

~~(D)~~ (E) (1) NOTWITHSTANDING ANY LAW RESTRICTING THE DEPOSIT OR INVESTMENT OF STATE MONEY, THE BOARD MAY PLACE ASSETS OF THE PROGRAM IN SAVINGS ACCOUNTS OR MAY USE THE ASSETS TO PURCHASE FIXED OR VARIABLE LIFE INSURANCE OR ANNUITY CONTRACTS, SECURITIES, EVIDENCE OF INDEBTEDNESS, OR OTHER INVESTMENT PRODUCTS PURSUANT TO THE COMPREHENSIVE INVESTMENT PLAN.

(2) ANY INSURANCE, ANNUITY CONTRACTS, SAVINGS, OR OTHER INVESTMENT PRODUCTS PROCURED BY THE BOARD SHALL BE UNDERWRITTEN AND OFFERED IN COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS.

~~(E)~~ (F) THE BOARD SHALL MAKE EVERY EFFORT TO INVEST THE ASSETS OF THE PROGRAM IN A MANNER THAT EARNS, AT A MINIMUM, SUFFICIENT EARNINGS TO GENERATE THE DIFFERENCE BETWEEN THE PREPAID AMOUNT UNDER ADVANCE PAYMENT CONTRACTS AND ~~ACTUAL COSTS AT THE TIME OF ENROLLMENT~~: THE AVERAGE IN-STATE TUITION COSTS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AT THE TIME THAT THE BENEFITS ARE EXERCISED.

~~(F)~~ (G) THE PLAN SHALL PROVIDE FOR THE PROGRAM TO BE ADMINISTERED IN AN ACTUARIALLY SOUND MANNER TO ASSURE THAT THE BOARD MAY DEFRAY OBLIGATIONS OF THE PROGRAM.

~~(G)~~ (H) THE BOARD SHALL REVIEW THE COMPREHENSIVE INVESTMENT PLAN AT LEAST ANNUALLY TO ASSURE THAT THE PROGRAM REMAINS ACTUARIALLY SOUND.

~~(H)~~ (I) AFTER EACH ANNUAL REVIEW OF THE COMPREHENSIVE INVESTMENT PLAN FOR ACTUARIAL SOUNDNESS, THE BOARD MAY ADJUST THE TERMS OF SUBSEQUENT PREPAID-TUITION HIGHER EDUCATION INVESTMENT CONTRACTS TO ENSURE CONTINUED ACTUARIAL SOUNDNESS OR, IF NECESSARY, MAY ADJUST THE TERMS OF CURRENT ~~PREPAID-TUITION~~ HIGHER EDUCATION INVESTMENT CONTRACTS.

~~(I)~~ (J) THE BOARD MAY CONTRACT WITH AN INVESTMENT ADVISORY OR MANAGEMENT COMPANY FOR THE INVESTMENT AND MANAGEMENT OF THE PROGRAM AS LONG AS THE PROGRAM IS ADMINISTERED IN ACCORDANCE WITH THE COMPREHENSIVE INVESTMENT PLAN.

~~(J)~~ (K) THE BOARD:

(1) SHALL PRESERVE, INVEST, AND EXPEND THE ASSETS OF THE PROGRAM SOLELY FOR THE PURPOSES OF THIS SUBTITLE; AND

(2) MAY NOT LOAN, TRANSFER, OR USE THE ASSETS FOR ANY OTHER PURPOSE OF THE STATE.

~~(K)~~ (L) THE PROGRAM IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

~~(L)~~ (M) UNLESS THE BOARD PROVIDES OTHERWISE BY REGULATION, THE BOARD SHALL USE THE PROCEEDS IN THE PROGRAM IN THE FOLLOWING ORDER: