

Humboldt and that is the way it has to be. The burden of proof lays with the parent or the guardian who is making the request and the petition. The State Board will hear this, the State Board will make the judgment based upon the best beneficial interest of education for the child. Now then if the filer is not happy with the State Board decision, they then can proceed to the District Court and we do have a court case, the most famous one is Friesen versus...I can't remember the last part, Clark, Friesen versus Clark and there the court did decide what they believed to be beneficial factors that should be considered in the business of, when you talk about beneficial educational interest of the child. In addition to this we said that when you freehold you just can't freehold your homestead to that district and then someday when your children's education is completed you will move it back again to where it was originally because the mill levy might be a little bit to your advantage. In other words we say once you freehold, you are there. That is it. I guess that is the law of Persia as Senator Kremer baffled me with a moment ago. And we also say that when you make this transfer, you also must transfer of all owned property up to 160 acres, up to 160 acres. If I live on a quarter, I can't just transfer that homestead anymore. That quarter has got to be transferred into that system where I want my children to be educated, lock, stock and barrel, but if I own a section, I will take the quarter which is contiguous and I will transfer that to that district where I want to go and again that remains there. So this is what we are doing in this bill. We are trying to resolve some issues that have been around, I have been on the Education Committee now eight years and this freeholding business has been around eight years just like Christian school issues have been around eight years, and a few other little items I could mention to you but I will do it at a little bit later time. So the major part of the bill is just as I have described it to you. That is what it is and that is what it does.

SENATOR CLARK: Senator Kremer on the bill.

SENATOR KREMER: Mr. Chairman, members, I would like to speak in support of LB 208 as amended and I think Senator Koch has laid it out very well that this committee has struggled and struggled with this issue for a long time and we have heard testimony that goes all the way from one extreme to say just let us do anything we want, jump around wherever we want, to the other extreme to make it so difficult no one can change districts and it goes to the other extreme, of course. Now I think the committee