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N.Y. State Finance Law Section 179-D

Legislative intent

Firms and organizations that do business with the state of New York expect and deserve to be paid in a prompt and timely manner. Unjustified delays in paying vendors, construction contractors, and providers of service may discourage such firms and organizations from doing business with the state of New York and may ultimately increase the costs to the state government of purchasing materials, equipment, and supplies; undertaking construction and reconstruction projects; and obtaining a wide variety of professional and other specialized services including those that are provided to persons in need. Consequently, this legislation sets standards for the payment of bills incurred by state agencies within specified periods of time and requires interest payments in situations where contract payments do not conform to these standards. Consistent with accepted business practices and with sound principles of fiscal management, it is the intent of this legislation to encourage state agencies in all three branches of state government to make payments at least as expeditiously as they currently do and further to reduce existing payment processing times whenever feasible, while at the same time permitting the state agencies to perform proper and reasonable financial oversight activities designed to ensure that the state government receives the quality of goods and services to which it is entitled and to ensure that public funds are spent in a prudent and responsible manner. [↗](#)

Source: Section 179-D — Legislative intent, <https://www.nysenate.gov/legislation/laws/STF/179-D> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: https://newyork.public.law/laws/n.y._state_finance_law_section_179-d

Original Source: Section 179-D — Legislative intent, <https://www.nysenate.gov/legislation/laws/STF/179-D> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

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In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

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N.Y. State Finance Law Section 179-E Definitions

As used in this article, the following terms shall have the following meanings unless otherwise specified: [↗](#)

1.

“Contract” means an enforceable agreement entered into by a contractor and a state agency.

2.

“Contractor” means any person, partnership, firm, corporation, or association:

a.

selling materials, equipment, or supplies or leasing property or equipment to a state agency;

b.

constructing, reconstructing, rehabilitating, or repairing buildings or highways for, or on behalf of, a state agency; or

c.

rendering or providing services pursuant to a contract with a state agency.

3.

“Designated payment office” means the office designated by the state agency to which a proper invoice is to be submitted by a contractor.

4.

“Payment date” means the date on which a check for payment pursuant to a contract is dated.

5.

“Proper invoice” means a written request for a contract payment that is submitted by a contractor setting forth the description, price, and quantity of goods, property, or services delivered or rendered, in such form and supported by such other substantiating documentation as the state comptroller or individual state agency may reasonably require.

6.

“Receipt of an invoice” means (a) the date on which a proper invoice is actually received in the designated payment office, or

(b)

the date on which the state agency receives the purchased goods, property, or services covered by the proper invoice, whichever is later, or

(c)

in regard to final payments on highway construction contracts, the date determined in accordance with the provisions of paragraph (g) of subdivision seven of [Highway Law § 38 \(Contracts for construction or improvement of highways\)](#).

7.

“Required payment date” means the date by which a contract payment must be made in order for the state government not to become liable for interest payments, pursuant to subdivision two or subdivision five of [§ 179-F \(Determination of eligibility for payment of interest on amounts owed to](#)

[contractors](#)).

8.

“Set-off” means the reduction by the comptroller of a payment due to a contractor by an amount equal to the amount of an unpaid legally enforceable debt owed by the contractor to the state of New York.

9.

“State agency” means any department, board, bureau, commission, division, office, council, institution, or committee in the executive, legislative, or judicial branches of state government; the city university of New York when acting on behalf of any of its senior colleges; the facilities development corporation; or the state university construction fund.

10.

“State funds” means funds held in joint custody by the state comptroller and the state commissioner of taxation and finance.

Source: Section 179-E — Definitions, <https://www.nysenate.gov/legislation/laws/STF/179-E> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 179-E — Definitions, <https://www.nysenate.gov/legislation/laws/STF/179-E> (last accessed Aug. 20, 2023).

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N.Y. State Finance Law Section 179-F

Determination of eligibility for payment of interest on amounts owed to contractors

1.

Each state agency which is required to make a payment from state funds pursuant to a contract and which does not make such contract payment by the required payment date shall make an interest payment to the contractor in accordance with this article on the amount of the contract payment which is due, unless failure to make such contract payment is the result of a lien, attachment, or other legal process against the money due said contractor, or unless the amount of the interest payment as computed in accordance with the provisions of [§ 179-G \(Computation of interest payment\)](#) is less than ten dollars. A pro rata share of such interest shall be paid by the contractor or subcontractor, as the case may be, to subcontractors and materialmen in a proportion equal to the percentage of their pro rata share of the contract payment. Such pro rata share of interest shall be due to such subcontractors and materialmen only for those payments which are not paid to such subcontractors and materialmen prior to the date upon which interest begins to accrue between the state agency and the contractor. Such pro rata share of interest shall be computed daily until such payments are made to the subcontractors and materialmen. [🔗](#)

2.

The required payment date shall be thirty calendar days, excluding legal holidays, provided, however, that for a small business the required payment date shall be fifteen calendar days, excluding legal holidays, absent a showing by the contracting agency of circumstances beyond its control, provided that the small business submits its invoice electronically, in conformance with the policies and procedures of the accounting and financial management

system of state government and identifies that it is seeking expedited payment as a small business, or in the case of final payments on highway construction contracts seventy-five calendar days, excluding legal holidays, after receipt of an invoice for the amount of the contract payment due; except when:

(a)

the state comptroller in the course of his or her audit determines that there is reasonable cause to believe that payment may not properly be due, in whole or in part;

(b)

in accordance with specific statutory or contractual provisions, payment must be preceded by an inspection period or by an audit to determine the resources applied or used by a contractor in fulfilling the terms of the contract;

(c)

the necessary state government appropriation required to authorize payment has yet to be enacted;

(d)

a proper invoice must be examined by the federal government prior to payment;

(e)

the goods or property have not been delivered or the services have not been rendered by the contractor in compliance with the terms or conditions of the contract;

(f)

the required payment date is modified in accordance with subdivision three of this section; or

(g)

in the case of final payments on highway construction contracts the commissioner of transportation determines that the contractor has failed to properly submit the necessary documents and other submissions prescribed by the contract specifications and requirements, by the provisions of subdivision eight of [Highway Law § 38 \(Contracts for construction or improvement of highways\)](#), and by all other applicable state and federal laws in order to enable the department of transportation to process the final payment properly and expeditiously. Any time taken to satisfy or rectify any of the types of conditions described in paragraphs (a) through (e) or (g) of this subdivision shall extend the required payment date by an equal period of time,

provided, however, that for small businesses, the required payment date shall be fifteen calendar days, excluding legal holidays, after such conditions have been satisfied or rectified, and provided further that all reasonable and practicable efforts shall be taken to satisfy or rectify such conditions as soon as possible.

3.

Each state agency shall have fifteen calendar days after receipt of an invoice by the state agency at its designated payment office, or in the case of an invoice received from a small business, seven calendar days, to notify the contractor of (a) defects in the delivered goods, property, or services, (b) defects in the invoice, or

(c)

suspected improprieties of any kind; and the existence of such defects or improprieties shall prevent the commencement of the time period specified in subdivision two of this section. When a state agency fails to notify a contractor of such defects or suspected improprieties within fifteen calendar days, or seven calendar days if such contractor is a small business, of receiving the invoice, the number of days allowed for payment of the corrected proper invoice will be reduced by the number of days between the fifteenth day, or seventh day if payment of such proper invoice is for a small business, and the day that notification was transmitted to the contractor. If the state agency, in such situations, fails to provide reasonable grounds for its contention that a defect or impropriety exists, the required payment date shall be calculated from the date of receipt of an invoice.

4.

Notwithstanding any provision of the public service law or any tariffs promulgated pursuant to that law to the contrary, the provisions of this article shall provide the sole basis for determining and making interest payments on invoices submitted by public utilities to state agencies.

5.

A proper invoice submitted by the contractor shall be required to initiate any payment, except where the contract provides that the contractor will be paid at predetermined intervals without having to submit an invoice for each such scheduled payment, in which case the state agency responsible for making the purchase shall submit an approvable voucher to the state comptroller for the payment that is due and, for the purposes of determining eligibility for payment of interest and subject to the exception and time-to-rectify provisions of subdivision two of this section, the required payment date shall be the payment due date specified in accordance with the contract.

6.

As used in this section, “small business” shall mean a business whose primary place of business is in New York state, has a significant business presence in the state, is independently owned and operated, not dominant in its field, and employs no more than two hundred employees at the time of

payment. The small business shall, upon request, provide the contracting entity with sufficient documentation to reflect and confirm its status as a small business.

Source: Section 179-F — Determination of eligibility for payment of interest on amounts owed to contractors, <https://www.nysenate.gov/legislation/laws/STF/179-F> (updated Apr. 14, 2017; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-f`

Original Source: *Section 179-F — Determination of eligibility for payment of interest on amounts owed to contractors*, <https://www.nysenate.gov/legislation/laws/STF/179-F> (last accessed Aug. 20, 2023).

Blank Outline Levels

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N.Y. State Finance Law Section 179-G

Computation of interest payment

Interest payments on amounts due to a contractor pursuant to this article shall be paid to the contractor for the period beginning on the day after the required payment date and ending on the payment date for those payments required according to this article and shall be paid at the rate of interest in effect on the date when the interest payment is made. Notwithstanding any other provision of law to the contrary, interest shall be computed at the rate equal to the overpayment rate set by the commissioner of taxation and finance pursuant to subsection (e) of [Tax Law § 1096 \(General powers of tax commission\)](#). 

Source: Section 179-G — Computation of interest payment, <https://www.nysenate.gov/legislation/laws/STF/179-G> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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N.Y. State Finance Law Section 179-H

Determination of appropriations against which interest payments are to be charged

Except in situations when federal law or the provisions of [§ 179-O \(Court actions or other legal processes\)](#) require otherwise, an interest payment required by this article shall be paid from the same appropriation as that from which the related proper invoice is paid; provided, however, (1) that the interest payment shall not reduce the amount of money that otherwise will be payable to the contractor under the terms of the relevant contract and (2) that if the obligation to make an interest payment is incurred in whole or in part because it takes the department of audit and control more than eight calendar days, excluding legal holidays, from the date it receives an approvable voucher from another state agency to process a contract payment, then the portion of the total interest payment that is attributable to delays by the department of audit and control shall be paid from funds made available to the department of audit and control. Notwithstanding any other provision of law to the contrary, if the amount of money available from any such appropriation to the state agency which received the proper invoice is insufficient to pay the interest and if for any reason it is not feasible for the director of the budget to exercise the transfer or interchange authority established by section fifty-one or ninety-three of this chapter, the director of the budget may issue a certificate or certificates transferring or interchanging within a fund such amount as is needed to pay the interest to said appropriation within such fund from the unspent balance of any appropriation that is available to the same state agency. In exercising the latter transfer or interchange authority, the director of the budget shall transfer or interchange amounts that are not needed to accomplish the purposes for which the appropriation was made, except, however, the director of the budget may, to the extent he deems it practicable, transfer or interchange amounts from appropriations that otherwise would be available for the administration and operations of the state agency which incurred the interest payment. Any such certificate or certificates issued by the director of the budget shall be sent to the state comptroller and copies shall be filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. [↗](#)

Source: Section 179-H — Determination of appropriations against which interest payments are to be charged, <https://www.nysenate.gov/legislation/laws/STF/179-H> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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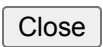
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N.Y. State Finance Law Section 179-I

Exclusion of interest from reimbursement rates

Any interest paid to a contractor pursuant to the provisions of this article shall not be included as revenue for the purposes of determining any reimbursement rates applicable to such contractor.

Source: Section 179-I — Exclusion of interest from reimbursement rates, <https://www.nysenate.gov/legislation/laws/STF/179-I> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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World: [Rome Statute](#), [International Dictionary](#)

Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-i`

Original Source: *Section 179-I — Exclusion of interest from reimbursement rates*, <https://www.nysenate.gov/legislation/laws/STF/179-I> (last accessed Aug. 20, 2023).

Blank Outline Levels

×

The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

In this example, (3), (4), and (4)(a) are all outline levels, but (4) was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

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N.Y. State Finance Law Section 179-J

Disclaimer of state responsibility for interest payments incurred by contractors

In the event that an interest payment is made by a contractor in the course of transacting business with any entity other than a state agency, such interest shall not be an obligation of the state and the state shall not reimburse the contractor for such interest, nor shall any moneys expended for such interest payments be counted toward any matching requirement applicable to grants or payments of state funds unless expressly permitted by statute or regulation. [↗](#)

Source: Section 179-J — Disclaimer of state responsibility for interest payments incurred by contractors, <https://www.nysenate.gov/legislation/laws/STF/179-J> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-j`

Original Source: *Section 179-J — Disclaimer of state responsibility for interest payments incurred by contractors*, <https://www.nysenate.gov/legislation/laws/STF/179-J> (last accessed Aug. 20, 2023).

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N.Y. State Finance Law Section 179-K

Acceptance of payment

The acceptance of payment, in whole or in part, by a contractor shall not be deemed to constitute a waiver of interest otherwise due under the provisions of this article nor to supersede the provisions of [§ 145 \(Acceptance of final payment under a state contract\)](#).

Source: Section 179-K — Acceptance of payment, <https://www.nysenate.gov/legislation/laws/STF/179-K> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-k`

Original Source: Section 179-K — Acceptance of payment, <https://www.nysenate.gov/legislation/laws/STF/179-K> (last accessed Aug. 20, 2023).

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×

The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

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N.Y. State Finance Law Section 179-L

Provisions to control

No contract entered into after July first, nineteen hundred eighty-four shall contain any provision requiring the payment of interest in a manner inconsistent with this article, and any provision contained in such contract which waives the right to the payment of interest is hereby declared to be contrary to public policy and wholly void.

Source: Section 179-L — Provisions to control, <https://www.nysenate.gov/legislation/laws/STF/179-L> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-l`

Original Source: Section 179-L — Provisions to control, <https://www.nysenate.gov/legislation/laws/STF/179-L> (last accessed Aug. 20, 2023).

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(3) A person may apply [...]

(4)(a) A person petitioning for relief [...]

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N.Y. State Finance Law Section 179-M

Duties of the comptroller

1.

The state comptroller shall:

a.

Promulgate such rules and regulations as may be necessary to carry out the comptroller's responsibilities under this article.

b.

Develop and implement a procedure for calculating the amount of interest, if any, due to any contractor pursuant to the provisions of this article. Such procedure shall include provisions for calculating (i) the amount of time, in calendar days, between the date of receipt of a proper invoice by the state agency and the date on which an approvable voucher was delivered to the state comptroller;

(ii)

the amount of time between the date on which an approvable voucher was delivered to the state comptroller and the payment date;

(iii)

the amount of interest, if any, chargeable to the state agency involved pursuant to this article; and

(iv)

the amount of interest, if any, chargeable to the department of audit and control pursuant to this article.

c.

Develop and implement a procedure for paying such interest in not more than seven days from the payment date on those proper invoices for which interest is due and for which the director of the budget does not issue a certificate or certificates increasing, transferring, or interchanging funds so that an interest payment can be made pursuant to this article. The comptroller shall also develop and implement a procedure for paying such interest in not more than fourteen days from the payment date on those proper invoices for which interest is due and for which the director of the budget does issue a certificate or certificates increasing, transferring, or interchanging funds so that an interest payment can be made pursuant to this article.

d.

Develop and implement a procedure by which every state agency will notify contractors promptly and directly whenever the state comptroller rejects a voucher and returns it to the state agency due to an error or omission in the voucher by the contractor.

2.

Nothing contained in this section shall be deemed to preclude the comptroller from subsequently promulgating, developing, or amending rules and regulations or procedures pursuant to, and consistent with, this article.

3.

The state comptroller shall submit a detailed special report to the governor and the legislature which shall include the number and amounts of interest payments made for each state agency, the number of interest chargeable days and the number of days taken to process the contract payment, the extent to which those delays occurred because the state agency took longer than allotted pursuant to the provisions of this article to process the affected invoices and the extent to which those delays occurred because the department of audit and control took longer than allotted pursuant to the provisions of this article to process the related vouchers, and a summary of the principal reasons that such late payments occurred. The report shall be delivered to the governor and legislature within sixty calendar days after the conclusion of each fiscal year.

Source: Section 179-M — Duties of the comptroller, <https://www.nysenate.gov/legislation/laws/STF/179-M> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Location: `https://newyork.public.law/laws/n.y._state_finance_law_section_179-m`

Original Source: Section 179-M — Duties of the comptroller, <https://www.nysenate.gov/legislation/laws/STF/179-M> (last accessed Aug. 20, 2023).

Blank Outline Levels



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(3) A person may apply [...]

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N.Y. State Finance Law Section 179-N

Judicial review

Any determination made by a state agency pursuant to subdivision three of [§ 179-F \(Determination of eligibility for payment of interest on amounts owed to contractors\)](#), shall be subject to judicial review in a proceeding pursuant to article seventy-eight of the civil practice law and rules. Such proceedings shall only be commenced in the absence, or upon completion, of other review procedures specified in the applicable contract or by applicable regulations.

Source: Section 179-N — Judicial review, <https://www.nysenate.gov/legislation/laws/STF/179-N> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: *Section 179-N — Judicial review*, <https://www.nysenate.gov/legislation/laws/STF/179-N> (last accessed Aug. 20, 2023).

Blank Outline Levels



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N.Y. State Finance Law Section 179-O

Court actions or other legal processes

1.

Notwithstanding any other provision of law to the contrary, the liability of the state government, insofar as incurring an obligation to make an interest payment to a contractor pursuant to the terms of this article is concerned, shall not extend beyond the date of a notice of intention to file a claim, the date of a notice of a claim, or the date commencing a legal action for the payment of such interest, whichever occurs first. Any such interest payment owed by the state government in accordance with the provisions of this article as of such date shall be paid as directed by the court and, to the extent that the interest payment is attributable to processing delays caused by the state agency which received the proper invoice or by processing delays caused by the department of audit and control, such interest payment shall be made from funds available to said state agency or to the department of audit and control at the time of final judgment.

2.

With respect to the court actions or other legal processes referred to in subdivision one of this section, any interest obligation incurred by the state government after the date specified in such subdivision pursuant to any provision of law other than this article shall be determined as prescribed by such separate provision of law, shall be paid as directed by the court, and shall be paid from any appropriation available for that purpose.

Source: Section 179-O — Court actions or other legal processes, <https://www.nysenate.gov/legislation/laws/STF/179-0> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Original Source: Section 179-O — Court actions or other legal processes, <https://www.nysenate.gov/legislation/laws/STF/179-0> (last accessed Aug. 20, 2023).

Blank Outline Levels



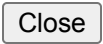
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- (4)(a) A person petitioning for relief [...]

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N.Y. State Finance Law Section 179-P

Inapplicability of the provisions

The provisions of this article shall not apply to payments due and owing by the state:

1.

under the eminent domain procedure law;

2.

as interest allowed on judgments rendered by a court pursuant to any provision of law other than those provisions contained in this article;

3.

to the federal government; to any state agency or its related instrumentalities; to any duly constituted unit of local government including, but not limited to, counties, cities, towns, villages, school districts, special districts, or any of their related instrumentalities; to any public authority or public benefit corporation; or to employees of state agencies when acting in, or incidental to, their public employment capacity;

4.

to contractors of third party payment agreements including, but not limited to, the fiscal agent or fiscal intermediary designated pursuant to [Social Services Law § 367-B \(Medical assistance information and payment system\)](#);

5.

to entities which receive state funds through any intermediary organization other than a state agency; or

6.

in situations where the comptroller exercises a legally authorized set-off against all or part of the payment due the contractor.

Source: Section 179-P — Inapplicability of the provisions, <https://www.nysenate.gov/legislation/laws/STF/179-P> (updated Sep. 22, 2014; accessed Apr. 19, 2025).

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Texas: [Statutes](#)
World: [Rome Statute](#), [International Dictionary](#)

Location: https://newyork.public.law/laws/n.y._state_finance_law_section_179-p

Original Source: Section 179-P — Inapplicability of the provisions, <https://www.nysenate.gov/legislation/laws/STF/179-P> (last accessed Aug. 20, 2023).

Blank Outline Levels



The legislature occasionally skips outline levels. For example:

(3) A person may apply [...]
(4)(a) A person petitioning for relief [...]

In this example, **(3)**, **(4)**, and **(4)(a)** are all outline levels, but **(4)** was omitted by its authors. It's only implied. This presents an interesting challenge when laying out the text. We've decided to display a blank section with this note, in order to aide readability.

Trust but verify. [Here is the original source for section 179-P](#)

Do you have an opinion about this solution? [Drop us a line.](#)

