

**§ 128-15.2. Appointment of acting heads of certain agencies.**

In every case where a State board or commission is authorized by statute to appoint the executive head of a State agency or institution, that board or commission may appoint an acting executive head of that agency or institution to serve

- (1) During the physical or mental incapacity of the regular holder of the office to discharge the duties of his office,
- (2) During the continued absence of the regular holder of the office, or
- (3) During a vacancy in the office and pending the selection and qualification of a person to serve for the unexpired term.

An acting executive head of a State agency or institution appointed in accordance with this section may perform any act and exercise any power which a regularly selected holder of such office could lawfully perform and exercise. All powers granted to an acting executive head of a State agency or institution under this section shall expire immediately

- (1) Upon the termination of the incapacity of the officer in whose stead he acts,
- (2) Upon the return of the officer in whose stead he acts, or
- (3) Upon the selection and qualification of a person to serve for the unexpired term.

Each State board or commission may determine (after such inquiry as it deems appropriate) that the executive head of a State agency or institution whom it is authorized by statute to appoint is physically or mentally incapable of performing the duties of his office. Each such board or commission may also determine that such incapacity has terminated. (1959, c. 284, s. 1.)