

**ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017**  
**COMMITTEE STATEMENT**  
**LB39**

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**Hearing Date:** Thursday February 02, 2017  
**Committee On:** Judiciary  
**Introducer:** Harr  
**One Liner:** Prohibit the sale and trade of ivory

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 5 Senators Ebke, Chambers, Hansen, Pansing Brooks, Morfeld  
**Nay:** 3 Senators Halloran, Baker, Krist  
**Absent:**  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**

Senator Burke Harr  
Cheryl Morris  
Debbie Goebel  
Gretchen Goebel

**Representing:**

Introducer  
Omaha Zoo  
self  
self

**Opponents:**

Richard Hedrick  
Jon Moore  
Coby Mach  
Wayne Janssen

**Representing:**

self  
self  
self  
Nebraska Chapter Safari Club International

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 39 alters Nebraska Criminal Code to coincide with federal regulations prohibiting the sale and trade of ivory and items containing ivory.

The bill defines ivory and provides a penalty of a Class II misdemeanor for any individual selling, trading, bartering, or offering ivory for sale.

Provides exceptions to the prohibitions on ivory including:

- (a) Where federal law expressly permits or exempts;
- (b) If the item to be sold or conveyed is a firearm, knife, or musical instrument where the ivory in question is:
  - Less than twenty percent of the volume of the item;
  - A fixed or integral component(s) of the item and does not account for fifty percent of the value of the item.
  - The item was made before 1975.
  - The owner or seller can provide documentation of the pre-1975 manufacture.
- (c) If the item contains a minimum amount of ivory as defined as:
  - The total amount of ivory in the item is under two-hundred grams.
  - Ivory does not make up more than fifty percent of the volume of the item.
  - A fixed or integral component(s) of the item and does not account for fifty percent of the value of the item.

- The ivory is not raw.
- The item was made before 1975.
- The owner or seller can provide documentation of the pre-1975 manufacture.
- (d) The ivory item is a bona fide antique as defined as:
  - The item is at least one hundred years old at the time of the sale/trade/etc.
  - The owner or seller provides documentation to the age of the item.
  - Less than twenty percent of the volume of the item;
  - A fixed or integral component(s) of the item and does not account for fifty percent of the value of the item.
- (e) The item is being acquired or distributed to a bona fide educational or scientific institution for like purposes.
- (f) A federal, state, or local government official acting in their official capacity.

Any ivory found and confiscated under this act that is not required as evidence maybe ordered donated to a bona fide educational or scientific institution or museum unless prohibited by other state or federal law. If donation is infeasible, the item may be ordered destroyed or placed in storage as directed by the court.

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**Explanation of amendments:**

Strikes the original sections of the bill and replaces with substantially identical language but for the following changes:

Provides exceptions to the prohibitions on ivory including:

- (a) Where federal law expressly permits or exempts;
- (b) If the item to be sold or conveyed is musical instrument where the ivory in question is:
  - Less than twenty percent of the volume of the item;
  - A fixed or integral component(s) of the item and does not account for fifty percent of the value of the item.
  - The item was made before 1975.
  - The owner or seller can provide documentation of the pre-1975 manufacture.
- (c) The ivory item is a bona fide antique as defined as:
  - The item is at least one hundred years old at the time of the sale/trade/etc.
  - The owner or seller provides documentation to the age of the item.
  - Less than twenty percent of the volume of the item;
  - A fixed or integral component(s) of the item and does not account for fifty percent of the value of the item.
- (d) The item is being acquired or distributed to a bona fide educational or scientific institution for like purposes.
- (e) A federal, state, or local government official acting in their official capacity.
- (f) Firearms, knives or their component parts.

Any ivory found and confiscated under this act that is not required as evidence maybe ordered donated to a bona fide educational or scientific institution or museum unless prohibited by other state or federal law. If donation is infeasible, the item may be ordered destroyed or placed in storage as directed by the court.

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Laura Ebke, Chairperson