

(1) USE THE ASSETS OF THE PROGRAM FOR THE FIDUCIARY'S OWN INTEREST OR ACCOUNT;

(2) ACT IN A TRANSACTION INVOLVING THE PROGRAM ON BEHALF OF A PERSON, OR REPRESENT A PERSON, IF THE INTERESTS OF THE PERSON ARE ADVERSE TO THE INTERESTS OF THE PROGRAM OR THE INTERESTS OF PARTICIPANTS;

(3) RECEIVE ANY CONSIDERATION FOR THE FIDUCIARY'S OWN ACCOUNT FROM A PERSON DEALING WITH THE PROGRAM IN CONNECTION WITH A TRANSACTION INVOLVING THE ASSETS OF THE PROGRAM; OR

(4) BECOME AN ENDORSER OR SURETY OR, IN ANY MANNER, AN OBLIGOR, FOR MONEY LENT TO OR BORROWED FROM THE BOARD.

18-1908.

(A) THE BOARD SHALL PURCHASE A BOND FOR EACH FIDUCIARY IN ACCORDANCE WITH ARTICLE 78A, §§ 46 THROUGH 50 OF THE CODE;

(B) UNLESS A FIDUCIARY IS BONDED, THE FIDUCIARY MAY NOT EXERCISE CUSTODY OR CONTROL OF ANY ASSETS OF THE PROGRAM; AND

(C) A FIDUCIARY MAY NOT ALLOW ANOTHER FIDUCIARY TO ACT IN VIOLATION OF THIS SECTION.

18-1909.

(A) THE BOARD SHALL ESTABLISH A PROGRAM OF ~~PREPAID TUITION~~ HIGHER EDUCATION INVESTMENT CONTRACTS TO BE KNOWN AS:

- (1) THE COMMUNITY COLLEGE PLAN;
- (2) THE UNIVERSITY PLAN; AND
- (3) THE TWO PLUS TWO PLAN.

(B) (1) FOR THE PURPOSE OF ENTERING INTO A HIGHER EDUCATION INVESTMENT CONTRACT, EITHER THE PURCHASER OR THE QUALIFIED BENEFICIARY MUST BE A RESIDENT OF MARYLAND AT THE TIME THAT THE PURCHASER ENTERS INTO THE CONTRACT.

(2) FOR THE PURPOSES OF DETERMINING RESIDENCY FOR THE PURCHASE OF A HIGHER EDUCATION INVESTMENT CONTRACT, "RESIDENT" HAS THE MEANING STATED IN § 10-101(H) OF THE TAX - GENERAL ARTICLE.

~~(B)~~ (C) THE COST OF A ~~PREPAID TUITION~~ HIGHER EDUCATION INVESTMENT CONTRACT SHALL BE BASED ON:

(1) THE AVERAGE CURRENT IN-STATE TUITION COSTS AT THE TIME THE CONTRACT IS PURCHASED AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE;