

This revised summary replaces the summary dated 5-29-98.



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HOSPITAL HELIPORTS AND HELISTOPS

House Bill 5888

Sponsor: Rep. David Gubow

House Bill 5889

Sponsor: Rep Andrew Raczkowski

Committee: Transportation

Complete to 6-3-98

A REVISED SUMMARY OF HOUSE BILLS 5888 AND 5889 AS INTRODUCED 5-27-98

House Bills 5888 and 5889 would amend the Aeronautics Code of the State of Michigan to prohibit discrimination regarding access to landing areas, and to set the minimum requirements for licensing hospital heliports and helistops. The bills are tie-barred.

House Bill 5888 (MCL 259.20c and 259.24a) would prohibit discrimination based on race, religion, creed, color, national origin, gender, ancestry, lineage, descent, or heredity with regard to access or usage of public use facilities and private landing areas. Further, the bill would add the definitions of "hospital" and "hospital helistop" to the act. Finally, the bill would clarify the definition of "private landing area" to ensure that an owner and any person authorized by an owner would have the right to use a private landing area, despite discrimination prohibitions.

House Bill 5889 (MCL 259.86a and 259.89) would delete language requiring a hospital heliport to meet the same standards established for general use heliports, and instead would set 12 minimum requirements for licensure as a hospital heliport. To be licensed, a heliport would have to be reserved solely for air ambulance use or other hospital-related functions; have a licensed airport manager; have final approach and takeoff areas meeting certain dimension and alignment configurations to ensure safety; be secured (fenced or marked with caution signs) to prevent unauthorized entry; have a paved touchdown and liftoff area; have a lighted wind direction indicator and suitable lighting for night operations; and, have identification markings that comply with Federal Aviation Administration standards.

Further, the bill would add the category of hospital helistop, and set licensing standards. To be licensed as a hospital helistop, a helistop would have to: have a person responsible for the daily operations of the hospital helistop, as determined by the owner or operator, who meets the minimum standards established by the commission; provide the name of the responsible person to the commission in writing and identify how that person may be reached in an emergency; be reserved solely for air ambulance use; have at least one suitable approach path, a wind direction indicator, and appropriate permanent or temporary lighting available for night operations; and, have security adequate to prevent bystanders from approaching a helicopter as it departs or lands. Finally, the bill would require the pilot of a helicopter to get landing permission from the hospital helistop or a responsible person.

[Bills similar to these were introduced by these sponsors earlier in this legislative session as House Bills 5583 and 5584 and passed by both houses. Enrolled House Bill 5583 was vetoed by the governor in a message dated May 6, 1998. House Bill 5584 was signed and enacted as Public Act 81 of 1998; however, the act will not go into effect since the bills were tie-barred to each other. In his veto message the governor wrote: "The intent of Enrolled House Bill 5583 is to preempt local ordinances that place restrictions on the use of private airstrips or 'landing areas'. However, in its attempt to protect the rights of some owners of private landing areas, the bill places an unwelcome restriction on the rights of all such owners. I refer specifically to the bill's requirement that access to private landing areas 'shall not be denied, limited, or regulated . . . on the basis of . . . familial relationship'. This language would appear to prevent the owner of a private landing area from restricting its use to members of his or her own family. This limitation on private property rights is unacceptable. I also question the wisdom of attacking local ordinances concerning the use of private airstrips on the basis of state civil rights. I do not consider this a proper basis for extending our cherished civil rights protections, which should be rooted in efforts to remedy or prevent actual instances of discrimination. For these reasons, I am returning Enrolled House Bill 5583 without signature."]

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.