

Transcribed Excerpts from "The Three Branches of Government and How They Work in Iowa"

LEGISLATIVE BRANCH

The Iowa Constitution establishes the state's lawmaking authority in a general assembly consisting of a Senate and a House of Representatives. The Iowa General Assembly is often referred to as the "Iowa Legislature" or simply the "Legislature."

Legislative Districts

The Iowa Senate consists of 50 members. Each Senator represents a separate geographic area of the state. This area is called a district. There are 50 Senate districts in Iowa. Currently, each Senate district contains approximately 58,500 people.

The Iowa House of Representatives consists of 100 members. As with the Senate, each Representative serves a separate district. There are 100 House districts in Iowa (two within each Senate district). Currently, each House district contains approximately 29,300 people.

Every Iowan is represented by one Senator and one Representative in the General Assembly. Since the districts are all of nearly equal population, all Iowans are represented equally in the General Assembly. Senate and House district boundaries are redrawn every 10 years to reflect changes in Iowa's population as determined by the U.S. Census Bureau. This process is known as redistricting. The new district lines were drawn in 2011, based upon the 2010 census. The new district lines became effective with the November 2012 general election...

Committee Process

Every General Assembly considers hundreds of proposed new laws, as well as changes to existing laws. These proposals, called bills, may originate in either the Senate or House.

In each chamber, a bill must be reviewed and approved by a committee before it is considered by the chamber as a whole. The committee chairperson presides over the committee's meetings and decides which bills will be debated and voted on. After debating a bill, if a majority of committee members vote to move the bill forward, the bill then goes to the floor for consideration.

Passage of Bills

A bill that passes out of the committee process in its chamber of origin is eligible to be voted on by the entire chamber. If the bill is approved by a majority of the members in that chamber, it is sent to the other chamber, where it follows the same path.

If a bill is approved in the same form by a majority of the members in both the Senate and House, it is sent to the Governor. If the Governor signs the bill, it becomes law.

EXECUTIVE BRANCH

While the legislative branch makes the laws in Iowa, the executive branch carries out the laws. The executive branch is headed by the Governor.

Governor's Term, Qualifications

The Governor is elected to a four-year term. To be Governor, a person must be at least 30 years old by the time of election, and must have been a U.S. citizen and a resident of Iowa for at least two years before the election.

Duties of the Governor

As chief administrator of Iowa's government, the Governor is responsible for the various state departments and agencies. The Governor appoints department and agency heads and other state officials not elected by the people. The Governor's appointments are generally subject to approval by the Senate.

The Governor takes final action on all bills passed by the Iowa General Assembly. The Governor has three options: sign the bill, veto the bill (or item veto an appropriations bill), or take no action. In the case of a veto, the Legislature may override the veto with two-thirds of the members of each chamber voting to reconsider and pass the bill a second time. If, during session, the Governor does not sign or veto a bill, it becomes law after three calendar days (except Sundays). Bills received by the Governor during or after the last three calendar days of session shall be signed or vetoed within 30 calendar days.

The Governor has the option to use three types of vetoes: the veto, item veto, and pocket veto. The veto indicates the Governor's disapproval of an entire bill. The item veto may be used only for bills which appropriate funds. It strikes a specific item of an appropriations bill. A pocket veto occurs when the Governor fails to take action within 30 calendar days on a bill received within or after the last three calendar days of session. In the case of a pocket veto, the entire bill fails to become law. When the Governor vetoes or item vetoes a bill, a veto message explaining why the veto was made is delivered to the chamber of origin with the bill and is then filed with the Secretary of State. The Governor's veto messages can be accessed on the Iowa General Assembly website, www.legis.iowa.gov, in the "Enrolled Bills" section.

Each year, the Governor reports to the General Assembly on the financial condition of the state and makes recommendations on how the state's money should be spent. After a session ends, if a matter arises in which legislators need to reconvene, the Governor has the power to call a special session of the General Assembly.

JUDICIAL BRANCH

While the legislative branch of government makes the laws and the executive branch carries out the laws, it is the judicial branch (court system) that interprets and applies the laws to settle disputes in civil cases and determine guilt or innocence in criminal cases. Federal courts handle cases that involve a violation or application of the U.S. Constitution or federal laws passed by the U.S. Congress. State courts handle cases that involve a violation or application of the state's constitution or laws passed by the state's legislature. As in the federal courts and other state court systems, Iowa's court system includes two general types of courts: trial courts (called District Courts in Iowa) and appellate courts (the Supreme Court and Court of Appeals). In the Iowa judicial branch, all judicial officers and court staff are state employees.

District (Trial) Courts

Civil and criminal cases begin in trial courts. The Iowa District Courts have jurisdiction (authority) over all civil, domestic, criminal, juvenile, and probate cases that involve an interpretation or application of state law. The Iowa District Courts have dispense of more than 750,000 cases per year. There is a District Court in each of the 99 counties in Iowa, which are organized into eight judicial districts for administrative purposes and 14 judicial election districts for selecting judges. Each judicial district has a Chief Judge and judicial officers with varying degrees or types of authority: Judicial Magistrates, Associate Juvenile Judges, Associate Probate Judges, District Associate Judges, and District Court Judges.

Judicial Magistrates

Judicial Magistrates are part-time judicial officers who have limited legal authority and normally hear cases only within their county of residence. Magistrates can issue search warrants, conduct the initial appearance in all criminal cases, conduct trials in small claims civil cases (involving amounts up to \$6,500), and hear certain involuntary hospitalization (mental health and substance abuse) matters. Each county is assigned at least one Magistrate. Magistrates are appointed by a County Magistrate Appointing Commission and serve four-year terms. Each county has a County Magistrate Appointing Commission that is comprised of the following members: a district judge designated by the Chief Judge of the judicial district to serve until a successor is designated, three members appointed by the county board of supervisors, and two attorneys elected by the attorneys in the county.

Associate Juvenile Judges

Associate Juvenile Judges are full-time judges whose authority is limited to juvenile court matters. There are five Associate Juvenile Judges. They have authority to issue orders, findings, and decisions in cases that involve juvenile delinquency, adoption, children in need of assistance (due to neglect or abuse), termination of parental rights, and involuntary mental health hospitalization matters involving juveniles. Each Associate Juvenile Judge is appointed by the District Judges of the judicial district from a list of three nominees screened and selected by the County Magistrate Appointing Commission. Associate Juvenile Judges serve six-year terms and face a retention election within their judicial election district at the end of each term.

Associate Probate Judges

Associate Probate Judges are full-time judges whose jurisdiction is limited to probate cases (estate issues, conservatorships, and trusteeships). They have authority to audit accounts and perform judicial duties in probate as prescribed by the Chief Judge. Associate Probate Judges serve six-year terms and face a retention election within their judicial election district at the end of each term. Each Associate Probate Judge is appointed by the District Judges of the judicial district from a list of three nominees screened and selected by the County Magistrate Appointing Commission. Iowa has one Associate Probate Judge.

District Associate Judges

District Associate Judges are full-time judges who have authority to handle all matters within a Magistrate's jurisdiction, serious and aggravated misdemeanor and class "D" felony cases, civil suits involving claims up to \$10,000, and most juvenile matters. There are 69 District Associate Judges. Each District Associate Judge is appointed by the District Judges of the judicial district from a list of three nominees submitted by a County Magistrate Appointing Commission. District Associate Judges serve six-year terms and face a retention election within their judicial election district at the end of each term.

District Court Judges

District Court Judges are full-time judges who have authority to handle any case filed in the District Court. However, they typically handle the most serious criminal cases (felonies), civil cases involving claims of more than \$10,000, and all domestic relations cases (divorce, modifications of divorce decrees, and child custody, visitation, and support issues). District Judges serve six-year terms and face retention elections within their judicial election district at the end of each term. Iowa has 116 District Court Judges. There is a District Nominating Commission for each of Iowa's 14 judicial election subdistricts. Each District Nominating Commission has 11 members; a chair, who is the most senior district court judge in the district; five members elected by lawyers; and five members appointed by the Governor.

Appellate Courts

Appellate courts review cases appealed from the district courts. They also rule on the constitutionality of laws passed by the legislature and actions taken by the executive branch. There are two appellate courts in Iowa: the Supreme Court and the Court of Appeals. The Supreme Court usually retains the appeals that involve substantial constitutional issues, are the most complex, involve issues of significant interest to the

public or judicial system, or challenge a state law for the first time. The State Judicial Nominating Commission is composed of eight commissioners elected by lawyers (two from each congressional district), and nine commissioners appointed by the Governor and confirmed by the Iowa Senate (at least two from each congressional district). The chairperson is elected by commission members. The commission handles the nomination of new Supreme Court and Court of Appeals judges. Each justice of the Iowa Supreme Court is appointed by the Governor from a list of three nominees submitted by the State Judicial Nominating Commission. Supreme Court Justices serve eight-year terms and face a statewide retention election at the end of each term.

Court of Appeals

The Iowa Court of Appeals consists of nine judges. They work in panels of three judges to decide all appeals assigned by the Iowa Supreme Court, which constitute a substantial majority of all appeals filed in the state. Each Court of Appeals judge is appointed by the Governor from a list of three nominees selected by the State Judicial Nominating Commission. Court of Appeals judges serve six-year terms and face a statewide retention election at the end of each term.

Supreme Court

The Iowa Supreme Court, comprised of seven justices, is the highest court of the state. All appeals from decisions in Iowa's District Courts are filed with the Iowa Supreme Court, where the appeals are screened to determine which appellate court should decide the cases. The Supreme Court usually retains the appeals that are the most complex, involve issues of significant interest to the public or justice system, or challenge a state law for the first time. Most other appeals are transferred to the Iowa Court of Appeals for consideration. The Supreme Court also may review decisions made by the Court of Appeals. All seven Supreme Court justices participate in all the decisions made in cases concluded by a formal written opinion by the court.

In addition to deciding cases, the Iowa Supreme Court is responsible for licensing and disciplining attorneys, adopting rules of procedure and practice used throughout the state courts, and overseeing the operation of the entire state court system.

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