

EXHIBIT 1

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

PLANNED PARENTHOOD OF THE
HEARTLAND, INC., and JILL
MEADOWS, M.D.,

Petitioners,

v.

KIM REYNOLDS ex rel. STATE OF
IOWA and IOWA BOARD OF
MEDICINE,

Respondents.

Equity Case No. _____

AFFIDAVIT OF REP. BETH
WESSEL-KROESCHELL

I, Representative Beth Wessel-Kroeschell, declare the following is true and accurate under penalty of perjury:

1. I am the Iowa State Representative for the 45th District. I have represented the 45th District in the House since 2005, where I have served residents of Ames and Story County for 16 years. I am the ranking member of the Human Resources Committee. I also serve on the Public Safety and Judiciary Committees as well as the Health and Human Services Appropriations subcommittee.

2. I have introduced, debated, and voted on numerous bills in the Iowa House over the course of my tenure and am familiar with the normal procedures for changing Iowa law.

3. The way that H-8314 was passed does not conform to the usual procedures for the passage of laws in the State of Iowa.

4. As a result of the way H-8314 was passed, legislators in both chambers were taken by surprise, learning of the contents of the bill only hours before voting on it, and the voters of Iowa were taken completely off-guard, with even the most engaged voters similarly learning of the bill only hours before it was voted on.

5. As a result of the way H-8314 was passed, neither chamber was able to meaningfully debate the substance of the bill and the voters of Iowa were deprived of *any* opportunity to provide any comment on the bill or engage with their representatives on its substance. Neither legislators nor voters were able to hear from people knowledgeable about the effects of the bill, including medical and public health experts, physicians, advocates for survivors of sexual assault or domestic violence, and Iowans who have had abortions. Without this input, legislators were not given the opportunity to understand the likely effects of H-8314 before it was voted on.

Normal Legislative Process

6. In the normal course of events, a bill originating in the House will become law through the following procedures:

- a. A bill will be introduced and read into the House by a House member;
- b. The bill will be assigned to a committee, whose chair will then assign it to a subcommittee;

- c. The subcommittee will hold a hearing for members of the public—this is the *only* opportunity for voters in Iowa to comment on legislation being considered by the legislature;
- d. Thereafter, if the bill is approved by a majority of the three members of the subcommittee, it will go back to the full committee for debate, followed by a record vote;
- e. If a majority of the committee approves the bill, it will then be ready for debate on the House floor;
- f. If the bill is passed by a record vote in the House, it will be sent to the Senate to follow the same process;
- g. If the bill is amended by the Senate, it will return to the House, to ensure that the full bill does not become law until it has been voted on in full by both Chambers;
- h. If the bill passes both chambers, it then goes to the Governor for her signature.

The Introduction and Passage of H-8314

7. This bill, H-8314, bypassed most of the steps above. The bill was never introduced to the House until shortly before it was voted on. It never went through a subcommittee hearing for the public, was never subjected to a subcommittee vote, was never presented to the full committee for debate, and was never subjected to a full committee vote.

8. The first time I heard of H-8314 was from one of our staffers in the late afternoon of Saturday June 13, 2020, mere hours before the House voted on it. At the time I learned of the amendment, I am not aware that it had even been provided an amendment number yet, nor did I know what bill it would be attached to. I was very surprised by the contents of this bill as I had *never* previously heard any proposal to vote on this or similar legislation during this session.

9. As soon as I learned of the bill, I worked to inform my constituents and other interested parties. Thus, even the most engaged Iowa voter would not have learned of this bill until the late afternoon of Saturday June 13, 2020.

10. This bill was added as an amendment to an amendment to an entirely unrelated bill, HF 594, concerning parental consent in the context of court-ordered withdrawal of life support for minors.

11. Adding a substantive bill as an amendment to an amendment is known as “double-barrelling” and is uncommon and unusual. In this instance, I believe it was used to reduce debate and prevent legislators from being able to consider any amendments to H-8314.

12. The original underlying bill had been introduced into the Senate at around 4:00 p.m. on Saturday June 13, 2020, at which point a non-substantive amendment was introduced to the bill and voted on. The amendment did not concern abortion at all.

13. Because the HF 594 had been amended, it then had to return to the House for another vote. In the House, at approximately 10:00 pm that same day, H-8314 was introduced as an amendment.

14. In the Iowa legislature, an amendment can only be further amended once—that is, once a House moved to amend the Senate amendment, no further amendments were permitted.

15. As a result, there was no opportunity in the House to try and fix some of the more harmful aspects of the bill. For example, there was no opportunity to try and take out the in-person counseling requirement, which is one of the most onerous aspects of H-8314, and which creates the most substantial barriers to abortion access.

16. After the bill was amended in the House, it returned to the Senate at approximately 4:00 a.m. on Sunday June 14, 2020. Because of the way H-8314 was introduced, as an amendment to an amendment, the Senate similarly had no opportunity to change any part of H-8314, but rather had to vote on the full bill (including the underlying bill, HF-594).

Single Subject Rule and Germaneness

17. When H-8314 was introduced into the House it was immediately subjected to a challenge by Rep. Brian Meyer because it was not germane to the underlying bill it was amending (HF 594).

18. Usually when a germaneness challenge arises in the House, the individual raising the objection will be called down to the well, along with the

individual introducing the amendment, and a debate will ensue as to whether the amendment is germane.

19. In this instance, it was so clear that H-8314 had nothing to do with the underlying bill that the Speaker of the House immediately concurred, stating explicitly that it was not germane. There was no further debate on the issue.

20. Rather, Rep. Shannon Lundgren, who introduced H-8314, moved to suspend the House rules to allow for a vote on the amendment despite it being unrelated to the underlying bill. The motion passed.

21. The fact that the chamber's rules were suspended does not change the fact that it was undisputed in the House that Amendment H-8314 is unrelated to the topics of the bill it amended, H.F. 594.

22. When I first learned of H-8314, the afternoon of June 13, 2020, I did not know what bill its sponsor sought to amend it to, nor did it occur to me it would be amended to HF 594, a bill that concerns the withdrawal of "life sustaining procedures," a term specifically defined in Iowa law as " any medical procedure, treatment, or intervention, including resuscitation, which meets both of the following requirements: (1) Utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function. (2) When applied to a patient in a terminal condition, would serve only to prolong the dying process." Section 144A.2 of Iowa Code. The term does not, nor could it be understood to, relate in anyway to abortion or to an ongoing pregnancy.

The Effects of Circumventing Normal Process for H-8314

23. The way H-8314 was introduced into both chambers of the legislature, bypassing the normal process of legislation in Iowa, not only caught me and other legislators by surprise, depriving us of any opportunity to try and amend the bill to remove some of its most serious flaws, but also deprived Iowa voters of the opportunity to be fully informed of the laws their elected legislators were considering.

24. Indeed, most Iowa voters would not have learned of the bill until after it was passed.

25. If H-8314 had been properly introduced as a stand-alone bill, it likely would have been assigned to the subcommittee of which I am the ranking member and a hearing would have been held.

26. Because no subcommittee hearing was ever held, voters had no opportunity to provide comment in-person or in writing.

27. Most subcommittee hearings, particularly those touching on politically controversial issues such as abortion, are well covered in the local Iowa press.

28. But, because no subcommittee hearing was held for H-8314, Iowans were deprived of the opportunity to hear from other voters or to hear from medical professionals who would have been able to provide clarity on the likely effects of H-8314. Similarly, voters and legislators were deprived of the opportunity to hear from women who have been through the process of obtaining

an abortion and who thus are the most familiar with the real life consequences of abortion restrictions.

29. These perspectives are particularly important for H-8314 because many of its effects are not readily apparent by reading the text of the bill. It is not immediately obvious that the mandatory 24-hour delay after an ultrasound will require two trips to an abortion providing health center, since people may not realize that it is virtually impossible in Iowa to obtain an early ultrasound from other medical providers, particularly for patients who do not intend to continue their pregnancies. Similarly, people may not realize how few abortion providing health centers remain in Iowa and how difficult they can be for women—particularly women with low incomes—to access. They also may not realize that, in other states, these laws have been shown to increase the incidence of second-trimester abortion.

30. If I had been given more advanced notice of the bill, particularly as the ranking member of the Human Resources subcommittee, I would have consulted medical providers to learn of the likely effects of H-8314 and the real implications it would have had for my constituents.

31. There were five *other* bills related to abortion that were introduced this legislative session, including a proposed constitutional amendment to ban abortion. One bill (concerning the definition of “personhood”) did not make it out of its assigned committee. The other four bills made it past committee, but were never brought to a floor vote. I cannot say why these other bill were never voted

upon, but it is my understanding that they lacked sufficient votes to ensure their passage.

32. The subcommittee hearings on abortion-related bills this legislative session were extremely well attended—indeed, such subcommittees are so well attended that they are assigned to a larger subcommittee room than is available for other subcommittees.

33. I feel confident that if H-8314 had been the subject of a subcommittee hearing, a substantial number of Iowans would have spoken or otherwise submitted comment on this bill.

34. When the constitutional amendment to ban abortion (HJR 2004) passed the Judiciary Committee, House Democrats called for a public hearing. Due to the seriousness of the bill, we felt it was important to give the public one more opportunity to discuss the consequences of the legislation. The hearing was very well attended, with Iowans speaking knowledgeably and passionately on the subject. I believe this contributed to the fact that the constitutional amendment did not pass. Because H-8314 bypassed the legislative process, there was never an opportunity to call a public hearing and, as a result, legislators did not obtain this kind of feedback on the amendment.

35. I also feel confident that, had Iowans been given more advanced notice of H-8314, a substantial number of them would have contacted their elected representatives to make their views known and, were it not for the fact

that this vote happened during a pandemic, a substantial number of Iowans would have come to the Capitol during debate to make their views known.

36. As a result of all of the above, I believe it is very possible that had H-8314 gone through the appropriate legislative process, it would not have passed.

Signed this 22 day of June, 2020.

Beth Wessel-Kroeschell

Beth Wessel-Kroeschell