

May 26, 2011  
No. 26

# STATE OF NEW HAMPSHIRE

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**First Year of the 162<sup>nd</sup> Session of the  
New Hampshire General Court  
Legislative**

## SENATE CALENDAR

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**THE SENATE WILL MEET IN SESSION ON  
WEDNESDAY, JUNE 1, 2011, AT 10:00 A.M.**

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**LAI D ON THE TABLE**

**SB 14-FN**, relative to the brandishing of a firearm. 3/16/11, pending motion Re-refer to committee, Judiciary, SJ 9, pg. 136

**SB 24-FN-L**, exempting the Unity school district from the moratorium on school building aid. 3/9/11, pending motion Ought to Pass, Finance, SJ 8, pg. 89

**SB 61**, relative to capital appropriations to the liquor commission. 3/30/11, pending motion OT3rdg, Capital Budget, SJ 11, pg. 195

**SB 103**, requiring the commissioner of administrative services to develop a plan to consolidate the human resource functions within state government. 2/16/11, pending motion OT3rdg, Finance, SJ 6, pg. 56

**SB 114**, prohibiting assessing teacher performance based solely on assessment scores. 3/30/11, pending motion Committee Amendment (1215s), Education, SJ 11, pg. 209

**SB 126-FN**, relative to net operating loss carryovers under the business profits tax. 3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 176

**SB 136-FN**, relative to games of chance. 3/23/11, pending motion OT3rdg, Finance, SJ 10, pg. 186

**SB 164**, relative to the personal needs allowance of residents of nursing homes. 3/9/11, pending motion OT3rdg, Health and Human Services, SJ 8, pg. 90

**SB 165-FN**, relative to the Medicaid uncompensated care fund and the Medicaid enhancement tax. 3/30/11, pending motion OT3rdg, Finance, SJ 11, pg. 226

**SB 178**, establishing a commission to study long-term sustainable funding for school building aid and the establishment of eligibility criteria for school building aid in order to ensure that all school age children in every part of the state have access to a safe, healthy, and academic environment for learning. 3/9/11, pending motion Inexpedient to Legislate, Education, SJ 8, pg. 87

**HB 36-FN-L**, reducing the fee for copies of birth certificates. 4/13/11, pending motion OT3rdg, Ways and Means, SJ 12, pg. 253

**HB 42**, relative to the appropriate officials with whom to file for a primary. 3/30/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 11, pg. 232

**HB 89**, requiring the attorney general to join the lawsuit challenging the Patient Protection and Affordable Care Act. 5/4/11, pending motion Committee Amendment (1585s), Commerce, SJ 15, pg. 297

**HB 113**, prohibiting the use of state funds for New Hampshire public television. 5/11/11, pending motion Inexpedient to Legislate, Finance, SJ 16, pg. 328

**HB 136-FN**, repealing the uniform athlete agents act. 4/13/11, pending motion Ought to Pass, Executive Departments and Administration, SJ 12, pg. 249

**HB 156-FN-A**, reducing the rates of the tobacco tax. 4/27/11, pending motion Inexpedient to Legislate, Ways and Means, SJ 14, pg. 281

**HB 187-FN-A**, relative to the carry forward periods for the business enterprise tax credit against the business profits tax. 5/18/11, pending motion OT3rdg, Finance, SJ 17, pg. 347

**HB 305**, relative to the homestead right. 5/25/11, pending motion Inexpedient to Legislate, Judiciary, SJ 18, pg. TBA

**HB 335-FN-A**, establishing multi-use number plates. 5/4/11, pending motion Committee Amendment (1658s), Transportation, SJ 15, pg. 310

**HB 341**, relative to local spending caps. 5/18/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 17, pg. 354

**HB 348-FN**, transferring the duties of the racing and charitable gaming commission to the lottery commission and abolishing the racing and charitable gaming commission, and prohibiting new electronic gaming devices without statutory authorization. **4/27/11, pending motion Committee Amendment (1490s), Ways and Means, SJ 14, pg. 287**

**HB 369-FN-L**, relative to withdrawal from a school administrative unit or an authorized regional enrollment area school. **4/13/11, pending motion Inexpedient to Legislate, Education, SJ 12, pg. 246**

**HB 442-FN**, relative to the use of marijuana for medicinal purposes. **5/11/11, pending motion Committee Amendment (1778s), Health and Human Services, SJ 16, pg. 331**

**HB 451-FN**, relative to prerecorded political messages. **4/20/11, pending motion Ought to Pass, Public and Municipal Affairs, SJ 13, pg. 267**

**HB 542-FN**, prohibiting a school district from requiring that a parent send his or her child to any school or program to which the parent may be conscientiously opposed. **4/13/11, pending motion Inexpedient to Legislate, Education, SJ 12, pg. 247**

**HB 557-FN-A**, relative to the standards and burden of proof with respect to the business profits tax deduction for reasonable compensation attributable to owners of partnerships, limited liability companies, and sole proprietorships. **5/18/11, pending motion OT3rdg, Finance, SJ 17, pg. 348**

**HB 590**, expressing the position of the New Hampshire general court that the offering and acceptance of federal grants-in-aid relating to matters not included among the defined powers of the federal government is unconstitutional under the state and federal Constitutions and establishing a committee to review state participation in federal grant-in-aid programs. **5/18/11, pending motion Committee Amendment (1887s), Internal Affairs, SJ 17, pg. 351**

**HB 614**, requiring a performance audit of the guardian ad litem board and guardian ad litem services. **5/11/11, pending motion Ought to Pass, Judiciary, SJ 16, pg. 334**

**HB 617**, repealing the prohibitions on Sunday business activities. **5/11/11, pending motion Committee Amendment (1723s), Commerce, SJ 16, pg. 321**

**HB 634-FN**, relative to payment of guardian ad litem and mediator fees in marital cases where the parties are indigent. **5/11/11, pending motion Committee Amendment (1784s), Judiciary, SJ 16, pg. 336**

**HB 650-FN-L**, authorizing a school district to call a special meeting in the event of changes in the amount of state education funding. **5/4/11, pending motion Committee Amendment (1607s), Education, SJ 15, pg. 300**

**HCR 6**, requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties. **5/18/11, pending motion Committee Amendment (1885s), Internal Affairs, SJ 17, pg. 352**

**HCR 11**, to urge the Congress of the United States to withdraw the membership of the United States from the United Nations so that the United States may retain its sovereignty and control over its own funds and military forces. **5/18/11, pending motion Committee Amendment (1884s), Internal Affairs, SJ 17, pg. 353**

**HCR 12**, urging Congress to withdraw the United States from the North American Free Trade Agreement (NAFTA) in accordance with Article 2205 of the agreement. **5/18/11, pending motion Inexpedient to Legislate, Internal Affairs, SJ 17, pg. 353**

**HCR 19**, affirming States' powers based on the Constitution for the United States and the Constitution of New Hampshire. **5/25/11, pending motion Re-refer to committee, Internal Affairs, SJ 18, pg. TBA**

**HJR 4**, prohibiting the implementation of certain rules of the board of medicine. **5/25/11, pending motion Re-refer to committee, Health and Human Services, SJ 18, pg. TBA**

## REPORTS

### **COMMERCE**

**HB 276-FN**, relative to wine manufacturers.

Ought to Pass, Vote 4-0.

Senator Prescott for the committee.

**EDUCATION**

**HB 130**, establishing an additional method for a school to demonstrate that it provides the opportunity for an adequate education.

Ought to Pass with Amendment, Vote 4-0.

Senator Kelly for the committee.

**HB 164**, requiring legislative approval for the adoption of the common core state standards in New Hampshire.

Ought to Pass with Amendment, Vote 4-0.

Senator Carson for the committee.

**HB 429**, permitting a child 16 years of age or older to withdraw from school with parental permission.

Inexpedient to Legislate, Vote 3-1.

Senator Prescott for the committee.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 390**, relative to the reinstatement and repeal of certain boards, commissions, councils, advisory committees, and task forces, and relative to the commission on the status of women.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

**HB 565**, establishing a dental hygienists committee within the board of dental examiners.

Ought to Pass, Vote 5-0.

Senator Luther for the committee.

**HB 623**, prohibiting preferences in recruiting, hiring, promotion, or admission by state agencies, the university system, the community college system, and the postsecondary education commission.

Ought to Pass with Amendment, Vote 4-1.

Senator Groen for the committee.

**FINANCE**

**HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2012 and June 30, 2013.

Ought to Pass with Amendment, Vote 6-1.

Senator Morse for the committee.

**HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

Ought to Pass with Amendment, Vote 6-1.

Senator Morse for the committee.

**HB 462-FN**, relative to the determination of employer assessments for excess benefits paid by employers in the retirement system.

Ought to Pass with Amendment, Vote 7-0.

Senator Odell for the committee.

**HB 489-FN**, establishing a health information organization corporation.

Ought to Pass, Vote 7-0.

Senator Barnes for the committee.

**HB 490-FN**, adopting the interstate compact for juveniles.

Ought to Pass, Vote 7-0.

Senator Forrester for the committee.

**HB 505-FN**, making charter schools eligible for grants for leased space.

Ought to Pass, Vote 6-1.

Senator Barnes for the committee.

**HB 519-FN**, relative to New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

Ought to Pass, Vote 6-1.

Senator Odell for the committee.

**INTERNAL AFFAIRS**

**CACR 6**, relating to taxation. Providing that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.

Re-refer to committee, Vote 5-0.

Senator Bradley for the committee.

**CACR 12**, relating to public education. Providing that the general court shall have the authority to define standards for public education, establish standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. Re-refer to committee, Vote 5-0.  
Senator Bradley for the committee.

### **JUDICIARY**

**HB 51**, relative to screening panel members for screening panels for medical injury claims. Ought to Pass, Vote 4-0.  
Senator Groen for the committee.

**HB 82**, relative to the annulment of criminal records. Ought to Pass with Amendment, Vote 4-0.  
Senator Houde for the committee.

**HB 110**, requiring professional safety and security services personnel to report certain criminal offenses. Re-refer to committee, Vote 4-0.  
Senator Carson for the committee.

**HB 141**, relative to protected utility services. Ought to Pass with Amendment, Vote 4-0.  
Senator Luther for the committee.

**HB 145**, permitting the audio and video recording of a law enforcement officer while in the course of his or her official duties. Re-refer to committee, Vote 4-0.  
Senator Carson for the committee.

**HB 146**, relative to the right of a jury to judge the application of the law in relationship to the facts in controversy. Inexpedient to Legislate, Vote 2-2.  
Senator Houde for the committee.

**HB 147-FN**, making the commission of certain offenses punishable under the capital murder statute. Ought to Pass with Amendment, Vote 3-1.  
Senator Luther for the committee.

**HB 158**, relative to the misuse of social security numbers. Re-refer to committee, Vote 4-0.  
Senator Groen for the committee.

**HB 259**, requiring the supreme court to adopt rules of evidence for the judicial branch family division. Inexpedient to Legislate, Vote 3-1.  
Senator Carson for the committee.

**HB 375**, relative to immunity for school personnel using reasonable force to protect a minor for special purposes or pupil. Ought to Pass with Amendment, Vote 3-1.  
Senator Groen for the committee.

**HB 511**, relative to retired judges over 70 years of age. Ought to Pass with Amendment, Vote 3-1.  
Senator Luther for the committee.

**HB 597**, revising the child support guidelines based on an income shares model of calculating child support. Re-refer to committee, Vote 4-0.  
Senator Carson for the committee.

**HB 648**, relative to eminent domain petitions by public utilities. Re-refer to committee, Vote 4-0.  
Senator Luther for the committee.

# AMENDMENTS

Senate Judiciary  
May 25, 2011  
2011-2195s  
04/09

## Amendment to HB 82

Amend the bill by replacing all after the enacting clause with the following:

1 Annulment of Criminal Records. Amend RSA 651:5, I-II to read as follows:

I. Except as provided in paragraphs V-VIII, the record of arrest, conviction and sentence of any person may be annulled by the sentencing court at any time in response to a petition for annulment which is timely brought in accordance with the provisions of this section if in the opinion of the court, ~~[after hearing,]~~ the annulment will assist in the petitioner's rehabilitation and will be consistent with the public welfare. ***The court may grant or deny an annulment without a hearing, unless a hearing is requested by the petitioner.***

II. Any person whose arrest has resulted in a finding of not guilty, or whose case was dismissed or not prosecuted, may petition for annulment of the arrest record ***or court record, or both***, at any time in accordance with the provisions of this section.

2 Annulment of Criminal Records. Amend RSA 651:5, XII to read as follows:

XII. A person is guilty of a misdemeanor if, during the life of another who has had a record of arrest or conviction annulled pursuant to this section, he ***or she, having knowledge of the annulment, knowingly*** discloses or communicates the existence of such record except as provided in subparagraph XI(b) ***and paragraphs XVI-XVII.***

3 New Paragraphs; Annulment of Criminal Records. Amend RSA 651:5 by inserting after paragraph XV the following new paragraphs:

XVI. A journalist or reporter shall not be subject to civil or criminal penalties for publishing or broadcasting:

(a) That a person had a criminal record that has been annulled, including the content of that record.

(b) That a person has a criminal record, including the content of such record, without reporting that the record has been annulled, if the journalist or reporter does not have knowledge of the annulment.

XVII. No person or entity, whether public or private, shall be subject to civil or criminal penalties for not removing from public access or making corrections to a report or statement that a person has a criminal record, including the content of such record, if thereafter the criminal record was annulled. This provision shall apply to any report or statement, regardless of its format.

4 Effective Date. This act shall take effect upon its passage.

Senate Education  
May 24, 2011  
2011-2162s  
04/10

## Amendment to HB 130

Amend the title of the bill by replacing it with the following:

AN ACT relative to accountability for the opportunity for an adequate education.

Amend the bill by replacing all after the enacting clause with the following:

1 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b to read as follows:

193-E:3-b Accountability for the Opportunity for an Adequate Education. Beginning with the 2009-2010 school year, a school shall demonstrate by the end of the school year that it provides the opportunity for an adequate education under RSA 193-E:2-a by meeting the requirements of ~~[paragraph I]~~ ***subparagraphs I(a) and (b)*** of this section. Beginning with the 2011-2012 school year, a school shall demonstrate, by the end of the school year, that it provides the opportunity for an adequate education by meeting the requirements of either paragraph

I or II of this section. Following the adoption of the performance-based accountability system as provided in RSA 193-E:3-c and RSA 193-E:3-d, the department shall evaluate all schools using both the input-based school accountability system under ~~[paragraph I]~~ **subparagraphs I(a) and (b)** of this section and the performance-based accountability system under RSA 193-E:3-c and RSA 193-E:3-d. A school that satisfies the requirements of either ~~[system]~~ **paragraph I or II** shall be providing the opportunity for an adequate education.

I.~~(a)~~ A school may demonstrate~~[, through the input-based school accountability system,]~~ that it provides the opportunity for an adequate education as set forth in RSA 193-E:2-a by establishing that it ~~[met]~~ **meets** the following **input-based** school **accountability** standards in effect as of the effective date of this section:

- ~~[(a)]~~ **(1)** English/language arts and reading as set forth in Ed 306.37.
- ~~[(b)]~~ **(2)** Mathematics as set forth in Ed 306.43.
- ~~[(c)]~~ **(3)** Science as set forth in Ed 306.45.
- ~~[(d)]~~ **(4)** Social studies as set forth in Ed 306.46.
- ~~[(e)]~~ **(5)** Arts education as set forth in Ed 306.31.
- ~~[(f)]~~ **(6)** World languages as set forth in Ed 306.48.
- ~~[(g)]~~ **(7)** Health education as set forth in Ed 306.40.
- ~~[(h)]~~ **(8)** Physical education as set forth in Ed 306.41.
- ~~[(i)]~~ **(9)** Technology education, and information and communication technologies as set forth in Ed 306.42 and Ed 306.47.
- ~~[(j)]~~ **(10)** School year as set forth in Ed 306.18.
- ~~[(k)]~~ **(11)** Minimum credits required for a high school diploma as set forth in Ed 306.27(f) and (m).

~~II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.~~

~~III. In order to demonstrate that a school provides the opportunity for an adequate education through the input-based school accountability system under paragraph I:]~~

~~(b)(1)~~ The commissioner shall require school officials to submit a narrative explanation detailing how the school has complied with each of the standards included in the opportunity for an adequate education contained in ~~[paragraph I]~~ **subparagraph (a)**. The school principal and school district superintendent shall certify in writing that the responses submitted are accurate. The commissioner shall develop a form which conforms to the provisions of this paragraph.

~~(2)~~ The commissioner shall review the responses to each school's self-assessment required under this section and shall verify that the responses comply with the standards included in the opportunity for an adequate education specified under ~~[paragraph I]~~ **subparagraph (a)**.

~~(3)~~ Schools that successfully demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for any year beginning with the 2009-2010 school year shall be required by the commissioner to resubmit the narrative explanations at least once every 2 years.

~~(4)~~ Schools that are unable to demonstrate that they provide the opportunity for an adequate education through the input-based school accountability system for the 2009-2010 school year, or for any year thereafter, shall be required by the commissioner to resubmit the narrative explanations annually until such demonstration has been made.

~~(5)~~ The commissioner shall integrate, to the maximum extent practicable, the input-based school accountability system to demonstrate the opportunity for an adequate education with the school approval process pursuant to RSA 21-N:6, V.

~~(6)~~ Beginning September 1, 2012, the department shall annually conduct site visits at 10 percent of schools statewide to assess the validity of the input-based school accountability system and to determine whether those schools demonstrate the opportunity for an adequate education by meeting the school standards identified in **this** paragraph [I]. To the extent feasible, the commissioner shall conduct these site visits together with

other site visits conducted by the department for other purposes and programs. The commissioner may require more frequent site visits at schools which have been unable to demonstrate that they provide the opportunity for an adequate education. To the extent that the department conducts school site visits for other state and/or federal programs after the commencement of the 2009-2010 school year, but prior to September 1, 2012, the department shall, to the maximum extent practicable, endeavor to audit the input-based school accountability self-reporting completed by the visited school.

*(c) A school that furnishes the commissioner with evidence that it has received full accreditation from the New England Association of Schools and Colleges (NEASC) shall be deemed to be in compliance with the provisions of subparagraphs (a) and (b). The school shall submit to the commissioner copies of documentation necessary during the school's accreditation process including, but not limited to, the accreditation self-study report, peer review reports, reports of any follow-up activities taken by the school in response to NEASC's recommendations for accreditation, and the annual school update report as required by NEASC each fall. In the fifth year of the 10-year accreditation, the school shall submit a progress report to the commissioner. A school accredited by NEASC shall meet or exceed NEASC's standards and shall use those standards to measure improvement.*

*II. Beginning with the 2011-2012 school year, a school may demonstrate by the end of the school year that it provides the opportunity for an adequate education through the performance-based school accountability system to be developed and implemented by the department, pursuant to RSA 193-E:3-c and RSA 193-E:3-d and designed to measure educational outcomes.*

2 Effective Date. This act shall take effect 60 days after its passage.

**2011-2162s**

#### AMENDED ANALYSIS

This bill allows a school to demonstrate compliance with the input-based school accountability standards by furnishing evidence that it has received full accreditation from the New England Association of Schools and Colleges.

**Senate Judiciary**

**May 25, 2011**

**2011-2189s**

**06/05**

#### Amendment to HB 141

Amend the title of the bill by replacing it with the following:

AN ACT relative to the treatment of cable television as a protected utility service.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Prohibited Practices and Security Deposits; Certain Specific Acts Prohibited; Exception.  
Amend RSA 540-A:3 by inserting after paragraph I the following new paragraph:

I-a. The provisions of paragraph I shall not apply to cable television service.

2 Effective Date. This act shall take effect January 1, 2012.

**2011-2189s**

#### AMENDED ANALYSIS

This bill exempts cable television from utility services that are protected from interruption or termination by landlords.

**Senate Judiciary**

**May 25, 2011**

**2011-2191s**

**04/10**

#### Amendment to HB 147-FN

Amend the bill by replacing section 2 with the following:

2 Homicide; Capital Murder. Amend RSA 630:1, I(f) to read as follows:



(f) Another before, after, while engaged in the commission of, or while attempting to commit an offense punishable under RSA 318-B:26, I(a) or (b)[-]; **or**

***(g) Another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary as defined in RSA 635:1.***

**2011-2191s**

#### AMENDED ANALYSIS

This bill provides that a person is guilty of capital murder if he or she knowingly causes the death of another, who is licensed or privileged to be within an occupied structure, or separately secured or occupied section thereof, before, after, or while in the commission of, or while attempting to commit, burglary.

**Senate Education**

**May 24, 2011**

**2011-2160s**

**04/05**

#### Amendment to HB 164

Amend RSA 193-E:2-a, IV(b) as inserted by section 1 of the bill by replacing it with the following:

***(b)(1) The “common core state standards” developed jointly by the National Governors Association Center for Best Practices and the Council of Chief State School Officers shall not be adopted or approved, without prior approval of the general court.***

***(2) This subparagraph shall not apply to the English language arts and mathematics common core state standards which have been approved, in principle, by the state board of education prior to the effective date of this subparagraph.***

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 State Board of Education; Report on Review of English Language Arts and Mathematics Common Core State Standards. On or before December 31, 2011, the state board of education shall submit a report to the speaker of the house of representatives, senate president, and the chairmen of the house and senate education committees on the board's review of the English language arts and mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

**2011-2160s**

#### AMENDED ANALYSIS

This bill requires prior approval of the general court for the adoption, approval, or implementation of the common core state standards in any school district of this state, or as part of the New Hampshire curriculum frameworks, or as part of an adequate education. The bill also requires the state board of education to submit a report on the board's review of the English Language Arts and Mathematics common core state standards and the relevance of those standards to the delivery of public education in this state.

**Senate Judiciary**

**May 26, 2011**

**2011-2218s**

**05/10**

#### Amendment to HB 375

Amend section 1 of the bill by replacing it with the following:

1 Physical Force by Persons with Special Responsibilities. RSA 627:6, II(a) is repealed and reenacted to read as follows:

(a) A teacher or person otherwise entrusted with the care or supervision of a minor for special purposes or pupil may use reasonable force against any such minor or pupil when and to the extent that he or she may reasonably believe it necessary, to end a disturbance, to maintain decorum or safety, or to remove such minor or pupil from the premises. Conduct which is justifiable under this subparagraph constitutes a defense to any offense. The fact that such conduct is justifiable shall constitute a complete defense to any civil action based on such conduct.

2011-2218s

## AMENDED ANALYSIS

This bill permits a teacher or other person entrusted with the care or supervision of a minor or pupil to use reasonable force to end a disturbance, to maintain safety, or to remove the pupil or minor from the premises.

**Senate Executive Departments and Administration**

**May 26, 2011**

**2011-2216s**

**04/01**

**Amendment to HB 390**

Amend section 2 of the bill by inserting after paragraph (6) the following new paragraphs:

(7) RSA 9-C:4 Interagency Recycling and Product Purchase Committee

(8) RSA 19-L Citizens Trade Policy Commission

Amend the bill by replacing section 12 with the following:

12 Repeal. The following are repealed:

I. RSA 19-B:1-9, relative to the commission on the status of women.

II. RSA 21-H:14-c, II(a)(15), relative to a member from the commission on the status of women serving on the interagency coordinating council for women offenders.

III. RSA 276-B:2, I(e), relative to a member from the commission on the status of women serving on the task force on work and family.

IV. RSA 169-C:39-b, I, relative to the definition of New Hampshire children's trust fund board.

V. RSA 9-C:2, I, relative to the definition of the interagency recycling and product purchase committee.

VI. RSA 9-C:3, II, relative to cooperation with the interagency recycling and product purchase committee.

VII. 2007, 365:2 and 2007, 365:3, I, relative to the prospective repeal date of January 1, 2015 for the citizens trade policy commission.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 18:

16 State Government Waste Reduction; Procurement. Amend RSA 9-C:8 to read as follows:

9-C:8 Procurement. The division shall fulfill its responsibility as the state's procurement agency in a manner consistent with and in advancement of the policy principles of RSA 9-C:3. This shall be reflected, in part, in the division's procurement specifications and the information required from vendors and bidders. The division shall keep all state agencies that make purchases through it informed of the requirements of this chapter and shall work with such agencies ~~[and the committee]~~ in furtherance of such requirements. The division shall put in place the necessary contracts to facilitate the purchase of those materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, H(b),]~~ **division** when they are of a type normally procured through the division, as well as other materials, supplies, and products containing recycled materials for which there is a demand. The division~~[-in consultation with the committee,]~~ shall also arrange for the pickup of recycled materials, where feasible, at those state agencies that purchase through the division.

17 State Government Waste Reduction; Reporting. Amend RSA 9-C:10 to read as follows:

9-C:10 Reporting.

I.(a) ~~[The committee]~~ **Each agency** shall prepare a form, with assistance from the director of the division, that shall be used to report on agency success in complying with this chapter. The head or governing board of each department or other primary state agency shall complete the form to the extent that the information requested is applicable to the agency, and return it to the ~~[committee]~~ **division** by September 1 of each year beginning in 2009. Information concerning administratively attached agencies, as identified by the ~~[committee]~~ **division**, shall be included within the report of the primary state agency. The form shall require the reporting of information in sufficient detail to allow the ~~[committee]~~ **division** to prepare its annual report under paragraph II. When possible, the ~~[committee]~~ **division** shall rely upon information already recorded by the division through the procurement process.

(b) The primary state agency shall certify on such form that the agency is in compliance with each policy provision of RSA 9-C:3, I and if not, the reasons for non-compliance and the agency's plan for compliance.

II. The ~~[committee]~~ **division** shall submit a report on compliance with this chapter by November 1 of each year beginning in 2009 to the governor, the legislative committees of jurisdiction, the department of environmental services, and the state library that shall include, but not be limited to, both detailed and summarized information, as best can be determined, on:

(a) The waste materials that were either recycled or otherwise disposed of by state agencies during the prior fiscal year by type, quantity, disposal cost or sales revenue, and agency.

(b) Purchases made by state agencies during the prior fiscal year of those types of materials, supplies, and products identified by the ~~[committee under RSA 9-C:4, II(b)]~~ **division** as being available with recycled material content, by type, recycled material content, if any, quantity, cost, and agency. ~~[Where possible, the committee shall rely upon information recorded by the division through the procurement process.]~~

(c) The response given by each state agency to the certification requirement under subparagraph I(b) relative to its compliance with each policy principle of RSA 9-C:3, I.

(d) Any recommended changes to state laws, policies, or practices that would advance the policy principles of RSA 9-C:3, I, including any offered by state agencies under paragraph I.

(e) The actions taken by the division to fulfill its responsibilities under RSA 9-C:8 as the state's procurement agency.

~~[(f) The activities of the committee during the past year, including a copy of the document prepared by the committee under RSA 9-C:4, III.]~~

III. The legislative branch shall devise its own method of reporting compliance with this chapter and shall not be considered a state agency for purposes of reporting under this section.

#### **Senate Finance**

**May 26 2011**

**2011-2211s**

**10/05**

#### **Amendment to HB 462-FN**

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-4 to read as 3-5, respectively:

2 Application. The provisions of RSA 100-A:16, III-a as inserted by section 1 of this act shall not apply to a binding contract or a binding collective bargaining agreement in effect on the effective date of this section, to the extent required by the contract or agreement, before the termination of such contract or the date on which the collective bargaining agreement terminates, or while the terms of the existing contract remain in force as a result of either the operation of law or the status quo doctrine, or a provision in the existing contract because the parties have failed to agree to a new contract or a contract extension, on or after the effective date of this section.

#### **Senate Judiciary**

**May 26, 2011**

**2011-2217s**

**08/03**

#### **Amendment to HB 511**

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Applicability. Section 1 of this act shall apply only to cases filed on or after the effective date of this act.

#### **Senate Executive Departments and Administration**

**May 26, 2011**

**2011-2212s**

**05/01**

#### **Amendment to HB 623**

Amend RSA 21-I:52, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, **religion**, religious beliefs or affiliations, age, sex, **sexual orientation**, **national origin**, or race. ~~[In addition, no person shall have any such employment action taken on account of such person's sexual orientation.]~~ **Additionally, except as provided in paragraph I-a, there shall be no preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex, sexual orientation, national origin, religion, or religious beliefs.** Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

## COMMITTEE OF CONFERENCE

**SB 3-FN-A-L**, making comprehensive changes to the state retirement system.

Senate Conferees: (C) Senators Bradley, Carson, Groen.

House Conferees: Representatives Hawkins, Kurk, W. Smith, Sedensky.

**HB 26-FN**, relative to the definition of gross misconduct for purposes of unemployment compensation.

House Conferees: (C) Representatives Daniels, Infantine, Laware, Goley.

Senate Conferees: Senators White, Sanborn, Houde.

**HB 33**, relative to the care of memorials in Franconia Notch state park.

House Conferees: (C) Representatives Baldasaro, Swinford, Bolster, Parkhurst.

Senate Conferees: Senators Gallus, Barnes, Jr., Merrill.

**HB 299-FN**, relative to the method of financing for the judicial retirement plan.

House Conferees: (C) Representatives Hawkins, Cohn, Winter, Sanborn.

Senate Conferees: Senators Carson, Luther, Larsen.

**HB 380**, exempting the commission on the status of men from repeal on June 30, 2011 and adding a duty to the commission.

House Conferees: (C) Representatives Winter, Hansen, Whitehead, Bowers.

Senate Conferees: Senators Carson, Groen, Larsen.

**HB 483-FN-L**, relative to mosquito control.

House Conferees: (C) Representatives Sterling, Ferrante, K. Roberts, Burt.

Senate Conferees: Senators Barnes, Lambert, Kelly.

**HB 622**, relative to adjustments to the semi-annual and quarterly collection of property taxes in towns and cities.

House Conferees: (C) Representatives B. Patten, Ferrante, Sterling, D. Hooper.

Senate Conferees: Senators Barnes, Stiles, Merrill.

# MEETINGS

## ***FRIDAY, MAY 27, 2011***

### **ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m.	New Hampshire Department of Revenue Administration 109 Pleasant Street Concord, NH	Regular Meeting
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### **JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1)**

11:00 a.m.	Room 100, SH	Regular Meeting
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### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

2:00 p.m.	Room 101, LOB	Non-Public deliberations by the board
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## ***TUESDAY, MAY 31, 2011***

### **BUDGET PRESENTATION TO THE SENATE**

1:00 p.m.	Room 100, SH	An overview of the budget will be presented by the Senate Finance Chairman to members of the Senate. Senators are encouraged to attend and are welcome to ask questions.
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## ***WEDNESDAY, JUNE 1, 2011***

### **ADVISORY COMMITTEE ON THE EDUCATION OF CHILDREN/STUDENTS WITH DISABILITIES (RSA 186-C:3-b)**

4:30 p.m.	NH Department of Education Londergan Hall, Room 15 101 Pleasant Street Concord, NH	Regular Board Meeting
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## ***FRIDAY, JUNE 3, 2011***

### **COMMISSION TO STUDY REQUIREMENTS FOR SAFE AND SECURE LANDFILLS (HB 672, Chapter 252:1, Laws of 2007)**

9:00 a.m.	Room 304, LOB	Regular Meeting
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### **OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3)**

9:00 a.m.	Room 205, LOB	Regular Meeting
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### **LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)**

1:30 p.m.	Room 104, LOB	Regular Meeting
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## ***MONDAY, JUNE 6, 2011***

### **JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)**

1:00 p.m.	Room 212, LOB	Regular Meeting
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## ***FRIDAY, JUNE 10, 2011***

### **STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, I)**

9:30 a.m.	Room 101, LOB	Regular Meeting
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## ***MONDAY, JUNE 13, 2011***

### **COMMISSION RELATIVE TO CHILDREN'S HEALTH INSURANCE (RSA 126-H:10)**

1:00 p.m.                      Room 103, LOB                      Regular Meeting

## ***TUESDAY, JUNE 14, 2011***

### **COMMITTEE TO STUDY THE 2009 NEW HAMPSHIRE CHILD SUPPORT GUIDELINES REVIEW AND RECOMMENDATIONS (HB 1193, Chapter 26:2, Laws of 2010)**

10:00 a.m.                      Room 206, LOB                      Work Session with UNH Team

### **HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

1:00 p.m.                      New Futures, The Concord Center                      Mental Health and Substance Abuse  
10 Ferry Street                      Prevention and Treatment  
Concord, NH                      Subcommittee Meeting

## ***FRIDAY, JUNE 17, 2011***

### **JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m.                      Rooms 305-307, LOB                      Regular Meeting

### **FISCAL COMMITTEE OF THE GENERAL COURT (RSA 14:30-a)**

10:00 a.m.                      Rooms 210-211, LOB                      Regular Business

### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

10:00 a.m.                      Room 101, LOB                      Non-Public session of the  
Complaint Review Committee

### **GUARDIAN AD LITEM BOARD (RSA 490-C:1)**

1:00 p.m.                      Room 102, LOB                      Regular Meeting

## ***MONDAY, JUNE 20, 2011***

### **INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)**

9:00 a.m.                      Room 101, LOB                      Regular Meeting

### **BOARD OF MANUFACTURED HOUSING (RSA 205-A:25)**

1:00 p.m.                      Room 201, LOB                      Regular Meeting

## ***TUESDAY, JUNE 21, 2011***

### **LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)**

3:00 p.m.                      Room 201, LOB                      Regular Business

## ***THURSDAY, JUNE 23, 2011***

### **HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

2:00 p.m.                      Division of Public Health Services                      Public Health Improvement Services  
Room 312                      Subcommittee Meeting  
29 Hazen Drive  
Concord, NH

## ***FRIDAY, JUNE 24, 2011***

### **ASSESSING STANDARDS BOARD (RSA 21-J:14-a)**

9:30 a.m.                      New Hampshire Department                      Regular Meeting  
of Revenue Administration  
109 Pleasant Street  
Concord, NH

### **NEW HAMPSHIRE RAIL TRANSIT AUTHORITY (RSA 238-A:2)**

10:00 a.m.                      Room 201, LOB                      Regular Meeting

**WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62)**

10:00 a.m.

Rooms 305-307, LOB

Regular Meeting

***MONDAY, JUNE 27, 2011*****OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m.

Room 305, LOB

Regular Meeting

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**SENATE BILLS AMENDED BY THE HOUSE****SB 21**, relative to exemptions from excavating and drainage permits.**SB 28**, establishing an exemption from the licensing requirements for nondepository first mortgage bankers and brokers for persons providing loans for certain seller-financed transactions.**SB 37**, relative to the determination of residency for certain pupils.**SB 40**, making technical corrections to meals and rooms tax laws.**SB 45**, relative to criteria for designation as a Granite State scholar.**SB 51**, relative to the establishment of a state leadership team to address issues concerning certain adults with developmental disabilities who may present a substantial risk to the community.**SB 52-FN**, excluding persons convicted of violent crimes and sexually violent persons from mandatory early release on probation or parole.**SB 53-FN**, relative to the definition of nursing and establishing a nursing assistant registry fund administered by the board of nursing.**SB 58-FN-A**, adding qualified community development entities to the definition of "qualified investment company" under the business profits tax and the business enterprise tax.**SB 63**, relative to the list of bail bondsmen and prohibiting law enforcement and corrections officers from indicating preferences for bail bond companies.**SB 64**, removing the oath requirement for criminal complaints filed by police officers.**SB 67**, establishing a committee to study school vouchers and school choice.**SB 68**, relative to records of disciplinary actions taken by the electricians' board.**SB 93**, relative to pharmacist administration of vaccines.**SB 98**, revising the international registration plan.**SB 99**, relative to trailer brakes.**SB 120**, relative to alcoholic beverage advertising restrictions.**SB 123**, relative to notification if a person found incompetent to stand trial and civilly committed is released into the community.**SB 125-FN-A**, relative to the business profits tax deduction for reasonable compensation.**SB 144**, relative to extending certain permits and approvals.**SB 146-FN**, relative to requiring submission of a reduced spending alternative as part of the biennial budget process.**SB 162-FN**, relative to federal health care reform 2010.**SB 189**, relative to the definition of mortgage loan originator.**SB 196**, relative to the renomination or reelection of teachers and prohibiting assessing teacher performance based solely on assessment scores.

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2011 BILLS:**

SENATE BILLS: 26, 35, 81, 147, 174

HOUSE BILLS: 35, 44, 55, 86, 132, 142, 246, 262, 284, 288, 291, 313, 339, 398, 426, 532, 571, 609, 621

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**FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2011 BILLS:**

SENATE BILLS: 1, 3, 12, 20, 21, 22, 33, 35, 53, 56, 58, 66, 70, 71, 72, 74, 75, 76, 81, 82, 83, 125, 128, 129, 130, 131, 132, 133, 136, 138, 139, 142, 145, 147, 148, 151, 152, 154, 155, 156, 157, 159, 160, 161, 162, 163, 165, 168, 170, 183, 185, 186, 188

HOUSE BILLS: 26, 35, 72, 186, 205, 206, 210, 229, 231, 284, 289, 299, 330, 337, 411, 419, 444, 468, 488, 489, 528, 542, 557, 571, 601, 609, 621, 642

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## NOTICES

Topics Needed for Performance Audit: The Joint Legislative Performance Audit and Oversight Committee (RSA 17-N) seeks input from House and Senate members for potential performance audit topics. LBA audit division is currently completing audits of the Division of State Police Forensic Laboratory and the self-funded State Employees Health Benefit Program. House and Senate members are encouraged to submit potential audit topics to Committee Chairman Senator Peter Bragdon or Committee Clerk Representative John Reagan. Subjects for performance audit should be focused on the member's perception of the problem they wish audited. Performance audits determine the degree with which the program fulfills the intent of the enabling legislation. For more information visit <http://www.gencourt.state.nh.us/lba>.

Senator Peter Bragdon, Senate President

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### FRIDAY, JUNE 3, 2011

All legislators and members of the public are cordially invited to attend the portrait unveiling of the Hon. Donna P. Sytek – the first female Speaker of the New Hampshire House of Representatives. The event will be held on Friday, June 3<sup>rd</sup> at 1:00 pm in the Executive Council Chambers.

Senator Chuck Morse

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### SUNDAY, JUNE 5, 2011

Members of the House and Senate are invited to the Johnson Bay Ribbon-Cutting Ceremony to be held on Sunday, June 5, 2011 at 2:00 p.m. in Meredith. SB 85 was an act naming a bay in the Town of Meredith after Senator Johnson and his wife, Jeanette. Johnson Bay was signed into law by the Governor on April 28, 2011.

Directions to 42 Dale Road, Meredith, NH:

From points north and south: Take exit 23 on I-93. Head east on NH Route 104 towards Meredith. Follow for about 8 miles to the end. Turn left onto US Route 3 North. Follow for 1 mile to the lights and bear right onto NH Route 25 East. Follow for 0.1 miles and turn right onto Pleasant Street/Meredith Neck Road. Follow for a total of 2.5 miles and turn right onto Old Hubbard Road. Follow for 1 mile (keeping left at the first fork) to a three-way intersection. Take the middle road, which is Dale Road. #42 will be on the left at 0.3 miles.

Senator Jeanie L. Forrester

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## SENATE SCHEDULE

Monday, May 30, 2011	Memorial Day (State Holiday)
Thursday, June 02, 2011	Last Day to ACT on all House bills.
Wednesday, June 08, 2011	Last Day to FORM Committees of Conference.
Thursday, June 16, 2011 at 12:00 p.m.	Last Day to SIGN Committee of Conference Reports.
Thursday, June 23, 2011	Last Day to ACT on Committee of Conference Reports.
Monday, July 4, 2011	Fourth of July (State Holiday)
Monday, September 5, 2011	Labor Day (State Holiday)
Friday, November 11, 2011	Veterans' Day (State Holiday)
Thursday, November 24, 2011	Thanksgiving Day (State Holiday)
Friday, November 25, 2011	Day after Thanksgiving (State Holiday)
Monday, December 26, 2011	Christmas Day (State Holiday)

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## VISITORS' CENTER SCHEDULE – MAY & JUNE

### State House Visitation Schedule

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2011. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes.

Please contact the Visitors' Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitors' Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director  
Deborah Rivers, Public Information Administrator

<b>DATE</b>	<b>TIME</b>	<b>GROUP</b>	<b>Group#/Grade</b>
May 27	9:15	St. Thomas School of Derry	45/3&4
May 27	10:00	Lin-Wood School – Lincoln	32/4
May 27	11:00	New Hampton School	26/4
May 27	12:30	Holderness Central School	22/4
May 31	9:00	Hollis Brookline High School	46/HS
May 31	9:45/11:00 SH/HM	Richards School – Newport	80/4
May 31	11:30	Northwood Elementary School	60/4
June 1	9:30	Mountain Shadows School – Dublin	10/6
June 1	10:00	Kensington Elementary School	40/4
June 1	11:00	Dunbarton Elementary School	31/4
June 2	10:00	Salisbury/Webster Elementary Schools	30/4
June 2	10:00	Cornerstone Christian Academy – Ossipee	10/4
June 2	11:00	Birch Hill Elementary School – Nashua	77/4
June 3	9:00/10:30 SH/SC	Riddle Brook Elementary School – Bedford	80/4
June 3	11:30	William E. Lancaster School – Salem	
June 6	9:00	John Fuller School – No. Conway	28/4
June 6	10:15/11:30 SH/Giftshop	Pelham Elementary School	100/4
June 7	9:00	Andover Elementary Middle School	54/3&4
June 7	10:00/11:30 SH/HM	Interlakes Elementary School – Meredith	80/4
June 7	12:30	Conant Rumford School – Concord	45/4
June 8	10:15/11:30 SH/Giftshop	Pelham Elementary School	75/4
June 8	12:30	Conant Rumford School – Concord	45/4
June 9	10:15	Winchester School	60/4

<b><i>DATE</i></b>	<b><i>TIME</i></b>	<b><i>GROUP</i></b>	<b><i>Group#/Grade</i></b>
June 9	12:30	Milton Elementary School	44/4
June 10	9:00/10:30 SH/SC	Riddle Brook Elementary School – Bedford	80/4
June 10	11:30	Jonathan Daniels School – Keene	29/4
June 10	1:30	Home School from Chesterfield	
June 13	9:00	Ben Franklin Elementary School – Keene	35/4
June 13	10:00	Plymouth Elementary School	43/4
June 13	11:30	Lakeway Elementary School – Littleton	60/4
June 14	9:15/10:30 SH/HM	Smyth Road School – Manchester	96/4
June 15	9:00/10:30 SH/HM	Maple St. School – Hopkinton	64/4
June 15	11:00/12:00	Northwest Elementary School – Manchester	100/4
June 16	9:45	Lincoln-Akerman School – Hampton Falls	44/4
June 17	12:30	Boscawen Elementary School – Gettysburg Recitation Group	12/5