

EXHIBIT 28

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

EXHIBIT 29

Southwest Power Pool, Inc. as of 1/21/2021
Electric TCS and MBR
Open Access Transmission Tariff, Sixth Revised Volume No. 1
Effective Date: 01/01/2021
FERC Docket: ER21-00102-000 3481
FERC Order: Delegated Letter Order
12/21/2020
Attachment Y Section I, Attachment Y Section I, 7.0.0 A

Status: Effective

Order Date:

I. OVERVIEW OF TRANSMISSION OWNER DESIGNATION PROCESS

- 1) As determined in accordance with Section I.2 of this Attachment Y, the Transmission Provider shall designate a Transmission Owner in accordance with the process set forth in Section III of this Attachment Y for transmission facilities approved for construction by the Transmission Provider after January 1, 2015 that meet all of the following criteria:
 - a) Transmission facilities that are: ITP Upgrades, high priority upgrades, Generator Retirement Upgrades, or Interregional Projects;
 - b) Transmission facilities with a nominal operating voltage of greater than 100 kV;
 - c) Transmission facilities that are not a Rebuild of an existing facility;
 - d) Transmission facilities that do not alter a Transmission Owner's use and control of its existing right of way under relevant laws or regulations;
 - e) Transmission facilities located where the selection of a Transmission Owner pursuant to Section III of this Attachment Y does not violate relevant law where the transmission facility is to be built;
 - f) Transmission projects that do not require both a Rebuild of existing facilities and new transmission facilities; and
 - g) Transmission facilities that are not a Local Transmission Facility.
- 2) For transmission projects involving both a Rebuild of existing facilities and the construction of new transmission facilities, the Transmission Provider shall

designate the Transmission Owner(s) as follows:

- a. If 80% or more of the total cost of a project consists of the Rebuild of existing facilities, then the Transmission Provider shall designate the Transmission Owner(s) for the project in accordance with Section IV of this Attachment Y;
or
 - b. Otherwise, the Transmission Provider shall divide the project into two or more segments based upon whether that portion of the project is a Rebuild of existing facilities or new facilities. For those segments that are Rebuilds of existing facilities, the Transmission Provider shall designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y. For those segments that are new facilities, the Transmission Provider shall designate the Transmission Owner(s) in accordance with Section III of this Attachment Y.
- 3) For any upgrade meeting the specifications listed in Section I.1 of this Attachment Y, the Transmission Provider may designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y if such upgrade is required to be in service within 3 years or less to address an identified reliability violation (“Short-Term Reliability Project”). To have a transmission project approved as a Short-Term Reliability Project, the Transmission Provider shall:
- a) Separately identify and post an explanation of the reliability violations and system conditions for which there is a time-sensitive need, in sufficient detail to allow stakeholders to understand the need and why it is time sensitive.
 - b) Provide to stakeholders and post on its website a full and supported written description explaining:
 - i. The decision to designate the Transmission Owner pursuant to Section IV of this Attachment Y, including an explanation of other transmission or non-transmission options that the Transmission

Provider considered but concluded would not sufficiently address the immediate reliability need; and

- ii. The circumstances that generated the immediate reliability need and an explanation of why that immediate reliability need was not identified earlier.
 - c) Permit stakeholders thirty (30) days to provide comments in response to the description required under Section I.3.b of this Attachment Y and make such comments publicly available.
 - d) Maintain and post a list of prior year designations of Short-Term Reliability Projects. The list must include the Short-Term Reliability Project's need date and the date that the DTO actually energized the project. Such list must be filed with the Commission as an informational filing in January of each calendar year covering the designations of the prior calendar year.
 - e) Obtain approval by the SPP Board of Directors.
- 4) For any upgrade not defined in Section I.1 or not meeting the requirements of Sections I.2 or I.3 of this Attachment Y, the Transmission Provider shall designate the Transmission Owner(s) in accordance with the process set forth in Section IV of this Attachment Y.
 - 5) The designation from the Transmission Provider shall be provided pursuant to Section V of this Attachment Y.
 - 6) The Transmission Provider shall track all projects that are approved for construction in accordance with Section VI of this Attachment Y.

EXHIBIT 30

DECLARATION OF TONY BISIGNANO

I, Senator Tony Bisignano, declare the following is true and accurate under penalty of perjury:

1. I am the Iowa State Senator for the 17th District. I have represented the 17th District in the Senate since 2014. During the 88th General Assembly, I served on the Commerce and Judiciary Committees, and was a ranking member on the Government Oversight Committee and State Government Committees. I also serve on the permanent statutory committees for the Public Retirement Systems and State Government Efficiency Review.

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

3. Ordinarily, a bill originating in the Senate becomes law using the following procedures:

- a. The bill is introduced and read into the Senate by a Senate member;
- b. The bill is assigned to a committee, whose chair will assign it to a subcommittee;
- c. The subcommittee will hold a hearing for members of the public—usually the only formal opportunity for voters in Iowa to comment on the legislation under consideration;
- d. Thereafter, if the bill is approved by a majority of the three members of the subcommittee, it will go to the full committee for debate, who will then recommend passage, passage with amendment, or some other action;
- e. If a majority of the committee approves the bill, it will then be ready for debate on the Senate floor;
- f. If the bill is passed by a record vote in the Senate and 26 Senators approve the bill, it will be sent to the House to follow the same process;

- g. If the bill is amended by the House, it will return to the Senate, to ensure the full bill does not become law until it has been voted on in full by both chambers in the same identical form; and
- h. After the bill passes in both chambers, it goes to the Governor for the Governor's signature.

4. Division XXXIII, containing a right of first refusal for incumbent transmission owners to construct, own and maintain electric transmission lines, was introduced through omnibus Senate amendment S-5163 to H.F. 2643, the appropriations bill for the fiscal year 2021.

5. Division XXXIII did not go through the ordinary process outlined above. During this legislative session, it never went through a subcommittee hearing with public comment, was not subjected to a subcommittee vote, was never presented to the full committee for debate and did not receive a committee recommendation.

6. I was present on the Senate floor on June 14, 2020 at 1:31 a.m., when S-5163 was taken up for the first time. I have read my statements from the early morning hours of June 14 regarding amendment S-5163. I affirm my statements were true and correct to the best of my knowledge when they were made.

7. Division XXXIII took me and other senators by surprise. I had no indication a right of first refusal for incumbent electric transmission lines would be introduced, taken up, or voted on this session. I had not previously seen, nor had the opportunity to review and debate any of the language in Division XXXIII during the current legislative session prior to its introduction in the early morning hours of June 14, 2020.

8. During debate, there were several statements made by Senator Brietbach, the floor manager of the bill and the amendment's sponsor, that I feel were inaccurate and misled me, other legislators, and the public. Although Senator Breitbach's intent may not have been to misrepresent

Division XXXIII's nature, by his statements myself and my Senate colleagues were deceived about the history, the process, and the effect Division XXXIII would have on Iowa constituents.

9. For example, I asked Senator Breitbach during floor debate for a bill history on Division XXXIII. Senator Breitbach represented to me and other members on the floor, and to any public listening in, that Division XXXIII this year had gone through the full committee process and passed out of the House. When I pressed Senator Breitbach on this point, he informed me he would get back to me in fifteen minutes with information about what occurred on the bill in the House. The Senate stood at ease and deferred on the bill. Senator Breitbach never provided the requested information. In fact, I now know H.S.B. 540, the bill to which Senator Breitbach likely referred, was never even considered in subcommittee, contrary to Senator Breitbach's statements. I have since learned that measures similar to Division XXXIII had never passed in the House on their own merit.

10. I also asked Senator Breitbach who the interest was that drafted Division XXXIII for inclusion in H.F. 2643, because the last I knew of any right-of-first-refusal, it had died in a prior legislative session. Senator Breitbach was also the floor manager of the prior bill in 2018 and had knowledge of this issue. Senator Breitbach could not tell me who the interest was that drafted Division XXXIII. I still, to this day, have no idea who was seeking Division XXXIII or where the language came from.

11. I was present when Senator Breitbach told another Senator that Division XXXIII allowed an open bidding process, and an incumbent utility had the option to match the price of the lowest bidder. Upon review, that is not the process provided by Division XXXIII.

12. Additionally, when Senator Breitbach was asked how frequently the right-of-first refusal would be at issue, he could not provide any detailed statistical data, expert testimony, or concrete narrative.

13. Having no other information available and due to the short timeframe, I and my Senate colleagues had no choice but to rely on Senator Breitbach's statements.

14. Based on the manner Division XXXIII was introduced, legislators were deprived of the ability to accurately discuss, debate, or fully understand the bill prior to voting, including the bill's ramifications and potential effects. For example, constituents and legislators like myself were deprived of the opportunity to hear from experts regarding fiscal or other significant impacts a right of first refusal may have on Iowa citizen ratepayers and other utilities.

15. Additionally, the public was deprived of opportunity to provide comment or engage with representatives on Division XXXIII's substance.

16. Prior right of first refusal bills in different forms were heavily lobbied by electric transmission owners and other interested parties in previous sessions. Previous bills were reported by the news media, and Iowa citizens had the opportunity to contact and communicate with their legislators about the proposed legislation. Because no subcommittee was ever held on Division XXXIII this session, constituents, including interested incumbent and non-incumbent electric transmission owners, had no opportunity to provide comment in person or in writing.

17. The soonest even the most engaged Iowa constituent or interested party could have learned of Division XXXII was in the early morning hours on the last day of the legislative session, when the bill was introduced publicly on the Senate floor. The approximately four-hour window between Division XXXIII's introduction and its passage in the Senate, from approximately 1:30

a.m. until 5:45 a.m. on a Sunday morning, was insufficient for legislators to receive or understand any constituents' comments.

18. I feel confident that had Division XXXIII been introduced by ordinary legislative processes, a substantial number of Iowans and interested parties would have contacted their legislators or otherwise submitted comment on the bill in opposition to Division XXXIII.

19. Both the public and legislators lacked adequate notice of the contents of the legislation.

20. It is my belief that the subject of a right of first refusal in electric transmission lines has no reasonable connection to the appropriations or other topics contained in H.F. 2643. Division XXXIII was a substantive policy provision attached to H.F. 2643, an appropriations bill.

21. When legislators returned for the final 10-day session in the midst of the COVID-19 pandemic, the 2021 appropriations budget was the major task that needed to be completed, and there was significant pressure on legislators for its passage. I believe the threat of delaying the budget bill contributed to pressure to pass Division XXXIII a substantive rider.

22. I believe Division XXXIII was attached as an undesirable rider on the final date of the legislative session to secure its passage.

23. I believe that had Division XXXIII been proposed as a stand-alone bill and gone through the normal and appropriate legislative process, it would not have passed. Division XXXIII and similar provisions were never approved by the House Commerce Committee at any time, and in this session, the House Commerce Committee Chair Representative Gary Carlson never reported the study bill out of the subcommittee to which it was assigned. Representative Carlson was the subcommittee chair and never held a subcommittee meeting. The bill was simply never going to pass the House as a stand-alone measure.

Further Declarant sayeth naught.


Tony Bisignano

12-10-20
Date

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