



## The Capitol Report / Fall 2021

### **Dear Constituents and Friends,**

*Time and again, I have said that each legislative session assumes its own unique character. But it is a struggle to ever find a session more anomalous than the 87th Legislature. As the session began, Texas, America and the world were attempting to establish a sense of normalcy, nine months into a global pandemic that had claimed the lives of 28,000 Texans. Then, less than a month into Session, in blew the polar vortex named Winter Storm Uri that exposed Texas' unpreparedness for untypical weather events.*

*Austin is unaccustomed to ice and snow, but all of Texas would feel the impact of cold weather extremes natural only to arctic locations. I publicly thank legislative leaders and Capitol workers for taking the necessary steps to ensure that members, staff, stakeholders and visitors were able to enter the pink granite dome daily and feel safe from the coronavirus. And when roads were safe and power was restored across Texas, the real work of the Legislature – including approval of a two-year budget – was primed to begin.*

*Two other factors helped create a fractious climate for the scheduled 140 days. Summer elevated simmering tensions when Americans of all races, gender and ages filled city streets in protest after witnessing the final 9 minutes, 30 seconds of native Texan George Floyd's life. Lines and factions were further delineated by the actions of America's 45th President who refused to quietly relinquish the reins of power. Claims of election fraud would create fissures that lasted past the Regular Session's final days and colored Summer 2021. I entered the 87th focused intently on police accountability and reform. Others said it is how we run elections that needed a makeover.*

*Still victories were found during the 87th Session. For example, the Senate unanimously passed **SB30** that would remove discriminatory covenant language from deeds. The bill was later named for me by the Texas House. We provided more resources to address mental health and made strides in addressing problems with maternal morbidity. But for the steps forward made, Texas is taking steps back when it comes to equal protections under the law. Yet, another day will dawn and I have faith that the moral arch of the universe will bend toward justice.*

*As always, I am grateful for your support and to those who choose to walk the path to a better future beside me.*

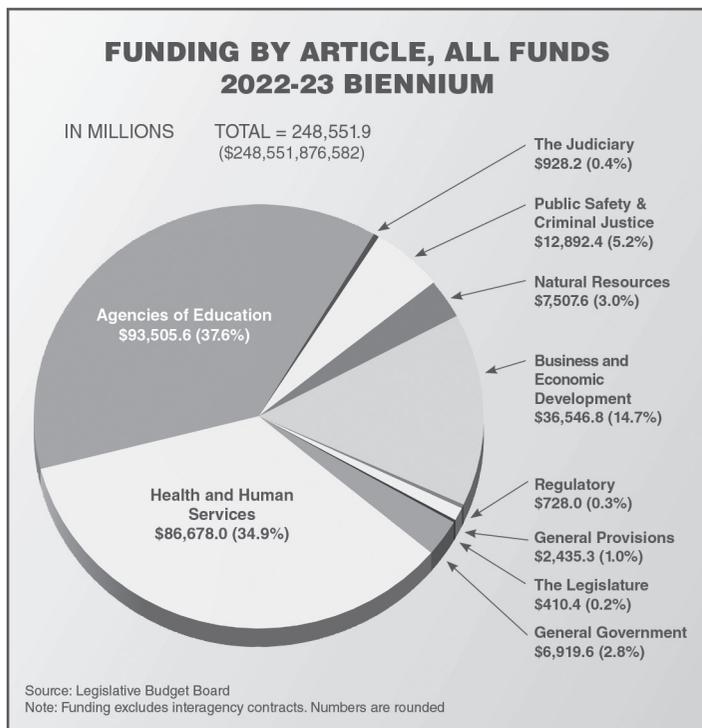
Thank you all!

Senator Royce West  
District 23



State Senator Royce West & Mrs. Carol West

# CAPITOL REPORT



## The Budget - Finishes Better Than It Started

The budget approved by the Legislature for the FY22-23 biennium will provide approximately \$248.55 billion to fund state government for the 29.15 million people who live in Texas according to 2020 Census estimates. The FY22-23 budget is about \$2.1 billion less than the budget approved for FY20-21.

We began the 2021 Session on uncertain financial footing due to the economic impact of the coronavirus, when the economy, Texas included, was shuttered for months. In his January 2021 Biennial Revenue Estimate (BRE), the state Comptroller projected that \$112.5 billion in GR would be available, which was \$6.6 billion less than the 2019 estimate. COVID-19's impact contributed to a projected FY21 ending balance of a negative \$946 million. Subsequently, budget writers instructed most state agencies to trim their anticipated spending by 5 percent. Our fiscal outlook improved later when billions in federal pandemic funds reached Texas.

Combined, Health & Human Services (35%) programs and the cost of educating Texas' 5.5 million public school students and funding state colleges and universities (38%) consumes about 73 percent of the budget. Of the \$93.51 billion that will be spent on education, \$70.37 billion supports grades pre-K through 12. The remaining \$23.1 billion goes to higher education. The FY22-23 budget fully funds changes made to how Texas funds public schools during the 2019 Legislative Session when we lowered property taxes, raised teacher pay and increased the amount spent per student.

Yes, \$86.7 billion is a huge amount of money for Health & Human Services. But yet, it is not enough. Because every two years, the Legislature underfunds programs like Medicaid, which covers uninsured Texans, and CHIP. The remaining balances, including the federal match required for Medicaid, are paid for later through a Supplemental Budget. Still, Texas will spend \$3.68 billion on Medicaid and \$98.8 million for CHIP.

## Texas' Power vs. Winter Storm Uri

Texas carries the title of the nation's energy king. But the Lone Star State's reputation took a hit when much of it was under a foot of snow and ice, paralyzed by Winter Storm Uri. Officials and power generators had been warned previously to winterize their equipment. Their failure to do so became a source of finger-pointing.

State leaders say the shortcomings have been fixed and that Texas will be ready for the next extreme weather event, hot or cold, because of three bills passed by lawmakers. Others, including energy experts, say Texas did not go far enough to make certain that what happened in February won't happen again.

**SB2** reorganizes the much-maligned Electric Reliability

Council of Texas (ERCOT), reducing its governing board from 16 to 11 members and requiring all members to be Texas residents. It revamps the board's composition to achieve a better balance of industry stakeholders. Five unaffiliated members must be approved by the Public Utility Commission (PUC), the Governor, Lt. Governor and House Speaker.

**SB3** requires inspections for all electric power generation plants, natural gas production facilities and pipelines, city-owned utility companies and electric cooperatives within a "reasonable time." It establishes a rate cap for how much wholesale energy providers can charge retail electric providers (REP) and consumers during "extreme weather emergencies." We all heard reports of residential customers whose bills following Uri totaled thousands of dollars and smaller REPs nearly being run out of business after being charged ERCOT's maximum allowed rate of \$9,000 per megawatt hour for longer than needed.

**HB4492** provides ERCOT with up to \$6.5 billion in Rainy Day Fund money to secure bonds to finance loans for natural gas companies and electric co-ops to pay back wholesale electric and gas providers. Texas consumers will see a fee tacked on to their monthly bill for the next 30 or so years to pay for problems not of their making, while power generators who raked in enormous profits smile all the way to the bank.

## Voting and Elections Laws

Supporters of **SB7**, filed during the Regular Session say the bill is needed to ensure that elections in Texas are secure. Opponents of **SB7** and its Special Session successors counter that officials coast-to-coast attest that the November 2020 Elections were the most secure ever; and add that the bill's true purpose is to suppress votes from certain communities.

The so-called voter integrity bills introduced by my colleagues will make it more difficult for the disabled and others to vote by mail, prohibits drive-through voting and the use of temporary structures as polling locations, unless a permanent structure is not available. The bills create procedures where legal voters are repeatedly required to identify themselves and must sign new forms the bill creates. They also add new rules for people who assist others to vote.

**SB7** and **SB1**, filed during the Special Session, place new restrictions on elections workers that opens them up to possible civil and criminal penalties for violations. They enable partisan poll watchers to move freely throughout voting sites, which could intimidate voters. Ballots can be rejected if the same identifier used when the voter registered does not match identifying information used on the envelope for the mail-in ballot application.

More Texans voted in 2020 than ever before and the percentage of those who turned out to vote was the highest since 1992. Nationally, Texas ranks among the lowest in voter turnout and in its percentage of registered voters. So why, following the highest turnout ever, would we pursue legislation that observers say makes voting more difficult?



Senator West during debate in Senate Chamber.



Mrs. Opal Lee was recognized by the Senate on July 22 after passage of Juneteenth as a National Holiday.

## Health & Human Services

We struggle to find a silver lining for a pandemic that has claimed millions of lives globally and more than 53,200 Texans by August 2021. But if anything, COVID-19 shed light on the shortage of medical care in rural areas of the state. The budget provides an additional \$123.5 million for rural hospitals.

The FY22-23 budget allocates \$8.43 billion across 25 state agencies to address behavioral health. That figure includes \$86 million for new, state mental health beds, adding \$15 million for inpatient psychiatric beds in rural communities and \$15 million for inpatient psychiatric beds in urban areas. Plans include a new state hospital in the Dallas region.

A bill I authored, **SB642**, will provide mental health treatment for children who have severe emotional or mental health conditions that require residential treatment. Under current law, these services can only be obtained through Child Protective Services or the Department of Family and Protective Services (DFPS). The existing process required an abuse or neglect investigation to be initiated, even if it did not happen and could take up to 12 weeks. It also forced parents to either relinquish their rights or have them terminated by the courts.

**SB642** eliminates the requirement for cases to be processed through DFPS and allows services to be accessed through local mental health authorities and Health & Human Services.

**HB133**, by Dallas colleague Rep. Toni Rose, will address Texas' long-standing problems with maternal morbidity that disproportionately impacts low-income and minority women. Existing post-partum coverage for mothers served by Medicaid ends 60 days after childbirth. Records show that 31 percent of pregnancy-related deaths occur 43 days to one year following pregnancy.

**HB133** will extend medical coverage for Medicaid-eligible mothers to a minimum 12 months following childbirth or an involuntary miscarriage.

Twenty-nine senators signed on as authors or co-authors of **SB25**, a bill that allows residents of long-term care facilities to designate someone as an essential caregiver. The designee would be allowed daily, two hour, in-person visits. And visitation can be halted for no longer than seven days during a community health risk. **SB25** codifies rules created by Health & Human Services in 2020 after witnessing too many residents pass away alone, without seeing their loved ones.

**SB8** was another of the divisive bills introduced during the 87th. It's more commonly called the "Fetal Heartbeat Bill." Under **SB8**, Texas doctors can no longer perform an abortion if a heartbeat is detected while an expectant mother is being examined. The bill contains a medical emergency exception for a doctor who determines that the pregnancy would endanger the woman or cause serious medical risk.

**SB8** does not contain an exception for rape or incest, but allows an unrelated person to sue a doctor or others who "aided or abetted" an abortion.

**HB1280** - The Human Life Protection Act, would ban abortions in Texas if the 1973 **Roe vs. Wade** ruling that legalized abortions is overturned by the U.S. Supreme Court. It creates a second degree felony for doctors who attempt or perform an abortion, which enhances to a first-degree felony if the fetus dies. **HB1280** does not include exceptions for rape or incest.

## Good Laws That Work For Texans

I was asked to be lead author on **SB30**, a bill that takes another step to remove lingering vestiges of racism. **SB30** creates a process for property owners or other interested persons to retrieve and remove restrictive language from deeds which prohibits property ownership due to a person's race, color, religion or national origin. The 1968 Fair Housing Act made it illegal to place such language in deeds. But neither federal nor state law provides a means to remove the offensive language without court action.

**SB30** creates a procedure where the request can be made to the County Clerk to remove the restrictive language.

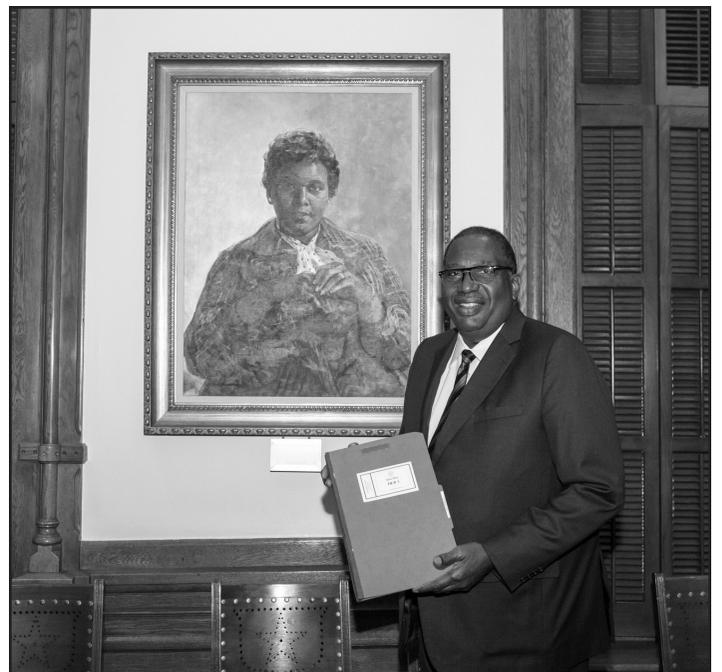
Two good bills that do not directly impact transportation passed out of the Senate Transportation Committee before becoming law.

Have you rushed to answer your phone only to hear a recording telling you your auto warranty is about to expire? Part of the reason is because the Department of Public Safety, the Department of Motor Vehicles, Texas Parks & Wildlife and auto inspection stations are allowed to sell consumer information to marketers.

**SB15** will stop these agencies from selling your name, phone numbers, email address, driver license or social security number to private companies for marketing. Companies who possess, but are no longer authorized to have consumer personal information will be told by the responsible agency to delete the records or face civil liability.

**HB5** creates a plan to expand the availability of broadband technology statewide. It creates the State Broadband Development Office (BDO) to be a resource for broadband information for communities and instructs the BDO to develop and publish a statewide map that shows where broadband technology is available and where it is not.

The map will identify every public school in Texas and indicate whether it has broadband access. **HB5** creates and funds the Broadband Development Program to assist expansion by awarding grants and low-interest loans to applicants in low-access areas.



Senator West paying homage to former Texas Senator and Congresswoman Barbara Jordan after passage of **HCR5**.

Prior to the adoption and enactment of **HCR5**, there were no state buildings in Texas named after an African American. Upon completion, a new building in the Capitol Complex will be named for the Honorable Barbara Jordan; who after becoming the first-ever African American woman to serve in the Texas Senate and the first African American state senator since Reconstruction, was elected in 1974 to represent Houston in the U.S. House of Representatives.

I was also Senate sponsor of **HB3481** that will designate December 1 in Texas as Rosa Parks Day to honor her historic role in the formative days of the Civil Rights Movement, when her actions triggered the Montgomery bus boycott. **Rest In Power Rosa Parks**, named the Mother of the Freedom Movement by Congress.

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## Economic Development

How do you bring together Fair Park, the City of Dallas and the University of North Texas at Dallas and create a win-win for all? **SB2181**, a bill I authored, creates a partnership among the three which uses a portion of the City's hotel occupancy tax for a project that would create more tourism and jobs. We also worked closely with hospitality industry officials on plans to build a hotel on the UNT-Dallas campus that would both support tourism and provide hands-on experience for budding professionals for the school's Hospitality and Hotel Management Program.

**SB2181** will require approval by Dallas residents to use hotel occupancy receipts to finance economic development projects. Proceeds would assist with Fair Park revitalization efforts.



Senator West and family members of Christine Blubaugh.

For years I have urged state agencies and worked with the Legislature to improve contracting and procurement opportunities for Historically Underutilized Business. While some agencies including state colleges and universities have shown improvement, there remains work to be done. I am asking for the chambers and contracting associations that represent HUB and minority contractors to join me in advocating for more.

## Dating Violence Awareness

**SB1109/SB9** - The Christine Blubaugh Act was named to honor and educate others regarding what happened to a 16-year old Grand Prairie High student who lost her life in 2000 due to dating violence. The bill will require Texas schools to offer age-appropriate courses once in either middle school or junior high and twice in high school.

If passed, Texas school districts will be required to implement dating violence policies that include training for teachers and school administrators, counseling for affected students, safety planning and awareness education for students and parents regarding teen dating violence.

Working closely with Christine Blubaugh's family and Grand Prairie police, I authored **SB1109** which was vetoed after the Regular Session. A similar bill, **SB9** was filed by the committee chairman during the Second Special Session to address the governor's concerns. **SB9** will allow parents to opt their children into the coursework, rather than making the instruction mandatory.

## Education

**HB3**, passed by the Legislature in 2019, overhauled how public schools are financed by modifying the so-called "Robin Hood" formula where affluent districts contribute more. Instead, the state increased its funding contribution, which also reduces local contributions and property taxes.

There's bound to be oversights and unintended outcomes for a bill as far-reaching and complex as **HB3**. **HB1525's** goal is to address issues that have been identified since **HB3** passed.

**HB1525** revisits how school districts calculate their taxes

and projected revenue and the amount of funds wealthy districts remit for recapture. It increases charter school funding, adds funding for career and technology programs and for teacher incentive pay. The bill instructs the education commissioner to reduce state aid or adjust local tax revenue if it is determined that a district levied a rate higher than permitted by the state.

**HB1525** adds incentive pay for teachers at state schools for the deaf and for the blind and adds incentive pay for all teachers as part of salary and wage calculations for retirement benefits. It contains one-time federal funding to assist school districts and charter schools assure that students perform at grade level and graduate prepared for college, careers or the military. **HB1525** seeks to address the harmful impacts on schools, students and the educational process caused by COVID.

I signed as a co-author of **HB4545**, which amends existing law that ties promotions to certain grade levels based on whether students pass standardized reading and math tests. **HB4545** will allow a student to pass to the next grade, but requires the struggling student to receive accelerated instruction in the subjects for which the student did not pass required tests. Students subject to **HB4545** will be taught by a master, exemplary or recognized teacher.

**HB4545** requires the student to receive a minimum of 30 hours additional instruction during summer school or over the next school year and to receive individual instruction or in a group no larger than three students. Parents can appeal the plan developed for their child by the assigned accelerated learning committee.

**HB4545** creates the Strong Foundations Grant Program that will provide additional funding and instructional resources to preK-5 schools which meet certain requirements. A low-rated or low-performing school may be required to participate in the Strong Foundations Grant Program.

**SB1389** did not pass, but school districts could certainly use it now. **SB1389** would have authorized remote learning for traditional school districts and charter schools. When schools were shut down in March 2020 due to COVID, teachers and administrators were forced to create new instructional models so that students could continue classes without being in a classroom.

**SB15** was passed during the second Special Session to provide school districts with a remote learning option. To be eligible, districts must have minimum "C" rating. The bill provides stand-alone remote and blended instructional options. But teachers will not be required to deliver remote and in-person instruction simultaneously.

## CRT – Why and why now?

Raise your hands if you were familiar with Critical Race Theory prior to 2021. If so, it places you in the minority, although the topic has been discussed among academia for years. **HB3979** was thoroughly debated in the Legislature before its passage during the Regular Session, but was placed on the agenda for the Special Session. The question is why? **HB3979** supporters adamantly say that instructional materials should not infer or teach that one race is superior to another. Teachers and teacher groups opposed **HB3979**, saying it limits their ability to teach and amounts to censorship.

Under **HB3979**, selected topics from America's history are to be included as part of the Social Studies curriculum. However, teachers cannot be compelled to discuss current events or "controversial issues of public policy or social affairs." Schools cannot award grades, course credit or extra credit for activities such as "lobbying" elected officials or local, state or federal governmental bodies or participating in political activism.

It's permissible to teach about the U.S. Constitution or even **Brown vs. Board of Education**. But discussing with students what happened during the Summer of 2020 would be problematic.

## Higher Education

The conversation regarding compensation for college athletes' was long overdue, but it took a blistering opinion by Supreme Court Justice Brett Kavanaugh to move the issue

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forward. For too long, colleges and the NCAA have made huge profits from football and basketball programs, but athletes who are not supported by family struggle financially.

**SB1385**, a bill I co-authored, will allow college athletes to be paid for use of the athlete's name, image or likeness (NIL). It applies to public and private institutions. Under **SB1385**, a college or university cannot prohibit a student-athlete from being represented by an agent or attorney for NIL purposes. Neither can NIL compensation come from the institution. An agreement cannot be entered into before an athlete is enrolled, nor can it be used to entice an athlete to attend a particular school. I amended SB1385 so that NIL agreements cannot be made with high school students.

**SB1531** follows the tracks laid by **SB25**, a bill I also authored last Session to improve the transferability of college course credits and move students more efficiently toward graduation. Under **SB1531**, the hours accumulated by an in-state, resident student will be limited to 25 percent above the requirements of a specific associates or undergraduate degree for an institution to continue to receive formula funding.

Existing law already allows students with excess hours to be charged non-resident tuition rates. As with **SB25**, **SB1531** will encourage students to declare a major earlier and require institutions to steer them more quickly toward a degree. Without these guardrails, students often exceed limits on Pell Grant eligibility, incurring more personal debt. **SB1531** helps students graduate faster and saves money for families, colleges and taxpayers.

**SB2111** was not approved, but would have created regional postsecondary collaborative grant programs statewide that form partnerships between school districts and public community colleges to support the attendance and persistence of low-income students. The programs would develop relationships with local employers to match local workforce needs. The collaborative was modeled after the Dallas County Promise program that provides scholarships to resident high school graduates. This idea will be on my list for 2023.

## UNT-Dallas

My relationship with the University of North Texas at Dallas will forever be like that of father to child. And any proud dad wants to see his progeny grow and thrive.

UNT-Dallas' enrollment actually increased during the pandemic. Fall 2020 enrollment topped 4,100 students with nearly 4,200 enrolled for Spring 2021. As a result, formula funding for FY22-23 will increase 18 percent over FY20-21.

UNT-Dallas will also receive \$3.5 million in new funds for the Center for Socio-economic Mobility through Education, which will create workforce programs that offer training and re-training for Dallas County residents impacted by job loss or under-employment.

The Legislature removed restrictions on expansion funding over the next three biennia, restoring it to pre FY20-21 levels. The increased expansion funding helps UNT-Dallas remain the most affordable four-year university in Dallas.

## Paul Quinn College

**HB4202** adds Paul Quinn College to the list of work colleges that have access to the TexShare library consortium used by higher education institutions. The TexShare program is an invaluable educational, resource-sharing database used by libraries statewide. It accesses more than 15 million images, interactive resources and thousands of journals and ebooks.

## UT Southwestern

Funding for UT Southwestern increased by nearly 6 percent from \$302.11 million to \$319.81 million for the FY22-23 biennium.

Through **SB1**, the Legislature restored the 5 percent reduction requested for all state agencies (\$57 million) and instead, appropriated an additional \$110 million for TEXAS Grants, Tuition Equalization Grants for private institution students and Texas Equal Opportunity Grants for community college and technical school students.

## Criminal Justice

My efforts to address police accountability, particularly incidents involving law enforcement and minority males

dates at least to 2001 with **SB1074**, that put Texas' first law on racial profiling on the books and cameras in patrol cars. Another step was made with **SB158** in 2015, which established statewide comprehensive policy on the use of body worn cameras by law enforcement. The 2017 Session introduced the Community Safety Education Act, **SB30** that provided guidelines for interactions between officers and citizens. My attention has never waned. But in 2020, the death of George Floyd, seemingly on the heels of the 2018 shooting of Botham Jean and others, placed police accountability front and center nationally.

We worked with House colleagues to file **SB161**, named for George Floyd at the start of the 87th. Seeking bipartisan support, my Senate colleagues were invited to have input into a refiled **SB1224**, the George Floyd Law Enforcement Accountability Act, only to face stonewall opposition saying no bill named for Floyd would pass the Senate.

Undaunted, we then worked to identify less contentious sections of the larger bill and moved them to passage. My **SB2212** requires an officer who observes a person who is injured during the course of the officer's duty, to request and render aid, unless doing so would place the officer or others in danger.

**SB68** would ban officer's use of chokeholds or carotid artery holds that restrict the flow of blood. It was amended onto **SB69** that creates a duty of officers to intervene and requires a report to be filed by an officer who observes another officer using excessive force.

My **SB1545**, named for Breonna Taylor and Atatiana Jefferson, would have created statewide policy on the use of force by officers, but it seemed a step too far for too many. But I sponsored **HB3712**, which was amended to require training for officers on the topics covered by **SB2212** and **SB69** on rendering aid, banning chokeholds and the duty to intervene.

Each time we thought agreement was reached on **SB1544**, which would have created Texas' first law regulating the use of no-knock warrants, the goal line would move. But we sponsored **HB492** on no-knock warrants. It passed the Senate and made it to the one-yard line in the House before stalling on the last night bills could pass the House during the quorum break caused by the elections bill.

**SB380**, The Botham Jean Law, never received a Senate committee hearing but a much-negotiated **HB929** by Dallas delegation ally Rep. Carl Sherman found its way across the goal line. **HB929** will require video recorded by body worn cameras to be kept as evidence and says agency policy will determine when cameras can be activated or deactivated.

**SB2114** passed the Senate in 2019, but faltered in the House. **SB111**, named for wrongly convicted Dallasite, Richard Miles and pushed by the Dallas County District Attorney was successful. It orders law enforcement agencies to turn over all required evidence collected by officers to prosecutors, just as prosecutors must turn over the same type evidence to defense lawyers. Agencies must also submit a written statement attesting that all required evidence has been relinquished.

While we struggled to pass meaningful policy that would help restore confidence that all communities are treated fairly by those entrusted to protect and serve, their jobs were made more difficult by the passage of numerous gun rights bills.

**HB1927** loosened the qualifications needed to obtain a license to carry (LTC) to make it legal for a person who is 21 or older to openly carry a handgun in public without a permit; no proficiency or safety training required. Private business owners can still post signs prohibiting handguns, but pistols can be carried into open meetings of governmental agencies.

Under **HB20**, guests can take guns with them into hotel rooms. While federal law restricts the use of silencers by private citizens, a Texas-made "suppressor" sidesteps federal law, so that hunters can better protect themselves from hearing loss.

**SB19** prohibits any Texas governmental entity from contracting with a business that "discriminates" against a firearm or ammunitions business. There are others!

I want citizens and law enforcement to be safe, so I also worked with our district attorney to pass **HB3363** that forces technology and communications companies like Facebook and Google to obtain information to help locate devices used by felony fugitives. It's how the Austin bomber was found.

I supported **SB2222**, a bill to equip state trooper's patrol cars with bullet proof windshields, just like I authored **SB12** in 2017 that bought better bulletproof vests for officers.

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Senator Royce West



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The Dr. Emmett J. Conrad Leadership Program

In December 2020, the University of North Texas at Dallas (UNT Dallas) was selected by Senator West to manage the Dr. Emmett J. Conrad Leadership Program.

"Now, in its 28th year, it's important to attract even more students, provide ever more impactful internship opportunities and transition to a more sustainable model," said Senator West. "The ability to have program staff, recruiters and communicators dedicated to student success to help secure the program's sustainability was a big factor in selecting UNT Dallas."

Since 1993, the Dr. Emmett J. Conrad Leadership Program has provided paid summer internship opportunities for more than

2,400 college students who reside in Texas Senate District 23. Conrad interns are assigned to area hospitals, city and state agencies, law firms, corporations and other industries in their specific areas of interest. Many have turned their internship into permanent employment. "As an intern with the Conrad Leadership Program, college students are able to gain valuable work experience and transfer that practicum back into the classroom," said Dr. Sabrina Hodge, a Conrad Alum who now manages the Conrad Leadership Program at UNT Dallas.

The program is open to all undergraduate and graduate students attending any four-year college or university, who reside in Texas Senate District 23. To learn more or sponsor a summer intern, please visit [conradleadership.org](http://conradleadership.org) or email Dr. Sabrina Hodge at [sabrina.hodge@untdallas.edu](mailto:sabrina.hodge@untdallas.edu).

