

## CHAPTER 76

### TERMS OF AIRPORT COMMISSIONERS

*H.F. 92*

**AN ACT** relating to establishing commencement dates and terms of office for airport commissioners by ordinance.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 330.20, Code 1991, is amended to read as follows:

#### 330.20 APPOINTMENT OF COMMISSION.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five resident voters. In case of a commission of three members the first appointees shall hold office, one for two years, one for four years, and one for six years. In case of a commission of five members the first appointees shall hold office, one for two years, one for three years, one for four years, one for five years, and one for six years. All subsequent appointments shall be for a term of six years. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. The governing body shall also provide for staggered terms of office for the appointees of commissions existing on the effective date of this Act. Vacancies shall be filled as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk or county auditor. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

Approved April 30, 1991

## CHAPTER 77

### PREMARITAL AGREEMENTS

*H.F. 357*

**AN ACT** establishing the Iowa uniform premarital agreement Act, and providing effective date and applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION.** 595A.1 DEFINITIONS.

As used in this chapter:

1. "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.
2. "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property.

Sec. 2. **NEW SECTION.** 595A.2 CONSTRUCTION AND APPLICATION.

This chapter shall be construed and applied to effectuate its general purpose to make uniform the law with respect to premarital agreements.

Sec. 3. **NEW SECTION.** 595A.3 SHORT TITLE.

This chapter may be cited as the Iowa uniform premarital agreement Act.

Sec. 4. NEW SECTION. 595A.4 FORMALITIES.

A premarital agreement must be in writing and signed by both prospective spouses. It is enforceable without consideration other than the marriage. Both parties to the agreement shall execute all documents necessary to enforce the agreement.

Sec. 5. NEW SECTION. 595A.5 CONTENT.

1. Parties to a premarital agreement may contract with respect to the following:

a. The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located.

b. The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property.

c. The disposition of property upon separation, dissolution of the marriage, death, or the occurrence or nonoccurrence of any other event.

d. The making of a will, trust, or other arrangement to carry out the provisions of the agreement.

e. The ownership rights in and disposition of the death benefit from a life insurance policy.

f. The choice of law governing the construction of the agreement.

g. Any other matter, including the personal rights and obligations of the parties, not in violation of public policy or a statute imposing a criminal penalty.

2. The right of a spouse or child to support shall not be adversely affected by a premarital agreement.

Sec. 6. NEW SECTION. 595A.6 EFFECTIVE DATE OF AGREEMENT.

A premarital agreement becomes effective upon the marriage of the parties.

Sec. 7. NEW SECTION. 595A.7 REVOCATION.

After marriage, a premarital agreement may be revoked only as follows:

1. By a written agreement signed by both spouses. The revocation is enforceable without consideration.

2. To revoke a premarital agreement without the consent of the other spouse, the person seeking revocation must prove one or more of the following:

a. The person did not execute the agreement voluntarily.

b. The agreement was unconscionable when it was executed.

c. Before the execution of the agreement the person was not provided a fair and reasonable disclosure of the property or financial obligations of the other spouse; and the person did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other spouse.

Sec. 8. NEW SECTION. 595A.8 ENFORCEMENT.

A premarital agreement is not enforceable if the person against whom enforcement is sought proves any of the following:

1. The person did not execute the agreement voluntarily.

2. The agreement was unconscionable when it was executed.

3. Before the execution of the agreement the person was not provided a fair and reasonable disclosure of the property or financial obligations of the other spouse; and the person did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other spouse.

If a provision of the agreement or the application of the provision to a party is found by the court to be unenforceable, the provision shall be severed from the remainder of the agreement and shall not affect the provisions, or application, of the agreement which can be given effect without the unenforceable provision.

Sec. 9. NEW SECTION. 595A.9 UNCONSCIONABILITY.

In any action under this chapter to revoke or enforce a premarital agreement the issue of unconscionability of a premarital agreement shall be decided by the court as a matter of law.

Sec. 10. NEW SECTION. 595A.10 ENFORCEMENT – VOID MARRIAGE.

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

Sec. 11. NEW SECTION. 595A.11 LIMITATION OF ACTIONS.

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

Sec. 12. NEW SECTION. 595A.12 EFFECTIVE DATE.

This chapter takes effect on January 1, 1992, and applies to any premarital agreement executed on or after that date. This chapter does not affect the validity under Iowa law of any premarital agreement entered into prior to January 1, 1992.

Approved April 30, 1991

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## CHAPTER 78

### WARNING CITATIONS BY CONSERVATION PEACE OFFICERS

*H.F. 373*

**AN ACT** authorizing the issuance of warning citations by state conservation officers and employees who are peace officers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 107.24, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Adopt rules authorizing officers and employees of the department who are peace officers to issue warning citations for violations of chapters 106 through 112 and chapter 321G.

Approved April 30, 1991

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## CHAPTER 79

### PROHIBITED SALES BY STATE EMPLOYEES – RULES

*H.F. 384*

**AN ACT** to establish a single method for obtaining agency consent for an employee to sell goods or services to individuals, associations, or corporations subject to the regulatory authority of the agency.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 68B.4, unnumbered paragraph 2, Code 1991, is amended to read as follows:

Each regulatory agency The department of personnel shall adopt rules specifying the method by which employees may obtain agency consent under this section may be obtained. Each regulatory agency shall adopt rules specifying the method by which officials may obtain agency consent under this section.

Approved April 30, 1991