

October 27, 2011
No. 44

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



**First Year of the 162nd Session of the
New Hampshire General Court
Legislative**

SENATE CALENDAR

THE SENATE IS IN RECESS TO THE CALL OF THE CHAIR

EXECUTIVE SESSIONS AND WORK SESSIONS

TUESDAY, NOVEMBER 8, 2011

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH

Sen. Carson (C), Sen. Groen (VC), Sen. Larsen, Sen. Luther, Sen. White

1:00 p.m.

WORK SESSION ON THE FOLLOWING RE-REFERRED BILLS

SB 185-FN, establishing a restitution fund for victims of financial fraud and continually appropriating a special fund.

SB 186-FN, repealing the exemption from the consumer protection act for certain regulated trade and commerce.

SB 188-FN, relative to the authority and roles of the banking department, the attorney general, and the bureau of securities regulation in state regulation of securities.

HB 102, establishing a committee to study certain issues relative to the insurance department, banking department, and bureau of securities regulation of the office of the secretary of state.

NOTE: The Chandler Report will be presented to the Committee by Mr. Charlie Chandler at 1:00 p.m.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Odell (C), Sen. Luther (VC), Sen. Boutin, Sen. D'Allesandro, Sen. Morse, Sen. Rausch

10:00 a.m.

WORK SESSION ON THE FOLLOWING RE-REFERRED BILL

SB 132-FN-A-L, establishing exemptions from the real estate transfer tax.

EXECUTIVE SESSION ON THE FOLLOWING RE-REFERRED BILLS

SB 13-FN, increasing the limit on single wagers for games of chance conducted by charitable organizations.

SB 132-FN-A-L, establishing exemptions from the real estate transfer tax.

SB 155-FN-A, relative to section 179 expense deductions under the business profits tax.

SB 167-FN-A-L, establishing a production jobs creation credit under the business enterprise tax and making changes affecting small business to the business profits tax, the business enterprise tax, and the meals and rooms tax.

SB 182-FN-A-L, relative to video lottery and table gaming, providing property tax relief for local economies, providing services for problem gamers, and promoting tourism and public safety.

MEETINGS

FRIDAY, OCTOBER 28, 2011

TASK FORCE TO DEVELOP A PERFORMANCE-BASED SCHOOL ACCOUNTABILITY SYSTEM
(RSA 193-E:3-c)

9:00 a.m.

Department of Education, Room 15
101 Pleasant Street
Concord, NH

Joint Meeting with the
Department of Education
AYP Task Force

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

10:00 a.m.

Rooms 210-211, LOB

Regular Business

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

10:00 a.m.	Merrimack Town Hall 2 nd Floor Meeting Room 6 Baboosic Lake Road Merrimack, NH	Regular Meeting
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TUESDAY, NOVEMBER 1, 2011**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)**

10:00 a.m.	Room 205, LOB	Children, Youth and Family Subcommittee 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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AIR POLLUTION ADVISORY COMMITTEE (RSA 125-J:11)

1:00 p.m.	Room 304, LOB	Organizational Meeting Meeting to receive a report, as required by law, from the Department of Environmental Services regarding regulation of Outdoor Wood Boilers.
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COMMITTEE TO DEVELOP A PLAN TO INCREASE THE USAGE OF CONTRACTORS TO PERFORM CERTAIN DUTIES OF THE DEPARTMENT OF TRANSPORTATION (HB 2, Chapter 224:277, Laws of 2011)

1:00 p.m.	Room 212, LOB	Regular Meeting
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COMMITTEE TO REVIEW STATE PARTICIPATION IN FEDERAL GRANT-IN-AID PROGRAMS (HB 590, Chapter 226:1, Laws of 2011)

1:00 p.m.	Room 104, LOB	Meeting to Approve Final Report
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HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

1:00 p.m.	Room 205, LOB	Mental Health and Substance Abuse Subcommittee Meeting
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LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR COMPLIANCE WITH THE REQUIREMENTS FOR ONLINE ACCESS TO BUDGET INFORMATION AND REPORTS UNDER RSA 9-F:1 (RSA 9-F:2)

1:00 p.m.	Room 308, LOB	Regular Meeting
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ELECTRIC UTILITY RESTRUCTURING LEGISLATIVE OVERSIGHT COMMITTEE (RSA 374-F:5) JOINT WITH AIR POLLUTION ADVISORY COMMITTEE (RSA 125-J:11)

1:30 p.m.	Room 304, LOB	Joint Meeting to receive reports, as required by law, from the Public Utilities Commission and the Department of Environmental Services regarding the status and implementation of the Regional Greenhouse Gas Initiative in New Hampshire.
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ELECTRIC UTILITY RESTRUCTURING LEGISLATIVE OVERSIGHT COMMITTEE (RSA 374-F:5)

2:00 p.m.	Room 304, LOB	Meeting to receive a report, as required by law, with regard to how the renewable energy fund is being used, and any recommended changes for use; also to hear a presentation on the use of the system benefits charge for energy efficiency and electric assistance programs.
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COMMITTEE TO DEVELOP A PLAN FOR PRIVATIZING THE DEPARTMENT OF CORRECTIONS
(HB 2, Chapter 224:346, Laws of 2011)

3:00 p.m. Room 209, LOB Regular Meeting

THURSDAY, NOVEMBER 3, 2011

COMMITTEE TO STUDY ISSUES REGARDING FINANCIAL RESOURCES MORTGAGE, INC. (HB 178, Chapter 119:1, Laws of 2011)

9:00 a.m. Rooms 210-211, LOB Regular Meeting

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

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

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

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

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

1:00 p.m. Room 205, LOB Medical Sharps Subcommittee Meeting

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2)

3:00 p.m. Room 103, SH Regular Meeting

FRIDAY, NOVEMBER 4, 2011

ADVISORY COUNCIL ON UNEMPLOYMENT COMPENSATION (RSA 282-A:128)

9:00 a.m. NH Employment Security Quarterly Meeting
32 South Main Street
Concord, NH

MONDAY, NOVEMBER 7, 2011

CHARTER SCHOOLS AND OPEN ENROLLMENT LEGISLATIVE OVERSIGHT COMMITTEE (RSA 194-B:21)

10:00 a.m. Room 103, LOB Regular Meeting

TASK FORCE ON WORK AND FAMILY (RSA 276-B)

2:00 p.m. Room 206, LOB Regular Meeting

TUESDAY, NOVEMBER 8, 2011

COMMITTEE TO DEVELOP A PLAN FOR PRIVATIZING THE DEPARTMENT OF CORRECTIONS
(HB 2, Chapter 224:346, Laws of 2011)

3:00 p.m. Room 209, LOB Regular Meeting

CURRENT USE BOARD (RSA 79-A:3)

4:00 p.m. North Country Resource Center Public Forum
629 B Main Street
Lancaster, NH

WEDNESDAY, NOVEMBER 9, 2011

HEALTH INFORMATION ORGANIZATION BOARD (RSA 332-I:8)

8:00 a.m. Room 205, LOB Regular Meeting

JOINT HEALTH CARE REFORM OVERSIGHT COMMITTEE (RSA 420-N:3)

1:00 p.m. Room 302, LOB Regular Meeting

THURSDAY, NOVEMBER 10, 2011

COMMISSION TO STUDY THE EFFECTS OF SERVICE-CONNECTED POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY SUFFERED IN THE LINE OF DUTY BY MEMBERS OF THE ARMED FORCES AND VETERANS (RSA 115-D:1)

2:30 p.m. Room 203, LOB Regular Meeting

CURRENT USE BOARD (RSA 79-A:3)

4:00 p.m. Newbury Town Hall Public Forum
937 Route 103
Newbury, NH

MONDAY, NOVEMBER 14, 2011

CURRENT USE BOARD (RSA 79-A:3)

9:30 a.m. Department of Revenue Administration Public Forum followed by
109 Pleasant Street Regular Meeting
Concord, NH

COMMISSION TO STUDY BUSINESS TAXES (RSA 77-F)

10:00 a.m. Room 203, LOB Regular Meeting

COMMISSION ON PRIMARY CARE WORKFORCE ISSUES (RSA 126-T)

10:00 a.m. Room 305, LOB Regular Meeting

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

1:00 p.m. Joint Board of Licensure & Certification Board Meeting & Hearing
57 Regional Drive
Concord, NH

ADVANCED MANUFACTURING EDUCATION ADVISORY COUNCIL (RSA 188-E:21)

3:00 p.m. Room 101, LOB Regular Meeting

TUESDAY, NOVEMBER 15, 2011

JOINT LEGISLATIVE INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE (RSA 21-R:9)

10:00 a.m. Room 212, LOB Regular Meeting

COMMITTEE TO DEVELOP A PLAN FOR PRIVATIZING THE DEPARTMENT OF CORRECTIONS (HB 2, Chapter 224:346, Laws 2011)

3:00 p.m. Room 212, LOB Regular Meeting

WEDNESDAY, NOVEMBER 16, 2011

COMMISSION TO STUDY THE FUTURE OF THE NEW HAMPSHIRE MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION (RSA 404-C:14-VII)

1:00 p.m. Room 100, SH Regular Meeting

THURSDAY, NOVEMBER 17, 2011

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

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

AUTOMATED EXTERNAL DEFIBRILLATOR ADVISORY COMMISSION (RSA 195-I:2)

1:00 p.m. Room 302, LOB Regular Meeting

FRIDAY, NOVEMBER 18, 2011

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

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

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

1:00 p.m. Room 101, LOB Regular Meeting

NH-CANADIAN TRADE COUNCIL (RSA 12-A:2-g)

1:00 p.m. Upham-Walker House Regular Meeting
18 Park Street
Concord, NH

MONDAY, NOVEMBER 21, 2011**INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS (RSA 21-H:14-c)**

9:00 a.m. Room 100, SH Regular Meeting

TUESDAY, NOVEMBER 22, 2011**INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER OVERSIGHT COMMITTEE (RSA 187-A:32)**

9:00 a.m. The President's Regular Meeting
Conference Room
Thompson Hall, UNH
Durham, NH

MONDAY, NOVEMBER 28, 2011**OIL FUND DISBURSEMENT BOARD (RSA 146-D:4)**

9:00 a.m. Room 305, LOB Regular Meeting

TUESDAY, NOVEMBER 29, 2011**JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1)**

10:00 a.m. Room 208, LOB Regular Meeting

MEDICAL MALPRACTICE PANEL AND INSURANCE OVERSIGHT COMMITTEE (RSA 519-B:13)

10:30 a.m. Room 102, LOB Organizational Meeting

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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 REFERRED AND RETAINED BILLS:

SENATE BILLS: 71, 74, 83, 84, 132, 142, 152, 155, 159, 160, 163, 168, 185, 186, 188

HOUSE BILLS: 72, 110, 186, 210, 225, 330, 378, 466, 479, 508, 520, 528

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NOTICES

The LOB garage will be closed for essential repairs beginning July 5th and ending November 11th. Storrs Street garage will be open to all employees and legislators who will be displaced during the repairs. Thank you.

Senator Peter Bragdon, Senate President

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The New England Power Generators Association, Inc., in conjunction with other New Hampshire independent power producers, will be offering the following series of plant visits for legislators and staff:

- Monday, October 31st – NAEA Newington Energy, a 525 MW dual-fired combined cycle electric generation facility located in Newington, from 11:00 a.m. to 1:00 p.m. (bus will leave State House at 10:00 a.m. and return at 2:00 p.m.)

For more information, or to RSVP, please contact Sandi Hennequin at shennequin@nepga.org or at 436-3037.

Senator Bob Odell

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WEDNESDAY, NOVEMBER 30, 2011

Plymouth State University Legislators Brunch

At PSU Welcome Center and Ice Arena Wednesday, November 30, 2011, 10:00 a.m. – 12:00 p.m. Kindly RSVP by November 4, 2011 to Laura Hinman at (603) 535-2274 or ljhinman@plymouth.edu. Parking is available adjacent to ice arena in Visitor Lot 602.

Senator Jeanie L. Forrester

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LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion and interpretive ruling, which are printed below in their entirety.

Advisory Opinion 2011-3

Response to a Request for an Advisory Opinion

From Peter Bragdon, President of the Senate

(October 6, 2011)

Senator Peter Bragdon has requested an Advisory Opinion whether, consistent with applicable statutes and Ethics Guidelines, it would be permissible for him to accept complimentary admission to the Annual Dinner of the Business and Industry Association of New Hampshire (BIA). Specifically, he has asked whether his attendance on that basis would meet the criteria of RSA 15-B:2, V(b)(10), and therefore be exempt from the definition of “gift” in RSA 15-B:2, V(a)(2).

According to information provided to the Committee by Senator Bragdon, the invitation has been extended to him in his position as an elected official. His request describes the event and is accompanied by an informational BIA press release. The value of the free admission is said to be \$110, the price of a ticket to attend.

Relevant Provisions of Law

RSA 15-B:2, V(a)(2)

V.(a) “Gift” means:

(2) Any... tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$25 is presumed to be of insignificant economic value.

RSA 15-B:2, V(b)(10)

(b) Notwithstanding subparagraph (a), “gift” shall not include: * * *

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

Committee Analysis

We advise as follows: It appears from the facts presented that Senator Bragdon has been invited by the sponsoring organization to attend the dinner in his official capacity as President of the Senate. Under these

circumstances, the exemption in RSA 15-B:2,V(b)(10)(B) would apply, and his acceptance of complimentary meals and beverages associated with such attendance, as offered directly by the sponsoring organization, would not constitute acceptance of a prohibited gift.

We emphasize that our advice is based on our understanding that the invitation has been extended directly by the sponsoring organization, and that no intermediary is involved.

We express no opinion as to whether the “primary significance” of the BIA dinner is “ceremonial or celebratory.” We appreciate the opportunity to be of assistance.

For the Committee,
Martin L. Gross
Chairman

[Vote 6-1]

INTERPRETIVE RULING 2011-#2

(October 6, 2011)

RSA 15-B:2

Payments to Legislators by Presidential Campaigns

Robert D. Mead, House Chief of Staff, has requested an Interpretive Ruling on the following questions:

“Would there be a gift as defined by RSA 15-B:2, V if a presidential campaign were to pay for or provide reimbursement for a member of the House’s transportation, food and/or lodging related to the member’s attendance at or participation in an activity of or event involving the presidential campaign, where the value exceeds \$25.00, and the payment or reimbursement was not reported on an IRS form 1099 identifying the member as the recipient ?

“If the answer to this question is “yes,” please advise whether the payment or reimbursement would be a gift as defined by RSA 15-B:2, V if the payment or reimbursement was reported on an IRS form 1099 identifying the member as the recipient?”

The Committee responds as follows:

Relevant Provisions of Law

RSA 15-B:2, V(a)(1)

V. (a) “Gift” means:

(1) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

RSA 15-B:2, V(b)(11)

(b) Notwithstanding subparagraph (a), “gift” shall not include:*** (11) Expense reimbursement or an honorarium.

RSA 15-B:2, VI

“Honorarium” means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for an appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities. Honorarium does not include a payment for such activities for which the person is being compensated by the state, a county, the United States of America, or by any other employer or client, where the activity giving rise to the honorarium is not related to or associated with any public office or government employment.

RSA 15-B:7

Honorarium, or Expense Reimbursement Report. The secretary of state shall establish a uniform report of receipt of an honorarium or expense reimbursement, which may be in paper or electronic form.

I. The report shall include at a minimum the following information, which shall be public:

(a) The full name, work address, work phone number, the office, appointment, or employment held by person subject to the reporting requirement.

(b) The full name, post office address, occupation, and principal place of business, if any, of the source of any reportable honorarium or expense reimbursement. When the source is a corporation or other entity, the name and work address of the person representing the corporation or entity in making the honorarium or expense reimbursement must be provided in addition to the name of the corporation or entity.

(c) The value of the honorarium or expense reimbursement. When the exact value is unknown, the person filing the report shall provide an estimate of the value of the gift or honorarium and identify the value as an estimate.

(d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement must include a copy of the agenda or an equivalent document.

(e) The date on which the honorarium or expense reimbursement was received.

(f) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-B and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information helpful to the administration and enforcement of laws relating to honorariums or expense reimbursements. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

Committee Analysis

The payments described in the request, if received from a Presidential campaign in any amount, would fall within the exemption established for "honorarium" set forth in RSA 15-B:2, VI, if the payments are made by a Presidential campaign for a legislator's appearance, speech, written article or other document, service as a consultant or advisor, or participation in a discussion group or similar activities in connection with the campaign. RSA 15-B:2, VI.

However, the legislator would be required to file with the Secretary of State a report of payments received as an honorarium, as prescribed in RSA 15-B:7.

Such payments would not qualify nor be reportable as "Expense Reimbursement" as defined in RSA 15-B:5.

The Committee expresses no opinion regarding the effect of reporting such payments on IRS Form 1099.

For the Committee,
Martin L. Gross
Chairman

[Vote: 7-0]

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SENATE SCHEDULE

Thursday, November 10, 2011 at 4:00 p.m.	Deadline for sponsor to sign off on legislation.
Friday, November 11, 2011	Veterans' Day (State Holiday)
Tuesday, November 22, 2011 at 4:00 p.m.	Deadline for co-sponsors to sign off on legislation.
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)
Monday, January 2, 2012	New Year's Day (State Holiday)
Monday, January 16, 2012	Martin Luther King Jr. / Civil Rights Day (State Holiday)
Monday, February 20, 2012	President's Day (State Holiday)
Monday, February 27, 2012 -	SENATE BREAK
Friday, March 2, 2012	

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VISITORS' CENTER SCHEDULE – OCTOBER & NOVEMBER

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

DATE	TIME	GROUP	Group#/Grade
Oct. 28	9:00/10:30 SH/HM	Kearsarge Regional Middle School – North Sutton	69/4
Oct. 28	10:30	Freedom Elementary School	12/4
Oct. 28	11:30	Pleasant St. School – Laconia	55/4
Nov. 1	9:30	Bow HS – Law & Ethics Class	22/HS
Nov. 1	10:00/11:15 SH/F&G	Epping Elementary School	66/4
Nov. 2	10:00/11:30 SH/HM	Kearsarge Regional School – New London	75/4
Nov. 2	2:45	BiState Primary Leadership Group	30/adults
Nov. 3	10:30/12:00 SH/HM	Bicentennial School – Nashua	120/4
Nov. 4	9:15	Canterbury Elementary School	23/4
Nov. 4	10:00	Chesterfield School	45/4
Nov. 4	12:00	Wilkins Elementary School – Amherst	44/4
Nov. 4	1:30	Fire Academy Cadets	
Nov. 7	10:00/11:30 SH/HM	Ernest Barka School – Derry	100/4
Nov. 7	12:00	Wilkins School – Amherst	44/4
Nov. 8	10:00/11:15 SH/HM	East Derry School	80/4
Nov. 8	3:45	Hooksett Wolf Scouts	8/2
Nov. 9	10:15/11:15	Peterborough Elementary School	65/4
Nov. 9	12:00	Wilkins Elementary School – Amherst	44/4
Nov. 9	2:30	We Are Home Educators – Weare	
Nov. 10	9:00	Cornerstone Christian Academy – Epsom	15/3&4
Nov. 10	10:00	Wilkins Elementary School – Amherst	22/4
Nov. 10	10:30	Oyster River High School – Exchange students	
Nov. 10	11:30	St. Kathryn's Home School	30
Nov. 14	9:45	Troy Elementary School	42/4
Nov. 14	10:30/12:00 SH/Planet	H O Smith School – Hudson	80/4
Nov. 15	10:00/11:30 SH/HM	Gilford Elementary School	80/4
Nov. 16	9:45/11:00 SH/HM	Derry Village School	90/4
Nov. 16	1:30	Epping Senior Citizens	12/SRS
Nov. 17	9:30	Marlborough School	24/4
Nov. 17	11:00	Kearsarge Regional School – Bradford	48/5
Nov. 17	1:30	Woodbury Middle School	70/8
Nov. 18	10:00	Sanbornton Central School	33/4
Nov. 18	11:30	Pierce School @ Bennington	15/4
Nov. 21	10:15	Hampstead Academy	21/4
Nov. 21	1:30	Fire Academy Cadets	25
Nov. 22	9:30/11:00 SH/HM	Parker Varney School – Manchester	66/4
Nov. 28	10:00/11:30 SH/HM	Woodland Heights School – Laconia	64/4
Nov. 29	10:00	Broad St. Elementary School – Nashua	60/4
Nov. 29	11:00	Greenfield Elementary School	13/4