

STATE SENATOR

# Matt Bartle

8th District



## 2005 Survey Results and Legislative Review/Update

This past fall I sent out legislative surveys to get your opinions on major issues. The results are as follows:

### **Question # 1 – Eminent Domain:**

In June 2005, the United States Supreme Court issued a ruling in the case of Kelo v. City of New London that sent shock waves rippling across all 50 states.

The court's ruling empowers local governments to take private land through eminent domain if a more productive economic use can be found. This means that your home, business or church can be seized by the government if a large commercial development, such as a hotel or mall, wants the property.

The Missouri Senate will soon vote on a bill to fix the loophole created by the Supreme Court. We will update our laws to protect property rights in this state from government abuse.

**Eighty percent** of survey respondents support efforts by the Senate to increase protections for private property rights.

### **Question # 2 – Child Sexual Abuse:**

This past spring the nation was shocked to hear the horrifying details of the abduction and murder of 9-year-old Jessica Lunsford. At the time, I made a promise in my weekly newspaper column to file legislation to crack down on child sex offenders in Missouri. This was to be a two-part plan.

Part one was completed last year with the passage of a provision I sponsored requiring repeat sex offenders to wear electronic tracking devices, even after they have completed their sentences and parole. This proposal became law on Aug. 28, 2005.

The second part of this program is well underway. The Senate has passed legislation I have filed to substantially increase the mandatory penalties for child predators found guilty of raping or sodomizing a child. Pedophiles should not be eligible for probation. This bill ensures that predators will do hard time and repeat offenders will spend the rest of their lives behind bars. Stronger child sex offender laws are supported by more than **85 percent** of survey participants.



### **Question # 3 – Sexual Abuse Registry:**

In 2003 the Legislature passed a bill I sponsored that requires the addresses of convicted sex offenders to be posted on the Internet so the public can easily find out where potentially dangerous individuals live in their communities.

By and large, the list has worked very well, but there are gaps in the current program that need to be fixed. For example, some offenders refuse to keep their registration current and to update their addresses. I have filed legislation that would require dangerous offenders who consistently refuse to register to wear an electronic tracking device to better alert law enforcement of their whereabouts.

This idea is supported by nearly **90 percent** of those who responded to the survey.

### **Question # 4 – Adult Businesses:**

For the past two years I have locked horns with the aggressive, multibillion-dollar pornography industry. Smut shops and adult cabarets have been allowed to sprout up across our state and have given Missouri a sullied reputation for too long.

The harmful impacts of smut shops on the communities in which they locate are well known. I have sponsored and passed into law common-sense provisions that ban adult businesses from posting billboards along state highways. The new law will be fully phased in on Aug. 28, 2007.

Another law I've sponsored requires performers at adult businesses to keep a reasonable distance from patrons and prohibits anyone under age 21 from being on the property.

While much has been accomplished, we continue to fight to uphold these new laws in court, where the purveyors of porn have filed suits to overturn them. More than **75 percent** of respondents to the survey support continued efforts to rein in this destructive industry.

**Question # 5 – Human Cloning/Stem Cell Research:**

The responses to the survey on the subject of human cloning and stem cell research show how difficult this issue is for many in my district and for many across the state of Missouri. Overall, the response to this question was almost evenly divided, and many constituents asked for more information about the subject.

I have had to do my homework on this complex topic over the past several years and have been surprised where the facts have led me. Although I do not expect that everyone will agree with me on this subject, I hope a brief discussion of the science and the facts surrounding it will be helpful, because this matter promises to be at the forefront of the public-policy debate this year. **Perhaps the best way to provide the information requested by many constituents is to answer questions about human cloning and stem cell research:**

**• What is human cloning?**

Human cloning is often referred to by its scientific name, Somatic Cell Nuclear Transfer (SCNT).<sup>1</sup> In this process, the DNA from a donor is placed into a human egg donated by a woman. The egg then divides just like an egg that has been fertilized by sperm. The cell division yields a human embryo. SCNT is the same process used to clone “Dolly the Sheep,” and I oppose any effort to use it to clone human embryos.

**• How do human cloning and stem cell research relate?**

After an embryo is cloned by SCNT, it is allowed to develop for a few days and is then destroyed so that its stem cells can be harvested. These stem cells are known as “embryonic stem cells” (ESCs). They have produced no cures for human disease.

**• What is the difference between embryonic stem cell research and adult stem research?**

Stem cell research is done on two distinct kinds of stem cells – adult stem cells and embryonic stem cells (ESCs). As discussed above, ESCs come from cloned human embryos. They also come from embryos created through the union of sperm and egg, such as embryos stored at in vitro fertilization clinics. In all cases, ESC research requires that a human embryo be killed.

Adult stem cells (ASCs) come from bone marrow, the cord blood of infants, fat tissue, nasal tissue and a host of other sources. ASC research does not involve the killing of an embryo.

**• Is Missouri alone in efforts to ban human cloning?**

Several states currently ban human cloning (SCNT). These include Arkansas, Iowa, Indiana, Michigan, North Dakota and South Dakota. Missouri law currently bans using state money to support cloning. However, human cloning is legal in Missouri.



*“Dolly the Sheep” was produced by the same cloning procedure (SCNT) that Sen. Bartle seeks to ban in Missouri.*

Many nations around the world, including Canada, France, Switzerland, Germany, Norway, Italy and many others, ban human cloning.<sup>2</sup> Also, in 2005 the United Nations passed a resolution calling on all member states to ban cloning.<sup>3</sup>

**• Is human cloning harmful to women?**

Every time an attempt is made to clone a human embryo, a woman must first donate an egg. The hyperstimulation process required to extract an egg from a woman can be harmful to her health and can lead to infertility.<sup>4</sup>

**• How likely is human cloning/embryonic stem cell research to produce cures for human illnesses?**

Contrary to popular belief, ESC research has been around for decades and has yet to produce a single cure.<sup>5</sup> Some scientists now speculate that embryonic stem cells may never lead to cures or that any treatment could be years away.<sup>6</sup> Experiments so far have shown that ESCs are unwieldy and tend to develop into cancerous tumors.

**• Do non-controversial adult stem cells show promise for treating human illnesses?**

Absolutely. To date there have been more than 65 human treatments developed from stem cells. All of these have come from adult stem cells.<sup>7</sup> Many more cures appear to be just around the corner, ranging from therapies for blindness<sup>8</sup>, heart disease<sup>9</sup>, spinal cord injuries<sup>10</sup>, cancer and many other types of diseases.<sup>11</sup>

**• What’s the difference between “therapeutic cloning” and “reproductive cloning”?**

There is no scientific difference. Once an embryo is cloned through SCNT, the cloning process is complete. If the embryo is destroyed within a few days for stem cells, supporters call it “therapeutic cloning.” If the cloned embryo were brought to full term this would be called “reproductive cloning.” However, in either case, a human life already has been “reproduced,” regardless of what politically correct terms are applied.<sup>12</sup>

**• What legislation have you filed relating to cloning and stem cell research?**

In 2005, I passed a bill to set up a program to promote ethically acceptable and reliable adult stem cell research.<sup>13</sup> Both last year and this year I proposed legislation to provide several million dollars in funding for adult stem cell research.<sup>14</sup>

I have also filed legislation that would ban the creation of a human being by any method that doesn’t use a sperm and an egg. Proponents of human cloning who claim their research procedures (i.e., SCNT) do not create human beings have spent thousands of dollars hiring lobbyists to kill this legislation.

<sup>1-14</sup> Footnotes omitted due to space restrictions. Citations can be viewed at [www.senate.mo.gov/bartle](http://www.senate.mo.gov/bartle).

## Sen. Bartle's DNA-Testing Law

Missouri's DNA Profiling System, which was expanded in 2004 due to legislation I sponsored, now requires the Missouri Highway Patrol to take DNA samples of all felony offenders in the state. These samples can be shared among police departments throughout the nation. Thus far, the expanded system has resulted in more than 200 positive matches that would not have been recorded under previous guidelines.

In the past 15 months, the "all-felon" testing program resulted in many crimes solved, including 40 rapes and 24 homicides. In that same period, DNA samples have resulted in matches for approximately 150 property-crime cases, including armed robbery and burglary. The old system would not have produced these arrests.

**24 murder cases.....SOLVED**  
**40 rape cases.....SOLVED**  
**150 property crimes..SOLVED**

In early January, I learned of a chilling example of why this law is needed. Police in St. Louis picked up a man on a minor drug charge, but under the new law officers were able to take from him a sample of his DNA. A computer match revealed he was responsible for the rape and murder of a 90-year-old woman from California. Without this law, he and many others would be released back into our communities, where it is a only matter of time before they strike again.

While this program has only been operational since January 2005, the funding for it is set to expire this year. One of my highest legislative priorities this session will be to pass a new bill to make this extremely important program permanent.

## Highlights of Passed Legislation Sponsored by Sen. Bartle

**SB 1000 – ALL-FELON DNA TESTING ACT (2004):** This law requires all convicted felons to submit a DNA sample. These samples are entered into a national crime database and are cross-checked with evidence collected from crime scenes. This program has solved more than 200 crimes.

**SB 32\* – REINS IN SEXUALLY ORIENTED BUSINESSES (2005):**

The pornography industry is based on the exploitation of women. This law combats the negative effects of the porn industry on Missouri communities by imposing common-sense regulations on smut shops and cabarets. It requires that performers be kept a reasonable distance from patrons, and it prohibits anyone under the age of 21 from entering the property. **\*(passed as part of HB 972)**

**SB 870 – BANS BILLBOARDS FOR SMUT SHOPS (2004):** This bill prohibits sexually oriented businesses from posting billboards within one mile of a state highway. This bill currently bans the posting of new billboards and will require all existing billboards to be taken down by Aug. 28, 2007.

**SB 323 – ESTABLISHES PROGRAM TO PROMOTE ADULT STEM CELL RESEARCH (2005):** This bill defines eligibility criteria for future grants to facilities that collect cord blood for research and treatment. Cord blood is an excellent, non-controversial source of stem cells that can be used to treat a variety of human illnesses.

**SB 184 – SEXUAL-OFFENDER REGISTRY POSTED ON THE INTERNET (2003):** This bill directs the Missouri Highway Patrol to create a statewide sexual-offender registry that can be accessed by citizens all across the "Show-Me" state on the Internet. The list can be searched by offender name or ZIP code.

**HB 353 – GPS TRACKING OF SEX OFFENDERS (2005):** This law mandates that repeat sex offenders who abuse children will be required to wear GPS tracking devices even after their sentences are served and they are released from custody.

**SB 343 – THE MISSOURI QUALITY JOBS ACT (2005):** This program provides tax incentives for businesses that move to Missouri or expand their operations here by creating a significant number of quality jobs. It also promotes the expansion of biotech companies in Missouri to help improve our life sciences and stem cell research infrastructure.

**SB 33\* – ENDS "GOLDEN PARACHUTE" LOOPHOLE (2005):** This bill brought an end to one of Jefferson City's worst wastes of tax dollars. For years, former state employees and legislators had been appointed to serve on the Missouri Labor and Industrial Relations Board for as little as a few days. In return, their state retirement pension was dramatically increased. In one example, a person appointed to this position for two weeks saw his pension increased by \$26,000 per year for the rest of his life. **\*(passed as part of SB 202, 33,45,183, & 217)**

**SB 322\* – PREVENTING UNDERAGE DRINKING (2005):** This act prohibits adults from allowing minors to drink alcohol on their property, unless the minors are their own children. This law helps prevent minors from illegally drinking alcohol at a friend's house and then getting into a car to drive home. **\*(passed as part of SBs 37, et al, and SB 402)**

**SB 447 – BASIC CIVIL LEGAL SERVICES FUND (2003):** This act creates a fund to be used to provide legal representation in civil cases to low-income Missourians.



**HB 353 – CLOSING THE SEXUAL MISCONDUCT LOOPHOLE (2005):** In a controversial 2005 decision, the Missouri Supreme Court ruled that a law protecting children from sexual misconduct was unconstitutional because it was too vague. Sen. Bartle quickly responded and passed legislation to clarify the law and restore it as a tool to fight child sex crimes.

**SB 423 – DNA TESTING PROGRAM UPGRADE BILL (2005):** Creates new provisions and makes modifications to the DNA profiling system. This program, which was passed into law due to a bill sponsored by Sen. Bartle, has led to the resolution of more than 200 crimes, including multiple rapes and murders, by matching DNA samples taken from convicted felons with evidence collected from crime scenes.

**SB 1138\* – JUDICIAL PROCEDURES ACT (2004):** This act made various revisions to Missouri’s court system. \* (passed in SB 1211)

- **JUVENILE COURT:** Directs juvenile officers to submit a risk-and-needs assessment of children in certain cases that are referred to the juvenile court.
- **LAW-LIBRARY SURCHARGE:** Allows counties to use moneys from the law-library fund for the family services and justice fund or for courtroom renovation and technology enhancement.
- **CRIME VICTIMS’ COMPENSATION:** Increased the amount of money going to the state’s Crime Victims’ Compensation Fund.

**SB 471 – CHILD-SUPPORT GARNISHMENTS (2003):** Removes the requirement that the Missouri Department of Social Services must file all income-withholding orders with the circuit clerk.

**SB 103 & 115 – CUTTING “RED TAPE” FOR SCHOOL BOARDS (2005):** These bills allow school districts to convene subcommittees to rule on pupil-residency waiver requests instead of requiring action by full boards. The legislation also allows school boards reasonable time to decide issues concerning student enrollment.

**SB 467 – SURCHARGE IN CRIMINAL CASES (2003):** This act ensures that an extra \$2.50 surcharge on criminal case filings will be deposited into the Crime Victims Compensation Fund.

**SB 212 – HIGHWAY PATROL SALARIES AND KANSAS CITY POLICE RETIREMENT (2003):** This act revises certain provisions for law enforcement personnel and revises provisions of the police retirement systems in Kansas City. It also adds a funeral benefit of \$1,000 for members as of Aug. 28, 2003, who die in service or who die after retiring.

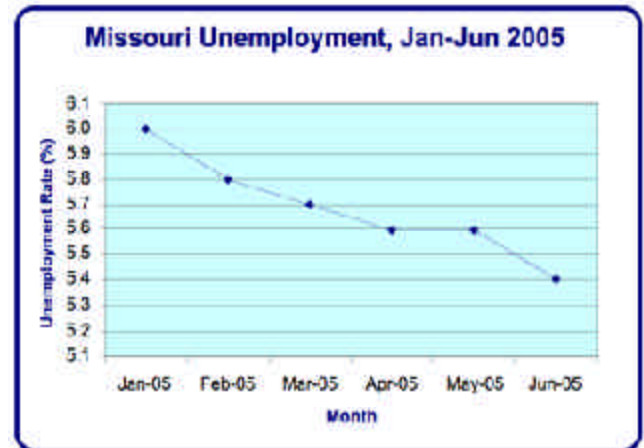
**SB 394 – MODIFIES LAW GOVERNING CORPORATE FORMALITIES (2003):** This act updates and streamlines the section of law relating to how corporations are operated and stockholder meetings are conducted. It also reduces red tape by allowing a signature on any document filed with the Secretary of State under Chapter 351 RSMo, to be done by a facsimile, confirmed signature or electronically transmitted signature.

**SB 422 – EXPUNGEMENT OF RECORDS (2005):** Requires court records relating to expungement requests to be kept confidential.

**SB 534\* – ABSENT MUNICIPAL JUDGES (2005):** The bill streamlines procedures by allowing a replacement municipal judge to be designated by the presiding judge or the mayor when there is a vacancy. \*Passed as part of HB 353 (2005)

---

## Snapshot of Missouri’s Economy



## Tried but Not Yet Passed:

**TIF Reform – 10 percent of new TIF revenues would go to local school districts – SB 651 (2006):** Tax Increment Financing (TIF) is a tool that allows developers to pour tax dollars that would otherwise go to Jefferson City back into supporting new building projects and renovations in local communities. This is a useful idea, but one that has gotten out of hand and has drained precious resources away from school districts. This bill would help restore balance.

**Ban human cloning/Promote stem cell research – SCS/SB 160 (2005):** Human cloning is currently legal in Missouri. Sen. Bartle proposed legislation to ban cloning in all its forms and to take millions of Missouri tobacco-settlement dollars to fund effective, non-controversial adult stem cell research.

**Prohibits tax dollars from subsidizing abortion services – HB 481 (2003):** This bill provided that programs and organizations that receive state money cannot directly or indirectly subsidize abortion.

**Gambling fees to education – SB 1058 (2004):** This bill would have provided \$150 million to public schools in Missouri by increasing the fee for entry onto gambling boats.

**Right to hunt and fish – SJR 40 (2006):** This legislation would protect these important rights in the Missouri Constitution.

## Contact Senator Bartle:

If you have questions or comments on any issue involving Missouri government, feel free to contact my office. My office is Room 431 of the State Capitol, and the phone number is (888) 711-9278. Visit me online at [www.senate.mo.gov/bartle](http://www.senate.mo.gov/bartle) or [www.senatormattbartle.org](http://www.senatormattbartle.org) or e-mail [matt\\_bartle@senate.mo.gov](mailto:matt_bartle@senate.mo.gov).

<sup>1</sup> Robert P. Lanza, Arthur L. Caplan, Lee M. Silver, Jose B. Cibelli, Michael D. West, Ronald M. Green; "The ethical validity of using nuclear transfer in human transplantation"; *The Journal of the American Medical Association* 284, 3175-3179; Dec 27, 2000.

***Stem Cell Research: hope and hype***, Editorial - *The Lancet* 365, 1904, June 4, 2005.

<sup>2</sup> [www.thehumanfuture.org/topics/humancloning/policy\\_uslaws.html](http://www.thehumanfuture.org/topics/humancloning/policy_uslaws.html)

<sup>3</sup> [www.washingtonpost.com/wp-dyn/articles/A18205-2005Mar8.html](http://www.washingtonpost.com/wp-dyn/articles/A18205-2005Mar8.html)

<sup>4</sup> David Magnus and Mildred K. Cho; "Issues in Oocyte Donation for Stem Cell Research"; Originally published in *Science Express* on 19 May 2005 and in *Science* 17 June 2005: Vol. 308. no. 5729, pp. 1747 - 1748

<sup>5</sup> [www.washingtontimes.com/commentary/20041114-103945-1754r.htm](http://www.washingtontimes.com/commentary/20041114-103945-1754r.htm)

<sup>6</sup> **"Biggest Struggles In Stem-Cell Fight May Be in the Lab"** By Micheal Waldholz and Antonio Regaldo, Staff Reporters of *The Wall Street Journal*; August 12, 2004; Page A1

<sup>7</sup> [www.corcell.com/expectant/diseases\\_treated.html#current](http://www.corcell.com/expectant/diseases_treated.html#current).

<sup>8</sup> *New England Journal of Medicine* 343 (2000) 86-93

<sup>9</sup> Wade, Nicholas, "Doctors Use Bone Marrow Stem Cells to Repair a Heart," *New York Times*, March 7, 2003: A20.

<sup>10</sup> <http://my.webmd.com/content/Article/89/100250.htm>; <http://my.webmd.com/content/Article/89/100250.htm>; [http://www.proneuron.com/News/Cov01\\_02/Cov01\\_02\\_11.html](http://www.proneuron.com/News/Cov01_02/Cov01_02_11.html)

<sup>11</sup> <http://www.stemcellresearch.org/facts/treatments.htm>

<sup>12</sup> Now Playing: Attack Of The Clones. (ISSUES & INSIGHTS)(EDITORIALS)(Editorial). *Investor's Business Daily* (May 24, 2005): pA12.

<sup>13</sup> [www.senate.mo.gov/05info/bts\\_web/Bill.aspx?SessionType=R&BillID=11646](http://www.senate.mo.gov/05info/bts_web/Bill.aspx?SessionType=R&BillID=11646)

<sup>14</sup> [www.senate.mo.gov/05info/bts\\_web/Bill.aspx?SessionType=R&BillID=4746](http://www.senate.mo.gov/05info/bts_web/Bill.aspx?SessionType=R&BillID=4746);  
[www.senate.mo.gov/06info/bts\\_web/Bill.aspx?SessionType=R&BillID=8200](http://www.senate.mo.gov/06info/bts_web/Bill.aspx?SessionType=R&BillID=8200)