

### Chapter Adm 3

## POPULATION DETERMINATION

Adm 3.01 Authority.  
Adm 3.02 Preliminary population determinations.

Adm 3.03 Challenge and appeal.  
Adm 3.04 Final population determination.

**Note:** Sections Adm 3.01 to 3.06 were created by emergency rule effective July 27, 1973.

**Adm 3.01 Authority.** Section 16.96, Stats., requires the department of administration to determine statewide annual population estimates for use in the determination of state revenue sharing distributions under ch. 79, Stats. Sections 227.11 and 16.004 (1), Stats., authorize the department of administration to adopt rules interpreting the provisions of s. 16.96, Stats., relating to population determinations.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; am. Register, February, 1979, No. 278, eff. 3-1-79; r. and recr., Register, November, 1983, No. 335, eff. 12-1-83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1993, No. 447.

**Adm 3.02 Preliminary population determinations.**

**(1)** The department of administration shall prepare a preliminary population determination pursuant to s. 16.96 (2) (a), Stats.

**(2)** Written notice of the preliminary population determination, information concerning the determination and the procedure for making an appeal of such determination shall be sent to each municipal and county clerk within 5 days after completion of the determination pursuant to s. 16.96 (2) (a), Stats.

**(3)** A population projection for each municipality for the following year shall be prepared and transmitted to the department of revenue prior to September 15.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; am. Register, February, 1979, No. 278, eff. 3-1-79; r. and recr., Register, November, 1983, No. 335, eff. 12-1-83.

**Adm 3.03 Challenge and appeal. (1)** Counties and municipalities may challenge the preliminary population determination pursuant to s. 16.96 (2) (b), Stats. The department of administration shall rule on the challenge within 5 working days of receipt of the challenge. If the department of administration is engaged

in negotiation with the municipalities and counties concerning the challenge, the department of administration shall rule on the challenge within 10 working days of receipt of the challenge.

**(2)** If the challenge is denied by the department of administration, the municipality or county may appeal the denial by October 1 of the same year by notifying the department of administration of its intent to have a special census conducted by the U.S. bureau of census, pursuant to s. 16.96 (2) (b), Stats. The appeal may also be substantiated by appropriate documentary material detailing substantial basis for error, proof of incorrect data or evidence of annexed institutional population not considered in the preliminary population determination. An appeal shall be authorized by the governing body of the objecting municipality or county and a copy of the resolution authorizing the appeal shall be included with the documentary material submitted to the department. The notice of appeal shall be in writing and signed by the municipal or county clerk.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; am. Register, September, 1974, No. 225, eff. 10-1-74; am. (1) and r. and recr. (2), Register, February, 1979, No. 278, eff. 3-1-79; r. and recr., Register, November, 1983, No. 335, eff. 12-1-83.

**Adm 3.04 Final population determination. (1)** The department of administration shall prepare a final population determination pursuant to s. 16.96 (2) (c), Stats.

**(2)** Within 5 days after the final population determination is completed, the department of administration shall transmit a copy to the department of revenue.

**(3)** A written notice of the final population determination shall be sent to each municipal and county clerk within 5 days after the determination is completed.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; am. Register, September, 1974, No. 225, eff. 10-1-74; am. Register, February, 1979, No. 278, eff. 3-1-79; r. and recr., Register, November, 1983, No. 335, eff. 12-1-83.