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## N.Y. State Finance Law Section 125

### Fiscal supervision of certain institutions

Notwithstanding any other provision of law relative to the supervision and control by departments of any of the institutions under the jurisdiction and control of the office of temporary and disability assistance, the department of health, the department of mental hygiene and the department of corrections and community supervision on the first day of January, nineteen hundred thirty-nine and of any institution which shall hereafter be under the jurisdiction of such departments, such department shall have the powers and duties prescribed by this article with respect to such institution. This section shall not impair or affect the powers of the commissioner of general services under the provisions of [article 11 \(State Purchasing\)](#) with respect to estimates made pursuant to this section so far as they constitute a requisition for material, equipment or supplies. [↗](#)

*Source: Section 125 — Fiscal supervision of certain institutions, <https://www.nysenate.gov/legislation/laws/STF/125> (updated Sep. 22, 2014; accessed Apr. 19, 2025).*

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**Accessed:**

Apr. 19, 2025

**Last modified:**

Sep. 22, 2014

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*Original Source:* *Section 125 — Fiscal supervision of certain institutions*, <https://www.nysenate.gov/legislation/laws/STF/125> (last accessed Aug. 20, 2023).

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5. § 127

## N.Y. State Finance Law Section 127

### Construction and repair of buildings of institutions reporting to the departments having jurisdiction

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As used in this section, the term “departments having jurisdiction” shall be deemed to mean the departments referred to in [§ 125 \(Fiscal supervision of certain institutions\)](#), except that with respect to construction, acquisition, reconstruction, rehabilitation or improvement work at any state institution or facility under the professional jurisdiction, supervision and control of the department of mental hygiene, it shall not be deemed to mean the department of mental hygiene unless such work is let by the commissioner of general services as agent for the health and mental hygiene facilities improvement corporation pursuant to an agreement with the trustees of said corporation, as authorized by the health and mental hygiene facilities improvement act. [🔗](#)

#### 1.

All plans and specifications for the construction, alteration, repair and improvement of buildings for institutions reporting to the departments shall be prepared by the office of general services. The departments having jurisdiction shall adopt or reject any such plans or specifications, and no such work shall be begun until the plans and specifications therefor have been adopted, but before the adoption thereof, the departments having jurisdiction shall submit the same to the board of visitors of the institution, if any, in case such board of visitors is authorized by law to review such plans and specifications, and shall allow such board a period of not more than thirty days in which to submit a statement of their opinions and suggestions in regard thereto.

## 2.

Contracts for such work of construction, alteration, repair or improvement may be let by the department having jurisdiction, or at the request of such department by the commissioner of general services, but in any event such letting shall be in accordance with the procedure set forth in [Public Buildings Law § 8 \(Contracts\)](#), with the approval of the comptroller for the whole or any part of the work to be performed, and, in its discretion, such contracts may be sublet. Special orders for such work may be issued upon authorization by the department having jurisdiction pursuant to [Public Buildings Law § 20 \(Work done by special order\)](#). Copies of all such contracts and special orders shall be filed with the department having jurisdiction, with the comptroller and with the board of visitors, if any. All such contracts and special orders for the construction, alteration, repair or improvement of buildings or plants of such institutions shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. Except as provided in [Public Buildings Law § 20 \(Work done by special order\)](#), all contracts in an amount greater than five thousand dollars shall have the performance thereof secured by sufficient bond or bonds, together with a bond or bonds for the payment of labor and material as authorized by [§ 137 \(Bond to secure payment of certain claims arising from a public improvement\)](#), to be approved by the comptroller and filed in his office and with the department having jurisdiction or the commissioner of general services, as the case may be. No work done by special orders in an amount less than twenty thousand dollars need have a bond. No work shall be done by special order unless the commissioner has presented to the comptroller evidence that he has made a diligent effort to obtain competition sufficient to protect the interests of the state prior to selecting the contractor to perform the work. In all cases in which contracts to be let are for the purpose of connecting any such institution with the system or line or lines maintained or operated by any public service corporation or repairing or improving any such connection, such public service corporation shall not be required to give a certified check upon submitting its proposal as hereinbefore provided nor to give any bond, nor shall any advertising for proposals be necessary where the public service corporation is to perform the work.

## 3.

The work of construction, alteration, repair or improvement of buildings or plant of any such state institution may be done by the employment of incarcerated individual or outside labor, either or both, and by purchase of materials in the open market whenever, in the opinion of the comptroller, the department having jurisdiction and the commissioner of general services, or an authorized representative of his department, such course shall be more advantageous to the state. No compensation shall be allowed for the employment of incarcerated individual labor except convict labor.

## 4.

Where money is appropriated for any specific purpose other than for maintenance, and the work, materials, furniture, apparatus or other supplies are not to be performed or purchased pursuant to contract or special order duly made therefor, such money shall be expended pursuant to special fund estimates made to the department having jurisdiction by the superintendent of the institution for which such appropriation is made. The provisions of this chapter relating to the estimates of the expense required for such institutions shall apply to such estimates; and when such work is to be performed in accordance with plans and specifications prepared by the office of general services, or is to be paid for from appropriations for the construction, alteration, repair or improvement of buildings or plants, such estimates shall also be subject to the approval of the office of general services. Except as above specified all such work shall be done by contract or special order. The form of the contract or special order shall be prescribed by the commissioner of general services.

## 5.

All payments on contracts and special orders, other than contracts and special orders made on the approval of the office of general services and special fund estimates, shall be made by the comptroller after audit, on the voucher of the commissioner of general services as the work progresses or the purchase of material is made. All payments on contracts, as the work progresses, shall be made by the comptroller after audit upon the certificate of the office of general services accompanied by the voucher of the contractor to whom the money is due. All final payments on contracts and special orders shall be made by the comptroller after audit upon the certificate of the office of general services with the approval of the department having jurisdiction.

## 6.

No item of an appropriation made for the performance of such work shall be available, except for advertising, unless one or more contracts, special orders or special fund estimates shall first have been made for completion of such work within the appropriation therefor. Each original bid with an abstract thereof, shall accompany the copy of the contract or special order which is to be filed with the comptroller.

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*Source: Section 127 — Construction and repair of buildings of institutions reporting to the departments having jurisdiction, <https://www.nysenate.gov/legislation/laws/STF/127> (updated Aug. 13, 2021; accessed Apr. 19, 2025).*

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Apr. 19, 2025

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*Original Source:* *Section 127 — Construction and repair of buildings of institutions reporting to the departments having jurisdiction*, <https://www.nysenate.gov/legislation/laws/STF/127> (last accessed Aug. 20, 2023).

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## N.Y. State Finance Law Section 127-A

### Energy conservation in state-aided programs

---

**1.**

As used in this section:

**(a)**

“annual pro-rated project cost” shall mean the amount of reimbursement per year which is sufficient to reimburse an eligible facility, in accordance with its state aid rate, for the cost of an energy conservation project by the final year of the payback period for such project.

**(b)**

“eligible facility” shall mean a facility, other than a hospital or a residential health care facility as defined in article twenty-eight of the public health law, which has a current operating certificate from a state agency and which receives full or partial state reimbursement for energy costs. [↗](#)

**(c)**

“energy conservation measure” shall mean any construction, alteration, repair or improvement of the capital assets of an eligible facility for the purpose of reducing the consumption of energy, but shall not include operating and maintenance measures.

**(d)**

“energy conservation project” shall mean one or more energy conservation measures selected for implementation by an eligible facility.

**(e)**

“operating and maintenance measures” shall mean cost-free or low-cost procedures, or improvements or repairs to an eligible facility, which are intended to reduce energy consumption and which do not impose any costs on an eligible facility which are not reimbursable as operating costs of the facility.

**(f)**

“payback period” shall mean an estimated period of time, within which the costs of an energy conservation measure or project will be recovered from the savings generated by the reduced energy consumption resulting therefrom.

**(g)**

“state aid rate” shall mean the percentage of an eligible facility’s energy costs which are reimbursed by the state.

**2.**

Notwithstanding any other provision of law, an eligible facility shall be reimbursed for the costs of implementing energy conservation projects in accordance with the provisions of this section.

**3.**

(a) Prior to implementing any energy conservation project for which reimbursement is sought pursuant to this section, an eligible facility shall obtain an analysis of its energy usage and available opportunities for energy conservation. Such analysis shall be conducted by an architect or engineer licensed by the state of New York who has no financial interest in the facility or in the production, promotion or sale of any energy resource or any energy conservation product or device.

**(b)**

The required analysis shall be prepared after an on-site examination of the facility by the architect or engineer. The analysis shall include recommendations for energy conservation measures and operating and maintenance measures appropriate for the facility, and estimated payback periods for each recommended energy conservation measure. For the purposes of this section, payback period calculations shall take into account implementation of all recommended operating and maintenance measures, shall be based on current energy prices, without any adjustment for anticipated changes in such prices, and shall be based on the average annual energy usage of the facility. The average annual energy usage shall be based on the energy usage for the preceding three years, provided, however, that if the facility has not been in operation for the preceding three years, or if changes in the capacity or usage of the facility in the preceding three years have substantially altered the energy usage of the facility, the architect or engineer shall make and document reasonable assumptions concerning the average annual energy usage of the facility.

**(c)**

The architect or engineer shall prepare a final report presenting a single payback period for the energy conservation project for which reimbursement is sought. The payback period shall be computed as provided in paragraph (b) of this subdivision, and shall take into account the interaction between conservation measures. The cost of such project shall include:

**(1)**

the actual costs of all energy conservation measures selected for implementation by the eligible facility from among those recommended by the architect or engineer;

**(2)**

the fee, if any, charged by the architect or engineer; and

**(3)**

if the facility intends to finance any energy conservation measures by loan or other financing arrangement, the cost of securing such loan or other financing arrangement, provided that no costs shall be included in the cost of the project which are attributable to:

**(i)**

a financing rate in excess of three percentage points above the overpayment rate set by the commissioner of taxation and finance pursuant to [Tax Law § 1096 \(General powers of tax commission\)](#); or

**(ii)**

any term of a loan or financing arrangement which exceeds by more than one year the payback period for the energy conservation project being financed.

## **4.**

(a) In addition to any information which is ordinarily required for purposes of reimbursement, an application for reimbursement pursuant to this section shall include the analysis and final report of the architect or engineer, along with any supporting documentation which the agency may require to review such analysis and report, and a certification by the facility director that all operating and maintenance measures recommended by the architect or engineer have been and will continue to be implemented, or that the failure to implement any specific operating and maintenance measure will be justified to the satisfaction of the agency.

### **(b)**

An eligible facility which complies with the provisions of this section shall be reimbursed for not less than the annual pro-rated project cost for an energy conservation project; provided, however, that reimbursement in the final year of the payback period for an energy conservation project may be in such lesser amount as is required to fully reimburse an eligible facility for the cost of such project. Such reimbursement may be made in such form and at such time as an agency may require, in conformance with applicable law and regulations but not less frequently than once annually.

### **(c)**

Notwithstanding any provision of this section, no reimbursement shall be made to an eligible facility for any part of a payback period in excess of ten years.

### **(d)**

An eligible facility which has received an approval for reimbursement of a final report prepared pursuant to this section shall not apply for any further energy conservation measures, not recommended in such final report, for a period of two years from the date of such approval.

## **5.**

(a) Notwithstanding the provisions of this section, an agency shall only be required to reimburse eligible facilities for energy conservation projects pursuant to this section to the extent that the total amount of such reimbursement in any year, when combined with the total amount of energy costs actually reimbursed in such year, does not exceed the total amount budgeted for energy costs in such year; provided, however, that nothing in this subdivision shall be construed to preclude an agency from reimbursing energy conservation projects from any funds, not originally budgeted for energy costs, which are made available for such purpose, or from approving with a facility's consent energy conservation projects, for which funds for reimbursement are not immediately available, for the purpose of assigning priority to reimbursement of such projects when funds become available.

## **6.**

All state agencies which reimburse eligible facilities for energy costs shall encourage all such facilities to implement measures to reduce energy consumption, and may make available information on energy conservation. A state agency may provide each eligible facility under its jurisdiction with a list of appropriate operating and maintenance measures, and may require each such facility to certify that it will implement appropriate operating and maintenance measures.

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*Source: Section 127-A — Energy conservation in state-aided programs, <https://www.nysenate.gov/legislation/laws/STF/127-A> (updated Sep. 22, 2014; accessed Apr. 19, 2025).*

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*Original Source:* *Section 127-A — Energy conservation in state-aided programs*, <https://www.nysenate.gov/legislation/laws/STF/127-A> (last accessed Aug. 20, 2023).

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## N.Y. State Finance Law Section 128

### Disposition of unclaimed personal property

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1.

Any personal property, and any interest or increments accruing thereon, belonging or credited to a person in any institution under the jurisdiction of the office of children and family services, the department of health, the department of mental hygiene, the executive department, or the department of corrections and community supervision who shall have been discharged from such institution or who shall have died or escaped before discharge or before termination of sentence, which is in the custody of the proper officer of such institution, shall, if unclaimed by such discharged or escaped person or by the legal representative of such deceased person for a period of six months after the discharge, decease or escape of such person, be fully inventoried and a copy of such inventory shall be filed with the commissioner of such department having jurisdiction over such institution and with the state comptroller. [↗](#)

2.

Any such personal property consisting of money or intangible property shall be paid or delivered forthwith, by such officer, to the state comptroller pursuant to the provisions of [Abandoned Property Law § 1304 \(Unclaimed personal property of persons in certain state institutions\)](#).

3.



Such commissioner shall cause any such property consisting of tangible personal property, other than money, except such property as such commissioner may determine to be valueless or of such little value that the probable proceeds of a sale thereof would be less than the cost of such sale, which property may be ordered destroyed by such commissioner, to be sold at public or private sale as determined by such commissioner, and the proceeds from such sale, less the expenses of such sale, including the costs of any advertising, shall be paid to the state comptroller pursuant to the provisions of [Abandoned Property Law § 1304 \(Unclaimed personal property of persons in certain state institutions\)](#).

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*Source: Section 128 — Disposition of unclaimed personal property, <https://www.nysenate.gov/legislation/laws/STF/128> (updated Sep. 22, 2014; accessed Apr. 19, 2025).*

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