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Wednesday, July 30, 2014

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FULL TEXT

**Alabama 'very attractive' as Southeast gains attention from international businesses and manufacturers**

*Al.com*

July 29, 2014

Kathryn Jacoby

Business leaders who call Alabama home know how much the state has to offer in terms of economic development potential. In the last five years, the state has attracted companies including Remington, Carpenter Technology and Golden Dragon Copper, among others.

Thanks in part to those recent successes, Alabama is in a position to compete "very well" for future opportunities in manufacturing, explained William Hearn, senior vice president of strategic consulting at real estate firm CBRE at the Economic Development Association of Alabama's summer 2014 conference.

Hearn said that low, stable energy prices like the ones found here are helping drive the country's manufacturing boom.

"A lot of firms want to come here because of energy prices," he said. "From a global perspective, the U.S. is a very attractive place to do deals."

"The attitude is, 'If we can't do it in the U.S., we can't do it anywhere.' There is a strong impetus for folks from other parts of the world to set up and do business here," he said. "It can't all be made in China."

Hearn, who is also a founding member of the Site Selectors Guild, said there is good news on the horizon for manufacturing in Alabama and nationwide. Companies are doing well, and wages are increasing.

"The data we are seeing shows that aggregate manufacturing wages are generally on the rise," he said. "For a state that is adding manufacturing jobs, that is a very positive sign. For so long, the country was shedding those jobs, but now there is growth there. I wouldn't call it overly robust, but it's definitely there."

When CBRE's global clients are looking to locate a facility in the U.S., they don't necessarily think about Alabama as a separate entity—they simply look to the Southeast as a whole, Hearn explained.

"Our clients don't think about Alabama, Georgia, Mississippi, they see the Southeast as a region, as a market, and they look at whether or not the region has the assets they need."

The Southeast has much to offer, Hearn said, referencing the 13 diverse states that comprise the region, as well as "pro-growth" policies and political stability.

"Not all regions have this. Sometimes we forget how good we have it. As a region we compete very favorably," he said, "Alabama just has to find ways to stand out from the pack."

Alabama Governor Robert Bentley is considering doing a study on how Alabama competes as part of the Southeast region, Hearn said. The study would focus on Alabama's ability to lure a new company to the state as compared to our neighbors.

"I think that's very smart," he said. "It's important to figure out how you compete, and benchmarking within the region makes a lot of sense. Alabama needs to figure out how, over the next five years, you're going to get more than your fair share."

While state or region can ever fully control a company's decision on where to locate new operations, Alabama can make the state more enticing by looking at where we've been and where we're going, Hearn said.

"Your strategy over the next five years should be how you can outperform the last five years," he said.

Hearn pointed to some "rising stars" in the Southeast that have been very attractive to new businesses over the last few years. They include Charleston, Nashville, Greenville, Spartanburg, Raleigh-Durham, and Baton Rouge.

Unfortunately, even though the Southeast has had many successes, Hearn said there are still many challenges to growth, including perception of poor public education, and the fact that our growth is outpacing our infrastructure, creating problems with transportation, roads and highways, and water. Apparently, concerns over tornadoes is also a problem.

In addition to real potential in manufacturing, Hearn said there's currently a pent up demand for certain capital projects including medium-sized back offices.

"A lot of companies are in high growth mode for back offices. Companies in insurance, financial services and banking. And there's additional capacity in Alabama for that," he says.

Other trends impacting the Southeast include inland port development and intermodal projects. Many companies are building intermodal facilities "with a developer in tow," Hearn said.

"They're setting up for large scale development," he said. "This is something to keep an eye on for the next 10 years. What is the role of Alabama in capturing some of that?"

CBRE, a global provider of services to commercial real estate investors and occupiers, is involved in almost 50% of major site selection projects in the U.S. every year, Hearn said. The company has worked with Fortune 500 companies including UBS, Disney, DuPont, BP, Dollar General, J.P. Morgan, Volvo, Kawasaki, and AT&T.

Companies interested in opening a business in Alabama can check out the Economic Development Partnership of Alabama's (EDPA) "Advantage Alabama," an online site selection tool for site selectors, industry and entrepreneurs.

Advantage Alabama offers the state's complete inventory of available buildings and sites, including a listing of AdvantageSites, which are sites that have already been vetted for permitting, electrical installation, geotechnical issues, land ownership issues, etc. The state currently has 49 AdvantageSites ready for construction according to Greg Knighton, vice president of the EDPA.

For more stories about Birmingham business, check out [al.com/business/birmingham](http://al.com/business/birmingham).

For a complete archive of stories by Kathryn Jacoby, [click here](#).

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**Expert: Alabama needs to focus on workforce to raise its economic development prospects**

*Al.com*

July 29, 2014

Michael Tomberlin

POINT CLEAR, Alabama – From population figures to the number of people with a doctorate degree, site selectors are taking a more detailed look at an area's workforce when deciding where to invest millions of dollars in a new factory or office.

That was the main message from Jeff Forsythe, principal with Greenville, S.C.-based McCallum Sweeney Consulting site selection firm, when he addressed Alabama economic developers at the Economic Development Association of Alabama's Summer 2014 Conference.

Among the Alabama projects McCallum Sweeney worked are the \$100 million Dollar General distribution center in Bessemer and the expansion of the Austal shipyard in Mobile.

Forsythe said there is a workforce component to every phase of the site selection process and at any point a major workforce issue can get a site cut from consideration.

Among the workforce criteria a company typically finds favorable is a large pool of industrial workers to draw from and wages that the company feels like it can pay and remain competitive.

Among the workforce criteria that can turn off a company is the proximity to labor unions – particularly those related to their industry – and the proximity to competitors.

Forsythe said McCallum Sweeney has its own scoring system based on different workforce criteria identified for the company.

State Workforce evaluation map.jpg

[View full size](#)

An example of a total rating of Alabama communities based on an example of the McCallum Sweeney rating system. (contributed)

For example, an area that has an average manufacturing wage of less than \$18 per hour would score it two points. An average wage of \$18-22 per hour could get a site one point and wages averaging more than \$22 per hour would be worth zero points.

Similar scoring would be given to size of manufacturing labor force, percent of workforce with a high school degree or bachelor's degree, proximity to labor unions with membership larger than 250 members and any number of similar criteria.

All of those factored together would give a site a total score which would be used in evaluating a site. The criteria and the scoring could change, depending on the factors the prospective project cites as most valuable.

"Businesses cannot endure long-term lack of access to required skill sets," Forsythe said.

Forsythe said even incentives are tied to workforce – with states like Alabama using AIDT for worker recruitment, screening and training. Even in the final project agreement, the number of workers and their compensation are key factors the company has to commit to in order to receive incentives.

With companies using greater scrutiny when it comes to selecting sites based on workforce, Forsythe said there are things Alabama communities need to be doing to boost their rating.

For instance, taking a closer look at growing the STEM (Science, Technology, Engineering and Math) workforce can go a long way. Also, as the military downsizes, those communities near military bases need to make a concerted effort to add those highly-skilled workers to their civilian workforce, he said.

Forsythe said young people need to be steered towards advanced manufacturing jobs rather than all of them pursuing professional degrees. Today's manufacturing jobs are highly skilled and can have better salaries and benefits than many white-collar jobs, he said.

While recruiting workers with some specialized skills from a regional or national labor pool could help in some cases, Forsythe said having those workers already there obviously is an advantage.

"You must grow the skilled workforce locally," by working with educators and partnering with post-secondary schools, Forsythe said.

Keeping those workers is also a challenge.

"You have to not only be able to entice them to come, you've got to convince them to stay," Forsythe said.

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**Forbes: The Loveliest Village On The Plains is also a lovely place for business & careers**

*Yellowhammer News*

July 30, 2014

Cliff Sims

Forbes magazine recently released its 15th annual ranking of the best small towns in America for business and careers. Seven Alabama cities made the list, with Auburn leading the way, coming in at number 10 nationally.

Kurt Badenhausen, a Forbes staff writer, explained the methodology they used to craft the list:

We consider 12 metrics relating to job growth (1-year, 5-year and projected 3-year), costs (business and living), income growth over the past five years, educational attainment (college and high school) and projected economic growth through 2016. We also factor in net migration patterns over the past five years, as well as cultural and recreational opportunities. Lastly we included the number of highly ranked colleges in an area per our annual college rankings. We give the most weighting to business costs and educational attainment in the overall ranking.

The Auburn-Opelika metro area, which has a population of just over 150,000, ranked 5th nationally in cost of doing business, 14th in job growth, and 23rd in education, propelling it into the top 10 on Forbes' highly competitive list.

Here's what the country's most widely read business magazine had to say about The Loveliest Village On The Plains:

Auburn is a college town and is the home of Auburn University, which is also central to the city's economy. Auburn is home to the Jule Collins Smith Museum of Fine Art and the Telfair Peet Theatre, which hosts dozens of yearly concerts, including a series of outdoor concerts in the fall at Kiesel Park. Other musical series in Auburn include that of the Auburn Knights Orchestra, a big band jazz orchestra, and the Sundilla Acoustic Concert Series. Recreational opportunities in Auburn include 16 parks, highlighted by Chewacla State Park, Kiesel Park and the Louise Kreher Forest Ecology Preserve. The city is also home to the Donald E. Davis Arboretum which showcases numerous tree species native to Alabama and the Southeast.

"Forbes realizes what I've known for a long time, Auburn is a special place to live, work and raise a family," said Alabama House Speaker and Auburn resident Mike Hubbard. "Working together from the state, city, and local levels we have landed Auburn a place on the map as one of the most business friendly places in the state, and now, for the second year, one of the top 10 places for business in the country."

Joining Auburn on Forbes' list this year are Tuscaloosa (49), Dothan (172), Florence (121), Decatur (146), Gadsden (152) and Anniston (179).

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### **Shelby, Roby call for reforms at CAVHCS**

*Montgomery Advertiser*

July 29, 2014

Mary Troyan

WASHINGTON – Saying they "have lost trust in the leadership" of the Central Alabama Veterans Health Care System, two members of Congress from Alabama asked the new Veterans Affairs secretary on Tuesday to meet them at the Montgomery facility to discuss problems related to patient care.

Republican Sen. Richard Shelby and Republican Rep. Martha Roby of Montgomery want VA Secretary Bob McDonald to review allegations of mismanagement at CAVHCS and craft a plan to address them within 60 days.

"I think it's appalling the way the veterans have been treated for the most part down there, with the waiting lists and so forth," Shelby said in an interview Tuesday.

McDonald was confirmed by the Senate on Tuesday to replace former VA Secretary Eric Shinseki, who resigned as the national VA scandal worsened.

Shelby and Roby sent McDonald a letter soon after the vote. It mentions the central Alabama system's longer-than-average waits for veterans to see doctors, efforts to cover up the wait times, lost patient X-rays, and evidence that scheduling staff were instructed to violate VA record-keeping policies.

The problems, including a staff shortage and falsification of patient records by a doctor, have been detailed in a series of stories in the Montgomery Advertiser.

"Instead of swiftly working to fix the serious problems at the CAVHCS, all reports suggest that its leaders are focused on dodging blame and personal cost rather than serving veterans and providing the care and treatment promised," Shelby and Roby wrote in their letter to McDonald. "We have lost trust in the leadership at CAVHCS."

Shelby and Republican Sen. Jeff Sessions voted to confirm McDonald, a former CEO of Proctor & Gamble.

But Sessions criticized pending legislation designed to address the VA's problems.

"We can't borrow money every time we have a crisis," Sessions said. He did not say how he plans to vote on the \$17 billion proposal.

The bill, a compromise reached by the Republican and Democratic chairmen of the House and Senate Veterans Affairs committees, would provide \$10 billion to increase veterans' access to non-VA doctors, and \$5 billion to hire more VA medical staff and improve VA health facilities.

It also would make it easier to fire or demote VA employees for poor performance or misconduct.

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**Roby slams Central Ala. VA scheduling manipulation**

*The Associated Press*  
July 29, 2014

MONTGOMERY, Ala. (AP) — An Alabama congresswoman said a new report is the strongest evidence yet that patient-scheduling manipulation was standard operating procedure at Veterans Affairs health care facilities in central Alabama.

The Department of Veterans Affairs released data to Congress showing that 57 percent of the staff surveyed at Central Alabama Veterans Health Care System said they were instructed to change the dates of when a veteran asked for an appointment. That compares to nearly 13 percent nationally, 17 percent at the Tuscaloosa VA and 9 percent at the Birmingham VA.

By altering the date of an appointment request, a VA hospital or clinic can mask how long veterans have to wait to see a health care professional.

Republican Rep. Martha Roby of Montgomery said Tuesday that the VA report "shows what we have long suspected: that the rampant scheduling manipulation in Central Alabama wasn't some misunderstanding, but rather a facility-led, standing operating procedure."

She said the Central Alabama VA numbers were "off the charts" compared to similar facilities. The Central Alabama VA includes major facilities in Montgomery and Tuskegee.

The director of the Central Alabama VA announced last month that three employees involved in manipulating the wait time data had been reassigned.

Roby said the latest report adds to a string of problems, including a VA pulmonologist who was caught manipulating more than 1,200 patient records, at least 900 patient X-rays that were lost until recently, and a VA medical officer who asked staff to remove all references to the problems from a report.

The VA report provided to Congress on Monday surveyed thousands of employees at more than 900 VA health care sites over five days in May, when the wait-time problems were breaking. The Alabama figures were first reported by the Montgomery Advertiser.

In the survey, the Central Alabama VA staff gave itself a customer service rating of 2.7 on a scale of 5, with 5 being the highest. Birmingham and Tuscaloosa came in at 3.8.

Roby joined Republican Sen. Richard Shelby of Alabama in writing to new Veterans Affairs Secretary Robert McDonald to try to get him to visit the Montgomery facility. "Reports regarding the treatment of veterans in Alabama are dire and appalling," they wrote Tuesday.

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### **State employees' insurance could go up again**

*Montgomery Advertiser*  
July 30, 2014



Brian Lyman

Patrice Anderson has struggled with cancer for four years. But she hasn't struggled with financing her treatment.

An administrative assistant at the Department of Health who makes about \$40,000 a year, Anderson has fought two bouts of non-Hodgkin's Lymphoma, the most recent recurrence coming in February. The cost of chemotherapy alone — delivered over several days — could buy a small car.

"On the first day, one drug costs \$2,000, almost \$3,000," Anderson said. "The next day is a Friday, and the second drug costs \$9,000. The third day I go is a shot, and that's about \$4,000. So it's about \$15,000 every time I have a treatment."

But in the state employee plan, her costs are relatively small. Anderson pays a \$25-to-\$35 co-pay for her treatments, and a \$300 co-pay for hospitalizations.

"I've had a lot of costs that could have affected me and my family," Anderson said. "But because of the co-pays, the amount of money to come out of my pocket is small."

Anderson is one of approximately 90,000 people statewide who are covered by the State Employees Health Insurance Plan, administered by the State Employees Insurance Board (SEIB). A subcommittee of the SEIB is scheduled to meet Thursday morning to begin the process of setting premiums and co-pays, which generally take effect on Jan. 1. The full board is expected to consider the proposal in mid-August.

The good news for state employees is that the financial situation for the board appears less dire than last year, when the board kept premiums level but increased a number of co-pays. However, board members will have to find a way to address a \$27 million deficit, which could lead to new costs for those in the program.

"All the things that were on the table last year will be on the table this year," said William Ashmore, the CEO of the SEIB. "Then it's up to the committee and the board to decide what portion of the shortfall will come out of reserves, and what portion will come from premiums and benefit adjustments."

Traditionally, state employees accepted lower pay in return for better benefits. But those benefit packages have been challenged more and more in recent years. Cuts to state government, driven by budget crises and small-government philosophies from governing Republicans, have reduced the employee workforce by 11 percent since 2010, driving down the number of active employees contributing into the system.

Some stability in the state employee population has helped the SEIB in recent months.

"It's in a little bit better shape, but we've still got issues," Ashmore said.

The SEIB has \$27 million in reserves, which could close the entire deficit this year if needed. However, Ashmore said that using it all up this year would leave nothing to deal with any shortfalls in the following year.

"What the board has been doing over the past few years is try to take a balanced approach," he said.

After discounts, employees pay about \$18 a month for medical and dental coverage for an individual, and \$213 for a family. Last year, the board left premiums as they were, but increased the co-pays for a number of different medical services.

While state employees generally pay less for their insurance than those in the private sector, many typically make less as well. The median salary for state employees last September was \$37,389, according to the Alabama Personnel Department.

"Any increase is going to be felt, especially for those who carry family coverage," Anderson said. "For me, it may not be as bad because I'm not caring for anyone but myself. But many state employees don't make \$40,000 a year. They make \$20,000, or \$25,000. It will definitely hurt them."

Paul Bivins, a psych associate at Staton Correctional Facility in Elmore County, needed open-heart surgery about three years ago, which was covered by the plan. His two children, both in their 20s, are covered under the program.

Bivins said increases would probably not hurt him terribly, but that "small increases add up." But like Anderson, he said he is pleased with the quality of benefits he gets in the program.

"I'm very pleased I have health insurance," said Bivins. "I'm glad to have it. It's one of the most important benefits we have."

Gov. Robert Bentley last year restored merit raises after a five-year freeze, which allowed many employees to see pay increases between 2.5 and 5 percent. State employees are expected to receive a \$400 bonus under next year's General Fund budget. However, state workers have not received a cost-of-living increase in nearly six years.

"We certainly hope there won't be any (insurance) increases," said Mac McArthur, executive director of the Alabama State Employees' Association. "When you look at state employees not having had a COLA since Oct. 1, 2008, certainly raising anything on that front would be a pay cut."

Anderson, who found out Tuesday her cancer is in remission, agrees with that.

"From what I know about insurance rates in the private sector, the state employees' costs do come under the private sector," she said. "But our salaries also come under the private sector rates."

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## **AL delegation voices opinion on President's proposed energy regulation**

*WSFA*

July 29, 2014

Hunter Robinson

ATLANTA, GA. (WSFA) -

Administrators with the Environmental Protection Agency have begun a grueling two day/four city tour hearing testimony on President Obama's proposed changes to regulations for existing power plants.

They started on Tuesday in Atlanta, and a delegation from Alabama was there.

Alabama's delegation consisted of the state's attorney general, Public Service Commissioner Jeremy Oden, and one of the governor's advisors Blaine Galliher.

The hearing, heard from hundreds of people. In Alabama, Electric Cooperatives warn that by reducing one energy source, that doesn't mean it can be replaced by something else overnight.

"It takes time to put the facilities in place," said Tom Stackhouse, CEO of Central Alabama Electric Cooperative. "To build power plants, to build transmission lines, all of those things in place, it takes a long time."

Stackhouse warns that while Natural Gas may be very affordable right now, just purging coal altogether could hurt things down the road.

"Right now, we have a good solid system in place and by removing one of those resources it just puts more of a load on the rest."

This new EPA policy that's being pushed by the president is aimed at reducing carbon output by the year 2030 to levels below what they were ten years ago.

According to the Governor's Office, the coal industry employs nearly 5,000 people in Alabama.

Officials with the state have said they think the affect of the new regulations on Alabamians' wallets is more important than any positive environmental outcome.

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## **Mississippi abortion law struck down**

*Times Daily*

July 30, 2014

Mary Sell

Abortion clinic restrictions similar to ones the Alabama Legislature passed in 2013 have been struck down in Mississippi.

A federal appeals court panel ruled Tuesday the Mississippi law, which would close the state's only abortion clinic, is unconstitutional.

The three-judge panel of the 5th U.S. Circuit Court of Appeals issued its 2-1 ruling in a case involving the state's 2012 law, which required physicians at the clinic, Jackson Women's Health Organization, to obtain admitting privileges at a local hospital.

Physicians at the clinic applied for the privileges at Jackson-area hospitals but were unable to get them. Attorneys for Mississippi argued if the clinic closed, women could get abortions in other states.

In 2013, Alabama lawmakers approved similar requirements for admitting privileges as part of a larger bill called the Women's Health and Safety Act. That portion of the law was to go into effect this year.

In late June, the Alabama Women's Center for Reproductive Alternatives, in Huntsville, the only abortion provider in north Alabama, said it was closing because it could not meet other mandates of the law.

Those sections of the law require clinics be certified "ambulatory health centers" and meet tougher building requirements, such as wider halls and better fire suppression equipment.

The law also mandates that all abortion clinic doctors have admitting privileges at a local hospital.

Abortion rights advocates said that could be impossible, in part because some abortion doctors live out of state and travel to Alabama only one or two days a week. They also maintain the law puts control of the clinics in local hospitals' hands.

In June, U.S. District Judge Myron Thompson wrapped up a three-week trial in Montgomery on the admitting privileges rule. He has put enforcement of the law on hold until he rules and said that would be in late July.

American Civil Liberties Union attorney Alexa Kolbi-Molinas said the law would close three of the state's five abortion clinics because they use out-of-state doctors who can't get admitting privileges.

Alabama's solicitor general, Andrew Brasher, said the traveling doctors used by the clinics haven't tried to get admitting privileges and the clinics haven't tried to recruit abortion doctors to move to Alabama, where it would be easier to get the privileges.

Clinics had until July 1 to comply with the structural code aspects of the law.

Marcel Black, a state representative and lawyer, said Tuesday's ruling has no immediate impact in Alabama because the state is in a different appeals court circuit.

Black questioned the law when it was passed, and some said then it was unconstitutional. Black, a Democrat from Tuscumbia, said of the Alabama law being challenged: "I'm sure we'll spend hundreds of thousands of dollars to defend it."

Republican supporters of the legislation said its goal isn't to close abortion clinics, but to make them safer.

The Huntsville clinic's closure leaves three abortion providers in Alabama, in Tuscaloosa, Montgomery and Mobile.

Abortion-rights advocates praised Tuesday's ruling.

"Today's ruling ensures women who have decided to end a pregnancy will continue, for now, to have access to safe, legal care in their home state," Nancy Northup, president and CEO of the Center for Reproductive Rights, said in a prepared statement.

The appeals court panel ruled that a U.S. Supreme Court decision in 1973 established a constitutional right to abortion. The panel ruled that Mississippi may not shift its obligation for established constitutional rights of its citizens to another state.

"Pre-viability, a woman has the constitutional right to end her pregnancy by abortion. HB1390 effectively extinguishes that right within Mississippi's borders," wrote the two judges in the majority ruling, E. Grady Jolly, of Mississippi, and Stephan A. Higginson, of Louisiana.

The Mississippi law, signed by Republican Gov. Phil Bryant, was in House Bill 1390.

The 5th Circuit handles cases from Mississippi, Louisiana and Texas. Judge Emilio M. Garza, of Texas, wrote that he disagreed with the ruling by Jolly and Higginson.

"Because the undue burden test requires an assessment of the difficulty of obtaining abortion services, whether in a woman's own state or a neighboring state, and because neither the district court nor the majority has undertaken this assessment, I respectfully dissent," Garza wrote.

In late March, the 5th Circuit upheld a 2013 Texas law that puts several restrictions on abortion clinics, including requiring their physicians to have admitting privileges at a hospital within 30 miles. After that, the Center for Reproductive Rights filed a new lawsuit challenging parts of the Texas abortion law, including the admitting privileges requirement.

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**Franklin County schools setting up security teams with volunteers; some could be armed**

*Al.com*

July 29, 2014

Mike Cason

MONTGOMERY, Alabama --- Officials on Thursday will announce a security plan for Franklin County schools that might include armed volunteers, which is allowed under legislation that passed over the governor's veto in 2013.

A private company will help set up the security plan and train the volunteers under the sheriff's supervision.

State Rep. Johnny Mack Morrow, D-Red Bay sponsored the bill, one of the school security measures proposed in Alabama in response to the mass shooting at Sandy Hook Elementary in Newtown, Conn., in December 2012.

Gov. Robert Bentley vetoed Morrow's bill, which applied only to Franklin County. The governor said he was concerned that it did not require certified state training for volunteers who would be armed.

Morrow passed a similar bill later in the session, House Bill 404. Bentley vetoed it, too, but the Legislature overrode the veto and it became law.

The Protection Institute, based in South Carolina, will train the volunteers and help set up the security plan, Morrow said. Volunteers can be school employees, retired school employees and other residents of the school district.

Morrow said The Protection Institute will be paid about \$24,000 the first year. He said he expects the annual cost to drop after that, as volunteers are trained and the plans are put in place.

The money will come from a community service grant and from money the TVA pays to the county in lieu of taxes, Morrow said.

Morrow said he learned about The Protection Institute when he saw the president and CEO, Patrick Sergott, speak in Hoover last year.

He said the institute has worked with school systems in other states, but none in Alabama.

Sergott told Morrow in a letter that "Franklin County is one of the school districts in the country that is leading the charge in setting a new standard for school security."

Sergott wrote that the company's campus protection program is "designed to empower school employees to protect themselves, and work as a team to protect the children under their care."

Sergott said the training and plans will be customized to fit the needs of each school.

Morrow said the volunteer teams are needed partly because some of the county's schools are in remote locations that can delay the arrival of law enforcement and first responders in an emergency.

He said it can take deputies up to 20 minutes to arrive at some of the schools. That means school employees must act as first responders, and the security plan will make sure they are prepared for that role.

As to whether volunteers will be armed, Morrow said that would be up to the sheriff and school officials based on recommendations from The Protection Institute.

"I can promise the public one thing," Morrow said. "If they are, they will be trained and be part of this comprehensive plan."

Morrow said Franklin County can't afford paid school resource officers. He said the alternative to the volunteer plan is to tell children to "put their heads between their knees and wait till help arrives. That's just not acceptable to me."

Morrow and state Sen. Roger Bedford, D-Russellville, officials from The Protection Institute, school officials and representatives of the Franklin County Sheriff's Department plan to announce the security plan at a news conference Thursday at 9:30 a.m. at the Franklin County Board of Education in Russellville.

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### **Mercedes-Benz builds 2 millionth vehicle at Alabama plant**

*Al.com*

July 29, 2014

Dawn Kent Azok

VANCE, Alabama -- German automaker Mercedes-Benz has produced its 2 millionth Alabama-made vehicle.

The milestone was celebrated today at the Tuscaloosa County plant, according to a company statement. There was a brief ceremony to mark the completion of the white ML 350 BlueTec, which is bound for an internal customer in Germany.

Mercedes began auto production in Alabama in 1997. It reached the 1 million vehicle milestone in 2007.

Along with the M-Class, workers there also produce the GL-Class SUV and R-Class crossover. And, last month they launched production of the C-Class sedan.

A new SUV is expected to join the assembly lines next year.

"We have had a challenging, but rewarding year and we have more excitement ahead of us with the launch of a fifth vehicle coming in 2015," Jason Hoff, head of Mercedes' Alabama operations, said in a prepared statement. "Demand for our vehicles continues to be strong, especially for our SUVs and particularly the M-Class. Our expansions over the past few years

will allow us to better meet that customer demand. We have a great team and I'm impressed by this organization's commitment to quality, hard work, diligence and commitment. We have a great future ahead."

Last year alone, the plant produced more than 185,000 vehicles.

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### **Senior Alabama lawmaker questions top official's relationship in prison contracts**

*Al.com*

July 30, 2014

Casey Toner

MONTGOMERY, Alabama -- Three years after Ruth Naglich became Alabama's top prison health official in 2004, a medical firm employing her husband won a contract to X-ray inmates, according to state personnel records.

Mark Galucia, Naglich's husband, worked for American Mobile Imaging and is a business director of operations of MobilexUSA, the firm that now has the X-ray contract.

The firms worked for Correctional Medical Services and Corizon, which the state employs to provide health care for 25,000 inmates.

The relationship and a recent lawsuit involving the health care provider has prompted questions from a senior state lawmaker.

Prison officials say the hiring of American Mobile Imaging and MobilexUSA were the decisions of the private contractor.

The Southern Poverty Law Center filed a lawsuit last month against the prison system, Commissioner Kim Thomas, and Naglich. The suit, packed with gruesome anecdotes of untreated medical conditions, alleges inadequate health care for Alabama inmates.

State Sen. Arthur Orr, R-Decatur, said he recently learned about Galucia's job, as well as Naglich's past professional ties to Corizon.

"I've got some serious, serious questions," Orr said, vowing to meet with prison officials in upcoming weeks. "If we're getting service that leads to a serious lawsuit from the Southern Poverty Law Center, why are we doing business with these people?"

A spokeswoman for Corizon, the main contractor, said Galucia and Naglich were not married when it hired American Mobile Imaging in 2007. Corizon contracts with MobilexUSA at multiple sites nationwide.

The Alabama Department of Corrections says that Naglich had no role in the subcontract for either of the two firms that have employed her husband.



The couple previously worked together at a firm ADOC had hired 11 years ago. That firm, Correctional Medical Management, had been charged with overseeing inmate health care provided by one of the companies that merged to become Corizon.

Naglich, the Alabama Department of Corrections Associate Commissioner of Health Services also worked earlier as an executive at two of the corporate predecessors of Corizon, now the prison system's main medical contractor.

Reached on her cell phone, Naglich identified herself and hung up when asked for comment.

The X-ray business

Most of these folks grew up in the state know the business, they know the people, they know the industry.

David Velez, senior vice president of MobilexUSA, said Galucia is in charge of sales, customer service, and other business in Alabama and Mississippi. MobilexUSA, which operates in 48 states, kept Galucia when it bought the X-ray company in 2010, he said. They also kept the son of American Mobile Imaging's president.

"Most of these folks grew up in the state know the business, they know the people, they know the industry," said Velez, adding that the company had to rebid its prison subcontract work.

MobilexUSA's core business is not prisons, but nursing homes, home health care, and assisted living facilities, Velez said. The ADOC pays MobilexUSA per X-ray and the company provides 6,000-7,000 inmate X-rays each year.

Citing confidentiality issues, Velez declined to list its cost per X-ray.

A 2009 Correctional Medical Services annual client report showed that American Mobile Imaging had provided 15,000 X-rays and 440 ultrasounds for the ADOC "under the direction of CMS clinical staff." The report also said American Mobile Imaging identified and replaced outdated equipment.

Jacqueline Moore, who runs a national prison consulting firm based out of Colorado, said 15,000 X-rays is "not outrageous," for a prison system.

"The X-rays they do are very typical X-rays: chest, limbs, abdomens," said Moore, who previously ran a public prison health care company. "Anything like a head injury or things that would require a hospitalization, they usually don't do them; they send them out."

In a written statement, the ADOC told AL.com that Corizon provides correctional, mental and medical health care in 27 states and MobilexUSA is a "leading national provider of mobile imaging services."

"As we've answered before in the past, ADOC does not have input on vendors selected by Corizon," ADOC spokeswoman Kristi Gates wrote.

Before that, Alabama's prison system hired a separate firm, Correctional Medical Management, that employed Naglich and Galucia.

The ADOC hired the company in November 2003 on an emergency basis, which was not subject to legislative review, to monitor inmate health services provided by Prison Health Services and another firm.

The ADOC gave Correctional Medical Management a \$90,000, three-month contract extension in January 2004. Naglich was the senior vice president of program and business development at the company and Galucia the firm's chief operating officer, personnel records show.

Naglich left Correctional Medical Management in October 2004 and joined the ADOC. She wrote on her ADOC application that Correctional Medical Management, where she was paid \$4,230 every two weeks, or \$109,980 a year, was "underfunded." The ADOC paid her \$111,355 last year.

Naglich also worked for 13 years in various roles including as an executive with two companies that later merged to form Corizon, Correctional Medical Services and America Service Group.

#### Bid questions

Fifteen vendors showed interest when the ADOC's health care contract was up for bid two years ago, the contract review report shows. Six attended a bidding conference where they could ask questions and tour the facilities.

In the end, Corizon was the only the company to submit a bid for the contract. ADOC employees in health services, accounting and operations, and members of Gov. Robert Bentley's staff reviewed it. The 34-month contract is worth \$224 million.

Moore, the prison health care consultant, said that states typically like to get multiple bids from prison health care providers.

"That way you get more competitive pricing," Moore said.

Orr said he was initially told that a budget demand to cut costs by 10 to 15 percent is what led Corizon to be the only bidder. He said he planned to meet with ADOC officials by August to discuss the health care contract.

Gates, the ADOC spokeswoman, said ADOC Commissioner Kim Thomas is "always available," to meet with Orr or other members of the Alabama Legislature who have questions about the prison system.

The SPLC's lawsuit, which names Naglich and alleges inadequate healthcare provided to inmates, is pending before federal Judge William Keith Watkins in the U.S. District Court for the Middle District of Alabama.

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**Alabama State University spent \$318K suing forensic auditor hired by Gov. Bentley**

*Al.com*

July 29, 2014

Evan Belanger

MONTGOMERY, Alabama -- Alabama State University spent \$318,099 suing a Birmingham forensic auditor hired by Gov. Robert Bentley to investigate claims of financial wrongdoing at the school.

In response to a public-records request filed by AL.com, ASU released today an accounting of its spending on outside legal firms in the suit against Birmingham-based Forensic Strategic Solution Inc.

The records show much of the money went to Birmingham-based White, Arnold & Dowd P.C., where former federal Judge U.W. Clemon represented the school.

Clemon was also retained by the school's board of trustees to handle information requests from the forensic auditor at a rate of \$375 per hour, less than his usual rate of \$500 per hour.

Approximately 29 percent of the total expenditures went to the firms Whatley Kallas LLP and Khorrami, Boucher, Sumner & Sanguine, which have offices in Los Angeles, where ASU filed the suit.

According to university records, ASU spent the following sums on outside law firms between Oct. 1 and July 23 in the suit against FSS:

Law firm	Amount	Percent of total
White, Arnold & Dowd PC	\$224,617.65	70.61 %
Whatley, Kallas LLP	\$79,203.56	24.9 %
Khorrami, Boucher, Sumner & Sanguine	\$14,277.52	4.49 %
Total	\$318,098.73	100 %

The totals does not include ASU's in-house legal counsel Kenneth Thomas who was listed as an attorney of record in the case.

Filed Oct. 21, 2013 in the Superior Court of California in Los Angeles, the suit said a report prepared by FSS alleging waste and multiple conflicts of interest among board members was "false and misleading and intended to interfere with ASU's economic relations with alumni, potential students and supporters."

To explain why they filed the case in California instead of Alabama, the attorneys argued that ASU has a large alumni population in California and that FSS opened an office there in 2009 -- though the firm has not maintained that office since 2010.

They also cited Alabama's history of racial discrimination, alleging Bentley and other "white Republicans" were using the resignation of former ASU President Joseph Silver to seize control of the university.

"ASU has long been the victim of engrained and widespread racial discrimination by the State of Alabama and its governor," the complaint stated.

[Download a copy of ASU's legal complaint here.]

But California Superior Court Judge Richard Fruin declined to hear the dispute, granting a defense motion to quash during a June 25 hearing on the basis that the California court did not have jurisdiction rule on the dispute originating in Alabama.

"The governor of Alabama hired the defendant to conduct an audit of an Alabama state university. Everything that was done was in Alabama.," he said, according to the transcript.

"Alabama is where you belong."

[Download a copy of the transcript here.]

At the time dismissal, Clemon said ASU had not decided how to proceed, but its options included appealing the ruling in California, filing the complaint in Alabama or simply letting the matter die.

Clemon was not available to comment today at his office. It remains unclear whether ASU will continue pursuing the lawsuit.

In a statement, ASU spokesman Kenneth Mullinax distanced the university from the lawsuit today.

"That lawsuit was under the auspices of the ASU board of trustees and not Alabama State University," he said, "so any comment would have to come from the board chairman or his representative."

But board Chairman Elton Dean stepped down last week at the request of Bentley, who cited violations of state conflict-of-interest laws.

Bentley also removed from office Vice Chairman Marvin Wiggins, who refused Bentley's request that he step down also for violations of state conflict-of-interest laws.

The governor, who serves as president of the board by virtue of his elected position, has called a special meeting of the board for Aug. 8.

In response to the lawsuit, FSS filed a motion Dec. 20, alleging ASU filed the suit in an attempt to create a conflict of interest that would force the forensic auditor to cease its investigation of the university.

It included a Dec. 16 letter from Clemon to Bentley's chief legal adviser, David Byrne, in which Clemon called the governor's continued use of FSS a "rather flagrant" violation of the code of professional standards established by the Association of Certified Fraud Examiners.

"This court should not take kindly to ASU's use of this judicial forum to strategically benefit itself and garner media attention (all of which was sought in Alabama and not California)," FSS argued in its motion.

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### **Wiggins accuses Bentley of SACS violation**

*Montgomery Advertiser*

July 29, 2014

Josh Moon

Former Alabama State University trustee Marvin Wiggins is challenging his removal from the school's board, claiming the action by Gov. Robert Bentley violates ASU's bylaws and accrediting standards.

Wiggins, a sitting Circuit Court judge, sent a letter Tuesday afternoon to Bentley stating that Bentley's decision to remove him violates his rights to due process and to a hearing before the board of trustees. Wiggins cites two standards from the Southern Association of Colleges and Schools, ASU's accrediting agency, to support his claims.

"The governor is clearly in violation of these standards with his actions to remove me," Wiggins said. "If he does not withdraw his removal letter, I will be forced to take this before a court and seek relief. I also will have to report these violations to SACS."

A spokesperson in Bentley's office said the governor received Wiggins' letter late in the day on Tuesday and was still reviewing it.

Bentley removed Wiggins last week, citing a number of reasons for the decision. Chief among the problems listed by Bentley was allegations that Wiggins "directly benefited" from approximately \$30,000 in pay earned by his wife from operating a summer camp at ASU. Bentley said that conflict had violated a state statute and authorized him to remove Wiggins from the board as a result.

Bentley also claimed that Wiggins had failed in his duties as a trustee by not informing ASU officials that his sister-in-law had been disbarred in North Carolina and noted that he was aware that \$100,000 had been transferred to a board account prior to him making the request for the funds several days later.

In his letter to Bentley on Tuesday, Wiggins said he and other ASU officials had provided "undisputed documentation" showing he didn't violate the conflict of interest statute. Wiggins also laid out what he believed were violations of SACS standards by Bentley.

The first standard cited by Wiggins in his letter was 3.2.5, which states that ASU's governing body (its board of trustees) must have a policy "whereby members can be dismissed only for appropriate reasons and by a fair process." The second was 3.2.4, which protects the university from political influence, stating that the board must be "free from undue influence from political, religious or other external bodies."

"Your letter summarily removing me violates the SACS standards and the removal provisions of the ASU bylaws," Wiggins wrote. "Additionally, your arbitrary removal denied me the fundamental right to receive notice of the charges and a due process hearing before the ASU board of trustees as the trier of fact.

"Your unilateral removal deprives me of the rights and liberties bestowed upon me once I was appointed by Gov. Bob Riley and confirmed by the Alabama State Senate."

Wiggins goes on to say that unless Bentley withdraws and rescinds his removal then Wiggins will be "duty bound as a trustee to report your conduct to (SACS)."

Bentley has already appointed Ralph Ruggs, the director of the Tuscaloosa Housing Authority, to Wiggins' spot on the ASU board. He also has called a board meeting for Aug. 8 to elect new board officers.

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### **Director: State Port poised to ship automobiles within a couple of years**

*Al.com*

July 30, 2014

Michael Tomberlin

POINT CLEAR, Alabama – The head of the Alabama State Port Authority said it has identified a site for a \$54 million automotive shipping terminal and the port hopes to be ready to ship Alabama-made cars and SUVs in a year or two.

Speaking to the Economic Development Association of Alabama's Summer 2014 Conference, Jimmy Lyons, director and chief executive of the Port Authority, said while most of the vehicles produced in Alabama and surrounding states are for the domestic market, some of those vehicles are bound for other countries.

Up until now, the Port has not been equipped to ship cars. That could change with the new terminal, which would allow for marshalling cars and roll-on, roll-off operations.

Not only will a new terminal allow for shipping cars bound for foreign markets, but it opens the door to receive cars from those markets – particularly cars that are produced in Mexico or South America.

The \$5.25 billion expansion of the Panama Canal could also increase that potential as well as other shipping opportunities, Lyons said.

For now, commodities and shipping containers are the main products moving through the Port and generating the \$160 million in gross revenue for the Port last year, Lyons said.

The leading Port products are coal (most of it Alabama-mined), steel, forest products, grains, chemicals and poultry.

Speaking of poultry, a new refrigerated shipping warehouse will allow the Port to handle more poultry when it is complete, Lyons said.

He said the Port has been investing an average of \$65 million to \$70 million each year in expanding the port's capabilities. Lyons said the Port is self-sufficient and doesn't require funding from the state.

The Port spans 1,700 acres, employs 600 people and the 26 million tons that moves through the Port each year ranks it the 12th largest Port in the nation, Lyons said.

Although it was late getting into the shipping container game, Lyons said the \$300 million investment the Port made to be able to handle shipping containers was the single largest expansion project it has ever taken on, but it has been worth the investment.

"Getting in the container business was not a cheap venture," he said.

The Port is currently building an intermodal facility that will allow the easy transfer of containers to rail cars on trains destined for other parts of the state and country.

Lyons said the Port has been involved in the recruitment of major industries to the state, including Airbus and ThyssenKrupp, both investing in multimillion-dollar projects in the Mobile area. The former ThyssenKrupp facility is now AM/NS Calvert.

Although the Port is in Mobile, Lyons said its operations are for the whole state.

"I have to remind Mobile sometimes that our middle name is 'State' and not 'Mobile,'" he said.

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**UAB begins advanced drug trial for potentially fatal pregnancy complication**

*Al.com*

July 29, 2014

Mike Oliver

BIRMINGHAM, Alabama – A sometimes deadly condition of pregnancy called preeclampsia may be on the verge of a treatment that may reduce pre-term births and infant mortality.

The University of Alabama at Birmingham has enrolled the first patient in the United States in a Phase III clinical trial to find a treatment for preeclampsia.

Preeclampsia affects a relatively small number of pregnancies – 5 to 8 percent – but its prevalence is growing. The cause is unknown, but the incidence of the disorder has increased by approximately 25 percent since 1987.

UAB enrolls nation's first patient in Phase III drug trial for preeclampsia from uabnews on Vimeo.

With the condition, abnormal development of blood vessels from the uterus to the placenta may decrease the flow of nutrients and oxygen from mom to baby. The baby faces the risk of abnormal fetal growth or prematurity. Blood vessels swell and as a result high blood pressure, stroke, seizures and liver and kidney problems can occur.

The drug trial involves ATryn®, or antithrombin recombinant. It will be administered to treat preeclampsia in pregnant women during the 24th to 28th week of pregnancy as part of the PRESERVE-1 trial. The randomized, double-blind, placebo-controlled trial will assess whether ATryn, produced by rEVO Biologics Inc., prolongs pregnancy in mothers with early-onset preeclampsia and reduces the high rates of perinatal mortality and disability it causes.

"Currently, when patients have preeclampsia, all we have to offer is delivery of the baby as the ultimate treatment," said Dr. Alan Tita, professor of Obstetrics and Gynecology in UAB's School of Medicine and lead investigator for the trial. "If preeclampsia presents early in the pregnancy, it has serious implications for both mother and baby. For the target group, women in their 24th to 28th week of pregnancy, this could be a substantial advance in the treatment of preeclampsia and significantly improve outcomes for mother and baby."

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### **Lawmakers say federal government too slow in carrying out RESTORE Act**

*Al.com*

July 29, 2014

Michael Finch II

The law Congress passed two years ago to divvy civil penalties paid for the oil spill in the Gulf of Mexico is not being carried out quickly enough, lawmakers said at a committee hearing Tuesday.



To blame are the Commerce and Treasury Departments for missing deadlines that would have allowed funds to flow toward project planning, a group of senators from Gulf Coast states said during a Senate Committee on Commerce, Science and Transportation meeting.

The subject of the hearing was "Revisiting the RESTORE Act: Progress and Challenges in Gulf Restoration Post-Deepwater Horizon."

Alabama is also poised to receive a portion of money from the fund, along with Texas, Louisiana, Florida, Mississippi and Texas.

Companies who violated the Clean Water Act during the 2010 Deepwater Horizon oil spill are expected to pay massive fines for their involvement. Lawmakers created the Gulf Coast Restoration Trust Fund, where 80 percent of the fines paid will be deposited.

Companies who violated the Clean Water Act during the 2010 Deepwater Horizon oil spill are expected to pay massive fines for their involvement. Lawmakers created the Gulf Coast Restoration Trust Fund, where 80 percent of the fines paid will be deposited.

Administrative responsibility was given to the three federal departments -- treasury, commerce and interior -- to develop rules for the fund. By law, those rules should have been written 180 days after the act was signed in June 2012.

Congressional leaders and states are still waiting.

"Both the departments of commerce and the treasury have failed -- in my view-- to implement the law the way it was supposed to," said Sen. Mary Landrieu, D-Louisiana. "These deadlines have come and gone."

The treasury department plans to release its final rule by the end of July, according to its website.

Transocean agreed to pay \$1 billion in civil penalties last year, but BP and federal prosecutors have not yet reached an agreement on the amount of its payment.

"The Gulf Coast Restoration Trust Fund contains more than \$600 million. It's not the full amount, which the courts will ultimately decide, but an early deposit was made of \$600 million. That money needs to be distributed," said Landrieu, who attended as guest member of the committee.

Her sentiments paralleled to statements made by Sens. Bill Nelson, D-Florida; Barbara Boxer, D-California; Marco Rubio, R-Florida; Roger Wicker, R-Mississippi; and David Vitter, R-Louisiana, who also attended as a guest.

The hearing comes only days after the Gulf Coast Ecosystem Restoration Council released its approval process for restoration projects in the Gulf. The council represents one of five entities that's slated to receive funds.

As early as next month the council could begin receiving proposals for projects that are aimed at restoring the region's ecosystem. The approval process includes an independent scientific review and projects that are closely tailored to the RESTORE Act criteria will be given priority.

The Ocean Conservancy, an environmental advocacy organization, commended the council's use of science in its program selection process.

Kara Lankford, the organization's interim director for Gulf Coast Programs, said the action was a "positive step toward restoring the Gulf ecosystem" after the oil spill.

"A sound, science-based process for selecting projects that includes external, independent scientific review is critical to successful Gulf restoration," Lankford said.

"The Council's commitment to an open, transparent process is very encouraging. The project selection process also encourages Council members to find synergies among projects and across jurisdictional boundaries, which is important to ensuring that restoration is greater than the sum of its parts."

Before lawmakers Tuesday, however, the announcement was met with little praise.

"While I appreciate the Gulf Coast Ecosystem Restoration Council's announcement on Friday of last week on their -- quote -- 'progress' that they've made in finalizing the approval process for projects submitted to them," Rubio said, "I find their announcement lacking in the detail necessary to truly provide a clear and straightforward process for interested parties."

Representatives from Florida and Mississippi also testified before the panel of senators, as well as public officials from the commerce department; the National Fish and Wildlife Foundation; and Justin Ehrenwerth, executive director of the RESTORE Council.

Ehrenwerth said he anticipated that there would be an "interim final rule" in the next two months that would provide states access to as much as 5 percent of funding in the third category of funds.

When asked why the process was taking so long by Sen. Rubio, he said they were trying to ensure all of the "states and federal agencies who participated in the council had the resources and support to carry out this work."

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## **New Jersey Gov. Chris Christie coming to Birmingham to campaign for Gov. Robert Bentley**

*The Associated Press*

July 29, 2014

NEWARK, N.J. -- Republican Gov. Chris Christie will be swinging through the South as part of another jam-packed month of travel boosting fellow GOP candidates.

Christie, who has been crossing the country in his role as chair of the Republican Governors Association, is planning August visits to more than half a dozen states, including Mississippi and Alabama, his office said.

After a family vacation, Christie will head to Maine on Aug. 12 to campaign again for incumbent Gov. Paul LePage.

The next day he'll head to Birmingham to boost Gov. Robert Bentley and to Biloxi, Mississippi, for Gov. Phil Bryant and the Republican Governors Association.

Christie, who is weighing a run for president in 2016, has another two-state swing planned for Aug. 20, when he'll head to Kansas City, Kansas, and Oklahoma City for events with the governors there. A Christie appearance with Oklahoma Gov. Mary Fallin in December was cancelled due to an ice storm.

He'll end the month with a return to Chicago on Aug. 25, followed by stops in Fayetteville and Little Rock, Arkansas, on Aug. 27 for the RGA and gubernatorial nominee Asa Hutchinson.

The visits, which will mark Christie's first to Alabama, Kansas and Oklahoma for the RGA, will serve as an opportunity for him to prove that he can appeal to more conservative voters than those in New Jersey as he continues to try to revive his political brand following the George Washington Bridge scandal.

His trips have included many stops in early-voting and swing states, fueling speculation about his 2016 plans.

But some state lawmakers have criticized the constant travel, saying Christie should spend more time concentrating on issues at home.

Christie also raised eyebrows recently when he said he had no plans to campaign in New York on behalf of Republican contender Rob Astorino because he doesn't "pay for landslides" or "invest in lost causes."

Astorino is polling far behind Democratic Gov. Andrew Cuomo. Christie's summer travel has included events on behalf of a number of other candidates who are considerably ahead or behind in public polls.