to the English language on his own. This flagrant attempt at dismantling the 1st amendment rights of Missourians is coldhearted, one of Shakespeare’s words, and in “one fell swoop”, also another one of Shakespeare’s inventions, it would prevent queer authors in the state of Missouri from doing business here. How could a queer author enter into a library and give a talk on their book in one of our state’s libraries if this bill prevents them from carrying the book into the library in the first place? If these materials are removed from our libraries, we will not only lose access to queer literature, but every Missourian will lose access to a necessary part of English literature. It makes no sense to do this. This bill is another fantastic example of how the state of Missouri continues to remain out of touch with its LGBTQIA+ community. It’s a great example of why queer Missourians continue to exit the state, taking nearly a billion dollars in household income with them as they do. It’s necessary to remind this legislative body that removal of the words and histories of an impacted group, in this case the LGBTQIA+ community, is one of the many markers that groups such as the International Association of Genocide Scholars look for when determining whether or not a minority group is undergoing genocide. The waves of previous legislation that have been brought before this body that have to do with removing the ability for trans people to take part in daily life act as “legislation as policy,” and move us closer to the moment where further violence, other than the removal of our words and histories, will likely take place. I am writing this testimony to defuse that situation from ever happening. What this bill accomplishes is the demolition of trans history, of queer history, of any history that does not suit the state. Even the state’s own beloved author, Mark Twain, can be removed from our library shelves because of the wording in this bill. Vote No and save Missouri’s history, which is decidedly queer and trans.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: NICOLE SEYMOUR		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 9:39 AM	
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I am against this. Freedom of speech is center to all that American is built upon. This bill targets not only LGBTQ individuals, but also teachers.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: NOELLE MARIE CHIPMAN		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/15/2026 7:13 PM	
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No book should be banned under any circumstances. If you find it offensive, don't read it or allow your children to read it. It is un-American to restrict free speech and freedom of expression. Similar state laws already exist and have been abused to suppress literature by marginalized people. This is the show me state, so show me, we aren't a state that condones bigoted oppression.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: REBECCA KROLL		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 6:26 PM	
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Chair and members of the committee,

I am writing in opposition to HB 3005.

Public libraries exist to serve entire communities, not a single viewpoint within those communities. What one person finds questionable someone else might find enlightening. That diversity of thought is not a flaw in the system. It is the purpose of the system.

The First Amendment protects not only the right to speak, but the right to receive information and ideas. Public libraries are one of the clearest expressions of that principle in daily civic life. When access to shared materials can be restricted based on individual objection, the state risks substituting personal taste for constitutional protection. A free society depends on the ability of its citizens to encounter ideas they may not agree with, and to decide for themselves what to accept or reject.

Many of the books most frequently challenged in America are widely recognized works that encourage critical thinking and empathy. Titles such as Parable of the Sower, To Kill a Mockingbird, and Fahrenheit 451 have appeared on banned book lists despite their educational and cultural value. These books ask readers to wrestle with history, power, and morality. They are not dangerous because they exist. They are valuable because they invite reflection.

HB 3005 includes procedural rails, but it does not limit the number of challenges a single individual may file. A motivated person could repeatedly object to materials, forcing libraries to divert staff time and public funds toward administrative review rather than public service. Libraries already operate under tight budgets. The affidavit requirement functions only as an honor statement and does not meaningfully prevent malicious or excessive use of the process. Without limits on the individual, the system becomes vulnerable to abuse and drains resources meant for the entire community.

The bill also leaves significant holes regarding what qualifies as objectionable material. Without clear standards, decisions will vary widely and will inevitably reflect political pressure rather than professional library expertise. A process without defined criteria invites conflict and inconsistency. It looks like the beginning of a book restriction framework even if the word ban is never used.

Public libraries already provide a simple solution for personal disagreement. If a reader does not like a book, they can put it back. Personal accountability does not require community restriction. I read over one hundred books last year. When I encountered a book that did not match my taste or my morals, I

returned it to the shelf. That is how shared public resources are meant to function in a free society.

If the concern is children's materials, parents already have the authority and responsibility to guide their own children's reading choices. That responsibility should not become a mechanism to limit access for every other family. Libraries are strongest when they protect both parental choice and the broader constitutional commitment to open inquiry.

HB 3005 risks turning libraries from spaces of voluntary exploration into arenas of repeated ideological dispute. Missouri benefits when its public institutions protect access to knowledge, encourage literacy, and respect the diversity of its residents. This bill moves in the opposite direction.

For these reasons, I respectfully urge the committee to reject HB 3005.

Thank you for your time and consideration



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SAMANTHA JONES		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/16/2026 8:10 AM	
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This bill is a book ban. Books should be accessible to everyone. Families should choose what their own family chooses to read they should not have the ability to infringe on other's rights and ability to choose what to read for their family. It is a violation of the 1st amendment and an overreach of this body into libraries. My tax dollars support schools and libraries I hope it would provide a variety of books on all topics to the public. Banning books is a waste of that money. Please vote against this bill.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 3005		DATE: 2/16/2026	
COMMITTEE: Emerging Issues			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 2/12/2026 4:03 PM	
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I rise in firm opposition to HB 3005.

While framed as a procedural reconsideration measure, the bill materially restructures how public libraries manage expressive content and imposes state-mandated mechanisms that implicate core First Amendment protections, invite litigation exposure, and risk unconstitutional implementation.

This testimony is submitted to build a clear legislative record regarding foreseeable constitutional conflict.

I. First Amendment – Viewpoint Discrimination Risk

Public libraries are government entities engaged in expressive curation. Courts recognize that while libraries are not unlimited public forums, removal of materials motivated by suppression of ideas triggers constitutional scrutiny.

See:

Board of Education v. Pico, 457 U.S. 853 (1982)

Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995)

HB 3005 creates a formalized mechanism that:

- Encourages content-based challenges;
- Authorizes removal or relocation following review;
- Requires vendors to excise individual digital articles.

The statute does not include:

- A requirement of viewpoint neutrality;
- A prohibition on removal based on ideological disagreement;
- Substantive criteria guiding review decisions.

Process alone does not cure constitutional infirmity.

If removal decisions are motivated by disagreement with ideas expressed in materials, courts will apply heightened scrutiny. The state cannot cloak viewpoint discrimination inside administrative procedure.

This exposure is not theoretical. Similar statutes nationally have triggered federal litigation.

II. Compelled Curation and Dormant Commerce Clause Concerns

Section 7 requires third-party database vendors to:
Remove content at the article, issue, or title level;
Maintain technological mechanisms for selective curation;
Apply changes at the institutional level.

These vendors operate across state lines.

Under Pike v. Bruce Church, 397 U.S. 137 (1970), a state regulation that burdens interstate commerce is invalid if the burden is clearly excessive in relation to the putative local benefits.

Requiring national database providers to reconfigure infrastructure uniquely for Missouri libraries invites:

Dormant Commerce Clause challenges;
Contract impairment disputes;
Preemption arguments if federal content or copyright frameworks are implicated.

The bill regulates not merely local shelving practices, but national digital distribution systems.

That is constitutionally significant.

III. Equal Protection and Standing Limitations:

The bill restricts reconsideration requests to:
Permanent residents within the taxing district holding a library card; or
Parents of enrolled students.

While rational basis review likely applies, the classification creates state-sanctioned tiers of participation in public expressive governance.

In a public institution funded by taxation and designed for civic engagement, exclusionary participation rules require legitimate justification.

If selectively applied, these provisions may trigger litigation alleging arbitrary enforcement.

IV. Procedural Due Process Deficiencies

HB 3005 mandates reconsideration processes but does not:
Establish evidentiary standards;
Require written findings tied to neutral criteria;
Provide judicial review mechanisms;
Define substantive grounds for relocation or removal.

Vague standards create arbitrary enforcement risk.

Under both the U.S. Constitution (Amend. XIV) and Missouri Constitution (Art. I, § 10), state action affecting protected expressive interests must not be arbitrary or standardless.

The absence of articulated substantive guardrails increases constitutional exposure.

V. Chilling Effect on Librarians and Access

Although Section 9 protects employees from retaliation for refusing premature removal, the statute:

Encourages recurring formal challenges;
Requires article-level digital review;
Imposes compliance burdens on small institutions.

The practical effect is predictable:

**Over-removal to avoid conflict;
Risk-averse curation;
Reduced availability of controversial materials.
Courts consider chilling effects when evaluating First Amendment claims.**

A statute need not mandate censorship to produce unconstitutional suppression.

**Litigation Vulnerability Rating
High:**

Primary exposure areas:

**First Amendment viewpoint discrimination claims
Dormant Commerce Clause challenges
Vagueness and arbitrary enforcement claims
Pre-enforcement declaratory actions**

The likelihood of immediate litigation upon enactment is substantial.

Fiscal Exposure Summary:

HB 3005 creates foreseeable fiscal exposure through:

**Federal constitutional litigation defense costs;
Vendor contract disputes;
Administrative compliance burdens;
Potential injunctive relief halting enforcement;
Attorneys' fees under 42 U.S.C. § 1988 if plaintiffs prevail.**

Litigation defense costs alone could exceed implementation costs in the first year of enforcement.

Structural Pattern Note:

**This bill reflects a recurring legislative pattern:
Framing procedural mechanisms around expressive materials;
Omitting explicit viewpoint neutrality standards;
Extending regulatory authority into digital interstate systems.**

Similar structural defects have generated constitutional challenges in other states.

Failure to incorporate explicit neutrality safeguards and burden-limiting language substantially increases legal exposure.

Legislative Notice:

The General Assembly is formally advised that HB 3005 presents foreseeable constitutional conflicts under the First Amendment and Dormant Commerce Clause. Absent explicit viewpoint-neutral standards, defined substantive criteria for removal, and careful limitation of digital vendor obligations, enactment is likely to result in prompt constitutional challenge and associated fiscal liability.



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Here's the policy: Justus should keep his grubby little hands off Missourians' Freedom to Read. Librarians are professionals with Master's degrees who are more than capable of determining what reading material is appropriate.