

PERSONS LISTED UNDER § 11-101(B) OF THIS TITLE AS ELIGIBLE EMPLOYEES. UNDER THIS OPTIONAL RETIREMENT PROGRAM, THE STATE AND THE PARTICIPANTS SHALL CONTRIBUTE, TO THE EXTENT AUTHORIZED OR REQUIRED, TOWARD THE PURCHASE OF CONTRACTS WHICH SHALL BE ISSUED TO AND BECOME THE PROPERTY OF THE PARTICIPANTS.

(B) AN OPTIONAL RETIREMENT PROGRAM MAY BE A SEPARATE SYSTEM OR FUND OR MAY BE A SYSTEM OR FUND WHICH PARTICIPATES IN A LARGER SYSTEM OR FUND WITH RESPECT TO SOME OR ALL OF THE BENEFITS PROVIDED THEREUNDER. THE BENEFITS TO BE PROVIDED FOR OR ON BEHALF OF PARTICIPANTS UNDER THE OPTIONAL RETIREMENT PROGRAM MAY BE PROVIDED THROUGH ANNUITY CONTRACTS, BOTH FIXED AND VARIABLE IN NATURE OR IN COMBINATION.

(C) A GOVERNING BOARD ADOPTING AN OPTIONAL RETIREMENT PROGRAM SHALL DESIGNATE THE COMPANY FROM WHICH CONTRACTS ARE TO BE PURCHASED UNDER THE OPTIONAL RETIREMENT PROGRAM, AND SHALL APPROVE THE FORM AND CONTENTS OF THE CONTRACTS. IN MAKING THE DESIGNATION AND GIVING APPROVAL, THE BOARD SHALL GIVE DUE CONSIDERATION TO THE FOLLOWING:

(1) THE NATURE AND EXTENT OF THE RIGHTS AND BENEFITS TO BE PROVIDED BY THE CONTRACTS FOR STAFF MEMBERS 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 AND THE INTERESTS OF THE INSTITUTIONS IN THE RECRUITMENT AND RETENTION OF STAFF MEMBERS; AND

(4) THE ABILITY OF THE DESIGNATED COMPANY TO PROVIDE FOR SUITABLE RIGHTS AND BENEFITS UNDER THE CONTRACTS.

(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.

(E) 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 IN ACCORDANCE WITH THE TERMS OF THE CONTRACTS.