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1999 Children's Legislative Report Card

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CHILDREN'S LEGISLATIVE REPORT CARD

LEGISLATIVE SESSION:

1999 - 2000

REPORT CARD TERM:

1999 (Interim Report)

Dear Californians,

This is an interim report based on the first year of the two-year California legislative session. A number of bills have passed or failed, but others have not yet completed the process. We will issue a final report card in October 2000, after the conclusion of the two-year session and the period for the Governor to sign or veto bills.

This report is intended to educate and inform you of your legislators' progress on improving the status of and outcomes for children in this state. We cannot tell you all there is to know about your legislators in this Report Card. Therefore, we urge you to communicate frequently with them so they know your expectations for California's children. Only through complete cooperation among child advocates, constituents, and their legislators can every California child be assured the opportunity to reach his or her full potential.

Sincerely,

Robert C. Fellmeth

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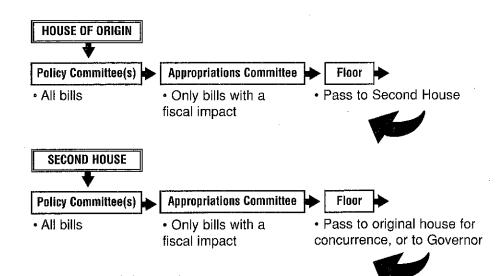
Executive Director, Children's Advocacy Institute



A Primer The Legislative Process

After introduction by a legislator, a bill is heard in the appropriate policy committee(s), and if it has a fiscal impact is then heard in the Appropriations Committee in the house of origin (either Assembly or Senate). If a bill passes those committees, it is next voted upon by all members of that house (the "floor vote"). If the bill passes a floor vote in the house of origin, it then goes to the other house and begins the process all over again (policy committee(s), Appropriations Committee, and floor vote). At any of these points, the bill may be changed or "amended." If the bill is amended in the second house, it must return for a second vote on the floor of the house of origin (the "concurrence vote").

Once a bill passes both houses of the Legislature (and, if necessary, passes a concurrence vote in the house of origin), the Governor may sign it into law, veto it, or take no action within the constitutionally-prescribed time limit, thereby allowing it to become law without his/her signature. The only change a Governor may make in a bill, without sending it back to the Legislature, is to reduce or eliminate the money allocated in the bill.



How the California Legislature Performed in 1999

THE YEAR IN REVIEW

With the inauguration of a new Governor, Gray Davis, this first year of the 1999–2000 biennial legislative session marked the first time in sixteen years that the Governor's office and both houses of the Legislature were controlled by the same party. However, this did not lead to coordination between the branches.

During his many years of public service, Governor Gray Davis has consistently been averse to delegating responsibility. This trait, in addition to his desire to stake out a popular "middle ground" to the right of traditional Democrat constituencies in order to inhibit Republican challenge, led to friction over policy with the Legislature. Governor Davis undercut the authority of legislative leaders early in the session by communicating directly with legislative committee chairpersons about the scope of bills that should be allowed to pass out of committee. Senate President pro Tempore John Burton and Speaker of the Assembly Antonio Villaraigosa responded by sending out an all-points memo that any discussions about the scope of legislation passed out of committees should be addressed by legislative leadership, not the Governor's office. The tension climaxed when Governor Davis stated to the editorial board of the San Francisco Chronicle that the proper role of the Legislature is to "implement my vision"—an attitude inimical to the traditional view that the executive carries out the policies of the Legislature, except for the governor's authority to veto and propose.

To a greater extent than any recent governor before him, Davis scrutinized bills making their way to his office and, with the threat of his veto, had bills amended to his liking prior to their legislative passage. Even after receiving the extensive amendments requested by Davis' staff, some bills still were vetoed.

Notwithstanding continuing travail between the executive and legislative branches, some major legislative accomplishments were achieved—among them an historic restructuring of California's child support enforcement system. The Children's Advocacy Institute extends its appreciation to Senate President pro Tempore John Burton, Senator Adam Schiff, and Assemblymembers Sheila Kuehl and Dion Aroner for providing the political leadership necessary, given the opposition of the California District Attorneys' Association to overhaul and centralize California's dysfunctional child support

areas of the state. Although the Legislature had passed most of these measures in earlier legislative sessions, they were vetoed by former governors. Senators Richard Polanco and Don Perata and Assemblymember Jack Scott joined legislators who championed these measures in years past to secure their enactment this year.

On the state budget front, Governor Davis' first proposed budget looked quite similar to former Governor Wilson's budgets, but without affirmative reductions for impoverished children. Instead of suspending statutorily required cost-of-living adjustments, Davis' budget included a 2.36% increase to safety net programs such as CalWORKs, SSI/SSP, and foster care providers (licensed foster family homes, foster family agencies, and group homes). Effective January 1, 2000, all foster care providers will receive another 2.36% increase in reimbursement rates. Also included in the budget was the spending authority and the funding to continue prenatal care to all low-income women in California, regardless of their immigration status. But lacking in Davis' first budget, despite a \$4.3 billion surplus, was any real commitment of major resources, above that statutorily or constitutionally required, to invest significantly in California's children.

With regard to K-12 education, Governor Davis added one-quarter of one percent more to K-12 spending than was constitutionally required. But a robust economy and \$4.3 billion in unanticipated revenues in April meant education received the largest dollar increase in this year's budget, 3.4% above the population and inflation increase. Much of the additional education spending was earmarked for specific educational and after school programs, "school safety" at middle and high schools, teaching materials, staff development, deficit reduction, and deferred maintenance. Although campaigning as the "education" candidate, Davis' budget permits only token class size reduction beyond 3rd grade, covering selected 9th and 10th grade classes and leaving the state near the bottom of the nation in class size. For higher education, the state budget includes monies to support a 10% undergraduate fee reduction at the University of California (UC) and California State University (CSU), a \$1 per unit fee reduction at community colleges, a 5% reduction in UC and CSU graduate fees, and modest enrollment growth at all of the above institutions. These fee reductions contrast with a nationwide trend of higher education fee increases averaging 4%. However, slots available from community colleges to universities in the budget are 6% less per eligible student than in 1981. The enacted budget fails for another year to address the critical capacity expansion needed to assure jobs for today's children—jobs which will require higher education for a much higher percentage of youths.

future years, and diminish government's ability to address many of the pressing needs of working families with children, as well as long-ignored infrastructure needs. To borrow the Governor's terminology, they subtract from "the base."

Effective March 1, 2000, the state budget extends Medi-Cal eligibility to parents (including those in two-parent families) with family incomes up to 100% (from the current 86%) of the federal poverty level (FPL) and abolishes the arcane "100-hour rule" which excluded from Medi-Cal coverage any low-income parent who worked more than 100 hours per month. By July 1, 2000, the Medi-Cal application is to be streamlined, face-to-face interviews in welfare offices will no longer be required, quarterly reports to verify continued eligibility are to be simplified, and a mail-in application process is to be instituted. Studies show that children are more likely to receive preventive health care when their parents also are insured.

Specifically for children, the state budget increases the income eligibility cap for the Healthy Families Program (HFP) from 200% to 250% of the FPL; allows the same, more generous income deductions as used in Medi-Cal for computing family income; and, for one year, extends coverage to legal immigrant children who do not qualify for federal funding because they entered the U.S. after August 22, 1996 (pending federal legislation would eliminate this restriction). These three changes to the HFP will expand eligibility to this health insurance program to cover an additional 169,000 children, according to the Legislative Analyst's Office.

Still, the state's commitment to insuring children is disappointing, especially given the fact that the federal government has agreed to pay 65% of the cost up to \$859 million per year to California to expand children's health insurance programs. California continues, in effect, to say "no thank you" to most of these federal dollars. And for every HFP-eligible child, there are two to three children whose family incomes are too low to qualify for HFP. Those children are eligible for no-share-of-cost Medi-Cal, but are not enrolled for a variety of reasons, most of which boil down to entrenched bureaucratic policies designed to disenroll subscribers quarterly and stigmatize the program and its participants generally. With record numbers of families leaving welfare (CalWORKs) and Medi-Cal for low-wage jobs without medical benefits, the number of uninsured children in California continues to rise, despite the modest increases in the health programs listed above.

Bold action is necessary to stem this tide, ideally including presumed

California should also act to allow counties or their Children and Families Commissions to draw down California's untapped federal dollars to expand health care coverage to their constituencies.

The federal money committed to expanding children's health insurance nationwide presents an unprecedented opportunity for California to provide coverage to most of the 1.85 million uninsured children living here, and California has the financial resources to pay the remaining 35% of the cost. What California lacks is the political commitment to make the dream of universal access to health care for every child a reality. To their credit, many legislators introduced bills to make some of the bold efforts outlined above; these legislators include Senate President pro Tempore John Burton, Senators Martha Escutia, Liz Figueroa, Tom Hayden, Richard Polanco, Byron Sher, and Jackie Speier, Speaker of the Assembly Antonio Villaraigosa, and Assemblymembers Gil Cedillo, Helen Thomson, and Martin Gallegos. But after Governor Davis signaled what he was willing to do in the state budget, most policy changes to children's health insurance programs generally stalled in the fiscal committees.

Similarly, major reforms to address the plight of some 110,000 abused and neglected children, currently drifting from placement to placement in the foster care system and unceremoniously dumped from public assistance at age 18, also were either shelved early in the legislative process or vetoed. Although the state budget includes modest cost-of-living adjustments to foster care provider rates across the board, the increase for licensed family foster care providers—the placement of choice most likely to lead to permanent adoption if reunification fails—has not increased appreciably as the foster care population has doubled. The lack of qualified family foster care supply drives many of the problems of abused children: placement with risky relatives, expensive and less personal group home placements, foster care drift, and adoption failure. With foster children disproportionately represented in teen pregnancy, juvenile justice, and prison statistics, serious attention needs to be paid to dramatically increasing the number and improving the quality of foster placements and ensuring appropriate services to every foster child. These children are often victims of violent crime, betrayed by those upon whom they most depend.

Twelve legislators worked particularly hard for abused children in 1999: Senators Dede Alpert, Debra Bowen, Bruce McPherson, Deborah Ortiz, and Jackie Speier, and Assemblymembers Dion Aroner, Roy Ashburn, Mike Honda, Sheila Kuehl, Jack Scott, Darrell Steinberg, and Carl Washington. With few exceptions, most of their efforts went unrewarded this

help low-income working families. However, the end result has been little improvement for working poor single parents and no action to head off the now imminent required county public employment "makework" of our 500,000 TANF parents at double the cost of TANF, followed three years later by mass dismissals and unthinkable safety net cuts for almost one million of their children.

Juvenile justice reform, which took the form of a measure authored by Senator Alpert balancing increased prevention spending with enhanced penalties, was gutted of virtually all of the former on instructions from Governor Davis.

Unwed births and paternal abdication are close to historical records and the current budget funds some of the Wilson Administration's "responsibility" programs intended to address this underlying private neglect of our children. However, the new budget does not fund this effort to scale, and the Governor has tragically vetoed parenting education, with a message indicating his categorical opposition.

California continues to lead the nation in widening the gulf between rich and poor. According to a recent study by the Columbia University National Center for Children in Poverty, over 48% of California's children under the age of six live below or near the federal poverty line, despite our ranking as the wealthiest state in the nation and the seventh largest economy in the world. Overall, one in four children in California lives in poverty, and recent studies show that poverty deepening. In stark contrast, senior citizens are three times less likely to live in poverty, in large part due to government efforts to insulate them from poverty's scourge. The lean budget years of the early to mid-1990s were characterized by many cuts to critical safety net programs benefitting children; most children's programs have not grown commensurate with caseload growth or inflation since the Children's Advocacy Institute began tracking such trends in 1989. As a result, Californians publicly invest nearly \$9.5 billion less in our children, as a percentage of income, than we did in 1980–81.

Although this Report Card shows some progress for children, including chiefly child support reform and the Governor's education initiatives, what is regrettably absent from this list is more significant than anything on it. Those measures set aside in committee or never proposed for fear of legislative rejection or veto constitute the real agenda California's children need desperately, including: the funding to meaningful scale of the conservative message about reproductive responsibility and marriage, attention to the 110,000 abused children in foster care, child care provision for the working poor, a state earned income tax credit arranged so the working poor can surmount the existing bar-

Subjects Graded

1999 BILLS

POVERTY

Income Maintenance

AB 1039 (Aroner) - CalWORKs program

This bill would have required that students be given notice when their self-initiated programs (SIPs) are not approved so that they can appeal, conformed treatment of SIP participants to those referred to education programs after assessment, and applied study hours to work participation hours. The bill also would have required wage-based employment in required community service activity per welfare reform, subject to the protections and privileges of wage-based employment, and exempted months of unsubsidized work from the welfare time limit. Finally, the bill would have made several changes to improve and slightly expand the Child Support Assurance Program authorized by the 1997 CalWORKs law, an innovative program that CAI advocates as an important alternative to welfare that will lift more low-income families out of poverty.

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "...I am not supportive of making any major changes [in the CalWORKs program]. Providing subsidized employment for up to 60 months is inconsistent with the message that welfare is temporary and may reduce the incentive for recipients to find unsubsidized employment."

Editor's Note: It appears the Governor misunderstood this bill. AB 1039's provision for subsidized employment, available only in five demonstration counties, was available only after the participant put in 18–24 months of welfare-to-work activities, and could last a maximum of 12 months, unless extended by the county on a case-to-case basis. More importantly, recipients of a subsidized job would not be eligible for the same earnings disregards as those who obtained unsubsidized jobs, so the incentive to get an unsubsidized "real" job was still there.

SB 869 (Schiff) - CalWORKs: employment training programs

This bill would have expanded the list of vocational training and employability

Child Support

AB 150 (Aroner) - California child support automation system

This bill requires the Franchise Tax Board to take over the creation and implementation of a single automated computer system for California's new centralized child support program, abandoning the "consortia" linkage of four separate computer systems—a plan the federal government rejected earlier this year. This bill also appropriates \$95.5 million to pay the federal penalties that counties face for failure to move to a single automated system.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 196 (Kuehl) - Child support enforcement

This bill completely restructures California's child support program, creating a new Department of Child Support Services to oversee a centralized statewide system of child support enforcement and collection, with uniform forms and procedures at local county child support offices—no longer under local district attorney jurisdiction. Case information will be readily available across county lines, eliminating the need to start the process all over again when a family moves, and decreasing the likelihood of active evasion of child support responsibilities by simply moving to another county. Collection of child support arrearages more than 60 days old would be handled by the state's Franchise Tax Board.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 542 (Burton and Schiff) - Child support enforcement

This bill, referred to as the child support reform "cleanup" bill, clarifies and makes modest changes to AB 196 (Kuehl), as requested by Governor Davis.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 472 (Aroner) - Public assistance: child support services

This bill creates a Child Support Consumer Complaint Fair Hearings Process for both custodial and noncustodial problems, that will exist outside of the more cumbersome and time-consuming court process. The bill expands and makes modest changes in the Child Support Assurance pilot programs that were authorized as part of California's welfare reform law.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

HEALTH

General Health/Access to Health Care

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "In the event of unforeseen fiscal emergencies, it is critical for the Administration to have discretionary control of the uses of these monies."

AB 1207 (Shelley) - Environmental health and safety

This bill would have established the Healthy Schools Act of 1999 in which all school districts would have been required to take specified actions to protect children's health from poor indoor air quality, lead in drinking water, radon, environmental hazards related to portable classrooms, and the use of pesticides at school facilities.

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "My main concern with this bill is the overly prescriptive requirements on the use of pesticides on school sites. Unfortunately the bill is drafted with such broad language that it creates costly requirements for schools that are not reasonable or optimal approaches to pest management."

SB 25 (Escutia) - Environmental health protection: children

This bill requires the reevaluation of state air quality standards to ensure protection of infants and children. Requires air monitoring around schools and child care centers in non-attainment areas of the state.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 741 (Alpert) - Immunizations

This bill adds the chickenpox (varicella) vaccine to the list of immunizations required for school entry.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

Injury Prevention

AB 15 (Gallegos) - Schoolbuses: passenger restraint systems

This bill requires passenger safety restraints on all new schoolbuses sold in California beginning January 1, 2002.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 850 (Torlakson) - Amusement rides: safety

This bill creates a state inspection, employee training, and accident reporting program for permanent amusement parks, similar to the state's longtime regulation of traveling amusement parks and carnivals.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 1475 (Soto) - Highways: safe routes to schools

This bill designates a portion of federal transportation safety funding apportioned to the state under the federal Hazard Elimination/Safety (HES) program to be used by local governments to improve school area safety by installing new crosswalks, building bicycle paths, bicycle lanes, and sidewalks where none exist, and implementing traffic calming programs in neighborhoods around schools.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 363 (Figueroa) - Coverage for damaged carseats

This bill requires automobile insurance providers to provide coverage for replacement of child passenger restraint systems after they are involved in a collision. Hairline cracks that may not even be noticeable render child safety seats unreliable after the structural stresses of an automobile crash.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 106 (Scott) - Firearms: safety devices

This bill requires the Attorney General of California to develop and adopt minimum safety standards for firearms safety devices, such as trigger-lock mechanisms and gun safes. This bill also requires that, effective January 1, 2002, all firearms manufactured in California or sold or transferred by firearms dealers include or be accompanied by an approved firearms safety device and a safety warning label.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 15 (Polanco) - Firearms

This bill bans the sale and manufacture in California of "Saturday Night Specials"—the small, easily concealable, poorly constructed gun of choice of juveniles and criminals who carry guns.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

CHILD CARE

AB 109 (Knox) - Employment: sick leave

This bill requires all public or private employers that provide sick leave benefits to their employees to allow employees to use up to one-half of their allotted sick leave to care for their ill children.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 259 (Wright) - CalWORKs child care

This bill would have required that subsidized child care be provided to the

11 and 12 year-olds will continue to enjoy the level of services called for in this bill and provided for in my budget."

EDUCATION

AB 537 (Kuehl) - Discrimination

This bill adds "real or perceived sexual orientation" to the list of traits protected from discrimination at schools and in school-sponsored programs.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 434 (Johnston) - Charter schools

This bill requires charter schools to offer at least the same number of instructional minutes per year as non-charter schools; requires charter schools to maintain student attendance records, available for audit; requires certification that students at charter schools have participated in the same state testing programs as pupils attending public schools; requires charter schools to comply with existing laws and regulations regarding independent study; and subjects charter schools to the statutory requirement that community school and independent study average daily attendance can be claimed only for pupils who are residents of the county in which the apportionment claim is reported or an immediately adjacent county.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 1X (Villaraigosa) - Peer review and assistance for teachers

This bill establishes a teacher peer-assistance and review program to assist veteran teachers in need of development in subject matter knowledge or teaching strategies, and employs strong financial incentives to school districts for participation in the program. Any teacher in a participating school district who receives an unsatisfactory evaluation is required to participate in the program.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

AB 2X (Mazzoni) - Reading reform

CHILD PROTECTION

This bill creates intensive reading instruction programs for students in kindergarten through fourth grades, with a \$94 million appropriation to make it a reality. The bill also requires summer Professional Development Institutes to train up to 6,000 beginning teachers on reading instruction, and establishes a "public involvement" campaign to promote the message that reading is a key to success in life and the responsibility of all Californians.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

of age or older in juvenile court schools and Youth Authority and Board of Corrections facilities, including juvenile homes, ranches, camps, or forestry camps.

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "The primary responsibility of schools is to teach the basics—reading, math, science, English and history/social sciences....I do not believe the teaching of parenting skills is the appropriate role of schools. Rather, this is a subject that is rightfully the domain of parents, families, faith-based entities and non-profit organizations."

Editor's Note: Although educators agree that the Governor's list is entitled to priority, where does the categorical foreclosure of other subjects leave the humanities, literature, the arts, foreign languages, or music? Should high school football and other sports be terminated? Child advocates point out California's record 32% unwed birth rate, paternal abdication, and over 700,000 child abuse reports per year. The Administration supports "early intervention" programs where nurses go to the homes of new parents to train them one-on-one at great expense. Advocates and conservatives argue that most children will become parents and, while in school, sit in groups of 20 to 30, available to learn what they need to know at a fraction of the cost of later "early intervention." There is growing consensus among those who work with children and represent their interests that two or three class modules of information should be a part of their curriculum each year from 6th to 12th grade about how a child develops, the rights and needs of children, parental and reproductive responsibility, and the critical lessons in how to parent now lacking and leading to so much abuse. The faith-based and non-profit entities the Governor would rely on substantially agree that the problem is well beyond their capacity.

SB 433 (Johnson) - Child custody

This bill requires the Judicial Council, by January 1, 2002, to establish requirements for the education, experience, and training of all child custody evaluators, both private and court-connected. This bill also requires that, by January 1, 2005, every child custody evaluator shall be a board-certified psychiatrist, licensed psychologist, licensed marriage and family therapist, or licensed clinical social worker, or a court-connected evaluator who meets all Judicial Council criteria, with limited exceptions.

STATUS: Passed by the Legislature and signed into law by Governor Davis.

SB 1226 (Johannessen) – Dependent children: status review hearings This bill requires status review hearings for foster children (to determine if they should be returned to the custody of their parent or legal guardian) to occur at six menths after the initial dispositional hearing—no later. The bill further

AB 645 (Honda) - Dependent children: special education

This bill would have required the juvenile court, court-appointed special advocates, probation officers, and social workers (as applicable) to ensure that children in the dependency system receive any educational and related services and any accommodations for children with special needs to which they are entitled under state and federal law.

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "...this bill would create mandated costs for local governments to expand the scope of assessments, investigations, and case studies; consult with other agencies; develop written protocols; and include additional information in required reports. The costs associated with these provisions exceed the level of funding provided for those purposes in the Budget Act of 1999."

AB 607 (Aroner) - Foster children's health care services

This bill would have required all children in foster care to receive mental health assessments and annual physical examinations (meeting Early and Periodic Screening, Diagnosis and Treatment standards), without prior authorization as to eligibility for Medi-Cal services. This bill would have required a comprehensive mental health evaluation to be completed within 30–60 days of entry into the foster care system, with periodic reassessments of each foster child's mental health status after six months and annually thereafter. This bill would have required the State Health and Human Services Agency to coordinate the responsibilities of the various state agencies involved in ensuring social services and health care for foster children, and would have required child welfare social workers to obtain information regarding a child's health status upon removal from the home.

STATUS: Passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "The 1999–2000 Budget already includes \$9.9 million for the Health Care Program for Children in Foster Care which is designed to help children in foster care gain improved access to health-related services....Any additional program changes should be reviewed in the context of the budget process and other program priorities."

How Legislators Were Graded

METHODOLOGY

All the bills included in this Report Card would improve current law for children. An "AYE" vote on these measures represents a vote for children and is indicated by a "*\pi"." "NO" votes and abstentions are noted with a "-," indicating the legislator was not there for children. Abstentions count against a legislator's score because a legislator who fails to vote effectively votes "NO." In cases where a legislator had an excused absence when the floor vote was taken (for illness, legislative business, etc.), the vote will be noted with a "-" but will count as a "NO" vote for purposes of the legislator's total grade. Vacancies in a legislative seat are noted with a "V."

- ★ means A VOTE FOR CHILDREN (an "aye" vote)
- means **NOT THERE FOR CHILDREN**(a "no" vote or abstention)
- means **EXCUSED ABSENCE** (illness, legislative business, etc.)
- v means **VACANT SEAT** (legislator filled seat mid-term)

The 1999 Children's Legislative Report Card evaluates only floor votes on selected bills affecting children. When bills were amended in the second

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