

THE THREE BRANCHES OF GOVERNMENT

<https://www.legis.iowa.gov/docs/resources/threeBranchesGovernment.pdf>

In Iowa government, as at the national level of government, power is distributed among three branches:

- **Legislative** – www.legis.iowa.gov – The legislative branch creates laws that establish policies and programs.
- **Executive** – www.iowagov – The executive branch carries out the policies and programs contained in law.
- **Judicial** – www.iowacourts.gov – The judicial branch resolves any conflicts arising from the interpretation or application of the laws.

While each branch of government has its own separate responsibilities, one branch cannot function without the other two branches.

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. Each Senate district currently 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 Iowa Legislature (also known as 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. Using this process, 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.

Legislator Terms, Election, Qualifications

All Iowa Senators and Representatives are elected by registered voters within the district. Senators are elected to four-year terms. Representatives are elected to two-year terms. Elections take place every two years, and half of the senators (those representing even-numbered districts are elected in presidential election years and those representing odd-numbered districts are elected in mid-term election years) and all of the Representatives are elected every two years.

Legislator qualifications include the following: A person must be a U.S. citizen, a resident of Iowa for at least one year, and a resident of his or her district for at least 60 days prior to election. A Senator must be at least 25 years of age by the date of office placement, and a Representative must be at least 21 years of age by the date of office placement.

Legislative Sessions

Each General Assembly lasts two years. The Iowa Constitution requires the legislative sessions of each General Assembly to convene yearly on the second Monday in January. Even though the session may be adjourned earlier or later, per diem expenses only extend up to 110 calendar days during the first year of the General Assembly (odd-numbered years) and up to 100 calendar days during second year of the General Assembly (even-numbered years).

Leadership

To maintain organization, the Senate and House each adopt a set of rules for their respective members and a set of joint rules for certain actions between the two chambers. Additionally, the Senate and House each elect their leaders to make decisions on day-to-day business. This leadership consists of presiding officers and the majority and minority floor leaders.

Presiding Officers

In the Senate, the presiding officer is the President of the Senate. The President of the Senate's powers include referring bills to committee, recognizing members during debate, and making procedural rulings.

In the House, the presiding officer is the Speaker of the House. The Speaker's powers include appointing members to committees, naming committee chairpersons, referring bills to committee, and making procedural rulings.

The President of the Senate and the Speaker of the House, each serve a two-year term (full length of the General Assembly) and are chosen by members of their respective majority parties prior to the start of the legislative session. They are elected formally by the entire membership at the start of the session.

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 discussed and voted on. After debating a bill, if a majority of committee members vote to pass the bill, 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. When 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 Governor is the head of the executive branch.

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 state's various 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:

- To sign the bill
- To veto the bill (or item veto an appropriations bill), or
- To 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 that 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. 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 finally filed with the Secretary of State.

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. 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 determines 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. Iowa judicial branch expenditures account for about three percent of all expenditures by state government.