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LOWER POPULATION REQ'S. IN PORT AUTHORITY ACT

House Bill 5103 (Substitute H-2) First Analysis (12-2-98)

Sponsor: Rep. Kwame Kilpatrick
**Committee: Marine Affairs and
Port Development**

THE APPARENT PROBLEM:

Demographic changes were revealed in the state as a result of the 1990 census, resulting in a loss of two Congressional seats. Moreover, conventional wisdom holds that when the 2000 census is taken it will show that the population of Detroit and Wayne County has shrunk. It is anticipated that Detroit's population will fall below one million, and that Wayne County's population will be less than 2 million. As a result, each will no longer qualify for certain state aid, revenues, or grants. In order to avoid these repercussions, a package of legislation has been introduced to lower population requirements in various acts. One of the acts that would be affected is the port authority act, Public Act 639 of 1978, since the Detroit-Wayne County Port Authority is the only port authority organized under that act.

THE CONTENT OF THE BILL:

Currently, under the Hertel-Law-T. Stopczynski Port Authority Act, a county that establishes a port authority must have a population of 2 million or more. House Bill 5103 would amend the act to lower the population requirement to 1.5 million. The act also specifies that two of the authority's five members are to be nominated by those commissioners on the county board who don't live within the political boundaries of a city with a population of 1 million or more. Similarly, two members are to be appointed by the mayor of a city within the county that has a population of 1 million or more. Under the bill, each of these population requirements would be lowered to 750,000.

MCL 120.105

FISCAL IMPLICATIONS:

Analysis available @ <http://www.michiganlegislature.org>

Fiscal information is not available.

ARGUMENTS:

For:

State statutes use population levels to classify local units of government. In fact, a study by the Legislative Service Bureau (LSB) Research Division (*Population In Statute*, Volume 15, No. 2, July, 1995) identified 328 sections of law, encompassing sixty major subject areas, which grant authority to local governments based on population levels. As a result, the consequences could be serious for Michigan cities should the next census reveal population shifts. For example, a population drop to less than one million would render a city ineligible for certain state programs. Consequently, the population requirements cited in relevant acts must be lowered.

Against:

The bill does not go far enough. Some people maintain that the port authority act should include provisions to allow the establishment of port authorities in areas other than Wayne County. Macomb County, for example, has exhibited enough commercial growth during the past several years to justify port development.

POSITIONS:

The City of Detroit supports the bill. (12-1-98)

Wayne County supports the bill. (12-1-98)

The Detroit/Wayne County Port Authority supports the bill. (12-1-98)

The Michigan Railroads Association supports the bill. (12-1-98)

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The Michigan Department of Transportation (MDOT)
has no position on the bill. (12-1-98)

Analyst: R. Young

■ 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.