

year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session, but who, during a legislative session, instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session.

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph, and its decision shall be final.

APPROVED—The 25th day of April, A. D. 1927.

JOHN S. FISHER

No. 250

AN ACT

Relating to aeronautics; regulating the licensing of aircraft and airmen and the establishment of airports and landing fields; imposing duties and conferring powers upon the Department of Internal Affairs; and providing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful to navigate any civil aircraft in the navigable airspace over or above the territory or waters of the State of Pennsylvania, without a Pennsylvania aircraft and airman's license, issued by the Department of Internal Affairs, except where such aircraft and airmen are licensed or operate under the authority of laws of the United States. From time to time the Department of Internal Affairs shall adopt, promulgate, and enforce regulations providing for the application for, and the granting and denying of, such licenses, and for the suspension and revocation thereof. Licenses shall be suspended, revoked, or denied, only after the applicant or licensee shall have been accorded a hearing, or opportunity for hearing thereon. The department shall not require the licensing of aircraft and airmen licensed under the laws of the United States, nor of aircraft or airmen serving in the military or naval or any other department of the United States Government, or of this State. No aircraft or airmen shall be licensed under this act, unless the aircraft shall have been found by the department to be airworthy, and the airmen competent. The qualifications of airmen and the requirement of airworthiness shall be fixed by regulations of the department.

Section 2. The department shall make a survey of the desirable and economic locations of airports and landing fields in this State, and shall, from time to time, adopt, promulgate, and enforce regulations for the licensing of municipal airports and landing fields.

Aeronautics.

Unlawful to navigate without license.

Regulations as to licenses.

Aircraft and airmen of United States excepted.

Qualifications of aircraft and airmen.

Survey of locations for airports.

Municipal airports. No municipal airport or landing field shall hereafter be established in this Commonwealth unless a license therefor shall be issued by the department. This section shall not have application to airports and landing fields established by the Government of the United States.

Airports of United States.

Section 3. The regulations of the department shall not be inconsistent with, or contrary to, any regulation adopted by the Secretary of Commerce of the United States, or inconsistent with the laws of the United States, or the rules and regulations of any department thereof.

Violations.

Section 4. Any person violating the provisions of this act, or any of the regulations of the Department of Internal Affairs, made and promulgated under the authority of this act, shall, upon conviction thereof in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and, in default of the payment of such fine and costs, undergo imprisonment in the county jail for a period not exceeding thirty days.

Penalty.

Definitions.

Section 5. As used in this act, "civil aircraft" means aircraft not of the armed forces of a state or county; "airmen" means an individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the operation of aircraft while under way, and any individual in charge of the inspecting, overhauling or repairing of aircraft; and "air navigation facilities" includes airports, landing fields, and water surfaces for landing aircraft, and all aids to air navigation, such as lights, marks, structures, and electrical communicating systems.

APPROVED—The 26th day of April, A. D. 1927.

JOHN S. FISHER

No. 251

AN ACT

To amend section three of article nine of the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith."

Bituminous coal mines.

Section 3, article 9, of act of June 9, 1911 (P. L. 756), amended.

Section 1. Be it enacted, &c., That section three of article nine of the act, approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred fifty-six), entitled "An act to provide for the health and safety of persons employed in