NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 14, 2012

3:54 p.m.

REGULAR SESSION

SENATOR JOSEPH E. ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT ROBACH: Our prayer today will be by the Reverend Peter G. Young, of Mother Teresa Community Church here in Albany.

REVEREND YOUNG: Let us pray.

On this day of togetherness with all countries, God, You never fail to provide our New York State citizens with dedicated Senators.

May God pour forth this blessing on our legislators and provide them with the spirit of courage to accept the many demands of their elected office.

As Senators, we report on this day of the session bell that calls us to hear one another for the benefit of our New York State constituents.

This invocation calls us to be true, to be the best that we can, so that we might become as a legislative leader. We need to heed the call of our own hearts with compassion and with dignity.

Amen.

ACTING PRESIDENT ROBACH: Thank you, Father.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 13th, the Senate met pursuant to adjournment. The Journal of Saturday, May 12th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT ROBACH: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Hannon.

SENATOR HANNON: Mr. President,

would you recognize Senator Breslin.

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On behalf of Senator Krueger, I move to recommit Senate Print Number 885, Calendar Number 639, to the Committee on Codes, with instructions to strike the enacting clause.

ACTING PRESIDENT ROBACH: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

Senator Hannon.

SENATOR HANNON: Mr. President, would you recognize Senator Valesky.

ACTING PRESIDENT ROBACH: Senator Valesky.

SENATOR VALESKY: Thank you.

Mr. President, I move to recommit Senate Print 4331A, Calendar Number 691 on the order of third reading, to the Committee on

Local Government, with instructions to said committee to strike the enacting clause. That's on behalf of Senator Carlucci.

ACTING PRESIDENT ROBACH: So ordered.

Senator Hannon.

SENATOR HANNON: Mr. President, we have a number of items of housekeeping.

ACTING PRESIDENT ROBACH: Continue.

SENATOR HANNON: On page 9, I offer the following amendments to Calendar Number 64, Senate Print 4717A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR HANNON: Next, on page 12, the following amendments are offered to Calendar Number 212, Senate Print 4285A, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, on page number 32 I offer the following amendments to Calendar Number 665, Senate Print 3093, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, on page number 35 I offer the following amendments to Calendar Number 702, Senate Print 6788, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, on page 26 I offer the following amendments to Calendar Number 569, Senate Print 6810, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT ROBACH: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR HANNON: Mr. President, I

have a motion to amend a bill recalled from the Assembly, on behalf of Senator Griffo.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 73, by Senator Griffo, Senate Print 5019B, an act to amend the Public Authorities Law.

SENATOR HANNON: Mr. President, I now move to reconsider the vote by which this bill passed.

ACTING PRESIDENT ROBACH: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

SENATOR HANNON: I now offer the following amendments.

ACTING PRESIDENT ROBACH: Amendments received.

Senator Hannon.

SENATOR HANNON: Mr. President, there's a resolution at the desk by Senator DeFrancisco, Resolution 4312. It was previously adopted by the house on May 1st. May we have the title read, and would you please call on Senator DeFrancisco.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4312, by Senator DeFrancisco, honoring Jeff Peneston upon the occasion of his designation as recipient of The Horace Mann Award for Teaching Excellence.

ACTING PRESIDENT ROBACH: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

This resolution actually previously passed, but today we're honored to have Jeff Peneston and his family here today, near the clock, to honor him on his incredible achievement.

This Horace Mann Award for Teaching Excellence is only given to five people throughout the country. That's five people throughout the country.

And he's been teaching at Liverpool High School for 25 years, I believe. And he currently teaches earth science, one of my least favorite subjects as I was going through high school. However, he's been able to motivate so

many different students in science and technology that it's really wonderful to see somebody that can communicate with young people and make these subjects extremely interesting and to move them further in their academic careers.

It's also interesting to note a couple of other things. We all know how important teachers are in a community. This individual is not only doing great things in the classroom, but he has community involvement as well. He's served as a summer program director and natural history educator director for Camp Natoli -- Natooli? Tatooli? Talooli. Talooli, like -- in Pennellville.

And he's had leadership roles in the American Camp Association, a course in drama organization, marching band, color board, booster groups, et cetera, et cetera, et cetera.

And this isn't his first honor. Last year he won the New York State Teacher of the Year award. And he's got many teaching awards at the local level.

So we always have to give thanks to all of our teachers, but today we have a very, very special teacher here today, the winner of

the Horace Mann Award for Teaching Excellence, Jeff Peneston.

ACTING PRESIDENT ROBACH: Thank you.

On behalf of Senator DeFrancisco and the entire Senate, Mr. Peneston, congratulations on your award. Thank you for all you do for the students. And we welcome you and your family here on your visit to the chamber. Thank you.

(Applause.)

SENATOR HANNON: Mr. President.

ACTING PRESIDENT ROBACH: Senator Hannon.

SENATOR HANNON: Mr. President, would you be so kind as to recognize Senator Young.

ACTING PRESIDENT ROBACH: Senator Young.

SENATOR YOUNG: Thank you, Mr. President.

It truly is a pleasure today to introduce a very fine young woman from my district, and that's Ms. Emillie Luce, who is the Miss World of Beauty 2011.

She's a junior at SUNY Brockport majoring in adapted physical education. She wants to be a guidance counselor. She chose her path of her career choice after being a one-on-one teacher's aide for Cattaraugus-Allegany BOCES this past summer, and she was really and truly inspired by the progress of a young boy she helped throughout the summer.

She's the daughter of Richard and Lynne Luce of Cattaraugus; that's a beautiful little village in Cattaraugus County. And Mom is here today, so we welcome her also. She's the youngest of six children, and she also spends time with family and friends, including 11 nieces and nephews. She cheers for Number 9, Mark Steenhuis of the Buffalo Bandits lacrosse team.

And she started pageants in 2007. She was crowned Miss Teenager 2007 at the Cattaraugus County Fair, and I think that's where I've met her in the past.

And she competes in pageants, which she says has changed her outlook on life. She believes that pageants are about the inner beauty, how you think and conduct yourself as a young woman.

She also has worked with Mr. Gillespie on area pageants, helps young girls with presentations to judges and the audience, and keeps in touch with women from past pageants.

She views today, meeting with Senators, Assemblymembers, and the Governor, as a lasting memory. And so it's great that she can be here to learn about state government.

So, Mr. President, if you would please extend to Ms. Luce the cordialities of the house, that would be very much appreciated. But I'm just so proud of all of her accomplishments.

ACTING PRESIDENT ROBACH: Thank you very much.

On behalf of Senator Young and all the Senators, we welcome you to the chamber. Congratulations on your many awards, and good luck in your pursuit of your education career. Enjoy your day here at the Capitol.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Hannon.

SENATOR HANNON: Mr. President, could we now proceed to the noncontroversial

reading of today's calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 120, by Senator Larkin, Senate Print 4239A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 163, by Senator Ranzenhofer, Senate Print 4124A, an act to amend the Public Health Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 176, by Senator Ritchie, Senate Print 5166, an act in relation to authorizing.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 270, by Senator Klein, Senate Print 6026, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

This legislation makes some very important changes to our existing bawdy house laws in New York State.

This bill was introduced at the request of the Bronx district attorney, Robert Johnson, and it's supported by all the district attorneys around the five boroughs in the City of New York. Because one of the problems we're seeing time and time again is that for a landlord presently to evict a tenant where drug or other criminal activity took place, now the entire burden is on the landlord.

This merely allows a district attorney to join the landlord in Housing Court, using criminal evidence and other courtroom procedures to be able to evict a tenant as quickly as possible.

These aren't your run-of-the-mill tenants. These are tenants who have already been arrested for prostitution on the premises, drugs, guns. There's presently 13 of these types of apartments that are being used as safe houses by criminals in Bronx County alone.

So I think this is an important addition to our existing laws, and I vote yes, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Klein.

Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

I know the District Attorney, Bronx District Attorney Robert Johnson, my good friend. However, I also know the poor people of my district. And they are being -- there have been too many prosecutions for the tenants, and this law might give the landlord the opportunity to evict and the district attorney to declare, when somebody brings their brothers or sisters, to be illegal. And also those -- this law often serves too many things that could be against the tenants.

I understand that we have to prosecute people that deal with drugs and whatever. But the tenants not only have the rent being too high, but also now we could allow the district attorney to go after them. I think that I cannot vote for this piece of legislation, and I think that the people in my district would not be in support of a legislation like this.

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Diaz. You will be recorded in the negative.

Senator Krueger.

SENATOR KRUEGER: Thank you. I rise to explain my vote, Mr. President.

While I appreciate the sponsor's broader intent with his legislation, the dilemma is this bill is written in such a way as even when there is no criminal activity that has been found through a court of law, with guilty parties having been convicted a district attorney could still, based on assumptions of guilt that have not yet been proved in court, move to proceed to participate in an eviction case -- which may, in fact, ultimately be found guilty in a criminal

court, in which case I would not have a problem with them representing themselves in the Housing Court proceeding -- or the criminal activity may in fact be by some party or parties not the actual legal tenants in the home.

And I fear, as my colleague Senator Diaz raised, that people would be wrongly evicted from their homes based on assumptions that had not yet been proven in a court of law.

So I am voting no and urge other colleagues to vote no.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Krueger. You will be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 270, those recorded in the negative are Senators Adams, Diaz, Dilan, Krueger, Parker, Rivera, and Serrano.

Ayes, 50. Nays, 7.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 291, by Senator Valesky, Senate Print 653A, an

act to amend the Environmental Conservation Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of October.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 359, by Senator Grisanti, Senate Print 6517, an act to amend the Local Finance Law.

ACTING PRESIDENT ROBACH: A home-rule message is at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT ROBACH: The bill

is passed.

THE SECRETARY: Calendar Number 429, by Senator Little, Senate Print 6714, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

Once again, I'm pleased that we are passing this bill here in the Senate. We have laws protecting sexual relationships between doctors and their patients. We have harassment laws that ensure that workers are not subject to sexual advances from their bosses.

Although a student may be old enough to consent to sex with a school employee, it certainly doesn't make it right. Students ought to have the same level of protection as

these people in other categories, so that they are not manipulated by those people who are persons in a position of power or persons in a position of trust.

Even though New York's legal age of consent is 17, by taking the child's age into consideration and the fact that they are a student in a school district, having a relationship with someone who is employed by that school district will be against the law. Violations would be a Class E felony and carry a sentence of up to four years in prison.

There are 20 other states that have recognized the seriousness of this issue and have passed laws doing so. I am pleased that New York State -- and hopefully this will pass the Assembly and be signed into law in New York State.

Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Little.

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 439, by Senator Robach, Senate Print 4560A, an act to amend the Correction Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Parker recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 491, by Senator Bonacic, Senate Print 6233A, an act to authorize the reestablishment.

ACTING PRESIDENT ROBACH: A home-rule message is at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 500, by Senator Grisanti, Senate Print 2478A, an act to amend the Education Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: Yes. Ever since I was -- many, many years ago -- president of the League of Women Voters, we tried very hard to separate and made sure, through most of the state, that we have separated education from politics.

And by bringing this vote to November, it just injects the political world into the education world. I'm very much opposed to that. I know the Board of Education in

Buffalo is very much opposed to that.

And yes, it does exist in a couple other of our Big Five, but it's a bad example. And I think it really denigrates education. And I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator Oppenheimer, you will be recorded in the negative.

Senator Grisanti to explain his vote.

SENATOR GRISANTI: Yes, thank you, Mr. President.

Senator Oppenheimer, I understand your concern. However, the City of Buffalo itself has requested that the elections be moved from May to November.

And if you live in the City of Buffalo, the politics that take place in May on voting in the Board of Election are worse than actually what takes place in November.

In 2010, only 4 percent of the eligible voters turned out to vote in May. That's 6,200 voters were cast out of 150,000 people eligible.

The Common Council of the City of Buffalo, in 1995, 1997, 2001, 2004, 2007, and 2009, sent a home-rule message to the Senate and the Assembly to move this particular election.

The cost to the City of Buffalo is about $150,000 to $200,000 that they would save. And the high expenses related to having the election in May, as well as the low voter turnout, make it advisable to just move the election in this particular case.

And as you know, you alluded that both Rochester and Syracuse hold their school board elections in November. And we've looked at the past practices of those particular two large cities, and there's a better turnout, better people that are qualified for the board, actually to get on the board itself.

But in reality, it's the instance of the City of Buffalo wanting to get this done and wanting to get this moved. Mr. President, I vote aye on the bill.

ACTING PRESIDENT ROBACH: Thank you, Senator Grisanti. You will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 500, those recorded in the negative are Senators Avella, Montgomery, Oppenheimer and Stavisky.

Ayes, 53. Nays, 4.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 503, by Senator Hassell-Thompson, Senate Print --

SENATOR BRESLIN: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 510, by Senator Nozzolio, Senate Print 476A, an act to amend the Correction Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Announce the results.

THE SECRETARY: In relation to Calendar Number 510, those recorded in the negative are Senators Adams, Avella, Breslin, Diaz, Dilan, Espaillat, Gianaris, Hassell-Thompson, Klein, Krueger, Montgomery, Oppenheimer, Parker, Rivera, Sampson, Serrano, Smith, Squadron, Stavisky and Stewart-Cousins.

Ayes, 37. Nays, 20.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 533, by Senator Flanagan, Senate Print 4630, an act to amend the Education Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 539, by Senator Maziarz, Senate Print 1194, an

act to amend the Correction Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Montgomery and Parker recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 565, by Senator Robach, Senate Print 6870, an act to amend Section 5 of Chapter 416 of the Laws of 2007.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 603, by Senator Young, Senate Print --

SENATOR BRESLIN: Lay it aside.

ACTING PRESIDENT ROBACH: The bill is laid aside.

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 604, by Senator Young, Senate Print 6472, an act to amend the Administrative Code of the City of New York.

SENATOR BRESLIN: Lay it aside.

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 605, by Senator Young --

SENATOR BRESLIN: Lay it aside.

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 606, by Senator Young, Senate Print --

SENATOR BRESLIN: Lay it aside.

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 655, by Senator Stavisky, Senate Print 899A, an act to amend the Abandoned Property Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: In relation to Calendar Number 655: Ayes, 57. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 662, by Senator Grisanti, Senate Print 2409D, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1 --

SENATOR BRESLIN: Lay it aside.

SENATOR HANNON: Lay it aside for the day.

ACTING PRESIDENT ROBACH: The bill is laid aside for the day.

Senator Hannon, that completes the noncontroversial reading of the calendar.

SENATOR HANNON: Mr. President, is there any other business at the desk?

ACTING PRESIDENT ROBACH: There is none.

SENATOR HANNON: There being no further business, I move we adjourn until Tuesday, May 15th, at 3:00 p.m.

ACTING PRESIDENT ROBACH: On motion, the Senate stands adjourned until

Tuesday, May 15th, at 3:00 p.m.

(Whereupon, at 4:21 p.m., the Senate adjourned.)