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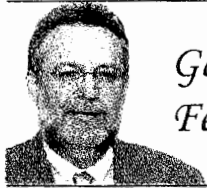
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Garrick
Feldman

How Beebe didn't get vote right on lenders

Attorney General Mike Beebe's voting record on payday lenders is more complicated than we realized. Beebe's people were unhappy with my last payday lenders column, where I said the former senator actually voted for the Check Cashers Act in 1999, contrary to earlier reports that he voted against the bill.

Although he was recorded as voting for the Check Cashers Act, which the Senate passed unanimously, Beebe says he opposed the bill and should not have been included as a supporter of the measure.

But he did vote yes, probably between dashing from one conference room to another. His staff doesn't remember how it happened.

Zack Wright, Beebe's spokesman, sent us this e-mail on Friday: "It was seven years ago — the general doesn't have recollection of why they recorded the vote wrong. In the Senate, there is not a board to see the vote.

The clerk reads the names of the Senators and the Senators respond 'yea' or 'nay.'

It is marked with a pencil and can be recorded incorrectly simply by checking the wrong box, and sometimes the response is hard to hear because of noise in the chamber. I can't speak to why it was recorded incorrectly the first time.



Beebe

But, since they announced the tally as 35-0, it was obvious his vote had been mis-recorded and hence he corrected it (as recorded in the Legislative Journal)."

Wright also sent us this item: "BEEBE LETTER CORRECTED ROLL CALL VOTE TALLY. Beebe is incorrectly listed as having voted 'Aye' for SB 781 in the Arkansas Senate Journal. Following the vote on March 24, 1999, Beebe learned that his vote had been incorrectly recorded and immediately submitted a letter to the Secretary of the Senate so that the

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record could be corrected. [1999 Arkansas Senate Journal, Volume 7, page 5461]."

Although Beebe's letter is legally worthless, I thought I'd share it with our readers.

Earlier this week, one of the consumer groups fighting the payday lenders pointed us to the unanimous Senate vote in favor of the cash checkers.

The vote was brought to our attention because we've been reporting Beebe's opposition to the usurers.

In addition, Beebe fought the measure when the Senate Judiciary Committee voted to send the bill to the full Senate with a "do pass as amended" recommendation.

He has been consistent in his opposition, except on the Senate floor, when he apparently didn't vote the way he meant to. Beebe and former Sen. Mike Ross (D-Prescott), who is now in Congress, claim they were the only senators who voted against the usurers.

But the official record shows Rep. Travis Dowd (D-Texarkana) as the only legislator who voted against the bill during the official tally.

How did this screwup happen? Did somebody else vote for Beebe and Ross while they were absent?

Why wasn't the first vote expunged?

Ernie Dumas, Arkansas' greatest living journalist, who has covered the Legislature for more than 40 years and writes for The Leader, explains the episode this way:

"Unlike the House, which has voting machines where someone can come over and push your button, they actually physically call the roll in the Senate.

They say BEEBE and you holler aye or nay or present. It was 35-0 and Beebe and Ross wrote letters saying they were opposed to passage.

But that doesn't change the vote. The only way to change the vote legally is to expunge the record (which takes a two-thirds vote, 24 in the Senate). If the bill passed 18-17 and you were recorded as voting aye, that bill becomes law even if you write a letter like Beebe did saying that's not how you wanted to be recorded. It's done.

"Only Beebe probably can explain what happened that day. What happens is that the Senate will get into a period of voting on

noncontroversial bills. It's called 'running' bills. Senators are in and out of chamber and the clerk just runs down the roll call over and over on one bill after another.

Scores of them are recorded 35-0, although there may not be more than 15 senators in the chamber on any one roll call.

The bill might have been called up during that period and got through like that.

"Sen. Doyle Webb of Benton, a Republican (now chief of staff for Win Rockefeller) was the sponsor. I'm told that Sen. Cliff Hoofman (D-NLR) was furious with Webb for transmitting the bill directly to the House after passage in violation of a gentlemen's agreement to hold it in the Senate for a while. Hoofman thought it a grievous breach of civility.

(Hoofman is still a critic of check cashers but of course he was representing the pawnbrokers, so he's a good guy with an asterisk.)

And why was Hoofman not recorded against the bill?

Beebe might not have intended to, but he did legally vote for the bill."

What's more important, though, is that the attorney general says if he's elected governor, he'll ask the Legislature to repeal the cash checkers act. Asa Hutchinson, his Republican opponent, said he'll do the same.