

(c) A governing board adopting an optional retirement program shall] THE BOARD OF TRUSTEES MAY designate [the company] NOT MORE THAN 4 COMPANIES from which ANNUITY contracts are to be purchased under the ~~optional retirement program]~~ PLAN ADMINISTERED BY THE BOARD OF TRUSTEES, IN ADDITION TO THE COMPANY DESIGNATED BY A GOVERNING BOARD ON OR BEFORE MARCH 1, 1993, and shall approve the form and contents of the ANNUITY contracts. THE BOARD OF TRUSTEES MAY ALSO APPROVE THE FORM AND CONTENTS OF ADDITIONAL TYPES OF ANNUITY CONTRACTS TO BE OFFERED FOR THE FIRST TIME AFTER OCTOBER 1, 1993 UNDER THE PLAN OFFERED BY THE EMPLOYING INSTITUTIONS BY THE COMPANY DESIGNATED THAT ISSUES ANNUITY CONTRACTS AS OF JANUARY 1, 1993 UNDER § 11-102(A)(2)(I) OF THIS SUBTITLE. THE BOARD OF TRUSTEES SHALL ALSO APPROVE THE FORM AND CONTENTS OF ANNUITY CONTRACTS TO BE OFFERED BY A PLAN COMPANY UNDER § 11-102(A)(2)(II) OF THIS SUBTITLE. In making the designation and giving approval, the [board] BOARD OF TRUSTEES shall give due consideration to the following:

- (1) The nature and extent of the rights and benefits to be provided by the ANNUITY contracts for [staff members] PARTICIPANTS and their beneficiaries;
- (2) The relation of those rights and benefits to the amount of contributions to be made;
- (3) The suitability of the rights and benefits to the needs of the [staff members] PARTICIPANTS and the interests of the institutions in the recruitment and retention of [staff members] PARTICIPANTS; [and]
- (4) The ability of the designated company OR PLAN to provide for suitable rights and benefits under the ANNUITY contracts;
- (5) THE SELECTION OF ANNUITY CONTRACTS OFFERED BY THE COMPANY OR PLAN;
- (6) THE FINANCIAL STABILITY OF THE COMPANY OR PLAN AND WHETHER THE COMPANY OR PLAN MEETS ANY ~~MINIMAL~~ MINIMUM FINANCIAL CRITERIA ESTABLISHED BY THE BOARD OF TRUSTEES, INCLUDING ANY MINIMUM NET WORTH REQUIREMENT ESTABLISHED BY THE BOARD; AND
- (7) THE EFFECT OF ANY FEES, COMMISSIONS, OR OTHER CHARGES IMPOSED OR COLLECTED IN CONNECTION WITH AN ANNUITY CONTRACT.

[(d) A governing board adopting an optional retirement program may provide for the administration of the system and may authorize the performance of whatever functions as may be necessary for those purposes.]

(C) ~~THE BOARD OF TRUSTEES MAY NOT DESIGNATE A COMPANY THAT SERVES ONLY AS A DISBURSEMENT SYSTEM.~~

~~[(e)](D)~~ No retirement, death or other benefit under an optional retirement program shall be payable by the State of Maryland or the governing board of the employing institution. Benefits shall be payable to participants or their beneficiaries only by the designated company OR PLAN in accordance with the terms of the ANNUITY contracts.