§ 1680-c. Creation of the court facilities capital review board. 1. There is hereby created a court facilities capital review board. The voting membership of the board shall consist of four persons appointed by the governor, of which one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly, and one upon the recommendation of the chief judge of the court of appeals. The members of the board shall vote among themselves to determine who shall serve as chairman. Any determination of the board shall be evidenced by a certificate thereof executed by all the members entitled to vote on the matter so certified. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his place and to vote or otherwise act on his behalf in his absence. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office. A representative shall not be authorized to delegate any of his duties or functions to any other person.

2. The governor shall also appoint two nonvoting members to the court facilities capital review board of which one shall be upon the recommendation of the minority leader of the senate and one upon the recommendation of the minority leader of the assembly. Each nonvoting member shall be entitled to designate a representative to attend meetings of the board in his place.

3. The chief executive officer of each participating municipality shall submit the capital plan pursuant to section two hundred nineteen of the judiciary law to the chief administrator of the courts. On or before January first, April first, July first, and October first of each year commencing with the year nineteen hundred eighty-eight, the chief administrator of the courts shall submit to the court facilities capital review board the capital plan of each political subdivision that has submitted such a plan pursuant to section two hundred nineteen of the judiciary law, together with the appropriate facility design and performance plan, if any, prepared by the dormitory authority pursuant to paragraph (c) of subdivision thirteen of section sixteen hundred seventy-eight of this chapter.

The court facilities capital review board shall act on each capital plan within sixty days of the submission of such plan to the board. As part of its consideration of each capital plan, the board shall review and approve overall plans and cost estimates for the design, acquisition, construction, reconstruction, rehabilitation, improvement, furnishing or equipping of facilities of the courts and court-related agencies of the unified court system. Before approving any such plans or cost estimates, the court facilities capital review board must be satisfied that the facilities to which they relate are suitable and sufficient for the transaction of the business of the unified court system. Approval of each political subdivision's capital plan shall be by unanimous vote of the voting membership of the board. In the event that the chief administrator of the courts and the chief executive officer of the political subdivision submitting a capital plan agree on the plan, the capital plan may be disapproved only by an affirmative vote of at least two voting members of the board. If the board does not act on a capital plan within sixty days of the submission of such plan to the board, the capital plan shall be approved or disapproved by the chief administrator of the courts.

The court facilities capital review board shall consider, in approving or disapproving a capital plan for each political subdivision, the legal obligation of the political subdivision under section thirty-nine of the judiciary law to provide goods, services and facilities suitable and sufficient for the transaction of the business of the unified court system, and such political subdivision's fiscal capacity, including but not limited to total taxes raised, total income generated, existing municipal debt and overall capital needs.

4. Nothing contained in this section shall be construed to limit or diminish the authority of the chief administrator of the courts pursuant to subdivision three of section thirty-nine and section thirty-nine-a of the judiciary law to determine whether a political subdivision has ceased or failed to provide goods, services or facilities suitable and sufficient for the transaction of business, and to notify the state comptroller of such determination.