

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 13, 1975

Chairman Robert R. Barengo called to order the meeting of the Assembly Judiciary Committee at the hour of 9:17 a.m. on Thursday, February 13, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests present at this meeting were: Charles A. Vinnik, M. D., plastic surgeon from Las Vegas; Richard H. McShane, M. D., plastic surgeon from Denver; Grant R. Fairbanks, M. D., plastic surgeon from Salt Lake City; Boyd Burkhardt, M. D., plastic surgeon from Tucson; George T. Bennett, Nevada State Board of Pharmacy; Mr. Stan Jones, Nevada State Labor Commissioner; Dr. William K. Stephan of the Nevada State Medical Association; Mr. Sattler, Deputy Attorney General.

*A.B. 36
discussion*

Dr. Charles A. Vinnik, Las Vegas plastic surgeon, was first to testify at this meeting. He was present to reinforce the testimony heard by this Committee at the February 10, 1975 meeting given by Dr. Edward H. Kopf and Dr. Donald J. Dombrowski, both plastic surgeons from Las Vegas. Dr. Vinnik had previously worked at New York University Medical Center, one of the silicone research centers in the United States. Dr. Vinnik spoke about the cosmetic uses of silicone. He generally testified along the lines of Dr. Kopf and Dr. Dombrowski. With the results from the liquid silicone injections, the people begin to suffer from mild to severe psychological problems when they know there is no relief. Dr. Vinnik was in touch with Senator Cannon regarding this problem, and thus, the Food and Drug Administration has been advised of the situation. He stated he has had problem cases after injection with liquid silicone where he knows definitely that the silicone used did not come from Dow Corning Corporation. He speculated that it may have been an adulterated, foreign material--possibly an industrial grade silicone. Dr. Vinnik spoke briefly about peer review of a physician's actions, and the Committee questioned him in regard to this.

Dr. Vinnik told of the convention at Lake Tahoe for the plastic surgeons, Rocky Mountain Association of Plastic and Reconstructive Surgeons. There was a unanimous vote at the convention for legislation regulating the liquid silicone substance. Questioning by the Committee continued.

Mrs. Hayes entered the meeting at this point.

Next to testify was Dr. Boyd Burkhardt of Tucson, Arizona. His testimony corroborated Dr. Vinnik's testimony; however, even though each plastic surgeon present at this Committee meeting uses silicone substances daily, these gentlemen have not seen the number of cases with problems resultant from those injections as those physicians from Las Vegas have. Las Vegas seems to have the most problem regarding this. Dr. Burkhardt testified that the reports they receive in professional journals do not relate cases outside of the research centers. He stated that once the liquid silicone is approved as a drug, there is no reasonable way in which it can be limited. Dr. Burkhardt cited his experiences with the liquid silicone. He believes the potential problems will become very great. Questioning of Dr. Burkhardt by the Committee followed.

Dr. Grant Fairbanks from Salt Lake City testified next. He was trained at the University of Michigan Medical Center, which was another of the research centers for the silicone drug. His comments paralleled the comments of the other doctors testifying before this Committee today. He stated that the doctors here in Nevada, and particularly in the Las Vegas area, have had much more experience with these complications than any others in the United States have had. At first, Dr. Fairbanks said he approved of the silicone injections, but he has changed his opinion as a result of the problems he has seen. At this time, the Committee proceeded to question Dr. Fairbanks.

Next to testify was Dr. William K. Stephan of the Nevada State Medical Association. The official opinion of the State Medical Association is that silicone should definitely not be injected into breasts. He stated that the opinions from the other physicians present certainly are valid. Dr. Stephan stated that the Medical Association has reservations about law which dictates whether or not a medical type of treatment is proper or improper.

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Mr. Elliott A. Sattler, Deputy Attorney General, commented generally about enforcement of a bill of this type.

Dr. Richard H. McShane, University of Colorado Medical Center staff doctor, testified. He has had experience with the liquid silicone which is injected into the breasts. He has had patients who were injected in his own state, in Mexico, and predominantly in Las Vegas. He then proceeded to give a case example.

Mr. Hickey left the room at this point.

Dr. McShane proceeded to discuss the hemiatrophy problem and the other general problems which had been discussed by the other physicians. Dr. McShane thinks we are on the brink of an epidemic from use of this particular type of silicone. Dr. McShane then discussed peer review in regards to the problem. He also stated that the open wounds resulting from the silicone injections would be more likely susceptible to cancer in the future.

Chairman Barengo then said the Committee would discuss A.J.R.8, which memorializes the President of the United States and Congress to implement and enforce existing federal laws dealing with the illegal alien problem.

Mr. Lowman left the room.

Mr. Sena, as one of the introducers of A.J.R.8, explained the Resolution and distributed to the Committee copies of the Rodino Bill, which is attached to these Minutes. The Rodino Bill passed Congress two years ago, went to the Senate and has been there for two years.

Mr. Lowman returned to the meeting.

Next to testify before this Committee was Mr. Stan Jones, Nevada State Labor Commissioner. His testimony was relative to A.J.R.8.

Mr. Hickey entered the meeting again.

Mr. Jones stated that illegal aliens are a national problem and not just a problem here in Nevada. He said they should be stopped at the borders when they are entering the United States and with the passage of A.J.R.8, this is what would happen. Additional funds would enable the government to put on additional agents to do this job. He cited present statistics regarding the number of illegal aliens in the United States and what numbers they would increase to in

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the future. Mr. Jones said he would urge the Committee to pass this Resolution and send it on to our representatives in Washington, D. C.

Mr. Barengo questioned Mr. Jones as to whether his comments regarding A.J.R.8 would equally apply to A.B.42. Mr. Jones said "no", these comments only apply to A.J.R.8. Relating to A.B.42, Mr. Jones said some investigation and consideration has to be given to the agricultural areas of this State.

Mr. Barengo brought A.B.189 to the attention of this Committee. It related to the Department of Motor Vehicles, and we received a message from Mr. Fletcher of the Motor Vehicle Department stating that they did not want to go ahead with A.B.189 and for the Committee postpone action on it. Mr. Hickey moved that the Committee indefinitely postpone action on A.B.189. Mrs. Hayes seconded the motion. The vote was unanimous in favor of indefinitely postponing the consideration of A.B.189 by this Committee

Regarding A.B.36, Mr. Hickey said he has an amendment coming which increases the penalty for violation of this bill from a misdemeanor to a felony. Mr. Lowman made a motion that A.B.36 be amended from a gross misdemeanor to a felony with a DO PASS recommendation as amended. This motion was seconded by Mr. Sena. The vote was unanimous. Form attached.
MOTION CARRIED DO PASS A.B.36 AS AMENDED.

Mr. Sena moved DO PASS A.J.R.8. Mrs. Hayes seconded. The vote was unanimous. Legislation Form attached to these Minutes.
MOTION CARRIED DO PASS A.J.R.8.

There was a motion to adjourn the meeting. It was seconded. Mr. Barengo adjourned the meeting at 10:17 a.m.

Passed May 3, 1973

Barengo

74

93^D CONGRESS
1ST SESSION

H. R. 982

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended to read as follows:

5 "SEC. 245. (a) The status of an alien who was inspected
6 and admitted or paroled into the United States may be ad-
7 justed by the Attorney General, in his discretion and under
8 such regulations as he may prescribe, to that of an alien
9 lawfully admitted for permanent residence if (1) the alien
10 makes an application for such adjustment, (2) the alien is
11 eligible to receive an immigrant visa and is admissible to the

United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed.

“(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien’s lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203 (a) within the class to which the alien is chargeable, or the number of visas authorized to be issued pursuant to the provisions of section 21 (e) of the Act of October 3, 1965, for the fiscal year then current.

“(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) any alien (other than an immediate relative as defined in section 201 (b)) who has hereafter accepted unauthorized employment prior to filing an application for adjustment of status; or (3) any alien admitted in transit without visa under section 238 (d).”

SEC. 2. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 of subsection (a) and by redesignating subsection (b) as subsection (e) and adding new subsections (b), (c), and (d) to read as follows:

1 “(b) (1) It shall be unlawful for any employer or any
2 person acting as an agent for such an employer, or any
3 person who for a fee, refers an alien for employment by
4 such an employer, knowingly to employ or refer for em-
5 ployment any alien in the United States who has not been
6 lawfully admitted to the United States for permanent res-
7 idence, unless the employment of such alien is authorized
8 by the Attorney General: *Provided*, That an employer,
9 referrer, or agent shall not be deemed to have violated
10 this subsection if he has made a bona fide inquiry whether
11 a person hereafter employed or referred by him is a citizen or
12 an alien, and if an alien, whether he is lawfully admitted to the
13 United States for permanent residence or is authorized by the
14 Attorney General to accept employment: *Provided further*,
15 That evidence establishing that the employer, referrer, or
16 agent has obtained from the person employed or referred
17 by him a signed statement in writing that such person is a
18 citizen of the United States or that such person is an alien
19 lawfully admitted for permanent residence or is an alien
20 authorized by the Attorney General to accept employment,
21 shall be deemed prima facie proof that such employer, agent,
22 or referrer has made a bona fide inquiry as provided in
23 this paragraph. The Attorney General of the United States
24 shall prepare forms for the use of employers, agents, and
25 referrers in obtaining such written statements if they so de-

1 sire, and shall furnish such forms to employers, agents, and
2 referrers upon request.

3 " (2) If, on evidence or information he deems persua-
4 sive, the Attorney General concludes that an employer,
5 agent, or referrer has violated the provisions of paragraph
6 (1), the Attorney General shall serve a citation on the
7 employer, agent, or referrer informing him of such apparent
8 violation.

9 " (3) If, in a proceeding initiated within two years after
10 the service of such citation, the Attorney General finds that
11 any employer, agent, or referrer upon whom such citation
12 has been served has thereafter violated the provisions of para-
13 graph (1), the Attorney General shall assess a penalty of
14 not more than \$500 for each such alien employed in violation
15 of paragraph (1).

16 " (4) A civil penalty shall be assessed by the Attorney
17 General only after the person charged with a violation under
18 paragraph (3) has been given an opportunity for a hearing
19 and the Attorney General has determined that a violation did
20 occur, and the amount of the penalty which is warranted.
21 The hearing shall be of record and conducted before an
22 immigration officer designated by the Attorney General,
23 individually or by regulation. The proceedings shall be con-
24 ducted in accordance with such regulations, within the con-
25 straints and requirements of title 5, section 554 of the United

1 States Code which shall be applicable to the hearing pro-
2 vided for herein, as the Attorney General shall prescribe and ;
3 the procedure so prescribed shall be the sole and exclusive ;
4 procedure for determining the assessment of a civil penalty
5 under this subsection.

6 “(5) If the person against whom a civil penalty is as-
7 sessed fails to pay the penalty within the time prescribed in
8 such order, the Attorney General shall file a suit to collect
9 the amount assessed in any appropriate district court of the
10 United States. In any such suit or in any other suit seeking
11 to review the Attorney General’s determination, the suit
12 shall be determined solely upon the administrative record
13 upon which the civil penalty was assessed and the Attorney
14 General’s findings of fact, if supported by substantial evidence
15 on the record considered as a whole, shall be conclusive.

16 “(c) Any employer or person who has been assessed a
17 civil penalty under subsection (b) (3) which has become
18 final and thereafter violates subsection (b) (1) shall be
19 guilty of a misdemeanor and upon conviction thereof shall be
20 punished by a fine not exceeding \$1,000, or by imprisonment
21 not exceeding one year, or both, for each alien in respect to
22 whom any violation of this subsection occurs.

23 “(d) (1) Any vessel, vehicle, or aircraft which has been
24 or is being used in furtherance of a violation of subsection
25 (a), or which has been or is being used by any person who

1 for a fee refers or transports an alien for employment in fur-
2 therance of a violation of subsection (b), shall be seized and
3 forfeited: *Provided*, That no vessel, vehicle, or aircraft used
4 by any person as a common carrier in the transaction of
5 business as such common carrier shall be forfeited under the
6 provisions of this section unless it shall appear that (A) in
7 the case of a railway car or engine, the owner, or (B) in the
8 case of any other such vessel, vehicle, or aircraft, the owner
9 or the master of such vessel or the owner or conductor, driver,
10 pilot, or other person in charge of such vehicle or aircraft was
11 at the time of the alleged illegal act a consenting party or
12 privy thereto: *Provided further*, That no vessel, vehicle, or
13 aircraft shall be forfeited under the provisions of this section
14 by reason of any act or omission established by the owner
15 thereof to have been committed or omitted by any person
16 other than such owner while such vessel, vehicle, or aircraft
17 was unlawfully in the possession of a person who acquired
18 possession thereof in violation of the criminal laws of the
19 United States, or of any State.

20 “(2) All provisions of law relating to the seizure, sum-
21 mary and judicial forfeiture, and condemnation of vessels and
22 vehicles for violation of the customs laws; the disposition of
23 such vessels and vehicles or the proceeds from the sale
24 thereof; the remission or mitigation of such forfeitures; and
25 the compromise of claims and the award of compensation to

1 informers in respect of such forfeitures shall apply to seizures
2 and forfeitures incurred, or alleged to have been incurred,
3 under the provisions of this chapter, insofar as applicable
4 and not inconsistent with the provisions hereof: *Provided,*
5 That such duties as are imposed upon the collector of cus-
6 toms or any other person with respect to the seizure and
7 forfeiture of vessels and vehicles under the customs laws
8 shall be performed with respect to seizures and forfeitures
9 of vessels, vehicles, and aircraft under this section by such
10 officers, agents, or other persons as may be authorized or
11 designated for that purpose by the Attorney General.”

12 SEC. 3. The Immigration and Nationality Act is amended
13 by inserting immediately after section 274 the following new
14 section:

15 “DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING
16 ASSISTANCE UNDER THE SOCIAL SECURITY ACT

17 “SEC. 274A. Any officer or employee of the Depart-
18 ment of Health, Education, and Welfare shall disclose to the
19 Service the name and most recent address of any alien who
20 such officer or employee knows is not lawfully in the United
21 States and who is receiving assistance under any State plan
22 under title I, X, XIV, XVI, XIX, or part A of title IV of
23 the Social Security Act.”

24 SEC. 4. The first paragraph of section 1546 of title 18
25 of the United States Code is amended to read as follows:

1 “Whoever knowingly forges, counterfeits, alters, or
2 falsely makes any immigrant or nonimmigrant visa, permit,
3 border crossing card, alien registration receipt card, or other
4 document prescribed by statute or regulation for entry into
5 or as evidence of authorized stay in the United States, or
6 utters, uses, attempts to use, possesses, obtains, accepts, or
7 receives any such visa, permit, border crossing card, alien
8 registration receipt card, or other document prescribed by
9 statute or regulation for entry into or as evidence of author-
10 ized stay in the United States, knowing it to be forged, coun-
11 terfeited, altered, or falsely made, or to have been procured
12 by means of any false claim or statement, or to have been
13 otherwise procured by fraud or unlawfully obtained; or”.

14 SEC. 5. Nothing contained in this Act, unless otherwise
15 specifically provided therein, shall be construed to affect the
16 validity of any document or proceeding which shall be valid
17 at the time this Act shall take effect; or to affect any prosecu-
18 tion, suit, action, or proceeding, civil or criminal, done or
19 existing, at the time this Act shall take effect; but as to all
20 such prosecutions, suits, actions, proceedings, statutes, condi-
21 tions, rights, acts, things, liabilities, obligations, or matters,
22 the statutes or parts of statutes repealed by this Act are,
23 unless otherwise specifically provided therein, hereby con-
24 tained in force and effect.

1 SEC. 6. This Act shall become effective on the first day
2 of the first month after the expiration of ninety days follow-
3 ing the date of its enactment.

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 13, 1975

BILL NO. A. J. R. 8

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Sena Seconded By Mrs. Hayes

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed 9 Defeated 0 Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 13, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE Feb. 13, 1975

BILL NO. A.B. 36

MOTION: _____

(Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____)
(as amended)

Moved By Mr. Lowman Seconded By Mr. Sena

AMENDMENT: Changing gross misdemeanor to felony.

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed 9 Defeated 0 Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes Feb. 13, 1975
Date