§ 176. Definitions. 1. The term "fund", as used in this article four-a, shall mean any public retirement system or pension fund which grants retirement or pension benefits to employees of the city of New York, employees of the state of New York, employees of any department or agency of the city of New York or the state of New York, and employees of any municipality or other participating employer participating in the New York state and local employees' retirement system or the New York state and local police and fire retirement system.

2. The term "conventional mortgage", as used in this article four-a, shall mean (a) any single bond and mortgage or note and mortgage constituting a first lien upon real estate (including leasehold estates), not insured by the federal housing administrator or any of his successors in office or guaranteed by the United States under the provisions of the national housing act, as amended or supplemented, (b) first mortgage bonds issued under an indenture of mortgage and deed of trust, constituting a first lien upon real estate (including leasehold estates), and issued to a corporate trustee authorized to act as such in this state and approved by the fund.

3. The term "insured mortgage", as used in this article four-a, shall mean any single bond and mortgage or note and mortgage constituting a first lien upon real estate (including leasehold estates), insured by the federal housing administrator or any of his successors in office and guaranteed by the United States under the provisions of the national housing act, as amended or supplemented.

4. The term "MWBE asset manager" shall mean an asset manager in any of the following asset classes: public equity or fixed income securities, hedge funds, fund of hedge funds, private equity (including venture capital), fund of private equity funds, real estate investment funds, fund of real estate funds, or any other asset class for which an applicable fiduciary-controlled entity engages external asset managers that is (a) a MWBE; and (b) a registered investment advisor or exempt from such registration and (c) certified pursuant to the provisions of subdivision three of section four hundred twenty-three-c of this chapter.

5. The term "minority group member" shall mean a United States citizen or permanent resident noncitizen who is and can demonstrate membership in one of the following groups:

(a) Black persons having origins in any of the black African racial groups;

(b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;

(c) Native American or Alaskan native persons having origins in any of the original peoples of North America; or

(d) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

6. The term "MWBE" for the purpose of engaging in business with the fiduciary-controlled entities covered by this section, means a business enterprise, including without limitation, a sole proprietorship, partnership, limited partnership, limited liability partnership, limited liability company, corporation or other similar entity whether domestic or foreign, that is:

(a)(i) at least fifty-one percent owned by (A) one or more minority group members, or (B) one or more women, in each case, who have significant experience in asset management, brokerage, other financial services or related professional services such as accounting, valuation or legal services, or (ii) substantially owned and/or operated by women or minority group members who have significant experience in asset management, brokerage, other financial services or related professional services such as accounting, valuation or legal services;

(b) an enterprise in which such minority or women ownership or operation is real, substantial and continuing;

(c) an enterprise in which such minority or women ownership or operation has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(d) an enterprise authorized to do business in this state; and

(e) an enterprise certified by the state comptroller pursuant to section four hundred twenty-three-c of this chapter.

7. The term "MWBE financial institution" shall mean (a) as it relates to brokerage services, a registered broker dealer that is an MWBE certified pursuant to the provisions of subdivision three of section four hundred twenty-three-c of this chapter and (b) as it relates to any other financial services, an MWBE certified pursuant to the provisions of subdivision three of section four hundred twenty-three-c of this chapter that provides banking, financial advisory, insurance, financial research, valuation or other financial services.

8. The term "fiduciary-controlled entities" shall mean the common retirement fund, state teachers retirement fund, state insurance fund and state deferred compensation plan.

9. The term "best execution" shall refer to the obligation of an entity that purchases or sells publicly-traded securities to ensure the optimal mix of price improvement (getting a better price than is currently quoted), speed and likelihood of execution.