

Sec. 7. Section 12D.5, subsection 2, paragraph b, Code 1999, is amended to read as follows:

b. In the event of cancellation of a participation agreement for any of the causes listed in paragraph "a", the participant shall be entitled to receive ~~the principal amount of all payments made by the participant under the participation agreement plus the actual program fund investment income earned on the payments, but not the participant's account balance,~~ less endowment fund investment income.

Sec. 8. Section 12D.6, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

In the event the program is terminated prior to payment of higher education costs for the beneficiary, the participant is entitled to a full refund of ~~all payments made under the participation agreement and all investment income credited on all the payments~~ the participant's account balance.

Sec. 9. Section 12D.9, subsection 1, paragraph f, Code 1999, is amended to read as follows:

f. Pursuant to section 12D.5, subsection 1, ~~paragraphs "a" and "b"~~, penalties are provided on refunds of earnings which are not used for qualified higher education expenses of the beneficiary, made on account of the death or disability of the designated beneficiary, or made due to scholarship, allowance, or payment receipt as provided in section 529(b)(3) of the Internal Revenue Code.

Sec. 10. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to July 1, 1998.

Approved May 14, 1999

CHAPTER 123

VEHICULAR HOMICIDE — BAIL ON APPEAL

H.F. 395

AN ACT providing that defendants convicted of class "C" vehicular manslaughter are not bailable on appeal.

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

Section 1. Section 811.1, subsection 2, Code 1999, is amended to read as follows:

2. A defendant appealing a conviction of a class "A" felony; murder; any class "B" or "C" felony included in section 707.6A; felonious assault; felonious child endangerment; sexual abuse in the second degree; sexual abuse in the third degree; kidnapping; robbery in the first degree; arson in the first degree, ~~or~~ burglary in the first degree; any felony included in section 124.401, subsection 1, paragraph "a"; or a violation of section 124.401, subsection 1, paragraph "b".

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