

Student Senate Meeting

Wednesday, January 26th 5:00 pm || Pearson Alumni Center

1. Roll Call and Approval of Proxies
 - A. All Senators present
2. Approval of the Agenda
 - A. Approved
3. Approval of Minutes
 - A. Approved
4. Open Floor Guests
 - A. Calvin Tohm: This Saturday we are going to M Hill to take the plaques off. I wanted to remind you that we need help. Tasks: Using hammer drills to remove plaques, cleaning joints of S and D, cross checking names for missing names plaques. If you can't stay the whole time, that is fine.
 - i. Director Headley: Do not drive your private vehicles up the hill.
 - ii. VP West: I will send this out to everyone.
5. Unfinished Business
 - A. Resolution 22.S.004
 - i. Senator Dennis motions to vote
 - ii. Senator Tomac seconds
 - iii. Motion passes unanimously
 - B. Resolution 22.S.005
 - i. Senator Tomac motions to vote
 - ii. Senator Dennis seconds
 - iii. Motion passes unanimously
 - C. Resolution 22.S.006
 - i. Senator Marshall: They had a few more people join the team at the last minute so they could get the project done on time. The department paid for the majority of them to go. I am going to be voting yes on this. For new senators, it is not out of precedent to vote for this considering we gave \$10,500 to KTEQ in the spring for some legal issues they had.
 - ii. Constitution Chair Hagel: I will be voting no because KTEQ was an entirely different scenario and since they already have three people going to the competition, I don't see a need.
 - iii. Senator Rust: I will be voting no for similar reasons.
 - iv. Constitution Chair Hagel motions to vote
 - v. Senator Tomac seconds
 - vi. Senators Arens, Benzmilller, Espanet, Minerich, Dumont, Fischer, Hagel, Maag, McQuistan, Fernandez, Nix, Quizon, Rust, Thoof, Tomac dissent.
 - vii. Motion fails
 - D. Resolution 22.S.007
 - i. Constitution Chair Hagel motions to vote
 - ii. Senator Tomac seconds

iii. Motion passes unanimously

6. New Business

7. Open Discussion

A. President Jurrens: We will be going through the legislative bills that we will be discussing at SHED. In our meeting on Sunday, we will be asked to take a stance on them.

B. VP West: We are just trying to get a consensus on what people think about these bills. If more than 6 people abstain from a bill, then we will take no stance. I asked people to bring bills forward for our Senate to vote on and Senator Tomac brought some. Aye vote means I support the bill. Nay means I don't want this passed. Abstain means I don't think this pertains to us.

i. Senator Tomac: HB 1006 and SB 46 are practically the same thing.

C. HB 1008: To provide a cause of action for certain employees that are required to receive a vaccination as a condition of employment and to declare an emergency.

i. Senator Maag: I think we should oppose this. I think this is to scare businesses into not requiring vaccines and it is my belief that an employer has a right to do with their employees as they choose.

ii. Senator Marshall: I think we should not take a stance, it seems outside of our realm as students.

iii. VP West: If we don't take a stance, it doesn't affect the other schools if they decide to take a stance. If more than two schools take no stance, then as a whole, we take no stance at SHED.

iv. Senator Tomac: Senator Maag, would you say the same could be applied to the government using governmental agencies to force a vaccine on employers?

1. Maag: Yes, I would say that.

2. Tomac: This is more of a protection against that, where if someone got sick because of the vaccine, because it was a condition of employment, they can sue the employer because they were forced to get a vaccine they did not want.

v. President Jurrens: Keep in mind, we are voting about how it affects our school.

vi. Senator Fischer: I think this is important for us as students. We are looking for employment after we leave. There is a good portion of our student body that would put themselves at risk if they had to get vaccinated to get a job. I think this is a good way to protect our students.

vii. Senator Benzmillar: When I think about this from a students' point of view, I think of cost. If the school's employees can sue the school, it would affect tuition.

viii. Senator Rust: If the BOR approves, would that affect student employees?

ix. Dean Dlugos: I believe so.

x. Senator Dennis motions to vote

xi. CFO Emery seconds

- xii. Support: 12 for, 10 against, 2 abstain
- xiii. PR Chair Frazer: I feel like this isn't fair because the entire student body doesn't know about this.
- xiv. President Jurrens: The bills were sent out a week ago.
- xv. VP West: With the legislative session just starting, you don't get everything a month in advance. All the schools are voting tonight.
- xvi. Senator Marshall: This was sent out last week, I would be abstaining on all of these because I haven't had a chance to talk to my constituents.
- xvii. VP West: When I brought up legislative tracking that was also when I said to talk to people about this and bring bills forward that you are interested in. That is a duty for you as a senator.

D. HB 1012: To protect students from critical race theory.

- i. Senator Marshall: The bill is very different than the title makes it sound.
- ii. VP West: A big part of it is that no matter what your race is or where you are from, a professor cannot make you do something or say you are inferior. It is limiting what an educator can say, not limiting a student's free speech.
- iii. Senator Maag: I would like to oppose this. To the best of my knowledge what is in this bill is not CRT. I think this is a flawed piece of legislation.
- iv. Senator Tomac: We should support this bill because CRT focuses on race and says that the most important thing about you is the color of your skin and because you are a certain race, you are either a victim or an oppressor no matter what you have or haven't done.
- v. Constitution Chair Hagel: CRT teaches that race is a part of history and doesn't say anything about white people being always racist. It just says race has been an issue and a topic when it comes to governments all around the world.
- vi. Senator Marshall: Regardless of your thoughts on CRT, this isn't what the bill is about.
- vii. Senator Tomac: While it may not say CRT, the bill is CRT in a nutshell.
- viii. Senator Benzmilller: I am going to vote for this bill because I think "protect" is the key word.
- ix. Senator Maag: I disagree with Senator Tomac. I think the most important is the line that says "to personally affirm, adopt, adhere to any of the following tenants". I don't think that is compatible with education. Teaching students information is not forcing them to agree with it, it is just educating them what it is. This bill restricts education.
- x. Senator Zaug: Though that might be true, I don't think this has a place in an engineering school.
- xi. Senator Quizon: It can be interpreted as you can't use someone's race to disbenefit them, but you also can't use yours to benefit yourself. I don't think we should agree with this bill.

- xii. GR Chair Else: I am also going to oppose this. There are already nondiscriminatory clauses in SDBOR policies.
 - xiii. Senator Dennis: I find the bill very vague, and it could be interpreted in many ways.
 - xiv. Senator Marshall motions to vote
 - xv. Senator Quizon seconds
 - xvi. No support: 3 for, 17 against, 4 abstain
- E. HB 1024: To revise and repeal certain provisions regarding self-support tuition rates at off campus locations governed by the BOR.
- i. VP West: What this bill aims to do is take away the state mandated rate and let the BOR set the rate. It sounds like BOR would like to lower the rate.
 - ii. GR Chair Else motions to vote
 - iii. Senator Tomac seconds
 - iv. Support: 22 for, 0 against, 2 abstain
- F. SB 46/HB 1006: To protect fairness in women's sports
- i. Senator Tomac: I support this bill because it protects women in women's sports from men who call themselves women competing in women's sports. Men and women are built differently. Men are generally more athletic. Men competing in female sports gives them in an advantage because of their athletic ability. That is why I will be supporting this bill.
 - ii. Senator Marshall: This is also for high schools. There are already provisions in place.
 - iii. VP West: This bill is moving very quickly. It has already passed in the Senate and had the first reading in the House last week and had a hearing in State Affairs and passed 11 yes, 2 no.
 - iv. Senator Schleich: I would say to vote no. There are already provisions in place at the college and high school level. It seems unnecessarily exclusionary and bigoted.
 - v. Senator Benzmilller: I think in college, this is important because someone is attempting to become a professional in their athletic field. I think even if it is redundant, I think it is important to give students the best chance at pursuing their professional careers if that is their intention.
 - vi. Senator Minerich: Some of the female athletes that I graduated with are competing with a man who calls himself and woman and is winning by quite a bit.
 - vii. Senator Maag: I think what this bill really comes down to is whether or not you think trans people are people. We all seem to be focusing on the idea that a trans woman is only a trans woman to play in sports which is a backwards way of thinking about it.
 - viii. Senator Arens: I would be in support of this bill because you can't claim that there won't be any people who claim to be trans to compete.

- ix. GR Chair Else: I want to second what Senator Maag said. Trans women are women.
 - x. Senator Tomac: I am not saying that I don't think trans people aren't people. I would say that the person is a trans person, but I don't believe that if a man is saying he is a woman that he is actually a woman. He is a man. And vice versa. I am not saying they are not a person or a human being. I am just saying I don't think they are what they think they are.
 - xi. Senator Dennis: I don't like that this is in the hands of the state. I think it should be left to the high schools or the athletic conference.
 - xii. PR Chair Frazer: I like what Senator Maag said. Personally, if I was a trans woman and I had to take hormone blockers just to compete, it doesn't seem fair to restrict me from competing in the sport I identify with.
 - xiii. Senator Marshall: I think the purpose of this has been taken in a different direction. The question is, is there a physical advantage for trans women in female sports?
 - xiv. President Jurrens: There is a new bill in the NCAA that will change laws to mirror the Olympics laws.
 - xv. Senator Quizon: If you are an athlete in college, you probably want to go pro. And at the professional level, are they going to accept trans people?
 - xvi. Senator Rust: I don't think this should be a state opinion, it should be left to the schools and NCAA.
 - xvii. Constitution Chair Hagel: I agree with Senators Rust and Dennis. I think this bill is extremely exclusionary.
 - xviii. Senator Arens: I would like to go against what I said with what President Jurrens said.
 - xix. Senator Benzmilller: In response to Senators Dennis and Rust, my concern with putting this in the hands of the schools is how it would come up in discrimination practices. I think it should be in the division's hands. With President Jurrens' information, I would abstain.
 - xx. Senator Marshall motions to vote
 - xxi. Senator Dennis seconds
 - xxii. Senator Zaug: I think our goal is to keep SD sports pure.
 - xxiii. Constitution Chair Hagel: I am going to vote no. I think there is a better solution out there.
 - xxiv. No support: 6 for, 12 against, 6 abstain
- G. SB 72: Establish the crime of hazing and to provide a penalty therefore.
- i. VP West: We are one of six states that do not have crime for hazing. This would establish three different penalties for different levels of hazing, from participating all the way to severe injury or death.
 - ii. Senator Maag: Are there no federal laws that regulate hazing?
 - iii. Director Headley: I don't know.

- iv. VP West: This was amended today and did pass with the amendment in the Senate. This also covers K-12 education.
- v. Senator Rust: I am for this, there is no room for hazing in college at schools. A student shouldn't have to worry about that when they are trying to join an org.
- vi. Senator Minerich: I feel like this could be a slippery slope depending on what they classify as hazing.
- vii. Senator Quizon: I had a long talk about this with someone and couldn't figure out where you draw the line as to what is hazing. For that reason, I think we should be opposed to this bill because there is no clear line.
- viii. Senator Rust: I think the key word in here is "forced". If a club or org fears they might be accused of hazing, they need to tell their members they can quit at any time. I don't think it is as unclear as you say it is.
- ix. Senator Nix: Things can be "strongly encouraged" and there's the social pressure as well.
- x. CFO Emery: My only problem with this is "extreme mental stress". I don't know what that entails. I would like to see some better terms.
- xi. Senator Marshall: A lot of laws are not super specific. This could be up for interpretation to a certain extent.
- xii. Senator Benzmilller: I think students can make their own decisions on why they are joining a club and I think members are very well informed on the things that you will be required to do in order to join.
- xiii. Senator Dennis: I agree with Senator Benzmilller and CFO Emery. POP
- xiv. Senator Mitchell: I would like to go back to Senator Nix's point because I think it is fair to talk about the social aspect. When the organization creates the environment where the members feel like they have to do something, that is the same as forcing them. I am in support of this bill.
- xv. Senator Fischer: I think the wording is very vague. I don't think hazing is a good thing, but I think this will cause more trouble than it will solve.
- xvi. SA Chair Flinders: I will be supporting this bill.
- xvii. Senator Marshall: There are different levels of punishment. And the court has to prove without a shadow of a doubt that hazing happened.
- xviii. Senator Maag: I don't agree with judging the vagueness of a bill and then relying on the courts to verify it.
- xix. Constitution Chair Hagel: I think they need stronger definitions for what hazing is. In orgs here, we have a hazing clause set in each constitution. I think this is an umbrella we don't need.
- xx. Senator Arens: SD is one of six states that haven't passed a no hazing bill.
- xxi. Senator Benzmilller: I don't like this bill because of how vague it is.
- xxii. Constitution Chair Hagel motions to vote
- xxiii. Senator Marshall seconds
- xxiv. No support: 8 for, 10 against, 5 abstain

- H. HB 1005: Provide for the designated use of public school multi-occupancy rooms and sleeping rooms
 - i. Senator Benzmiller: It looks like a plan to operate by sex assigned at birth for bathrooms and sleeping quarters. I thought it was a fair bill to me and it makes schools provide accommodations.
 - ii. Senator Maag: This is the second time SD has tried to pass the “Bathroom Bill”. It has almost the same language as the first one. It bans trans people from using the bathroom they identify with.
 - iii. Senator Tomac: I am in complete support of this bill. It seems reasonable to me. In Virginia, a boy who identified as a girl went into a bathroom and raped a freshmen girl. I bring that up because I don’t want that to happen here.
 - iv. Senator Marshall: I think we can all agree rape is bad. I think it distracts from the point of this.
 - v. Senator Rust: My problem is the accommodations section. It doesn’t guarantee that accommodations will be made, it just guarantees that you can appeal for it.
 - vi. Senator Mitchell: Trans people are forced to stay in bathrooms they are uncomfortable in. That’s why I had a problem with the bill when it went through the first time. I agree with what Senator Rust said.
 - vii. SA Chair Flinders: I will also not support this bill.
 - viii. Senator Tomac: In response to Marshall, I brought it up to back up my point.
 - ix. VP West: We have to think about how it affects our school.
 - x. Constitution Chair Hagel motions to vote
 - xi. Senator Quizon seconds
 - xii. VP West: This bill isn’t moving like the other bills are.
 - xiii. No stance: 1 for, 10 against, 12 abstain
- I. HB 1052: Place limitations on the enforcement of federal laws and directive related to firearms and ammunition.
 - i. Senator Tomac: I am in support of this bill because I believe it is a critical protection of our second amendment rights as US citizens and South Dakotans. It relates to the students at this school because we have a right to protect ourselves, maybe not on campus, but out in public.
 - ii. Senator Quizon: This is allowing firearms on campus?
 - iii. VP West: It is disallowing federal law to make laws about gun control in our state.
 - iv. Senator Fischer: It is similar to what Colorado has done with Federal marijuana laws.
 - v. Senator Benzmiller: I don’t know how this affects the student body.
 - vi. Senator Minerich: I would say it does affect the student body.

- vii. Senator Fischer: I know a lot of students live on campus but a lot live off campus and can have firearms in their homes. I think this would help protect their rights.
 - viii. Senator Tomac motions to vote
 - ix. Senator Marshall seconds
 - x. No stance: 7 for, 4 against, 12 abstain
- J. SB 110: An act to transfer funds to the SD postsecondary scholarship grant fund for the SD need-based grant program and to declare an emergency
 - i. Constitution Chair Hagel motions to vote
 - ii. Senator Tomac seconds
 - iii. Support: 20 for, 0 against, 2 abstain
- K. Senators Maag and Dumont POP
- L. SB 97: Ascent Innovation Building Purchase
 - i. Senator Tomac: This would add much needed space for lab and research for the school.
 - ii. Senator Schleich motions to vote
 - iii. Senator Quizon seconds
 - iv. Support: 21 for, 0 against, 0 abstain
- M. PR Chair Frazer and Senator Fernandes POP
- 8. Chief Financial Officer's Report
 - A. None
- 9. Vice President's Report
 - A. The person doing branding signed the contract today. If you have input on senate branding, let me know. E-board will talk about it.
- 10. President's Report
 - A. Please read your emails.
- 11. International/Veteran/Graduate/Non-Traditional Senator Report
 - A. International: None
 - B. Veteran: We are building our outhouse for the race on 2/6.
 - C. Graduate: Working on getting graduate support for the M hill renovation.
 - D. Non-trad: None
- 12. Committee Reports
 - A. Constitution: New org constitutions are coming through.
 - B. Public Relations: None
 - C. Governmental Relations: Senate petitions are out. I sent the email. Please spread word of mouth. It would be cool to get a lot of people to run.
 - i. VP West: We are looking to increase the salary of paid positions. Let people know that is a possibility.
 - D. Student Affairs: None
 - E. Campus / Ad Hoc Committees
 - i. Safety: We are going to meet next week or the week after.
 - ii. Food Contract: We are negotiating next week.
 - iii. SAC: Meeting next week.

13. Upcoming Senate Business

- A. SHED
- B. Mines Day 2/4

14. Announcements

- A. Senator Marshall: 333 until Christmas.
- B. Senator Nix: Tri-Chair applications are due 2/30.

15. Adjournment

- A. Constitution Chair Hagel motions to adjourn
- B. Senator Quizon seconds
- C. Meeting adjourned