

CR 83-58

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STATE OF WISCONSIN )  
 )  
 ) SS  
DEPARTMENT OF ADMINISTRATION )

I, Secretary of the Department of Administration and custodian of the official records do hereby certify that the annexed rules relating to population determinations, were duly approved and adopted by this Department on September 6, 1983. I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 101 South Webster Street in the City of Madison, this 17 day of October, 1983.

  
\_\_\_\_\_  
Doris J. Hanson, Secretary

ORDER OF THE  
DEPARTMENT OF ADMINISTRATION  
AMENDING RULES

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Relating to rules concerning Population Determinations.

OCT 18 1983

To repeal Adm 3.05, 3.06 and 3.07; to repeal and recreate Adm 3.01, 3.02, 3.03(1) and (2) and 3.04, relating to Population Determinations of the Wisconsin Administrative Code.

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Analysis prepared by the Department of Administration:

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 Chapter 79, Stats. The rules are amended to clearly outline the department's process for the preparation of the preliminary population determination, the appeal process to challenge that determination and the preparation of the final population determination. Section Adm 3.05 is being repealed because notification of the final population determination is included in section Adm 3.04. Sections Adm 3.06 and 3.07 are repealed to remove outdated information from the rules.

Pursuant to the authority vested in the Department of Administration by ss. 16.004(1) and 227.014(2)(a), Stats., and in interpretation of s. 16.96, Stats., the Department of Administration hereby amends rules as follows:

SECTION 1. Adm 3.01, 3.02, 3.03(1) and (2) and 3.04 are repealed and recreated; SECTION 2. Adm 3.05, 3.06 and 3.07 are repealed to read:

(as stated in the material attached)

The rule amendments contained in this order shall take effect as provided in s. 227.026(1)(intro.), Stats.

Dated:

10/17/83

Doris J. Hanson  
Doris J. Hanson, Secretary

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Chapter Adm 3

POPULATION DETERMINATIONS

SECTION 1. Adm 3.01, 3.02, 3.03(1) and (2) and 3.04 are repealed and recreated to read:

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 Chapter 79, Stats. Sections 227.014(2)(a) 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.

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.

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.

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.

SECTION 2. Adm 3.05, 3.06 and 3.07 are repealed.

ORIGINAL       UPDATED  
 CORRECTED     SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Adm 3  
Amendment No. if Applicable

Subject  
Population Determination

Fiscal Effect  
State:  No State Fiscal Effect  
Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.  
 Increase Existing Appropriation     Increase Existing Revenues  
 Decrease Existing Appropriation     Decrease Existing Revenues  
 Create New Appropriation  
 Increase Costs - May Be Possible to Absorb Within Agency's Budget     Yes     No  
 Decrease Costs

Local:  No local government costs  
1.  Increase Costs       Permissive     Mandatory  
2.  Decrease Costs       Permissive     Mandatory  
3.  Increase Revenues     Permissive     Mandatory  
4.  Decrease Revenues     Permissive     Mandatory  
5. Types of Local Governmental Units Affected:  
 Towns       Villages       Cities  
 Counties     Others \_\_\_\_\_

Fund Sources Affected      Affected Ch. 20 Appropriations  
 GPR     FED     PRO     PRS     SEG     SEG-S      s. 20.505(1)(a), Stats.

Assumptions Used in Arriving at Fiscal Estimate  
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 Chapter 79, Stats. This is an ongoing function in the department of administration. It is not anticipated that new staff will be required to implement the rules. It is not anticipated that there will be any local or state fiscal effect.

Long-Range Fiscal Implications

Agency      Administration  
Authorized Signature/Telephone No.      *Doris J. Hanson*  
Date      4/21/83