

DELEGATE GALLAGHER: Mr. President, the exact text of this change is contained in Amendment No. 14, if it could be distributed. It would be the actual language.

THE CHAIRMAN: Would you please distribute the amendment marked No. 14?

THE CHAIRMAN: Delegate Barrick, you have a copy of the new No. 14?

DELEGATE BARRICK: Yes, I do.

THE CHAIRMAN: Would you be willing to withdraw your amendment and substitute that language.

DELEGATE BARRICK: Yes, I would.

THE CHAIRMAN: Amendment No. 11 is—is the seconder satisfied?

DELEGATE BAMBERGER: Yes.

THE CHAIRMAN: Amendment marked No. 11 is withdrawn. Please substitute in place of it Amendment No. 14, and change the number to 11. It is offered by Delegate Barrick and amended by Delegate Gallagher. So the record may be clear, I ask the Clerk to read the amendment.

READING CLERK: Amendment No. 11 substituted by 14 to Committee Recommendation GP-1, by Delegate Gallagher: in line 15 on page 1 of Committee Recommendation GP-1, strike out the words "may occur" and insert in lieu thereof "is threatened or may have occurred."

THE CHAIRMAN: The Chair recognizes Delegate Barrick. Do you desire to speak further to the amendment?

DELEGATE BARRICK: Mr. Chairman, I think it is pretty well self-explanatory. It is just a matter of trying to take care of a situation after great damage to property or life has occurred and you may want to call in the militia to do a clean-up operation.

THE CHAIRMAN: Delegate Harry Taylor had sought recognition. Does he still desire to be recognized?

DELEGATE H. TAYLOR: Mr. Chairman, I thought we had some free time. I had a parliamentary inquiry that can wait for a more appropriate time.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I used the words "is threatened" rather than "may occur" because I thought it was a compromise between "may occur" and "is imminent," which we discussed

earlier today. I felt that the "is threatened" perhaps more accurately conveyed what the sense of the Committee of the Whole might be with respect to the question of "when great destruction of life or property is involved."

Then recognizing the same difficulty which Delegate Barrick recognized, that there was no after-the-fact power conferred upon the governor with respect to this fourth category to allow him explicitly to use the militia, it was the intention of the amendment to take care of both the pre-happening and the post-happening of the great damage to life and property. The purpose, therefore, is to take care of both situations, one before the fact, and one after the fact.

THE CHAIRMAN: Is there any further discussion?

Delegate Hardwicke.

DELEGATE HARDWICKE: Will Delegate Gallagher yield for a question?

DELEGATE GALLAGHER: Yes.

DELEGATE HARDWICKE: Is your language "may have occurred," intended to be indefinite or did you not really mean to say "is threatened or has occurred"?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I think it is a question of the use of the language. My intention is to allow the governor to act after the occurrence.

DELEGATE HARDWICKE: Will the Delegate yield for a further question? Would you not accept an amendment to say "is threatened or has occurred"?

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I do not want to hang up in word surgery, but it would seem to me, as I read the sentence, "The governor may order the militia to active duty to repel invasions, suppress insurrection, enforce the execution of the laws and provide assistance when great destruction of life or property is threatened or may have occurred" that the phrase as is is a better combination of the tenses in the verbs.

It is subject to argument among literary purists, and I will yield to any literary purists, including the Style Committee, on the question.

DELEGATE HARDWICKE: May I speak on the amendment?